No. 19-5018

ORIGINAL

In The Supreme Court of the United States

GETTUS LEROY MINTZ,

PETITIONER,

v.

CHARLES L. RYAN, DIRECTOR,
ARIZONA DEPARTMENT OF CORRECTIONS,
AND
MARK BRNOVICH, ATTORNEY GENERAL
OF THE STATE OF ARIZONA,

RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

GETTUS L. MINTZ, 040014
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P. O. BOX 8909
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PETITIONER *PRO SE*

QUESTIONS PRESENTED

IN 2004, PETITIONER GERRUS MINTZ WAS INTRODUCED TO PHYLLIS TUCKER THROUGH HER DAUGHTER NICHOLE. AS THEIR RELATIONSHIP GREW, THEY SAW EACH OTHER MORE FREQUENTLY, UNTIL THEY DECIDED TO LIVE TOGETHER. HE APPRECIATED HER AS AN ATTRACTIVE AND INTERESTING WOMAN, ADMIRING HER ACCOMPLISHMENTS AS A NURSE, HAVING THE RESOLVE OF A SINGLE PARENT, THAT ALLOWED HER TO PURCHASE HER OWN HOME IN PEORIA, A NORTHWESTERN SUBURB OF PHOENIX, ARIZONA. SHE EVENTUALLY INVITED HER INVALID MOTHER, ARLENE WHITAKER, AND TROUBLED DAUGHTER, CRYSTAL POWELL, TO LIVE WITH HER THERE AS WELL.

THE PETITIONER INCREASINGLY BECAME AWARE OF THE PSYCHOPATHIC UNDERCURRENTS THAT EXISTED BETWEEN THE THREE GENERATIONS OF THE WOMEN, WHICH LED TO PHYLLIS FILING A RESTRAINING ORDER AGAINST CRYSTAL, AND THE STATEMENT ARLENE EVENTUALLY GAVE TO POLICE THAT SHE ARGUED WITH PHYLLIS WITH VOLATILE FREQUENCY, HERSELF.

ON THE EVENING OF 9 FEBRUARY 2009, THE PETITIONER HAD VISITED HIS MOTHER'S HOME IN TOLLESON, A TOWN TO THE FAR SOUTHWEST OF PHOENIX. AS HE HAD BEEN DRINKING, HE CALLED PHYLLIS FROM HIS MOTHER'S HOUSE, BUT WAS INTERRUPTED A FEW MINUTES INTO THE CALL, WHICH HAD BEEN PLACED EXACTLY AT 11:00 pm, BY A RELATIVE WHO NEEDED TO USE THE PHONE. HE CALLED HER BACK ON HIS CELL PHONE TO SAY GOOD NIGHT, AND WENT TO SLEEP ON HIS MOTHER'S SOFA.

PHYLLIS WAS BRUTALLY STABBED NINE TIMES WITH ONE OF THE KNIVES FROM HER KITCHEN BUTCHER BLOCK SET THAT NIGHT, DURING WHICH AN ATTEMPTED CALL TO 911 WAS STOPPED SHORT AS THE BLOODIED PHONE WAS PULLED FROM THE WALL AT 11:52 pm. SHE MANAGED TO DRAG HERSELF ACROSS THE STREET TO A NEIGHBOR'S HOME, WHERE ANOTHER 911 CALL WAS MADE AT 11:53 pm. THE PETITIONER WAS TEMPORALLY EXCLUDED.

DNA TESTING OF THE BLOOD FOUND AT THE SCENE, ONLY IDENTIFIED THAT OF PHYLLIS, AND SOME FROM ARLENE, WHO ALLEGED THAT THE PETITIONER HAD KILLED HER DAUGHTER, AND ATTACKED HER, NOTWITHSTANDING THAT NO DNA FROM THE PETITIONER HAD BEEN IDENTIFIED AT THE SCENE. THE PETITIONER, HOWEVER, WAS CHARGED, AND EVENTUALLY CONVICTED BY A JURY UPON THE TESTIMONY OF ARLENE, AND THE PERJURED TESTIMONY OF THE INVESTIGATING OFFICER THAT HIS BLOOD WAS FOUND THERE.

THE VERDICT WAS AFFIRMED ON DIRECT APPEAL, AND AGAIN ON COLLATERAL REVIEW, WHEN APPOINTED COUNSEL DECLARED THAT THEY COULD FIND NO COLORABLE CLAIMS UPON WHICH RELIEF MIGHT BE GRANTED, BUT ALLOWED FOR A SUPPLEMENTAL *PRO SE* BRIEF TO BE FILED. VARIOUS PROCEDURAL DEFENSES WERE CLAIMED AT THE STATE LEVEL, AND ON § 2254 REVIEW AT THE DISTRICT AND CIRCUIT COURT LEVELS. A PETITION FOR REHEARING *en banc* WAS IMPROPERLY MISCONSTRUED AS A MOTION TO RECONSIDER, AND DENIED BY A TWO JUDGE PANEL DIFFERENT FROM ITS FIRST REVIEW, BUT IDENTICAL IN BOTH INSTANCES TO THAT OF ANOTHER PETITIONER HAVING COMPLETELY DIFFERENT FACTS AND GROUNDS.

1. DOES THE WILLFUL AND SERIAL DENIAL OF ATTEMPTS TO DEMONSTRATE ACTUAL INNOCENCE, BY BOTH COURTS AND COUNSEL, PRESENT AT A MINIMUM, THE DEBATABLE QUALITY NECESSARY TO RECEIVE A COA, IF NOT THE THOROUGH REVIEW TO VACATE, IN THE ABSENCE OF PROOF BEYOND A REASONABLE DOUBT?
2. DOES THE CAVALIER MISHANDLING OF REVIEW, LIKELY BY CLERKS OF THE CIRCUIT COURT, IN ITSELF PRESENT SUCH VIOLATION OF DUE PROCESS AS TO REQUIRE REVIEW FOR ACTUAL INNOCENCE UNDER § 2254?

