

No. **26-5009 ORIGINAL**

Supreme Court, U.S.
FILED
OCT 31 2025
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Antwain Tapeige Sales — PETITIONER
(Your Name)

vs.

State of Tennessee — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Tennessee Court of Criminal Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Antwain Tapeige Sales
(Your Name)

WCJA, P.O. Box 679, 1440 Union Springs Rd.
(Address)

Whiteville, Tennessee 38075
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED
MAR 20 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED
FEB - 6 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Question(s) Presented

1. Whether petitioners judicial process are void under Tennessee law
2. Whether petitioners guilty plea was involuntarily and mistakenly entered
3. Whether petitioners sentence is illegal under State and Federal law
4. Whether Tennessee judges showed a partisan interest
5. Whether Tennessee judges abused their discretion
6. Whether writ of Certiorari is invoked in these proceedings
7. Whether this petition should be granted

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

State v. Sales, M2023-00948-CCA-R3-CD (Tenn. Crim. App. 2024)
State v. Sales, 2023 WL 2681899 (Tenn. Crim. App. 2023)
Sales v. State, E2020-01471-CCA-R3-1C (Tenn. Crim. App. 2021)
Sales v. State, M2011-02001-CCA-R3-PC (Tenn. Crim. App. 2012)

Table of Contents

	pgs.
opinions below	5
Jurisdiction	1
Constitutional and Statutory Provisions Involved	5
Statement of Case	3
Reasons for granting the Writ	15
Conclusion	1

Index To Appendices

Appendix A: All previous and present State and Federal habeas Corpus Records (Volume 1)

Appendix B: Post-Conviction Record (Volume 2)

Appendix C: Fraud and unlawful entry Record (Volume 3)

Appendix D: Motion To Reinstate Rule 36.1 motion Record (Volume 4)

Appendix E: Judicial Process and the existing applicable laws (Volume 5)

Appendix F: Record and proof of increase in cost of litigation in this present case (Volume 6)

Table of Authorities Cited

Cases:

Laongue v. Whitaker, 911 F.3d 333, 337-38 (6th Cir. 2018)

Archer v. State, 851 S.W.2d 157, 164 (Tenn. 1993)

Barger v. Brock, 535 S.W.2d 337, 341 (Tenn. 1976)

Bartone v. United States, 375 U.S. 52, 54, 84 S.Ct. 21, 11, 13 (1963)

Boteman v. Smith, 183 Tenn. 541, 194 S.W.2d 336, 337 (1946)

Blankenship, 858 S.W.2d 897, 903 (Tenn. 1993)

Baldwin v. Reese, 541 U.S. 27, 29, 124 S.Ct. 1342, 158 L.Ed.2d 64 (2004)

Boykin v. Alabama, 395 U.S. 238, 244, 89 S.Ct. 1709, 1713, 23 L.Ed.2d 274, 280 (1969)

Brady v. United States, 397 U.S. 742, 755, 25 L.Ed. 747, 90 S.Ct. 1463 (1970)

Coin-Swope v. Swope, 523 S.W.3d 79, 86 (Tenn. Ct. App. 2016)

Covey v. Steub, 349 F.3d 340, 351 (6th Cir. 2003)

Clark v. State, 800 S.W.2d 500, 503 (Tenn. Crim. App. 1990)

Dunn v. Simmons, 877 F.2d 1257, 1277 (6th Cir. 1989), cert. denied U.S. 110 S.Ct. 1539, 108 L.Ed.2d 778 (1990)

Employers Reinsurance Corp. v. Bryant, 299 U.S. 374, 381, 57 S.Ct. 273, 81 L.Ed. 289 (1937)

Fair v. Cochean, 418 S.W.3d 542, 544 (Tenn. 2013)

Greener v. Mitchell, 557 F.3d 257, 261 (6th Cir. 2009)

Gresh v. Olsen, 211 F.2d 682, 685 (7th Cir. 1954)

Giles v. State ex rel. Giles, *supra*

Graves v. McBryer, 225 S.W.2d 65, 189 Tenn. 289, 291-92 (Tenn. 1949)

Green v. Green, 293 S.W.3d 493, 507 (Tenn. 2009)

Harper v. Turner, 101 Tenn. 686 (1899)

Henderson v. State ex rel. Lance, 220 Tenn. 520, 419 S.W. 2d 176 (1967)

Holder, 937 S.W. 2d at 883 (Tenn. 1996)

Houston v. Moore, 16 U.S. 433, 4 L.Ed. 428, 1818 U.S. Disf. LEXIS 367 (1818)

Hunt v. Warden, Maryland Penitentiary, 335 F.2d 923, 941 (4th Cir. 1964)

Id., at 2012 WL 4479283, at *6

Id., at 2023 WL 2681899, at *7, 11

Id., at 212 S.W.3d at 256

Id., at 473 S.W.3d 257, 271 (Tenn. 2015)

Lee Med. Inc. v. Beecher, 312 S.W.3d 515, 527 (Tenn. 2010)

Lyle v. Longley, 65 Tenn. 286, 291 (1873)

Mays v. State, 2008 U.S. Disf. LEXIS 46359, at *5 (U.S. Disf. Kan. June 12, 2008)

Machibrodie v. United States, 368 U.S. 487, 82 S.Ct. 510, 7 L.Ed. 2d 473 (1962)

Marshall v. Lonberger, 454 U.S. 423, 431, 103 S.Ct. 843, 849, 74 L.Ed. 2d 646, 656 (1983)

Mayor and Aldermen v. Pearl, 30 Tenn. 249 (1850)

