ORIGINAL

No. _____

03-8963

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
FEB 11 2004
OFFICE OF THE CLERK

Ex Parte:
~~In re:~~ David Meade, pro se — PETITIONER
(Your Name)

vs.

_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF ~~CERTIORARI TO~~ Habeas Corpus

Kentucky Supreme Court

Original 28 USC §2241(c)(3)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF ~~CERTIORARI~~ Habeas Corpus 28 USC 2241(c)(3).

~~Name~~ David Meader pro se
(Your Name)

Po Box 9300 Central City, Ky
(Address)

GRCC #164827 42330
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

1. Whether "punishment" under or within a statute, for a U.S. Citizen, Should be determined by:
   1. Halper v. US, 490 US 435, 104 L.ed 2d 487, 109 S.Ct. 1892, or,
   2. Kennedy v. Mendoza-Martinez, 372 US 144, 168, 9 L.Ed 2d 644, 83 S.Ct. 544, for Art 1, §10, cl. 1, for or ON Constitutionality within United States Constitution And laws?

2. Whether under Art 1, §10, Cl. 1, of the U.S. Constitution, Ex Post Facto, All Four issues Set Forth in Calder v. Bull, 3 US (3 DALL) 386, 1 L.ed 648 (1798), must be Considered When Alleged violation occures, And Challenge is Made, ON A Statute's Constitutionality?

3. Whether KRS 17.500 et seq., is UNCONSTITUTIONAL As Applied to petitioner? "Act" hereinafter. 28 USC § 2403(b). repugnant to the Constitution.

4. Whether "Act" denied petitioner his 1st, 4th, 5th or 6th U.S. Constitutional Rights under the Substantive Due Process Clause of the Fourteenth Amendment without due Process of Law?

5. whether Application of the Act Against Petitioner was bared by Kentucky Statute of limitations?

See Appendix "B"

STATEMENT OF THE CASE

The petitioner was convicted in Kentucky on November 1, 1994 for Sex-related Crimes Against his Children that occured before Feb. 1994, and was sentenced to a 10 year term of imprisonment. Sentence was Served And petitioner was released from Custody on December 1, 2000.

On February 12, 2003, Petitioner was convicted of Violating KRS 17.500 et Seq., and Sentenced to A (5) Five year term of imprisonment.

The Petitioner States his Conviction and Sentence is void Ab initio because KRS 17.500 et. Seq. is An Ex Post facto Criminal - Penal Law And inflicts Punishment on its face and effects and denies petitioner his First, Fourth, Fifth, and Sixth Amendment Rights, Substantive due process Rights of Fourteenth Amendment of the U.S. Constitution, is barred by the Kentucky one-year Statute of Limitations, Equal Protection of Law And double Jeopardy of the Fifth Amendment, and Notice.

First Amendment - Freedom of Speach.
Fourth Amendment - personal Appearance before probation and Parole.
Fifth Amendment - Right to be silent And double Jeopardy.
Sixth Amendment - Trial Rights.
Fourteenth Amendment - fundamental and Substantive due Process Rights

The petitioner does Adopt, Incorporate, and restate, as if fully set forth herein, his Petition to State Court And Affidavits Attached thereto, Appendix "B".

28 USC §2254(B)(1)(b)(2) based on, in part, Hyatt v. Comm., 72 S.W. 2d, 566, 572 (Ky. 2002), and denial of State petition by Circuit and Supreme Court of Kentucky.

Exceptional circumstances exist in this case warranting exercise of the Courts discretionary Power to protect the Constitution of the United States From State deprivation of fundamental and Substantial Constitutional Rights of U.S. Citizens.

Petitioner made Application in the district Court under 28 USC §2241(C)(3), but the Court Amended to §2254. The petitioner cannot receive a fair hearing in the district Court. "Prejudice"

REASONS FOR GRANTING THE PETITION

1. A State Court has decided An important Question of federal Law that has Not been, but Should be, Settled by this Court, and which Conflicts with relevant decisions of this Court, AND humane interest require review. "Punishment under Art 1, §10, cl. 1."