TABLE OF CONTENTS

QUESTIONS PRESENTED		i
PETITION FOR A WRIT OF CERTIORARI		1
OPINIONS BELOW		1
JURISDICTION		1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED		1
STATEMENT OF THE CASE		2
REASONS FOR GRANTING THE PETITION		3
I. THE DECISION OF THE NINTH CIRCUIT IS FLAWED AND ERRONEOUS		3
II. IMPORTANT ISSUES OF LAW HAVE NOT BEEN DECIDED		5
III. IN COMMON PRACTICE IF NOT IN EXPRESS CONTENT, AEDPA RENDERS §2254 UNCONSTITUTIONAL		9
CONCLUSION		10

INDEX TO APPENDICES

APPENDIX A A1 - A38	ORDER, UNITED STATES DISTRICT COURT, DISTRICT OF ARIZONA, Nº CV-13-1543-SLG, 9/30/18, HON. SHARON L. GLEASON	38pp.
APPENDIX B A39 - A43	MEMORANDUM DECISION, ARIZONA COURT OF APPEALS, Nº 1CA-CR 10-0188, 11/30/10, PRESIDING JUDGE P. HALL, S. H. WEISBERG, P. B. SWANN, JJ.	5pp.
A44 - A47	MINUTE ENTRY ORDER, MARICOPA COUNTY SUPERIOR COURT Nº CR2009-005503, 3/20/12, HON. DAWN BERGIN	4pp.
APPENDIX C A48 - A49	ORDER, UNITED STATES COURT OF APPEALS, NINTH CIRCUIT, Nº 18-16883, 10/26/18, APPELLATE COMMISSIONER SHAW	2pp.
A50	MOTION OF APPOINTED COUNSEL TO BE RELIEVED IS GRANTED ORDER, UNITED STATES COURT OF APPEALS, NINTH CIRCUIT	1p.
A51 cf.	Nº 18-16883, 4/26/19, O'SCANNLAIN, GOULD, CJJ. ORDER, UNITED STATES COURT OF APPEALS, NINTH CIRCUIT Nº 18-16856, 4/26/19, O'SCANNLAIN, GOULD, CJJ. (ALSO SEE APPENDIX D, PETITION FOR REHEARING en banc)	1p.
APPENDIX D A52 - A114	REPLACEMENT OPENING BRIEF, NINTH CIRCUIT, Nº 15-16055, MR. K. HILZENDEGER, AUSPD, 10/21/16 (INCLUDES REQUEST FOR JUDICIAL NOTICE; ORDER)	62pp.
A115 - A120	PETITION FOR REHEARING en banc, NINTH CIRCUIT, Nº 18-16883, 3/18/19, G.L. MINTZ, PRO SE (INCLUDES ORDERS DENYING COA, TROTT, MURGUIA, CJJ. FOR Nº 18-16883 AND Nº 18-16856)	6pp.
APPENDIX E A121 - A124	STATEMENT OF THE FACTS, OPENING BRIEF (DIRECT) Nº 1CA-CR 10-0188, C.M. OHANESIAN, ESQ., 9/13/10	4pp.
APPENDIX F A125 - A128	PETITION FOR ORDER OF PROTECTION, HON. G. HANDLEY, 7/31/07 Nº CC2007-146645 FOR PHYLLIS TUCKER	4pp.
A129	CALL LOG FOR (602) 463-7219 FOR G.L. MINTZ, 2/9/09	1p.
A130	MAP, METRO PHOENIX	1p.
A131 - A132	ARIZONA DEPT. PUBLIC SAFETY / DNA UNIT, 7/27/09 STR SUMMARY SHEET, MINTZ/WHITAKER/TUCKER	2pp.
A133 - A134	SUPPLEMENT REPORT, PEORIA POLICE DEPT.	2pp.
A135 - A137	DET. J. BALSON, BATES 138, 152 DET. J. LOPEZ, BATES 117, 115, 114	3pp.

TABLE OF AUTHORITIES

SUPREME COURT CASES

BRADY v. MARYLAND, 373 US 83 (1963) 7

BUCK v. DAVIS, 580 US ___ (2017) 4

BROWN v. PAYTON, 544 US 133 (2005) 9

HINTON v. ALABAMA, 134 S.Ct. 1081 (2014) 9

IMBLER v. PACHTMAN, 424 US 409 (1976) 10

McQUIGGIN v. PERKINS, 569 US ___ (2013) 4

MILLER-EL v. COCKRELL, 537 US 322 (2003) 4

NINTH CIRCUIT CASES

MURDOCH v. CASTRO, 609 F.3d 983 (9th CIR 2010)(en banc) 9

SESSOMS v. GROUNDS, 776 F.3d 615 (9th CIR 2015) 9

OTHER AUTHORITIES

JUDGING INNOCENCE, 108 COLUM. L. REV. 55, BRANDON GARRETT (2008) 9

UNITED STATES CONSTITUTION

AMENDMENT V 1, 3

AMENDMENT VI 1

AMENDMENT XIV 1

ARTICLE I, §9, cl. 2 9

PETITION FOR A WRIT OF CERTIORARI

GETTUS MINTZ RESPECTFULLY PETITIONS FOR A WRIT OF CERTIORARI TO REVIEW THE ORDERS OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT IN ITS Nº 18-16883, ISSUED FEBRUARY 28, 2019, AND DENIED UPON A PETITION FOR REHEARING *en banc* CONSTRUED AS A MOTION FOR RECONSIDERATION, ENTERED APRIL 26, 2019, BY A DIFFERENT TWO JUDGE PANEL. (TROTT AND MURGUIA, JJ; O'SCANNLAIN AND GOULD, JJ; RESPECTIVELY).

OPINIONS BELOW

THE OPINIONS OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT APPEAR AT APPENDIX C TO THE PETITION AND ARE NOT KNOWN TO BE PUBLISHED. THE ORDER OF THE DISTRICT COURT APPEARS AT APPENDIX A TO THE PETITION AND IS NOT KNOWN TO BE PUBLISHED. THE MEMORANDUM DECISIONS OF THE ARIZONA COURT OF APPEALS ON DIRECT APPEAL, AND OF THE SUPERIOR COURT ON COLLATERAL REVIEW APPEAR AT APPENDIX B TO THE PETITION AND ARE NOT KNOWN TO BE PUBLISHED.

