NO. _____

_____

I N T H E

S U P R E M E C O U R T OF THE U N I T E D S T A T E S

_____

IN re WARREN LEVERETT - PETITIONER-APPLICANT

VS.

MR. AFREDOR ORTIZ, WARDEN, AND

MR. TERRANCE MOORE, WARDEN, AND

MR. DEVON BROWN, COMMISSIONER OF NEW JERSEY DEPARTMENT OF CORRECTIONS, AND

MR. PETER HARVEY, ATTORNEY GENERAL OF NEW JERSEY, AND

AND ALL OTHER NAMED RESPONDENT(S)...
...ETC..ET., AL.

RESPONDENTS.

IN MATTER OF HABEAS CORPUS AD SUBJUCIENDUM

SUPERIOR COURT OF NEW JERSEY - LAW DIVISION - CRIMINAL PART - MERCER COUNTY; [POST CONVICTION RELIEF-HEARING]; AND,

UNITED STATES DISTRICT COURT FOR NEW JERSEY (DISTRICT), UNITED STATES FEDERAL COURT - TRENTON BRANCH.[?].

WARREN LEVERETT, PRISON I.D. #66829,

S.B.I. #944029, WING 4-DOWN 35/3T.

EAST JERSEY STATE PRISON

LOCK BAG R

RAHWAY, NEW JERSEY 07065

PHONE NO. _____

QUESTIONS FOR UNITED STATES SUPREME COURT
JUSTICE ANTONION SCALIA.

[1] IF, A WRONGFUL CRIMINAL JURY TRIAL CONVICTION HAS DOUBTLESSLY OCCURRED, AFTERWHICH, THE NEW JERSEY AUTHORIZED PRESUMPTIVE STATUTORY MAXIMUM SENTENCE OF IMPRISONMENT WAS, PURPOSELY, IMPOSED RUNNING CONCURRENT TO MUCH GREATER NEW JERSEY UNAUTHORIZED STATUTORY SENTENCE FOR THE SAME PARTICULAR OFFENSE; AFTER THE NEW JERSEY AUTHORIZED CONCURRENT SENTENCE'S MAXIMUM TIME OF IMPRISONMENT HAS BEEN SERVED TO TOTAL MAXIMUM EXHAUSTION, BY DEFENDANT-PETITIONER, DOES NOT ALL LEGAL TROUBLES (OR LEGAL EVENTS) THEREAFTER, ON EXACT SAME CRIMINAL CONVICTION SUBJECT-MATTER, BECOME UNCONSTITUTIONAL COLLATERAL [LEGAL TROUBLES & CONTINUING LOSSES OF U.S. COMMON CITIZENSHIP RIGHTS & PRIVILIGES] " CONSEQUENCES " OF THE WRONGFUL CRIMINAL TRIAL BY JURY CONVICTION WHICH BEGAN WITH UNCONSTITUTIONAL WRONGFUL RESTRICTIONS OF SENTENCE WHICH ATTACHED TO CONVICTION AS A MATTER OF LAW ?

[2] [IF, SUPREME COURT JUSTICE'S ANSWER IS " YES," TO QUESTION #1, THEN, IN ASSOCIATION WITH THAT QUESTION & ANSWER IS THE FOLLOWING QUESTION]:

WOULD NOT, THEN, THE NEW JERSEY CRIMINAL COURT(S), AT TRIAL OR APPELLATE LEVEL(S), AS WELL AS, NEW JERSEY DEPARTMENT OF CORRECTIONS OR PAROLE OR PROBATION, HAVE LOST CRIMINAL SUBJECT-MATTER JURISDICTION AND CRIMINAL JURISDICTION OVER THE PERSON OF DEFENDANT-PETITIONER, CONCERNING THAT PARTICULAR INDICTMENT OFFENSE ?? AND CAUSED A GENUINE - VALID - U.S.C.A. CONSTITUTION ARTICLE III, 2, cl. 1, ISSUE, TO EXIST/NEED BE SETTLED IN ITS DISPUTE(S), DUE TO THE GUARANTEES OF 13th AND 14th AMENDMENT(S)???