2. Petitioner is in Custody in violation of the Constitution And laws of the United States And is entitled to ~~immediate~~ immediate Release from Custody.

3. Petitioner's Conviction and Sentence is void Ab initio, a lack of Jurisdiction of trial Court to enter Judgment.

4. In interest of Justice, and humane liberty.

5. Petitioner is entitled to A Speedy remedy And it Appears he Cannot obtain Such in State or Federal Courts. relief Cannot be Adequately obtained in Any other Court or form.

6. Petitioner is in Custody in violation of the Constitution And laws of the United States. See ~~Affidavit~~ Appendix "B" Affidavit

7. Petitioner Cannot get a Fair hearing in lower Courts. 28 USC § 2254(B)(1)(b)(2).

8. Conflicts exist on issue of "Punishment" for Ex Post facto purposes for A U.S. Citizen.

9. Justice Cannot otherwise be served.

The Petitioner's §2241(C)(3) petition should be granted and he request his release From Confinement and A ruling on his Questions And All other relief this Court MAY Find Just, And Counsel without Costs;

A Speedy hearing, is requested. Petitioner is imprisoned in violation of the U.S. Constitution and on a void Judgment when he has a CONSTITUTIONAL Right to be Free. The Petitioner has Not been Found to be dangerous by ANY Court in the United States And he is entitled to be free. A Five (5) year term of imprisonment for failure to give an address is excessive and Cruel;

CONCLUSION

The petition for writ of habeas Corpus, 28 USC §2241 Should be grauted and petitioner Should be released from Custody, or released on bail pending review, recognizance.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jarrod Meador

Date: ~~January 26~~ Feb. 9, 2004

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN
CIVIL ACTION NO. 1:03CV-P125-M

DAVID MEADOR — PETITIONER

v.

WARDEN SWEAT — RESPONDENT

MEMORANDUM OPINION

Petitioner David Meador filed the instant petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 ("§ 2254"). The matter is currently before the Court for preliminary consideration under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Court. Because Petitioner failed to exhaust his state remedies, the Court will deny the petition and dismiss the action without prejudice.

I. FACTUAL AND PROCEDURAL BACKGROUND[1]

In 1994, Petitioner David Meador was "was arrested on sex related charges" stemming from incidents which occurred in 1992 and 1994. (DN 1, Mem.). On November 1, 1994, he pleaded guilty to amended charges and was sentenced to a 10-year term of imprisonment. He was released from incarceration on December 1, 2000, after serving the term of his sentence.

On February 12, 2003, Petitioner was convicted of violating the Sex Offender Registration Act ("Act"), Ky. Rev. St. ("KRS") 17.500 *et seq*, Kentucky's version of Megan's Law. Under the Act, convicted sex offenders must register with the appropriate authorities after

[1]The factual and procedural background is drawn from a review of the petition and attachments thereto (DN 1), a supporting memorandum (DN 2), and a supplement to the § 2254 petition (DN 5).

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN
CIVIL ACTION NO. 1:03CV-P125-M

DAVID MEADOR **PETITIONER**

v.

WARDEN SWEAT **RESPONDENT**

ORDER

For the reasons set forth in the Memorandum Opinion entered this date, **IT IS HEREBY ORDERED** that the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED** and the instant action is **DISMISSED without prejudice** because Petitioner failed to exhaust state court remedies.

IT IS FURTHER ORDERED that a Certificate of Appealability is **GRANTED** with respect to the *ex post facto* claim and **DENIED** with respect to all other claims.

There being no just reason for delay in its entry, this is a final order.

This 29 day of December, 2003.

JOSEPH H. MCKINLEY, JR.
JUDGE, U.S. DISTRICT COURT

cc: Petitioner *pro se*
Attorney General, Commonwealth of Kentucky
4414.002

ENTERED
12/30/03
JEFFREY A. APPERSON, CLERK
BY: DEP. CLERK

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