JURISDICTION

THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT DECIDED THIS CASE ON 26 APRIL 2019. THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 USC § 1254.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS

AMENDMENT V

> "NO PERSON SHALL ... BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW." BILL OF RIGHTS, 15 DECEMBER 1791.

AMENDMENT VI

> "[T]HE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY ...; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE." *Id.*

AMENDMENT XIV

> "[N]O STATE SHALL ... DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS." 14 Stat. 358, 28 JULY 1868.

STATUTORY PROVISIONS

28 USC §§ 2072, 2075

FED. R. APP. PROC. 35(b)(1)(A) SUPREME COURT ORDER, 29 APRIL 1994

9th CIR. R. 35-3 AND G.O. 5.4(a)

"a. DUTIES OF CLERK. UPON THE FILING BY A PARTY OF A PETITION FOR REHEARING en banc, THE CLERK SHALL CIRCULATE A COPY TO EACH ACTIVE JUDGE AND TO THOSE SENIOR JUDGES WHO HAVE REQUESTED COPIES." 9th CIR. G.O. 5.4(a). (emph. added)

STATEMENT OF THE CASE

A SOMEWHAT MORE COMPREHENSIVE STATEMENT OF THE FACTUAL BASIS OF THE CASE IS INCLUDED AT APPENDIX E FROM THAT FOUND IN THE APPELLANT'S OPENING BRIEF IN THE ANDERS PRESENTATION ON DIRECT APPEAL, PROVIDING A USEFUL DIRECTORY TO CITATIONS IN THE TRANSCRIPT RECORD OF THE CASE AT TRIAL. IT MAY BE READ IN AUGMENTATION TO THE THUMBNAIL INTRODUCTION USED IN THE QUESTIONS PRESENTED, *supra* HEREIN.

ADDITIONALLY, TRIAL EXHIBITS TO BETTER UNDERSTAND THE EVIDENCE PRESENTED IS FOUND AT APPENDIX F, INCLUDING, AMONG ITS ENTRIES: THE ARIZONA DEPARTMENT OF PUBLIC SAFETY CRIME LABORATORY / DNA UNIT STR SUMMARY SHEET, SHOWING THE BLOOD PROTOCOL ALLELE COMPONENTS FOR THE PETITIONER, PHYLLIS TUCKER, AND ARLENE WHITAKER AS ITS CONTROLS, AGAINST WHICH SAMPLES FROM VARIOUS ITEMIZED SAMPLE SURFACES MAY BE COMPARED. THE DISCUSSION IN THE NEXT SECTION WILL CLEARLY DEMONSTRATE (a) THAT NO PRESENCE OF THE PETITIONER WAS FOUND ON ANY CRIME SCENE SAMPLE SURFACE; AND (b) THAT DET. DAVID HICKMAN'S TESTIMONY WAS CONTRARY TO THAT FINDING, AND THEREFORE NEGLIGENT, INCOMPETENT, OR PERJURIOUS. OTHER SUCH ENTRIES ARE A MAP OF THE RELEVANT AREA, DEMONSTRATING THAT BETWEEN THE TIME-STAMPS TO-THE-SECOND ACCURACY, FIX THE PRECISE TIMES OF CALLS MADE AND RECEIVED AS ABSOLUTE METRICS, AND THE DISTANCES AND TRAVEL TIMES INVOLVED, MAKING THE PRESENCE OF THE PETITIONER AS ALLEGED BY THE VICTIM'S MOTHER DIFFICULT, IF NOT IMPOSSIBLE TO SQUARE WITH THE EVIDENCE.

FINALLY, THE ARGUMENTS TO THE NINTH CIRCUIT FRAME THE PROCEDURAL AND LEGAL ARGUMENTS TO AFFORD THE COURT THE OPPORTUNITY TO BETTER UNDERSTAND THE LEGAL ENVIRONMENT OF PROCEDURAL MINEFIELDS THAT HAD TO BE NAVIGATED JUST TO ATTEMPT AN EFFECTIVE ATTEMPT AT RELIEF THROUGH AN EVIDENTIARY SHOWING OF ACTUAL INNOCENCE, YET TO OCCUR.

THE FOLLOWING PRESENTATION HOPEFULLY PERMITS THIS COURT TO ALLOW THAT SINGULAR INSTANCE TO SHOW THE RESTRAINING ORDER AND REFERENCE TO THE INTERFAMILIAL DYNAMICS THAT OBVIATE THE UNCORROBORATED, YET UNREBUTTED FANCIFUL TESTIMONY OF ARLENE WHITAKER, WHEN THE ONLY BLOOD EVIDENCE POINTS TO A VIOLENT STRUGGLE OF SAPPHIC TRAGEDY, ENDING IN THE DEATH OF THE CONFLICTED DAUGHTER.

REASONS FOR GRANTING THE PETITION

I. THE DECISION OF THE NINTH CIRCUIT IS FLAWED AND ERRONEOUS

A. CONSTITUTIONAL VIOLATION - DUE PROCESS; STATUTORY VIOLATION - FRAP 35(b)(1)(A)

WE BEGIN OUR PRESENTATION WITH THE LAST OF THE PROCEDURAL DOMINOES TO FALL - THAT OF THE IMPROPERLY REVIEWED, BUT CORRECTLY FILED PETITION FOR REHEARING en banc OF THE NINTH CIRCUIT'S DENIAL OF HIS APPLICATION FOR A CERTIFICATE OF APPEALABILITY, UNDER FRAP 35(b)(1)(A) AND 9th CIR. R. 35-3 AND 9th CIR. G.O. 5.4(a), WHICH, AS NOTED ABOVE, REQUIRED A SPECIFIC PROTOCOL UPON FILING FOR THE CLERK TO DISTRIBUTE COPIES TO ALL ACTIVE, AND TO THOSE SENIOR JUDGES WHO REQUEST THEM UPON SUCH NOTICE.