McCulloch v. Maryland, 17 U.S. 316, 4 L.Ed. 579, 4 A.7.T.R. (P-H) 4491, 42 Conf. Cas. 7d (ccy) 77296, 1819 U.S. LEXIS 320 (1819)

McConnell, 12 S.W. 3d 745, 749 (Tenn. 2000)

McLendon v. State, 92 Tenn. 520 (1893)

Moody v. State, 160 S.W. 3d 512, 516 (Tenn. 2005)

Morgan v. Tennessee, 298 F. Supp. 581, 583 (E.D. Tenn. 1969)

North Carolina v. Alston, 227 F. Supp. 887, 891 (M.D. N.C. 1964)

Owens v. State, 908 S.W. 2d 923, 926 (Tenn. 1995)

Ponzeella v. Navient Sols., Inc., 377 F. 4th 867, 877-878 (3rd Cir. 2022)
Pope v. Atlantic, C.L.R. Co., 345 U.S. 379, 73 S. Ct. 749, 97 L. Ed. 1094,
1953 U.S. LEXIS 2156 (1953)
Reynolds v. Lowthorp, 7 Tenn. Civ. App. 12 (1916)
Rigby v. Russell, 287 F. Supp. 325, 331 (E.D. Tenn. 1968)
Rodgers v. United States, 185 U.S. 83, 87-88, 22 S. Ct. 582, 46 L. Ed. 816,
1902 U.S. LEXIS 2242 (1902)
Sales v. State, 2012 WL 4479283 (Tenn. Crim. App. Sept. 27, 2012)
Sales v. State, No. E2020-01471-CCA-R3-1/C (Tenn. Crim. App. 2021), perm.
app. denied (Tenn. 2021), cert. denied (U.S. Dec. 6, 2021), Rehears denied
(U.S. Feb. 22, 2022)
Sales v. Taylor, No. 4:14-CV-58-HSM-SKL, 2015 WL 4487833
Sanders v. United States, 373 U.S. 1, 24-25 (1963)
Scheckloth v. Bustamonte, 412 U.S. 218, 93 S. Ct. 2041, 36 L. Ed. 2d 845,
1973 U.S. LEXIS 6 (1973)
Smith v. Digmon, 434 U.S. 332, 334, 98 S. Ct. 597, 54 L. Ed. 2d 582 (1978)
Smith v. Lewis, 202 S.W. 3d 124, 129 (Tenn. 2006)
Smith v. United States, 397 U.S. 742, 755, 25 L. Ed. 2d 747, 905 S. Ct.
1463 (1970)
Spunt v. Baumby, 518 S.W. 2d 345, 347 (Tenn. 1974)
State Dept. of Revenue v. Moore, 722 S.W. 2d 367, 370-71 (Tenn. 1986)
State ex rel. Anglin v. Mitchell, 575 S.W. 2d 284, 288 (Tenn. 1979)
State ex rel. Beanes v. Henderson, 220 Tenn. 719, 423 S.W. 2d 497 (1968)
State v. Jones, 589 S.W. 3d 747, 756 (Tenn. 2019)
State v. Lewis, 235 S.W. 3d 136, 141 (Tenn. 2007)
State v. Miller, 634 S.W. 2d 615, 617-18 (Tenn. Crim. App. 1981)

State v. Nix, 40 S.W.3d 459, 464-65 (Tenn. 2001)

State v. Sales, 2023 WL 2681899, at *7N1 (Tenn. Crim. App. 2023), rehear denied (Tenn. Crim. App. April 17, 2023), perm. app. denied (Tenn. Aug. 8, 2023)

State v. Scott, 32 Tenn. 332 (1852)

State v. Vaughan, 2015 WL 8974913, at *3 (Tenn. Crim. App. Dec. 15, 2015)

Stephenson v. Carlton, 28 S.W.3d 910, 911 (Tenn. 2000)

Usseery v. Avery, 222 Tenn. 50, 53, 432 S.W.2d 656, 657 (Tenn. 1968)

United States v. Bradley, 922 F.2d 1290, at *7N2 (6th Cir. (Tenn.) 1991)

United States v. Greenwelker, 285 F.3d 727, 730 (8th Cir. 2002)

United States v. Pugh, 405 F.3d 390, 397 (6th Cir. 2005)

United States v. Taylor, 2015 U.S. App. LEXIS 18645, at *4 (6th Cir. 2015)

Van v. Jones, 475 F.3d 292, 293 (6th Cir. 2007)

Wallace v. Metro Gov't of Nashville, 546 S.W.3d 47, 52-53 (Tenn. 2018)

Webb v. Carter, 165 S.W. 426, 129 Tenn. 182 (Tenn. 1914)

Webb v. Webb, 451 U.S. 493, 101 S.Ct. 1889, 68 L.Ed.2d 342 (1981)

Wiley v. Bennett, 68 Tenn. 582, 583 (1877)

Williams v. Cara, 218 Tenn. 564, 404 S.W.2d 522 (1966)

Statutes:

K.S.A. ch 22, art. 28

T.C.A. 18-1-105(a)(1)

T.C.A. 27-8-101

T.C.A. 29-21-101 thru 130

T.C.A. 29-21-108(b)

T.C.A. 40-20-111(b)

T.C.A. 40-30-105(b)

T.C.A. 40-30-206 (b)(7)

28 U.S.C. 1257(a)

28 U.S.C. 2244(c)

28 U.S.C. 2254

28 U.S.C. 2254(b)

28 U.S.C. 2254(d)(1)

28 U.S.C. 2254(d)(1)(2)

28 U.S.C. 2255(a)

Rules:

Fed. R. Civ. P. 52(a)(1)

Fed. R. Crim. P. 52(b)

Tenn. R. App. P. 11

Tenn. R. App. P. 36(b)

Tenn. R. Civ. P. 5.06

Tenn. R. Civ. P. 52.01

Tenn. R. Crim. P. 32(c)(3)(C)

Tenn. R. Crim. P. 36.1(a)(1)

Tenn. R. Crim. P. 36.1(a)(2)

Tenn. R. Crim. P. 44(c)(3)

Tenn. R. Crim. P. 52

Tenn. R. Evid. 103(d)

U.S. Sup. Ct. R. 10(c)

Other Authorities:

Tenn. Const. art. 1, sec. 1

Tenn. Const. art. 6, sec. 12

U.S. Const. amend. 14, sec. 1

The act of Feb. 5, 1867, c. 28, sec. 1, 14 Stat. 385

IN THE
SUPREME COURT OF THE UNITED STATES
Petition for Writ of Certiorari

Petitioner respectfully prays that a writ of Certiorari issue to review the judgment below.

Opinions Below

For cases from State Courts:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is reported at W2024-01109-CCA-R3-4C, or, is unpublished.

The opinion of the Tennessee Court of Criminal Appeals court appears at Appendix A to the petition and is reported at W2024-01109-CCA-R3-4C, or, is unpublished.

Jurisdiction

For cases from State Courts:

The date on which the highest state court decided my case was Aug. 7, 2025.
A copy of that decision appears at Appendix A.

No petition for rehearing was filed.

An extension of time to file the petition for writ of Certiorari was granted to and including May 26, 2026 on February 25, 2026

The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

Constitutional and Statutory Provisions Involved

Tenn. Const. art. 1, sec. 1: That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

Tenn. Const. art. 6, sec. 12: All writs and other process shall run in the name of the State of Tennessee and be tested and be signed by the respective clerks. Indictments shall conclude, "against the peace and dignity of the State."

U.S. Const. Amend. 14, sec. 1: . . . No state shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

K.S.A. ch. 22, art. 28: Any person who is convicted and sentenced for a crime committed while on release for a felony pursuant to (K.S.A. ch. 22, art. 28) shall serve the sentence consecutively to the term or terms under which the person was released on bond.

T.C.A. 40-20-111(b): In any case in which a defendant commits a felony while the defendant was released on bail in accordance with Chapter 11, part 1 of this title, and the defendant is convicted of both offenses, the trial judge shall not have discretion as to whether the sentences shall run concurrently or cumulatively, but shall order that the sentences be served cumulatively.

T.C.A. 40-30-105(b): At either the trial proceeding or an appellate proceeding reviewing the proceeding, the presiding judge of the appropriate court shall assign a judge to hear the petition. The issue of competency of counsel may be heard by a judge other than the original hearing judge. If a presiding judge is unable to assign a judge, the chief justice of the Supreme Court shall designate an appropriate judge to hear the matter.

T.C.A. 40-30-206(b), (f): To make a prima facie showing of incompetence requiring tolling of the limitations period, a post-conviction petition must include specific factual allegations that demonstrate the petitioner's inability to manage his personal affairs or understand his legal rights and liabilities. Unsupported, conclusory, or general allegations of mental illness will not be sufficient to require tolling and prevent summary dismissal.

28 U.S.C. 1257(a): Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by Writ of Certiorari where the validity of a treaty or Statute of the United States is drawn in question or

where the validity of a Statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. 2244(c): In a habeas corpus proceeding brought in behalf of a person in custody pursuant to the judgment of a State court, a prior judgment of the Supreme Court of the United States on an appeal or review by a writ of Certiorari at the instance of the prisoner of the decision of such State Court, shall be conclusive as to all issues of fact or law with respect to an asserted denial of a Federal right which constitutes grounds for discharge in a habeas corpus proceeding, actually adjudicated by the Supreme Court therein, unless the applicant for the writ of habeas corpus shall plead and the Court shall find the existence of a material and controlling fact which did not appear in the record of the proceeding in the Supreme Court and the Court shall further find that the applicant for the writ of habeas corpus could not have caused such fact to appear in such record by the exercise of reasonable diligence.

28 U.S.C. 2254(b)(1): An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a

State court shall not be granted unless it appears that - (A) An applicant has exhausted the remedies in the courts of the State; OR (B) (i) there is an absence of available State corrective process; OR (ii) Circumstances exist that render such process ineffective to protect the rights of the applicant. (2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State. (3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.

28 U.S.C. 2254(d)(1)(2): An application for a writ of habeas Corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceeding unless the adjudication of the claim - (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clear established Federal law, as determined by the Supreme Court of the United States; OR (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State Court proceeding.

28 U.S.C. 2255(a): A prisoner in custody under sentence of a Court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed

in violation of the Constitution or laws of the United States, or that the Court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the Court which imposed the sentence to vacate, set aside or correct the sentence.