[3] [IN SOMEWHAT CONTINUED RELATIONSHIP TO, BOTH, AFOREGOING QUESTIONS]:

IF, LATER ADMITTEDLY WRONGFUL CONVICTION IN VIOLATION OF THE U.S. CONSTITUTION IS NOT, GIVEN NOTICE OR ADMITTED, DURING N.J. INTERMEDIATE APPELLATE COURT REVIEW, UNTIL AFTER, THE DEFENDANT HAS SERVED THE N.J. STATUTORILY AUTHORIZED SENTENCE TO TOTAL EXPIRATION, IS NOT N.J. APPELLATE COURT REVIEW'S WRITTEN OPINION, COMING AFTER PERMISSIBLE SENTENCE EXPIRATION, " A VOID AB INITIO COURT OPINION," OF NO MOMENT, HAVING NO LAWFUL BINDING (OR LEGAL AFFECT) UPON THE DEFENDANT???

[QUESTIONS FOR U.S. SUPREME COURT JUSTICE SCALIA, CON'T]

[4] COULD AN APPELLATE COURT REVIEW'S WRITTEN OPINION THAT IS LATER DETERMINED TO HAVE BEEN A " VOID AB INITIO APPELLATE COURT DOCUMENT, ALSO, BE CITED AS APPELLATE COURT OPINION THAT PLACED DEFENDANT, THE WRITTEN SAID COURT'S OPINION INVOLVED, AT RISK OF BEING PROSECUTED TWICE, [LATER PUNISHED TWICE], FOR THE EXACT SAME SINGLE INDICTMENT, OFFENSE (OR CONDUCT), WHICH OCCURRED AT ONE PLACE & TIME ?

[5] WHAT IS THE LEGAL IMPORT, IF, STATE RESPONDENT(S) UNLAWFULLY MANUFACTURED AND PRODUCED, FRAUDULENT AND FORGERY(S), COURT LETTERS OR DOCUMENTS, WHILE MIMICKING N.J. APPELLATE COURT REVIEWS, UNITED STATES DISTRICT COURT RESPONSES TO § 2254 HABEAS PETITIONS, AND U.S. COURT OF APPEALS RESPONSES, AS METHOD OF MAINTAINING DEFENDANT-PETITIONER IN YEARS OF UNLAWFUL CONFINEMENT [OR FALSE IMPRISONMENT] IN VIOLATION OF THE U.S. CONSTITUTION; WOULD SUCH A DEFENDANT-PETITIONER QUALIFY TO BE HELD IMMUNE FROM ANY, AND ALL, POSSIBLE PROCEDURAL BARS OR FAILURE TO EXHAUST BARS WHICH COULD POSSIBLY BE SET-FORTH, BY STATE RESPONDENTS, WHILE ALSO ENTITLING DEFENDANT-PETITIONER TO USE PAST & PRESENT CASE LAW PRECEDENTS, AND MAKE UNRESTRAINED APPLICATIONS TO U.S. SUPREME COURT FOR RELIEF??

[6] SHOULD NOT FAIR - EQUABLE - CONDENSATIONAL MONETARY RESTITUTIONS BE ORDERED MADE TO A DEFENDANT, WHO, RATHER THAN BEING MADE TO SERVE N.J. STATUTORILY AUTHORIZED PRESUMPTIVE TIME IN PRISON OF " TWENTY-MONTHS (20mo.), " BORN NEGRO AMERICAN DEFENDANT HAS, SO FAR, SERVED " TWENTY-FOUR YEARS (24yrs.), FOR A PARTICULAR DRUG OFFENSE/ADDITIONAL AGGRAVATING DRUG OFFENSE ELEMENTS THEREOF, OF WHICH, DEFENDANT-ACCUSED " DID NOT COMMIT; WAS NEVER CHARGED BY CRIMINAL COMPLAINT OR INDICTMENT FOR HAVING COMMITTED, AS VERIFIED BY A SITTING PCR-HEARING JUDGE?