NOT ONLY WAS THAT SIMPLE MEASURE NOT OBSERVED, BUT MUCH MORE EGREGIOUSLY IN THIS CASE, THE PETITION WAS DIRECTED TO A TWO JUDGE PANEL OTHER THAN THAT WHICH HAD RENDERED THE ORIGINAL DENIAL, BUT WHICH SECOND PANEL THEN "CONSTRUED" THE FULLY PROPERLY FILED PETITION, WITH ALL REQUIRED R.35 STATEMENT AND VERIFICATION, AS "A MOTION FOR RECONSIDERATION", A FORMAT VIRTUALLY GUARANTEED TO BE AGAIN DENIED.

NOT EXPLAINED BY THE SECOND PANEL IN ITS BOILERPLATE DENIAL, WAS HOW ANY SUCH "RECONSIDERATION" COULD BE ACCOMPLISHED BY THEM, WHEN THEY HAD NOT CONSIDERED IT IN FIRST INSTANCE. BUT, IN THE SAME MANNER AS THE DOMINOES REFERENCED IN OUTSET, THE LAST IS THE ONLY ONE TO FALL WITH A THUD FLAT ON ITS FACE, WHILE THOSE BEFORE IT JUST FALL UPON EACH OTHER WITH A RHYTHMIC CLACKING, ABSENT THE CLOUD OF DUST.

HERE, IT HAD BEEN SHOWN THAT THE ORIGINAL DENIAL WAS BUT AN EXACT COPY OF ANOTHER ISSUED TO A DISTINCT APPLICANT, WITH ONLY THE NAME AND DOCKET NUMBER CHANGED. THE ENCORE WAS THAT UPON "RECONSIDERATION" THE CONSTRUAL REMAINED ALSO, UNBELIEVABLY, IDENTICAL : IT TOO, IS AN EXACT COPY OF THAT OF THE SAME OTHER APPLICANT, OF SUCH PRECISION, THAT THEY TOGETHER MAY BE HELD TO THE LIGHT WITH NARY A VARIANCE BETWEEN.

IT IS THEREFORE OFFERED, AS PROOF UPON ITS FACE, THAT THE "RECONSIDERATION" DID NOT IN FACT, OCCUR AT ALL, FOR WHAT PANEL WOULD BE SO JUDICIALLY ABSENT AS TO ONCE AGAIN COMMIT THE SAME IMPERMISSIBLE ERROR OF JUDGMENT, TO PROVIDE EVIDENCE OF NONFEASANCE?

MORE LIKELY, THEN, IT MORE PROBABLY IS THE RESULT OF DISDAINFUL SLOTH OF CLERKS TO WHOM POWERS BEYOND THEIR LAWFUL AUTHORITY HAS BEEN DELEGATED, OR EVEN USURPED, WORKING UNDER ONLY THE UPPER CASE NOTATION OF THE CIRCUIT JUDGES' SURNAMES.

IF THIS COURT CANNOT OR WILL NOT ACT UPON THIS ADVICE, HERE FORMALLY PRESENTED UNDER 18 USC §4, AND 28 USC §526, THEN A FORMAL REFERRAL THROUGH THE PROPER CHANNELS TO THE ATTORNEY GENERAL WILL BE THE ONLY MEANS OF PURSUING REVIEW AND RELIEF. SEE, APPENDIX E, PETITION FOR REHEARING en banc; ORDERS OF 4/26/19, WITH THAT IN No. 18-16856. (ISLAS v. RYAN)

B. JURISDICTIONAL FAILURE TO AFFORD REVIEW PROVIDED BY §2253(c)(2)

IN ANY EVENT, THE ORIGINAL DENIAL OF A COA BY THE NINTH CIRCUIT, AS HAD ALSO BEEN BY THE DISTRICT COURT, WAS PERFUNCTORY AND CONCLUSORY, UPON AN ASSESSMENT NOT OF WHETHER THE APPLICATION HAD PRESENTED A DEBATABLE CLAIM, AS THIS COURT HAS EXPRESSLY REQUIRED, BUT RATHER, UPON ITS INSTANTANEOUS EXTRAPOLATION TO THE ULTIMATE RESULT, AND THEN REASONING BACKWARD TO DETERMINE THE ABSENCE OF DEBATABILITY THEREFROM.

> "WHEN A COURT OF APPEALS SIDESTEPS [THE COA] PROCESS BY FIRST DECIDING THE MERITS OF AN APPEAL, AND THEN JUSTIFYING ITS DENIAL OF A COA BASED ON ITS ADJUDICATION OF THE ACTUAL MERITS, IT IS IN ESSENCE DECIDING AN APPEAL WITHOUT JURISDICTION." BUCK V. DAVIS, 580 US__, SLIP OP AT 15 (2017), CITING MILLER-EL V. COCKRELL, 537 US 322, 336 (2003).

AS SUCH, MORE SIMPLY STATED, IT IS AN ANALOGUE OF THE OLD FAIRY TALE OF THE BETROTHED YOUNG LADY WHO CALLS OFF HER ANTICIPATED WEDDING UPON WAKING FROM A DREAM OF HER FIRST BORN, BEFALLEN FROM INJURY, SADLY EXPIRES - HER REACTION INTENDED TO STAVE OFF THIS EMOTIONAL LOSS, BUT IN FACT, DENIES HER IMAGINARY CHILD ITS VERY EXISTENCE.

HERE, THE ANALOGY IS PARTICULARLY PITHY, IN THAT THE LAST 38 PAGE ORDER ENTERED BY THE DISTRICT COURT TAKES EACH OF THE §2254 CLAIMS TO THEIR FIVE YARD LINES, ONLY TO SEARCH FOR, AND FIND, A WAY TO CAUSE A TURNOVER, THE VERY ESSENCE OF THE MEANING OF DEBATABILITY. SEE, APPENDIX A, ORDER, Nº CV-13-1545-SLG, p. 20-37; 38.