Statement of the Case

In 2007, Petitioner entered into a plea agreement for Second (2nd) degree murder, and Att. Second degree murder under the influence of 200mg (Thorazine) of psychotic drugs, prescribed by a licensed psychiatrist. No direct appeal was taken, as the plea was entered under the pretense of a negotiated settlement. On May 21, 2011, petitioner filed for post conviction relief. The post-conviction petition was erroneously denied without a hearing by the original sentencing judge contrary to T.C.A. 40-30-105(b) and 40-30-206(b), (g). *State v. Nix*, 405 W.3d 459, 464-65 (Tenn. 2001). The Tenn. Ct. Crim. App. affirmed (*State v. State*, 2012 WL 4479283 (Tenn. Crim. App. Sept. 27, 2012), perm. app. denied (Tenn. 2013)). In 2012, petitioner filed his first (1st) State habeas corpus petition in the Circuit Court for Johnson County, Tennessee, at Mountain City, which was denied without any signature of the Judge or Court Clerk. In 2014, petitioner filed a 28 U.S.C. 2254 petition for Federal habeas Corpus relief. Which was denied by the United States District Court for the Eastern District of Tennessee, at Winchester Division (*State v. Taylor*, No. 4:14-CV-58-HSM-SKL, 2015 WL 4487833). In 2020, petitioner filed two (2) Rule 36.1 motions to correct illegal sentence, which were erroneously denied. Later in 2020, petitioner properly filed his second (2nd) State habeas corpus petition in the Circuit Court for Morgan County, Tennessee, at Warburg, which was erroneously denied without a hearing or any findings of fact or conclusions of law in which to base an appeal. The Tennessee Criminal Appeals Court dismissed appeal as untimely.

Sales v. State, 2021 WL 1994072 (Tenn. Crim. App. May 19, 2021), perm. app. denied (Tenn. 2021), Cert. denied (U.S. Dec. 6, 2021), rehear. denied (U.S. Feb. 22, 2022). On July 6, 2022, Petitioner properly filed a civil action entitled "Fraud and Unlawful Entry" in the Circuit Court for Bedford County, Tennessee, at Shelbyville, which was erroneously denied by said court. And although the appeal was also erroneously denied, said appeals court eluded to and made note of an illegal sentence in this case (State v. Sales, 2023 WL 2681899, at *7 n1 (Tenn. Crim. App. Mar. 29, 2023), rehear. denied (Tenn. Crim. App. Apr. 17, 2023), perm. app. denied (Tenn. Aug. 08, 2023). On May 2, 2023, petitioner filed a pro se motion to reinstate Rule 36.1 motion for correction of illegal sentence filed on June 11, 2020, in the trial court's orders, the trial Court showed a partisan interest. (see trial court order dated July 29, 2022). On June 28, 2023, petitioner timely appealed. The Tenn. Crim. App. Ct. affirmed (State v. Sales, No. M2023-00948-CCA-R3-CD (Tenn. Crim. App. Feb. 26, 2024), perm. app. denied (Tenn. Feb. 26, 2024). On Aug. 24, 2023, petitioner filed a timely Rule 43 Motion for Other Proceedings, which was also erroneously denied on Sept. 18, 2023. On June, 2024 petitioner filed a proper third (3rd) State habeas corpus petition, which was erroneously denied by the Circuit Court for Hardeman County, Tennessee, at Bolivar (Hon. J. Blake Neil). On July 12, 2024, petitioner filed a timely "Plain Error" motion in said Court, which was also erroneously denied. On July/Aug. 2024, petitioner timely appealed. On Mar. 4, 2025, the Tenn. Crim. App.

Cf. affirmed (Sales v. State, 2025 Tenn. Crim. App. LEXIS 114 (Tenn. Crim. App. Mar. 4, 2025), perm. app. denied (Tenn. Aug. 7, 2025). Mandate of the Tenn. Crim. App. Cf. was issued on Aug. 8, 2025, Petitioner timely filed a motion to Recall mandate on Aug. 22, 2025. Recall of Mandate denied on Aug. 29, 2025. On Sept. 22, 2025, petitioner timely filed for "Plain Error" Review. Which was returned unfilled. So this Appeal ensues.

Reasons For Granting The Petition

Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court by writ of Certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States. see 28 U.S.C. 1257(a); see also T.C.A. 27-8-101.

Standard of Review

The petitioner represents that, when considering this instant petition for writ of Certiorari, he prays that the following will be considered: (a) A plain error that affects substantial rights may be considered even though it was not brought to the court's attention. see Fed. R. Crim. P. 52(b). see also (Tenn. R. Crim. P. 52) Tenn. R. App. P. 36(b) and Tenn. R. Evid. 103(d). (b) An abuse of discretion occurs when a District Court applies the incorrect legal standard, misapplies the correct legal standard, or relies upon clearly erroneous findings of fact... see *United States v. Taylor*, 2025 U.S. App. LEXIS 18645, at *4 (6th Cir. 2025) (citing *United States v. Pugh*, 405 F.3d 390, 397 (6th Cir. 2005)); see also *State v.*

Lewis, 235 S.W. 3d 136, 141 (Tenn. 2007) (Citations Omitted), (c) review on a writ of Certiorari the petitioner avers, is not a matter of right, but of judicial discretion. A petition for writ of Certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the courts discretion, indicate the character of the reasons the court considers: (1) a state court... has decided an important question of State and Federal law that has not been, but should be settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court and the State Supreme Court. see U.S. Sup. Ct. R. 10(c). Therefore, the petitioner will demonstrate as follows:

LAW ARGUMENT

I. The petitioner contends that a writ of Certiorari should issue because, "It is fundamental law in Tennessee that the Supreme authority rests in the people and it is their intent in adopting a constitutional provision that must prevail." see Tenn. Const. art. 1, sec. 1. Williams v. Carr, 218 Tenn. 564, 404 S.W. 2d 522 (1966). Therefore, it is provided that, "all writs and other process shall... bear test and be signed by the respective Clerks..." see Tenn. Const. art. VI, Sec. 12. Likewise, "it is the duty of the Clerk of each of the Courts to sign all summons, writs, executions [REDACTED], subpoenas and process issued out of the Clerks court.... see T.C.A. 18-