[7] WHAT IS THE PRONG TEST TO DETERMINE INTENTIONAL, WILLFUL, DEFICIENT PERFORMANCE OF COUNSEL FOR DEFENSE IN A CRIMINAL COURT PROCEEDING, BESIDES, LABEL OF INEFFECTIVE ASSISTANCE OF COUNSEL VIOLATIVE OF THE SIXTH AMENDMENT'S GURANTEE ?

[QUESTIONS FOR U.S. SUPREME COURT JUSTICE SCALIA, CON'T]

[8] SHOULD DUBIOUSLY FORFEITURED, STOLEN, AND/OR LOST, PERSONAL PROPERTY RIGHTS/ITEMS, BY INVALID STATE PERFORMANCE, DERIVING AS UNCONSTITUTIONAL COLLATERAL CONSEQUENCE(S) OF WRONGFUL CONVICTION AND THAT CONVICTION"S WRONGFUL RESTRICTIVE SENTENCE THAT ATTACHED AS A MATTER OF LAW; BE FULLY RESTORABLE ?

[9] IS IT NOT TRUE ?, IF, JUDGE ALONE, WITHOUT PRESENCE OF TRIAL JURY (OR GRAND JURY), FOUND THE EXISTENCE/PRESENCE OF SOME ADDITIONAL AGGRAVATING DRUG POSSESSION OFFENSE ELEMENTS, IMMEDIATELY COMPOSED HIS (JUDGE) FINDINGS INTO SPECIAL INTERROGATORY QUESTION(S) INCORPORATED ON/WITH JURY VERDICT SHEET; IF SO AFFECTED JURY VOTES, FIRST, GUILTY ON ESSENTIAL DRUG POSSESSION OFFENSE UNDER COUNT ONE, THEN, VOTE " YES " CONCERNING ADDITIONAL AGGRAVATING OFFENSE ELEMENTS; WOULD IT NOT BE JUDGE WHO INFLUENCED & INSISTED JURY'S GUILTY VOTES/ YES ANSWER, AND THEREFORE, JURY COULD NOT HAVE FOUND DEFENDANT GUILTY ON OFFENSES, OR ADDITIONAL AGGRAVATING OFFENSE ELEMENTS, BEYOND A REASONABLE DOUBT ?

[10] [IN FURTHER RELATION TO THE ABOVE STATED QUESTION]

WOULD NOT THE TRIAL JUDGE, OF THE ABOVE QUESTION'S CIRCUMSTANCES BE ACTUALLY " ADDING OR SUBSTITUING A GREATOR DRUG OFFENSE, IF, ADDITIONAL AGGRAVATING DRUG OFFENSE ELEMENTS RAISE CEILING OF SENTENCE BEYOND STATUTORY MAXIMUM ? "

[11] [IN FURTHERMORE RELATING TO CIRCUMSTANCES OF QUESTION #9]

WOULD NOT JUDGE'S WRITTEN INSTRUCTIONS TO TRIAL JURY AND/OR NEW JERSEY LEGISLATORS LANGUAGE OF " ADDITIONAL AGGRAVATING DRUG OFFENSE ELEMENTS COMBINATION AND/OR DETERMING JURY'S VOTING PROCESS IN THAT EXPRESSED SITUATION; BE VIOLATIVE OF THE FIFTH AMENDMENT'S DOUBLE JEOPARDY CLAUSE GUARANTEE(S) NOT TO BE PUT AT RISK OF BEING PROSECUTED TWICE, NOR PUNISHED TWICE, IN SUCCESSION FOR THE EXACT SAME CRIMINAL OFFENSE [POSSESSION OF HEROIN/COCAINE], WHOSE CONDUCT OCCURRED AT ONE PLACE & TIME ? [PROVIDING FACT THAT ADDITIONAL AGGRAVATING DRUG OFFENSE ELEMENTS COMBINATION, DISTINCTLY, EXPRESSED JURY'S NEED TO FIND DEFENDANT GUILTY OF POSSESSION OF NAMED SUBSTANCE(S) " THREE SEPARATE, SUCCESSIVE, TIMES].