OF ADDITIONAL INTEREST IS THAT THE SAME COURT HAD GRANTED A COA UPON ITS FIRST REVIEW OF THE PRO SE PRESENTATION BY THE PETITIONER, BUT AFTER REMAND BY THE NINTH CIRCUIT, FOLLOWING A THOROUGH PROCEDURAL DISSERTATION BY APPOINTED CJA PANEL COUNSEL, AFTER HIS OWN 56 PAGE OPENING BRIEF, LATER REQUESTS HIS WITHDRAWAL FROM REPRESENTATION, CURIOUSLY AFTER HAVING RECEIVED THE REMAND RESULTING IN THE OUTSIZED ORDER. SEE, APPENDIX C, ORDER, Nº 18-16883, 10/26/18, GRANTING WITHDRAWAL.

C. FAILURE TO AFFORD REVIEW TO DEMONSTRATE MISCARRIAGE OF JUSTICE UNDER §2244(b)(2)(B)

A THOROUGH READ OF THE BRIEF AND ORDER ADDRESSED ABOVE, TOME-LIKE AND PEDANTIC IN THEIR EXPOSITION OF THE PROCEDURAL BARRIERS PRESENT IN THESE SUPER-AEDPA DAYS, OVERLOOK, DESPITE THEIR APPARENT EXHAUSTIVE PRONOUNCEMENTS, THE YET AVAILABLE MANDATE TO DEMONSTRATE ACTUAL INNOCENCE ON FACTUAL TERMS, WHETHER IF TAKEN AS A SECOND PETITION UNDER §2244(b)(1)(B), OR ALLEGED UNTIMELY UNDER §2244(d)(1)(D).

THE RELIEF FROM EITHER OF THESE VEXATIONS HAS BEEN RECOGNIZED BY THIS COURT IN ITS DECISION IN MCQUIGGIN V. PERKINS, 569 US__, SLIP OP. AT 17 (2013), IN WHICH IT NOTED:

> "THE GATEWAY SHOULD OPEN ONLY WHEN A PETITION PRESENTS 'EVIDENCE OF INNOCENCE SO STRONG THAT A COURT CANNOT HAVE CONFIDENCE IN THE OUTCOME OF THE TRIAL UNLESS THE COURT IS ALSO SATISFIED THAT THE TRIAL WAS FREE OF NON HARMLESS CONSTITUTIONAL ERROR."

WE PROCEED TO MEET THAT BURDEN IF BUT ONLY ALLOWED TO FINALLY DO SO.

II. IMPORTANT ISSUES OF LAW HAVE NOT BEEN DECIDED

A. THIS PETITIONER IS ACTUALLY INNOCENT

THE PETITIONER HEREBY RESPECTFULLY PRODUCES THE EVIDENCE FROM THE RECORD IN ITS MOST CONDENSED FORM, THAT IT MAY EFFICIENTLY DESCRIBE THE MATTERS INVOLVED, THAT HAVE HERETOFORE ESCAPED MEANINGFUL CONSIDERATION. WHILE EFFICENCY IS HERE REGARDED WITH RESPECT EQUAL TO COMPREHENSIVENESS, UPON A GRANT OF CERTIORARI, FULL TRANSCRIPT SUPPORT IS AVAILABLE FOR ANY QUESTION WHICH MAY ARISE.

AS A CONVENIENT DIRECTORY, THE STATEMENT OF THE FACTS, FROM THE OPENING BRIEF IN THE DIRECT APPEAL, ITS p. 7-10, ARE USED, FOR TWO REASONS: (1) IT IS PRESENTED "IN THE LIGHT MOST FAVORABLE TO THE JURY'S VERDICT"; AND (2) ITS CONTINUOUS MISSTATEMENT OF DATES OCCURING IN 2009 AS THOUGH FROM 2010 WHEN IT WAS WRITTEN, GIVES A REPRESENTATIVE VIEW INTO THE DEGREE OF CARE AND PRECISION FOUND AMONG THE APPOINTED CRIMINAL BAR OF THE STATE. SEE, APPENDIX E, p. 7-10, 9/13/10.

IT IS FOLLOWED BY A A PETITION FOR AN ORDER OF PROTECTION FILED BY PHYLLIS TUCKER IN WHICH HER DAUGHTER, CRYSTAL POWELL, AND MOTHER, ARLENE WHITAKER ARE REFERENCED, AND FILED 7/31/07, ABOUT A YEAR AND A HALF BEFORE HER DEATH, IN WHICH SHE SPECIFICALLY STATES HER FEAR OF DEATH BY A KNIFE ATTACK. SEE, APPENDIX F, ORDER OF PROTECTION, MAN ISTEE JUSTICE COURT, N° CC 2007-1466 45, 7/31/07. 4pp.

THE NEXT ITEM IS AN EXTRACT OF THE TELEPHONE LOG FROM HIS MOTHER'S PHONE FOR 9 FEBRUARY 2009, SHOWING HIS CALL TO PHYLLIS TUCKER THAT DATE AT "23:00:33". SEE, TELEPHONE EXTRACT, (602) 463-7219. 1p. APPENDIX F.

A MAP OF THE GREATER PHOENIX METROPOLITAN AREA IS INCLUDED, WITH LOCATIONS PERTINENT HIGHLIGHTED, SHOWING THE DISTANCES INVOLVED. SEE, PHOENIX METRO MAP, 1p. APPENDIX F.

EXCERPTS FROM THE REPORTS OF DETECTIVES LOPEZ + BALSON, ON THEIR CALL TO THE SCENE AND ITS SUBSEQUANT RELEVANT EVENTS, BEGINNING 2/10/09 AT 0054, FOR INCIDENT AND ACTIVITIES AT 8154 W. YUCCA/ 11304 N. 82nd AVE, THE SCENE, AND NEIGHBOR HOME, RESPECTIVELY; AS WELL AS 8843 W. HESS, TOLLESON, THE HOME OF PETITIONER'S MOTHER. APPENDIX F

FINALLY, THE DEPARTMENT OF PUBLIC SAFETY CRIME LAB/DNA UNIT, SHOWING THE EXTENDED ALLELE STRUCTURE OF VARIOUS ITEMS OF CLOTHING SAMPLED OF THE PETITIONER, SHOWING HIS DNA; AND CRIME SCENE KNIFE SAMPLES, SHOWING ONLY THE BLOOD OF PHYLLIS TUCKER AND ARLENE WHITAKER, BUT NOT FROM THE PETITIONER. SEE, DPS/DNA REPORT, APPENDIX F, 2pp. 7/27/09.