1-105(a)(1), see also Tenn. R. Crim. P. 49(c)(3), and Tenn. R. Civ. P. 5.06. And, the Tennessee Supreme Court has already explained that, "...the test and the signature of the Clerk are essential parts of the process, and if those, or any one of them be absent, the defect cannot be cured by amendment." see *Graeves v. McBrayer*, 225 S.W. 2d 65, 67, 189 Tenn. 289, 291-92 (Tenn. 1949). And the record will reflect that none of the petitioners judicial process (i.e. Indictment, Guilty Plea Order, and Judgments) were [redacted] signed nor file stamped by the issuing court Clerk, which renders said process null and void under Tennessee law, which is consistent with the rationale of Cases that has construed this Section of the State Constitution (art. 6, sec. 12). see i.e. *Wabb v. Carter*, 165 S.W. 426, 129 Tenn. 182 (Tenn. 1914); *Yeaper v. Turner*, 101 Tenn. 686 (1899); *Lyle v. Longley*, 65 Tenn. 286 (1873); *State v. Scott*, 32 Tenn. 332 (1852); *Wiley v. Bennett*, 68 Tenn. 582 (1877); *Mayor and Aldermen v. Pearl*, 30 Tenn. 249 (1850); *McLendon v. State*, 92 Tenn. 520 (1893); *Reynolds v. Lowthrop*, 7 Tenn. Civ. App. 12 (1916); *White v. State*, 50 Tenn. 338 (1871); *Graeves v. McBrayer*, 225 S.W. 2d 65, 189 Tenn. 289 (Tenn. 1949); *State Dept. of Revenue v. Moore*, 722 S.W. 2d 367 (Tenn. 1986). Additionally, The Federal Court of Appeals has also stated that, "In addition to the warrant requirement all process issued by the courts in Tennessee, must bear test and be signed by the respective clerks." see *United States v. Bradley*, 922 F. 2d 1290, at *712 (6th Cir. 1991) (Citing

State Dept. of Revenue v. Moore, 722 S.W. 2d 367, 370-71 (Tenn. 1986)). And the record will reflect that, the Tennessee Circuit Court for Morgan County, at Wartburg and the State Attorney General's office withheld (Concealed) the motion to dismiss and would not allow petitioner to view or oppose said motion, which led to petitioner filing four subsequent motions, trying to get said court to properly Rule on the issues for appeal purposes. The said court refused to respond to any of the said motions. The petitioner was then transferred to another prison during COVID and placed in quarantine for fifteen (15) days, so the 30 day requirement in which to get the notice of appeal in, had lapsed, the court is now saying the issues are time barred as previously litigated and adjudicated. But however, In Tennessee it is well established that, "Appellate Courts nor trial Courts can make findings based on speculation unsupported by appropriate allegations and proof." see Spunt v. Drumby, 518 S.W. 2d 345, 347 (Tenn. 1974) (see attached Record as Appendix A). And the rule is, "When necessary to do substantial justice, an appellate court may consider an error that has affected the substantial rights of a party at any time, even though the error was not raised in the motion for a new trial or assigned as error on appeal." see Tenn. R. App. P. 36(b); see also Tenn. R. Evid. 103(d). Therefore, in contrast, "When a state court has not addressed in any manner the merits of a properly presented claim, the reviewing federal court assesses the Claims de novo." see Ven v. Jones, 475 F.3d 292, 293 (6th Cir. 2007).

A petitioner bears the [5] burden of establishing a basis for relief. see *Gerney v. Mitchell*, 557 F.3d 257, 261 (6th Cir. 2009) (quoting *Cover v. Stroub*, 349 F.3d 340, 351 (6th Cir. 2003)). Requirement satisfied as explained above.

II. The petitioner contends that a writ of Certiorari should issue because petitioner's guilty plea was involuntarily and mistakenly entered. Federal law governs the appropriate standard that must be applied in determining the validity of a guilty plea. see *Marshall v. Lonberger*, 459 U.S. 422, 431, 103 S.Ct. 843, 849, 74 L.Ed.2d 646, 656 (1983); *Boykin v. Alabama*, 395 U.S. 238, 244, 89 S.Ct. 1709, 1713, 23 L.Ed.2d 274, 280 (1969); *Dunn v. Simmons*, 877 F.2d 1257, 1277 (6th Cir. 1989), cert. denied U.S., 110 S.Ct. 1539, 108 L.Ed.2d 778 (1990). *Clark v. State*, 800 S.W.2d 500, 503 (Tenn. Crim. App. 1990). "It is well of course well settled that a guilty plea, if induced by promises or threats which deprive it of the character of a voluntary act, is void and a conviction based upon such a plea is open to collateral attack. [Citation Omitted.] If either of the guilty pleas here for consideration by this Court was involuntarily coerced, unfairly obtained, or given through ignorance, fear, or inadvertence, then such a plea was not voluntarily and understandingly given and its acceptance by the State court would have been a violation of the petitioner's right of due process of law under the 14th Amendment of the United States Constitution. [Citation Omitted.] An involuntarily or mistaken