(REASONS WHY ADAQUATE RELIEF CANNOT BE OBTAINED, CON'T)

, OR PROSECUTOR, OR DEFENSE ATTORNEY, OR PRISON WARDEN, OR PAROLE OFFICIAL, ET CETERA..ETC.., WANT THAT FACT TO BE KNOWN, ESPECIALLY, THE U.S. DISTRICT COURT JUDGE(S) OF THE FOUR PREVIOUS APPLICATIONS FOR WRITS, WHILE NONE OF THEIR COLLEAGUES WILL TAKE RESPONSIBILITY OF ADJUDICATING FINAL DEFINITIVE REMEDY, IN SUCH OBVIOUS CASE OF MANY YEARS OF UNLAWFUL CONFINEMENT OF AN INDIVIDUAL FOR A CRIME HE DID NOT COMMIT.

THOSE NEW JERSEY STATE OFFICIALS WHO ARE, BOTH, RESPONSIBLE, AND STAND LIABLE, FOR THE UNLAWFUL PROSECUTORIAL, ILLEGAL, LYNCHING OF THE PETITIONER OF THIS MATTER; WOULD RATHER MAKE [IF THEY WOULD HAVE BEEN SUCCESSFUL] PRO SE-LITIGANT-PETITIONER " DEAD," AND FORGOTTEN, RATHER THAN HAVE FAIR AND IMPARTIAL JUSTICE ADJUDICATE THIS CASE THAT HAS BEEN KEPT HIDDEN UNDER WRAPS FOR SO MANY YEARS.

USING THE QUOTES OF " JUSTICE ANTHONY KENNEDY, SAID DURING HIS INVOLVEMENT IN THE (RECENT) MICHAEL HALEY MATTER BEFORE U.S. SUPREME COURT; " JUDICIARY BEARS THE BURDEN OF THE PROPER ADMINISTRATION OF CRIMINAL JUSTICE."

PETITIONER AGREES WITH JUSTICE ANTHONY KENNEDY, IN THAT PARTICULAR STATEMENT, ONE-HUNDRED PERCENT. IN ADDITION, THE ULTIMATE TASK OF " PROPER ADMINISTRATION OF CRIMINAL JUSTICE, I PRAY, IS BURDEN OF THE ULTIMATE IMPANELMENT OF THE MOST EXQUISITE, UNDAUNTABLE, JUDGES " FOR THE PEOPLE IN THE LAND," AND WHO HAVE RIGHTLY EARNED BEING CALLED " MR. OR MRS. JUSTICE, SO, WHEN ALL OTHER JUDGES FOR THE PEOPLE IN THE LAND HAVE FAILED, THEN, MR. JUSTICE ANTONION SCALIA HAS A DUTY (BURDEN) TO FORFILL, BY PROPERLY, DEFINITIVELY, ADJUDICATING THIS INSTANT MATTER OF PETITTIONER BEFORE THIS SUPREME COURT.

PETITIONER-APPLICANT'S REASONS FOR NOT
BELIEVING IN THE ALLEGE DOCKETING OF
THIS MATTER IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY.

PETITTIONER IS " BITING HIS TONGUE," BY - ONLY SAYING - AFTER HAVING MADE FOUR APPLICATIONS FOR WRIT(S) TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, OVER A NINTEEN YEAR PERIOD, AND PURSUANT 28 U.S.C. § 2254; HAVING PRESENTED OVERWHELMING APPENDIX EXHIBIT EVIDENCE TO THAT SAID COURT OF UNLAWFUL IMPRISONMENT IN VIOLATION OF THE U.S. CONSTITUTION; "REMEDY UNDER/BY § 2254, IN THAT " PARTICULAR COURT IMPANELMENT, HAS PROVEN ITSELF TO BE INADAQUATE OR INEFFECTIVE TO TEST THE LEGALITY OF THIS INSTANT PETITTIONER'S DETENTION."