TO BEGIN, IT READILY BECOMES APPARENT THAT, AS STEPHANIE LOW, THE PROSECUTER SAID, THE ROLE OF DNA IS HERE MINIMIZED, ALTHOUGH THERE IS A PROFUSION OF BLOOD FROM THE PRESENCE OF A KNIFE OR KNIVES, FROM THE KITCHEN BUTCHER BLOCK SET. THAT IS LIKELY BECAUSE THE ONLY BLOOD TO BE FOUND IS THAT OF THE MOTHER, ARLENE, AND OF HER DAUGHTER, PHYLLIS; AND OF COURSE, THE CONVENIENT TESTIMONY ONLY OF ARLENE, THE SURVIVOR.. DNA REPORT, ITEM 19B KNIFE BLADE; ITEM 4, 17 KNIFE HANDLE PIECES.

A NOTABLE INCONSISTENCY, HOWEVER, IS THE STATEMENT OF THE NEIGHBOR THAT "A WOMAN WAS SCREAMING THAT SHE HAD BEEN STABBED" (p. 7, n. 40); (p. 9, n 54) COMPARED WITH ARLENE'S VERSION THAT THE SCREAM SAID "MOM, GEITUS IS TRYING TO KILL ME." (p. 10, n 62). APPENDIX E.

ADDITIONALLY, IT SHOULD BE NOTED THAT THE STATEMENT OF THE FACTS WITHIN THE OPENING BRIEF, AT ITS p. 8, FOCUSES ON THE FACT THAT WHILE STABBED ON 9 FEBRUARY 2009 AT 11:52 pm, PHYLLIS WAS ALMOST IMMEDIATELY THEREAFTER TRANSPORTED TO NEARBY JOHN C. LINCOLN MEMORIAL HOSPITAL BY AMBULANCE ARRIVING IN ABOUT TWO MINUTES, WAS CARED FOR BY ITS SPECIALIST TRAUMA STAFF, AND SURVIVED 6 DAYS, UNTIL 15 FEBRUARY 2009 AT 7:05 am, WHEN SHE SUCCUMBED FROM

> "[S]PECIFICALLY A STROKE CAUSED BY A BLOOD CLOT"
> OPENING BRIEF, APPENDIX E, STATEMENT p. 8, 9/13/10
> CONSUELO M. OHANESIAN, ESQ. CITING RT 1/28/10 AT 60 (L. 53)

THIS SIMPLY MEANS THAT WHOEVER MAY HAVE STABBED PHYLLIS, THEIR ACT CONSTITUTED AN AGGRAVATED ASSAULT, WHICH ONLY BECAME FATAL BY FAILING TO MONITOR AND CONTROL CLOTTING RATES WITH A BLOOD CONTROL MEDICATION SUCH A CUMEDIN, MAKING THE HOSPITAL AT LEAST PARTIALLY RESPONSIBLE DUE TO CONTRIBUTORY NEGLIGENCE. WHILE THE INDICTMENT ONLY ALLEGED THE OFFENSE UNDER THE WHOLE STATUTE NUMBER, ARS §13-1104, RATHER THAN WHAT IS SUGGESTED BY THE EVIDENCE, §13-1104(A)(3) SPEAKING TO EXTREME INDIFFERENCE BY RECKLESSLY ENGAGING IN CONDUCT CREATING GREAT RISK, WHICH WOULD REQUIRE AN EFFECTING CAUSE, BUT FOR, WAS LESS THAN ATTENTIVE CARE, THAT LOVELY WOMAN MIGHT STILL BE WITH US.

THE FORESHADOWING TO THE EVENTS OF 9 FEBRUARY 2009 APPEARED JUST OVER A YEAR AND A HALF EARLIER IN AN APPLICATION FOR AN ORDER OF PROTECTION, GRANTED BY THE MANISTEE JUSTICE COURT IN NEARBY SURPRISE, ARIZONA IN ITS N°CC 2007-146645. SEE, APPENDIX F, ORDER, 7/31/07. IN IT, IN HER OWN TERRIFIED WORDS, PHYLLIS LIFTS THE VEIL ON THE DARKER SIDE OF HER FAMILY'S TROUBLES, RECOUNTING TO THE COURT THE TORMENT IMPOSED BY HER DAUGHTER CRYSTAL POWELL, WITH HER DESTRUCTION OF PROPERTY, AND ESCALATING THREATS OF DEATH, EVEN TO THE EXTENT OF PULLING A KNIFE ON HER ON A NUMBER OF OCCASIONS. SHE STOPPED SHORT, HOWEVER, OF REVEALING THE ROOT OF THE ELECTRA COMPLEXITIES WHICH FLOWED FROM ARLENE, INFUSING THEM ALL, SOMETIMES TO MORBID EXTREME, WHICH THE PETITIONER WITNESSED, AND WHOSE PRESENCE DISRUPTED.

ON THE FATEFUL NIGHT, THE PETITIONER, AS NOTED ABOVE, HAD BEEN AT HIS MOTHER'S HOUSE IN TOLLESON, ARIZONA, ALONG WITH OTHER MEMBERS OF THE FAMILY. AS HE HAD BEEN DRINKING, HE THOUGHT IT BETTER TO JUST CALL PHYLLIS. HE PLACED A CALL TO PHYLLIS' CELL PHONE AT EXACTLY "11:00:33" AS APPEARS ON THE TIME STAMP. APPENDIX F, TIME LOG 2/9/09. AFTER ABOUT 5 MINUTES, HE WAS INTERRUPTED BY ANOTHER NEEDING TO USE THE PHONE, SO HE CALLED BACK, THE SECOND CALL ENDING ABOUT ANOTHER FIVE MINUTES LATER, WHICH WOULD HAVE ENDED AT ABOUT 11:12 WITH THE TIME BETWEEN CALLS ACCOUNTED.