plea of guilty entered in a state criminal proceeding would entitle a prisoner committed thereunder to federal habeas corpus relief. see *Rigby v. Russell*, 287 F. Supp. 325, 331 (E.D. Tenn. 1968). Accord, *Machibroda v. United States*, 368 U.S. 487, 82 S.Ct. 510, 7 L. Ed. 2d 473 (1962); *Henderson v. State ex rel. Lance*, 220 Tenn. 520, 419 S.W. 2d 176 (1967); *State ex rel. Barnes v. Henderson*, 220 Tenn. 719, 423 S.W. 2d 497 (1968). A judgment based upon a plea of guilty which was not voluntarily and knowingly entered is void and maybe attacked by the remedy of habeas corpus. see *State ex rel. Anglin v. Mitchell*, 575 S.W. 2d 284, 288 (Tenn. 1979). Consequently, the burden shifted to the State to establish that the petitioner voluntarily, understandingly and knowingly entered the plea. see *State v. Miller*, 634 S.W. 2d 615, 617-18 (Tenn. Crim. App. 1981). The waiver of this right cannot be presumed but must be evident in the record. see *Blenkenship*, 858 S.W. 2d 897, 903 (Tenn. 1993). And the record will reflect that the petitioners guilty plea was in fact involuntarily entered, which is telling in the motion for forensic evaluation, order directing forensic evaluation, letters from CenterStone X 2, and Motion to Compel (See attached record as Appendix B). The Tenn. Crim. App. Ct. has stated that the "petitioner has vigorously sought to supplement both the trial and appellate records with medical records." *Id.*, at 2012 WL 4479283, at *6.

[illegible]

III. The petitioner contends that a writ of Certiorari should issue because the Tennessee Criminal Appeals Court has already stated concerning petitioner's sentence that, "The trial court's last sentence is incorrect. There is no distinction between misdemeanor and felony offenses in the applicability of the bail statutes As such, a plain reading of Rule 32(c)(3)(C) and section 40-20-111(b) does not support the trial court's interpretation that consecutive sentencing is not mandatory when the underlying offense is a misdemeanor." see *State v. Sales*, 2023 WL 2681844, at *7 n1 (Tenn. Crim. App. Mar. 29, 2023) (quoting *State v. Vaughan*, 2015 WL 8974913, at *3 (Tenn. Crim. App. Dec. 15, 2015)). The Federal Courts have explained that, "Any person who is convicted and sentenced for a crime committed while on release for a felony pursuant to (K.S.A. ch. 22, art. 28) shall serve the sentence consecutively to the term or terms under which the person was released. *Meys v. State*, 2008 U.S. Dist. LEXIS 46359, at *5 (U.S. Dist. Kan. Jun. 12, 2008); see also T.C.A. 40-20-111(b). But however, the Tennessee courts still ~~wouldn't~~ honor it, when properly applied for. When it has been said that, "A sentence imposed in direct contravention of a statute is void and illegal." *Stephenson v. Carlton*, 28 S.W.3d 910, 911 (Tenn. 2000). A trial court may correct an illegal sentence or void sentence at any time. *Moody v. State*, 160 S.W.3d 512, 516 (Tenn. 2005). A habeas corpus petition, rather than a motion to correct an illegal sentence, is the proper procedure for challenging an illegal sentence. *Id.*, at 212 S.W.3d at 256. Therefore, to the extent the State is arguing that Sales is not entitled

to relief on this issue because he clearly benefited, the State's argument lacks merit (see TCCA opinion, at *6). Because the State Supreme Court has already explained that, "A court lacks jurisdiction to impose an agreed sentence that is illegal, even a illegal lenient one." see *McConnell v. State*, 12 S.W.3d 795, 799 (Tenn. 2000). When a plea agreement constitutes a package deal, an illegal sentence imposed on one of the plea offenses generally invalidates the entire plea agreement. Thus as a general rule, when a plea agreement includes an illegal sentence, a defendant is entitled to withdraw the guilty plea. *McInay*, 59 S.W.3d at 94-95. see *Smith v. Lewis*, 202 S.W.3d 124, 129 (Tenn. 2006). *United States v. Great Walker*, 285 F.3d 727, 730 (8th Cir. 2002). *Smith v. United States*, 321 F.2d 954, 955-56 (9th Cir. 1963). *Brady v. United States*, 397 U.S. 742, 755, 25 L.Ed.2d 747, 90 S.Ct. 1463 (1970). This general rule is not without exceptions, however, Withdrawal of the plea may be unnecessary when the parties can agree to a legal sentence in place of the illegal promised one. see *McConnell*, 12 S.W.3d at 800. And the record will reflect that the TCCA has already explained the illegal sentence in this case. *Id.*, at 2023 WL 2681899, at *7 n1. 28 U.S.C. 2255 (e).

IV. The petitioner contends that the Writ of Certiorari should issue because process in question (i.e. indictment, guilty plea order, judgments) was not served on him in the way provided by law. The State Supreme Court in *Turner v. Turner* quoting this Court stated that, "It is well settled

that a judgment rendered against a defendant in any kind of a case, when process has never been served on him... in the way provided by law..., and where there has been no voluntary appearance of the petitioner, is clearly void." (emphasis added) (Citation and internal quotation marks omitted). "A court without personal jurisdiction of the defendant (Petitioner) is wholly "without power to proceed to an adjudication" binding on that petitioner regardless of the specific reason such jurisdiction is lacking. *Id.* at 473 S.W.3d 257, 271 (Tenn. 2015) (quoting *Employers Reinsurance Corp. v. Bayant*, 299 U.S. 374, *381, 57 S.Ct. 273, 81 L.Ed. 289 (1937)).

