

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Thomas T. Alford — PETITIONER
(Your Name)

vs.

Stephen Carlton, ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth circuit court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Thomas T. Alford
(Your Name)

P.O. Box 7500
(Address)

Crescent City, CA. 95532-7500
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

- ① Does The Congressional Innocence Protection Act, 18 U.S.C. § 360D (IPA), specifically exclude state prisoners from receiving relief from said Act.
- ② Can Congress legally write a Congressional Act contrary to the 14th Amendment's clause of equal protection under the law.

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:

Stephen Carlton

Daniel Flynn

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Brady v. Maryland (1963) 373 U.S. 83

CONE v. BECK

Turner v. U.S. (2017) DJDAR 5940 (6/23/17)

STATUTES AND RULES

United States Congressional "Innocence Protection Act" 18 U.S.C. § 3600

United States Constitution Fourteenth Amendment

OTHER

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 federal courts:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at SAN FRANCISCO, CA.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at SACRAMENTO, CA.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 12-10-2018.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

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

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Petitioner invokes his constitutional rights under the 14th Amendment's Equal Protection under the Law Clause.

The Petitioner contends that the Congressional Innocence Protection Act 18 U.S.C. § 3600 (IPA) is being misinterpreted by the lower courts. Correctly interpreted, the IPA satisfies Petitioner's constitutional rights of Equal Protection under the Law (14th Amendment).

STATEMENT OF THE CASE

The case stems from a murder on 10/4/95. The Appellant was never convicted in a court of law. The Appellant was coerced by Public Counsel to unknowingly enter into contract negotiations (Plea bargain). Appellant was unaware that the main facts of the case (Forensic Report, enclosed) were being withheld (Brady violation). Thus, with the main facts of the murder being withheld, the contract should be deemed null and void, the contract being unknowingly entered into by the Appellant.

The case always has been, and still is a "Brady" violation (Brady v. Maryland (1963) 373 U.S. 83). "Brady" evidence is "material" within the meaning of Brady when there is a reasonable probability that had the evidence been disclosed, the result of the proceeding would have been different, e.g. Cone v. Bell. A "reasonable probability of a different result arises where the suppressed evidence 'undermines confidence in the outcome of the trial' Turner v. U.S. (2017) DSOAR 5940 (6/23/17). The Appellant has no recourse but to keep presenting his innocence claim every time a new law or Act comes out.

The Appellant believes the Eastern District court is misinterpreting the Justice for All Act (2009) (Innocence Protection Act (IPA)) 18 U.S.C. § 3600. (Quote) "consistent with our tradition, congress has created a device to end the suffering of the innocent, where innocence is scientifically demonstratable by DNA evidence, even after their convictions have become final. The most hallowed principle of our criminal law, protecting the innocent, requires the court to eschew a crabbed, restricted construction of the IPA" Judge Andrew J. Klienfeld.

The Appellant does not believe that congress can legally create an Act or law that violates constitutional Amendments. More specifically, in Appellant's case

statement of the case cont.

The 14th Amendment of Equal Protection under the law. One group of similarly situated individuals can not be favored over another, ie; state and Federal Prisoners.

The Appellant has enclosed the text of the IPA 18 U.S.C. §3600, (1)(A), is separate from (1)(B). The Appellant believes (1)(B)(ii) applies to state Prisoners. Further, if congress intended to exclude state Prisoners, there would be specific language written into the IPA to exclude state Prisoners. Hence (1) is ambiguous as to state or Federal Prisoners.

If the Appellant is correct, that the IPA is "not" discriminatory against state Prisoners, then Judge Claire's argument is moot.

Further, Judge Claire's recommendations makes Appellant's case even easier to confirm a 14th Amendment, civil rights claim. Judge Claire lists every Judge and court who has failed to follow long established U.S. Supreme court rulings, ie; *Brady v. Maryland* (1963), and many more. Numerous, Laws, (FBI), Penal codes, and evidence codes dealing with withheld evidence. And in the case of Shasta county deliberately withholding evidence.

REASONS FOR GRANTING THE PETITION

Now-Lawyers need not perfectly articulate a civil rights claim. Judge Clarke's whole argument contends that all of the other judges, courts, and lawyers since 1996, have failed to recognize a civil rights "Brady violation".

Has the "Now-Lawyer" Appellant failed to articulate his latest attempt to have the courts follow long established law (Brady), and correct this civil rights violation (14th Amend)? Will the "Now-Lawyer" Appellant ever be able to write "Legal ease". Does the fact that Appellant can not write "Legal ease" make the civil rights violation go away?

The Appellant must continue to seek relief from changes in the law as the state of Calif. will not follow long established existing law to correct FBI, whereas Appellant's filing of *Skinner v. Switzer* (2011) 131 S.Ct. 1389.

the "Brady" violation, or test the DNA listed on the withheld Forensic Report.

Calif. has no adequate remedy to correct the "Brady" violation in Appellant's case. There are no checks or balances in Calif. to ensure that existing laws are followed.

This instant case comes down to these questions:

1. Does the IPA cover state prisoner's (Justice for "All" Act), or is the IPA discriminatory as to the 14th Amendment.

2. Does the Appellant have an uncorrected "Brady" violation.

3. Does the Appellant's failure to articulate his claim for the last 23 yrs, deem the claim moot.

4. Would it do any good for the Appellant to look up even more "long established" case law for the courts "not" to follow.

∴ The Appellant's case now rests on whether or not the IPA is written discriminatorily, or if the courts are misinterpreting the IPA law.

Reasons For Granting Petition cont.

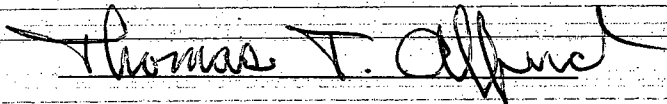
Regardless of what law or Act Appellant claims this time, the time has come to correct this injustice. 23yrs. is too long to deliberately (with malice aforethought) ignore long established law (Brady).

AN INNOCENCE claim is never "moot", especially with Shasta County, and the state of California's extraordinary efforts to keep the DNA evidence suppressed for 23yrs.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 2-13-2019