THE 911 CALL FROM PHYLLIS' HOUSE, TERMINATED APPARENTLY WHEN ITS CORD WAS PULLED FROM THE WALL, WAS PLACED, AND ENDED, AT 11:52 pm. IT WAS FURTHER CORROBORATED BY ANOTHER 911 PLACED BY THE NEIGHBOR ACROSS THE STREET, UPON HEARING HER SCREAM, "HELP, I'VE BEEN STABBED," A MINUTE LATER AT 11:53 pm, AFTER SHE HAD DRAGGED HERSELF THE DISTANCE FROM HER OWN HOUSE.

WHICH IS TO SAY THAT THE OFFENSE WAS COMPLETED BY 11:52 pm, INCLUDING HER SCREAM, AND ALLOWING HER TO THEN STRUGGLE ACROSS THE STREET, AND FOR THE NEIGHBOR REACT AND PLACE THE CALL. ANY STRUGGLE TO FIRST IN FLAME, AND THEN MANIFEST ITSELF THROUGHOUT MUCH OF THE HOUSE, WITH DEBRIS AND BLOOD IN ITS WAKE AS FOUND, WOULD HAVE TAKEN A GOOD TEN MINUTES TO ERUPT AND COMBUST.

THE FILTER FOR THE PROBABILITY THAT THE PETITIONER MIGHT HAVE BEEN PRESENT AT THE CRIME SCENE THEN, DEVOLVES INTO A SIMPLE MATH PROBLEM, AIDED BY TWO OTHER ITEMS FOUND IN APPENDIX F: (1) A MAP OF METRO PHOENIX TO ORIENT AND INFORM THE READER OF ORIENTATION AND DISTANCES BETWEEN THE TWO DEFINED POINTS MARKED BY A RED STAR – THAT IN TOLLESON IN THE LOWER LEFT QUADRANT IS 8845 W. HESS, THE HOME OF THE PETITIONER'S MOTHER; THE OTHER, CENTERED AT MID-PAGE, ABOUT A THIRD OF THE MAP TO THE RIGHT OF ITS LEFT MARGIN IS 8154 W. YUCCA/11304 N. 82ND AVENUE, THE HOME OF PHYLLIS, AND THAT DIAGONALLY ACROSS THE STREET WHERE SHE FLED, AND WAS FOUND BY AMBULANCE. (2) THE FIRST PAGE OF THE REPORT BY DET. J. LOPEZ, NOTING HIS ARRIVAL OBSERVATIONS OF CONDITIONS AT THE CRIME SCENE: 40 DEGREES, WIND SW 11.4 mph, SKY OVERCAST, GROUND VERY DAMP FROM HEAVY RAINS THROUGHOUT THE DAY. APPENDIX F, (1) MAP, SCALE $\frac{1}{4}$"=1mi, PRINCIPAL STREET DISTANCES, (2) REPORT, BATES 000114.

THE MAP SHOWS THE SHORTEST ROUTE FROM THE TOLLESON POINT WOULD BE TO HEAD SOUTH $\frac{1}{4}$ mi TO LOWER BUCKEYE RD., THERE TURNING EAST (LEFT) FOR $\frac{3}{4}$ MI TO 83RD AVENUE, THEN NORTH (LEFT), CROSSING PEORIA AVENUE, ABOUT $\frac{3}{4}$ MI BEYOND TO YUCCA ST, THERE TURNING RIGHT TO 8154, FACING 82ND AVE. THIS GIVES NEARLY AN EXACT 13 MILE TRIP, TRAVERSING 14 INTERSECTIONS, 12 OF WHICH ARE TIMED, THREE MINUTES OF MOVEMENT TO ONE MINUTE OF BEING STOPPED, CO-ORDINATED TO ALLOW 2-3 MILE MOVEMENTS AT THE POSTED 30 mph. THIS WOULD TYPICALLY BE COMPLETED IN 28-29 MINUTES, BUT ON VERY SLIPPERY, OFTEN SPORADICALLY FLOODED SURFACES; APPROACHING CONGEALMENT AT 40° WITH AN 11mph WIND CHILL, THE TIME MAY WELL INCREASE 10-20% TO 30-34 MINUTES. AS THE INTERVAL FROM 11:12pm TO 11:52pm IS 40 MINUTES, LESS 8-10 FOR PREPARATION LEADING TO COMMISSION, MAKES THE AVAILABLE REMAINING 30-32 MINUTES DIFFICULT, IF NOT IMPOSSIBLE TO ACCOMODATE AFTER THE CIRCUMSTANCES OF THE TRANSIT.

WE NEXT TURN TO THE DNA ANALYSIS REPORT, PUBLISHED 7/27/09. IT IS A 2 PAGE SET OF ALLELE STRUCTURE TAKEN ACROSS 14 IDENTIFIERS, FOR THE THREE PRINCIPAL INDIVIDUALS FROM WHOM SAMPLES WERE TAKEN TO ESTABLISH TEST CONTROLS, AND COMPARED TO 3 CRIME SCENE EXTRACTIONS FROM SURFACES OF: (1) 19 B.24 – A BROKEN KNIFE BLADE; (2) 4 – A BROKEN KNIFE HANDLE; AND (3) 17 · ANOTHER BROKEN KNIFE HANDLE. ALSO TESTED WERE A NUMBER OF CLOTHING ITEMS, AND FROM THE STEERING WHEEL OF HIS CAR. WHILE HIS CLOTHING AND STEERING WHEEL PROVIDED DNA WHICH MATCHED THAT OF THE CONTROL BUCCAL SWAB TAKEN FROM THE PETITIONER, NOT TOO SURPRISINGLY SHOWED A DIRECT MATCH, THE CRIME SCENE ITEMS SHOWED NO PRESENCE OF THE MARKERS ASSOCIATED WITH THE PETITIONER'S SWAB DNA.