WARREN LEVERETT, #66829, S.B.I.#944029,
EAST JERSEY STATE PRISON; 4-DOWN 35/3T.,
LOCK BAG R
RAHWAY, N.J. 07065.

STATE PRISONER AND PETITIONER, IN HABEAS CORPUS AD SUBJUCIENDUM,
FILED PURSUANT U.S. COURT RULE [redacted].

[S.C. DOCKET # _____

[?, D.N.J. 02-2582 (AET)

[OCTOBER 2004 TERM.

A P P E N D I X E X H I B I T #21.

COPY OF ORDER, BY MARCIA WALDRON, CLERK, OF UNITED STATES COURT OF APPEALS, THIRD CIRCUIT, GRANTING MOTION TO MAKE APPLICATION FOR CERTIFICATE OF APPEALABILITY, OUT OF TIME, IN [redacted] THE C.A. 03-4048 [D.N.J. 02-2581 (AET) MATTER; ORDER IS DATED DECEMBER 23, 2003. (1p.)[WITH COPY MAILED TO RESPONDENT DANIELSON, DEPUTY ATTORNEY GENERAL OF N.J.]

... of New Jersey

v.

WARRI N LEVERETT

(Name)

Law Division - Criminal

BIRTH 5/17/49	SBI. NUMBER 944029
OF ARREST 3/18/99	DATE OF INDICT FILED 6/29/99
TE OF ORIGINAL PLEA 7/16/99	ORIGINAL PLEA ■ NOT GUILTY ☐ GUILTY

■ JUDGMENT OF CONVICTION
☐ CHANGE OF JUDGMENT
☐ ORDER OF COMMITMENT
☐ INDICTMENT/ACCUSATION DISMISSED
☐ JUDGMENT OF ACQUITTAL

DJUDICATION BY
■ GUILTY PLEA DATE: 7/16/99
JURY TRIAL
☐ NON-JURY TRIAL DATE:
☐ Dismissed/Acquitted DATE:

RIGINAL CHARGES

IND NO.	COUNT	DESCRIPTION	DEGREE	STATUTE
99-06-0625	1	POSS CDS	3RD	2C:35-10A(1)
	2	POSS CDS W/INT TO DIST	1ST	2C:35-5A(1)
	3	MAINT OR OPERATING CDS PRODUCTION FACILITY	1ST	2C:35-5A(1)
	4	MAINT NARCOTICS NUISANCE	4TH	2C:21-21
	5	POSS OF FIREARMS DURING COMMISSION OF CERTAIN CRIMES	2ND	2C:39-4.1
	6	CERTAIN PERSONS NOT TO POSS	2ND	2C:39-7B

INAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
2	POSSESSION CDS W/INTENT TO DISTRIBUTE	1ST	2C:35-5A(1)
6	CERTAIN PERSONS NOT TO POSSES	2ND	2C:39-7B

It is, therefore, on 4/12/02 ORDERED and ADJUDGED that the defendant is sentenced as follows:
OUNT 2 COMMITTED TO THE CUSTODY COMMISSIONER OF DEPARTMENT OF CORRECTIONS FOR 20 YEARS . MPI 9 YEARS
OUNT 6 COMMITTED TO THE CUSTODY COMMISSIONER OF DEPARTMENT OF CORRECTIONS FOR 9 YEARS RUNCONCURRENT
O COUNT 2

DISMISSAL OF COUNTS-1,4,5,

You are hereby sentenced to community supervision for life.
The court finds that your conduct was characterized by a pattern of repetitive and compulsive behavior.

It is further ordered that the sheriff deliver the defendant to the appropriate correctional authority.

■ Defendant is to receive credit for time spent in custody (R 3:21-8)	TOTAL NUMBER OF DAYS 249	DATE (From/To) 8/7/01 - 4/12/02
		DATE (From/To)
☐ Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).	TOTAL NUMBER OF DAYS	DATE (From/To)

Total Custodial Term 20 YEARS Institution CCDC Probation Term

Admi (rev. 1/ State B COPIES