

IN THE CIRCUIT COURT SHELBY COUNTY, TENNESSEE
DIVISION 3

<u>STATE OF TENNESSEE</u>)	
)	
V.)	NO. 16-02794
)	<u>17-01568</u>
)	
)	
<u>JASON WHITE</u>)	
)	

PETITION

Comes now Jason White pro-se, and files this Petition in exercising his 1st Amendment rights to the Constitution of the United States, herein and in support thereof would show unto the Court that the Defendant is entitled to an Investigation Hearing and/or Review of his case for the following reasons. In support of this petition, the Defendant states as follows:

The Defendant, states there is a discrepancy in the actual True Bill he was indicted on. The Defendant states that on June 2, 2016 a Capias (see attached) was issued on him for Indictment # 16 02794 signed by Richard L Desaussure III, Clerk of Court and a judge, who signature is not legible stating the True Bill of Indictment to be T.C.A 39-17-433 Consp -Promote Manuf .Methamphetamine, a Class E Felony issued on April 22, 2016. The Defendant, was brought before the Magistrate on June 2, 2016 to be arraigned on a True Bill of Indictment of T.C.A 39-12-103- CONSPIRACY- UPCS WITH INTENT, METH ** DRUG FREE ZONE**; T.C.A 39-12-103 UPCS WITH INTENT, METH ** DRUG FREE ZONE**; T.C.A. 39-17-

434 UPCS WITH INTENT TO SELL ** DRUG FREE ZONE**; T.C.A. 39-17-434 UPCS WITH INTENT TO DELIVER ** DRUG FREE ZONE**, Class B Felony, signed by the Foreperson of the Grand Jury, Pat Vincent and Amy Weirich, District Attorney General 30th Judicial District. The Defendant, pro-se request an investigation and review into the True Bill of Indictment on him. The Defendant has the right to know the reason for his Indictment according to Fed. R. Crim. P. 7, which states that an indictment or information must be plain, concise, and definite written statement of the essential FACTS constituting the offense charged and cannot be amended if the charge is of a different offense and/ or the Defendant is prejudiced. That Pat Vincent, was appointed to Foreperson of the Grand Jury, commencing on November 1, 2011. The Defendant argues that he was wrongfully indicted, that in violation of T.C.A. 22-2-314, annotated by T.C.A. 40-12-206, that the true bill of Indictment should be reviewed in violation of the Defendant's 5th, and 14th Amendment rights of the Constitution of the United States that further violates his 6th Amendment right to the Constitution of the United States, that Pat Vincent is illegally signing Indictments in Shelby County, Tennessee. The Defendant moves that this indictment be investigated, that the records and testimony of the Grand Jury be reviewed for false statements and prosecutorial misconduct. That the State's witness at the Grand Jury hearing, Detective Mark Gaia testimony be discredited, as he has admitted under oath during the trial to have planted evidence in the Co-Defendant's Cole cell phone after she was booked into the Bartlett Police Department at 1530 hr. (See attached booking sheet on Co Defendant and cell phone evidence entered by the State). This very fact and false testimony lead to the Defendant being indicted. That any indictment signed by Pat

Vincent and Amy Weirich should be investigated for fraud and prosecutorial misconduct.

That on July 14, 2017, the defendant was found guilty of Count 1 and Count 2- Conspiracy: Unlawful Possession of a Controlled Substance with Intent to Sell, to wit: Methamphetamine, Over 300 Grams, (in a drug free Zone) as charged in the First and Second Count of the Indictment. The defendant, had numerous pretrial Motions file with the Court on September 23, 2016 (with the assistant of counsel, that was fired for ineffective counsel), to be heard, that were not heard by the Honorable Judge Robert “Bobby” Carter, Jr, prior to trial. The Defendant filed a Motion to Recuse the said Honorable Robert” Bobby” Carter, Jr., for violation of his constitutional rights on the day for trial to begin, and the days after trial. On September 28, 2017, prior to sentencing the Defendant, filed a Motion for Exculpatory Evidence, and a Motion for Discovery, this Petition largely focuses on the Defendants argument that the State failed to disclose certain exculpatory evidence prior to trial in violation of Brady v Maryland, 373 U.S. 83 (1963).

The Defendant, moves this Court to conduct an investigation or evidence hearing prior to sentencing on any evidence or information accepted by the Court as relevant and admissible that were in violation of the “Exclusionary Rule” of the Defendant’s 4th and 6th Amendment to the Constitution, and 14th Amendment (of the Due Clause Process) to the Constitution. Mapp v Ohio, 367 U.S. 643 (1961). To include any/all testimony and evidence introduced by the State that was presented to the Grand Jury by witnesses Detective Mark Gaia and R. Christian of the Bartlett Police Department based on the facts that during the trial process Detective Mark Gaia admitted under

oath that he had planted text messages into the Co-Defendants cell phone after she was booked into the Bartlett Police Department. That this evidence created the conspiracy of the package containing the methamphetamine and the fact that the Bartlett Police Department illegally planted this package on Co Defendant's porch after obtaining an illegal Search Warrant by lying on the sworn Affidavit as to the original destination of the package being 2552 Jenwood not 2552 Linwood as the original Fed Ex shipping label showed (see attached). The Defendant moves this Court to review any and all information as evidence by the State that is in violation of Tenn. Rules of Evidence 404 and is in violation of the Defendant's 4th, 5th, 6th, and 14th Amendment to the Constitution of the United States. That all evidence obtained in an illegal search and seizure are a violation of the Constitution and is inadmissible in a State Court. That the Court review the Grand Jury testimony of any and all State witnesses, written questions, note, minutes, or transcripts in custody of the State during the course of the Grand Jury proceedings or any material made subsequent to the Grand Jury proceedings, due to tainted evidence introduced by the State against the Defendant.

Wherefore, the Defendant moves this Court to grant the relief sought in the premises of this Petition.

Respectfully Submitted,
Jason White

BY:

Pro-se
By: Jason White # 17155582
201 Poplar Ave
Memphis, TN 38103

(Defendant)

CERTIFICATE OF SERVICE

I, Jason White Defendant, do hereby certify that I mailed a true or hand delivered a copy of the above and foregoing Petition to all parties involved..

This the ____ day of _____ .

Jason White-Defendant
Pro-se