And the record will reflect that the said process were served on petitioner by the trial court judge, rather than the trial court clerk, which is error. It has been said that,

*291 The question then is, had our statutory laws been so changed as to take the power to issue the writs away from the judges and confer it alone upon the Clerks? As we have seen, at first the power was given alone to the judges and justices, but by the act of 1851-2 it was extended to the Clerks. "see *Lyle v. Longley*, 65 Tenn. 286, *291 (1873). "The fact that the process were sworn to is the substantial matter, and the omission of the Clerk to do his duty by attesting it, cannot be allowed to prejudice the party." see *Wiley v. Bennett*, 68 Tenn. 581, 582-83 (1877) (see process attached in Appendix Z).

V. The petitioner contends that the Writ of Certiorari should issue because courts are not at liberty to disregard express statutory language. see *Prengiere v. Whitaker*, 917 F.3d 333, 337-38 (6th Cir. 2018), see also *State v. Jones*, 589

21

S.W. 3d 747, 756 (Tenn. 2019) (quoting *Wallace v. Metro. Gov't of Nashville*, 546 S.W. 3d 47, 52-53 (Tenn. 2018)). And the petitioner avers that habeas Corpus in this State has been regulated by Statute since 1858. *Wssery v. Avery*, 222 Tenn. 50, 53, 432 S.W. 2d 656, 657 (Tenn. 1968). The procedures enabling prosecution of the writ are currently Codified at T.C.A. 29-21-101 thru 130. see *State v. Ritchie*, 20 S.W. 3d 624, 629 (Tenn. 2000). These procedural requirements of the State habeas Corpus statutes are MANDATORY and must be followed scrupulously. see *Archer v. State*, 851 S.W. 2d 157, 164 (Tenn. 1993) (Citing *Beamen v. Smith*, 183 Tenn. 541, 194 S.W. 2d 336, 337 (1946)). The federal appeals court has stated that, "In interpreting Statutes, Courts of course begin with the language of the Statute. see *Panzereller v. Navient Sols, Inc.*, 37 F. 4th 867, 877-878 (3rd Cir. 2022). Therefore, "final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of Certiorari, where the validity of a treaty or Statute of the United States is drawn in question or where the validity of a Statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or law of the United States or where any title, right, privilege, or immunity is specially set up, or claimed under the Constitution or treaties or Statutes of, or any Commission held or authority exercised under, the United States. see 28 U.S.C. 1257 (2); see also T.C.A. 29-8-101, because "a State Constitutional provision is a "Statute" within the meaning of U.S.C.

1257(a), making an appeal the appropriate remedy to seek review by United States Supreme Court of judgment of a State's highest court upholding against an attack on Federal grounds, the validity of a Statute of any State." See *Pope v. Atlantic, C.L.R. Co.*, 345 U.S. 379, 73 S.Ct. 749, 97 L.Ed. 1094, 1953 U.S. LEXIS 2156 (1953). Only final judgments or decrees of State Courts are reviewable by Supreme Court of the United States. see *Houston v. Moore*, 16 U.S. 453, 4 L.Ed. 428, 1818 U.S. LEXIS 367 (1818), *McCulloch v. Maryland*, 17 U.S. 316, 4 L.Ed. 579, 4 A.F.T.R. (P-H) 449, 42 Conf. Cas. Fed. (CCH) 77296, 1819 U.S. LEXIS 320 (1819). So, "Certiorari in connection with Certiorari petition seeking United States Supreme Courts review of State Court decision, record must clearly indicate that claim under Federal Statute or United States Constitution was presented in State court..." See *Webb v. Webb*, 451 U.S. 493, 101 S.Ct. 1889, 68 L.Ed. 2d 392 (1981) (see *Tenn. Ct. Crim. App. opinion*, at *6). It is the duty of the Court to avoid a construction between statutes in favor of each other so as to provide a harmonious operation of the laws, and where there is a conflict between a special statute and a general Statute, the Special Statute is given effect. see *Rodgers v. United States*, 185 U.S. 83, 87-88, 22 S.Ct. 582, 46 L.Ed. 816, 1902 U.S. LEXIS 2242 (1902), see also *Holder*, 937 S.W.2d, at *883 (Tenn. 1996). It is provided that, "No state shall make or enforce any law which shall abridge the privilege or immunities of Citizens of the United States, nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person

within its jurisdiction the equal protection of the laws." see U.S.C.S. Const. Amend. 14, sec. 1. It is now well settled that a court has jurisdiction of a habeas Corpus proceeding only where the original judgment of Conviction was void or where something has happened since *6 its rendition to entitle the prisoner to his release. See *Geach v. Olsen*, 211 F. 2d 682, 685 (7th Cir. 1954). Therefore, Before seeking a Federal review the State prisoner must present all available claims in each appropriate State court (including a State Supreme Court with powers of discretionary review), thereby alerting that court to the Federal nature of the Claims. 28 U.S.C. 2254(d)(1). *Baldwin v. Reese*, 541 U.S. 27, 29, 124 S. Ct. 1347, 158 L. Ed. 2d 64 (2004). The Federal law provides that, "An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the Claim - (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States, or (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding. see 28 U.S.C. 2254 (d)(1)(2). And the record will reflect, that none of these claims have been adjudicated on the merits by any court, so petitioner looks to this Court for the protection of any rights he might have under the Constitution and laws of the United States, for 'final and conclusive determination.' see *North Carolina v.*

Alston, 227 F. Supp. 887, 891 (M.D. N.C. 1964). Because the State courts continue to point to the indictment and judgment, which are also cognizable State habeas corpus claims. But however, there still remains the issue of the guilty plea order, which is clearly a writ in the sense of the State Constitution (art. 6, sec. 12) and is still nevertheless void under the applicable laws of Tennessee and the United States. So even if Tennessee is correct in its assertion, which they are not. The petitioner avers that this issue of the guilty plea order (28 U.S.C. 2254(c)), which has been raised only one other time (see *State v. Sales*, 2023 WL 2681899, at *1). The court never addressed if or the issue of the switching of the judgment documents and there where no time-bar or intringements, or failure to raise, or appeal, in that case. Instead, the court contrasted the language in the Rule to dismiss the appeal. It is well established in Tennessee that, "As is true of Statutory Construction, Courts primary objective is to effectuate the intent of the rule" without broadening or restricting the intended scope of the rule." *Fair v. Cochran*, 485 S.W.3d 542, 544 (Tenn. 2013) (Citing *Owens v. State*, 908 S.W.2d 923, 926 (Tenn. 1995)). When the text is clear and unambiguous, we need not look beyond the plain language to ascertain the meaning of the rule. *Lee Med, Inc. v. Beecher*, 293 S.W.3d 515, 527 (Tenn. 2010) (Citing *Green v. Green*, 293 S.W.3d 493, 507 (Tenn. 2009)). "It is too obvious to merit extended discussion that whether the exhaustion requirement of 28 U.S.C. 2254(b) has been satisfied cannot turn upon whether a State appellate court chooses to ignore in its opinion a federal Constitutional claim squarely raised in pet-

tioners brief in the State court, and, indeed, in this case, vigorously opposed in the State's brief. It is equally obvious that a District (trial) Court commits plain error [*334] in assuming that a habeas petitioner must have failed to raise in the State court a meritorious claim that he is incarcerated in violation of the Constitution if the State Appellate court's opinion contains no reference to the claim." see *Smith v. Digmon*, 434 U.S. 332, 334, 98 S.Ct. 597, 54 L.Ed.2d 582 (1978). And the rule in Tennessee is, "In all actions tried upon the facts without a jury, the Court shall find the facts specially and shall state separately its conclusions of law and direct the entry of the appropriate judgment. see Tenn. R. Civ. P. 52.01, see also Fed. R. Civ. P. 52(c)(1). *Cain-Swope v. Swope*, 523 S.W.3d 79, 86 (Tenn. Ct. App. 2016). Therefore, if the Tennessee courts continue to disregard the applicable law, and fashion them to fit their own personal agenda and pervert the process into a tactical tool for improper purposes, there will be no finality or stability in the law and the Court system would be chaotic in its operation and unstable and inconsistent in its decisions. see *Barger v. Brock*, 535 S.W.2d 337, 341 (Tenn. 1976). The federal Courts have explained that, "When dealing with State habeas Corpus petitions in Tennessee." "Where there are obstacles in the State judicial procedure which work to deny a State prisoner his federal right to due process of law, federal courts have no choice but to grant appropriate procedural relief in a collateral proceeding such as this." T.C.A. 29-21-108(b). *Morgan v. Tennessee*, 298 F. Supp. 581, 583

(E.D. Tenn. 1969) (Citing *Bartone v. United States*, 375 U.S. 52, 54, 84 S.Ct. 21, 11, 13 (1963), *Hunt v. Hadden*, Maryland Penitentiary, 335 F.2d 923, 941 (4th Cir. 1964)). Therefore, The petitioner avers that, "The act of Feb. 5, 1867, c. 28, sec. 1, 14 Stat. 385, provided that "the several Courts of the United States... within their respective jurisdiction, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases where any person may be restrained of his or her liberty in violation of the Constitution, or of any treaty or law of the United States... "Federal... 17 Mr. Justice Harlan put it very well: "Both the individual criminal defendant (Petitioner) and Society have an interest in insuring that there will at some point be the certainty that come with an end to litigation, and that attention will ultimately be focused not on whether a conviction was free from error but rather on whether the prisoner can be restored to a useful place in the community." See *Janders v. United States*, 373 U.S. 1, 24-25 (1963), see also *Scheckloth v. Bustamonte*, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed. 2d 854, 1973 U.S. LEXIS 6 (1973). (See Appendix A-7).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Antwain J. Sales

Date: January 26, 2026

SWORN AFFIDAVIT

I, Antwain Tapeiga Sales, hereby swear and/or affirm that I have read the foregoing Petition for writ of Certiorari and know the contents therein to be true and correct to the best of my knowledge, information, and beliefs on this the 31st day of October, 20 25.

Respectfully submitted,

Antwain T. Sales

Antwain T. Sales

Whiteville Correctional Facility

T.D.O.C. # 225092

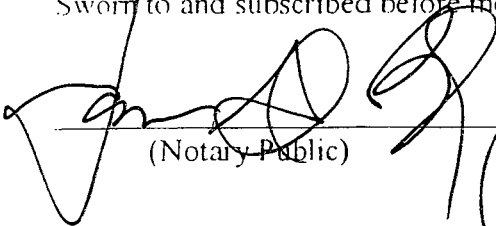
1440 Union Springs Road

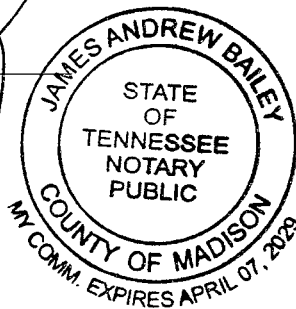
P.O. Box 679

Whiteville, Tennessee 38075

NOTARY PUBLIC

Sworn to and subscribed before me this the 31st day of October, 20 25


(Notary Public)



April 7, 2029

(My Commission Expires)