AT TRIAL, DET. HICKMAN INTRODUCED EVIDENCE OF SURFACES WHICH HAD BEEN SPRAYED WITH THE CHEMICAL REAGENT "BLUESTAR", WHICH TURNS BLUE UPON CONTACT WITH PROTEIN BASED ORGANIC COMPOUNDS ON THOSE AREAS WHERE THEY OTHERWISE NOT BE SEEN IN LIGHT. WHILE NONE OF ANY CRIME RELATED SURFACES THAT "FLASHED" PROVED TO BE DNA, AND NOT OF THE PETITIONER, THE DETECTIVE SPOKE TO IMPLY THAT THEY WERE — BEING FOUND ON THE CONSOLE AND FLOOR CARPET OF THE PETITIONER'S CAR. HIS REFERENCES WERE NOT IN ANY WAY CHALLENGED OR CORRECTED BY STEPHANIE LOW, THE PROSECUTOR, AND HAVING RECEIVED THE OFFICIAL DPS DNA REPORT IN JULY 2009, KNOW OR SHOULD HAVE KNOWN THAT SUCH INFORMATION WAS NEGATIVE, AND HAD BEEN REQUIRED TO HAVE BEEN PRESENTED AS DISCOVERY UPON ITS RECEIPT IN JULY 2009, OR BE IN VIOLATION OF OBLIGATIONS UNDER BRADY V. MARYLAND, 373 US 83, 87 (1963), IF NOT IN VIOLATION OF 18 USC § 1622 FOR SUBORNATION OF PERJURY.

ONE LAST SOURCE SEEMS APPROPRIATE WITH WHICH TO CONCLUDE THE ARGUMENT FOR ACTUAL INNOCENCE — THE EXCERPTS FROM THE REPORTS OF TWO OF THE ASSIGNED DETECTIVES. THE FIRST TWO EXCERPTS ARE PAGES WITH BATES NUMBERS 000138, AND 000152. BATES 138 SPEAKS TO THE CONDITION IN WHICH PHYLLIS' ROOM WAS WITH BLOOD ON THE FLOOR, LINENS, AND TELEVISION, WITH THE PHONE BLOODIED AND APPEARING TO HAVE BEEN PULLED OUT OF THE WALL WITH FORCE. BATES 152 IS FROM AN INTERVIEW WITH ARLENE, CONFIRMING THAT THE PETITIONER HAD BEEN INTRODUCED TO PHYLLIS BY HER DAUGHTER NICHOLE, AND ACKNOWLEDGING THAT SHE AND PHYLLIS ARGUED WITH EACH OTHER TWO OR THREE TIMES PER WEEK, ALBEIT WITHOUT REFERENCE TO THEIR FEROCITY.

THE NOTES FROM DET. J. LOPEZ ARE PERHAPS MORE INSIGHTFUL, WHILE ALSO BEING PAINFULLY DISPOSITIVE. AT BATES 000117, DET. LOPEZ BEGINS WITH A DESCRIPTION OF HIS WALK-THROUGH, BEGINNING IN ARLENE WHITAKER'S BEDROOM. THERE HE FOUND BLOOD STAINS ON THE CARPETED FLOOR, AND THE FIRST HALF OF THE BLACK PLASTIC HANDLE THAT HAD APPARENTLY BROKEN DURING THE STRUGGLE; THE OTHER HALF WAS EVENTUALLY FOUND AS WELL. ON ARLENE'S DRESSER, HE FOUND THE BLOODY KNIFE BLADE WITHOUT ITS HANDLE HALF COVERS, AMID A CONTACT BLOOD SWIPE, AND DROPPED BLOOD ON THE TOP SIDE OF THE DRESSER. THE SWIPE APPARENTLY WAS AN ATTEMPT TO CLEAR THE BLADE OF ITS BLOODIED COATING.

IN HIS BATES 000115, DET. LOPEZ DESCRIBES THE NEIGHBOR'S HOME ACROSS THE STREET AT 11304 N. 82ND AVENUE WHERE PHYLLIS TUCKER WAS TREATED PRIOR TO HER TRANSPORT TO JOHN C. LINCOLN HOSPITAL. HE ALSO DESCRIBES ARLENE WHITAKER, PHYLLIS' MOTHER, SEATED IN A WHITE PLASTIC LAWN CHAIR IN FRONT OF PHYLLIS' HOUSE, WITH FIRST AID PACKAGING AND BLOOD ON THE CEMENT WHERE ARLENE WAS SELF-ATTENDING TO HER CUTS. YET SHOCKINGLY, ARLENE DID NOT TRAVERSE THE STREET TO BE BY HER DAUGHTER'S SIDE, TO GIVE COMFORT, OR AT LEAST TO INQUIRE OF HER CONDITION. IT IS AN UNCOMMON STRETCH TO CONCEIVE OF ANY MOTHER WHO WOULD NOT RUSH THE SHORT DISTANCE TO COMFORT HER CHILD. THAT IS, UNLESS SHE FEARED THAT PHYLLIS MIGHT UTTER AN INCULPATORY PHRASE OR GESTURE, OR FEARED THE REPERCUSSIONS OF HER OWN GUILTY CONSCIENCE.

SO POWERFUL IS THIS SIGNAL OBSERVATION, THAT IT ALONE MAY CARRY MORE WEIGHT THAN TIME AND DISTANCE CONSIDERATIONS, OR OF THE MYSTICAL POWERS OF DEOXYRIBONUCLEIC ACID. APPENDIX F, REPORT, DET. JEFFREY BALSON, BATES 138, 152; REPORT, DET. J. LOPEZ, REPORT, BATES 117, 115.

III. IN COMMON PRACTICE IF NOT IN EXPRESS CONTENT, AEDPA RENDERS §2254 UNCONSTITUTIONAL

THE PETITIONER RESPECTFULLY OFFERS THE ABOVE CONJECTURE AS AN ISSUE REASONABLY CONTAINED WITHIN THE SCOPE OF THE TWO QUESTIONS HERE PRESENTED. HE SPEAKS TO THESE ISSUES FROM THE ACTUAL EXPERIENCE OF THE PERSISTENT DENIAL OF WHAT SHOULD BE A DIRECT OUTGROWTH OF THE MANDATE TO KEEP PERPETUAL THE PRIVILEGE OF HABEAS CORPUS, PRESERVED AT Art. I, §9, cl. 2.

BECAUSE THE CLAUSE REFERS TO "NOT SUSPENDING", RATHER THAN ANY MORE FORMAL OR PERMANENT FORM OF DENIAL OF ACCESS TO SUCH RELIEF, IT SEEMS APPROPRIATE TO FRAME THE ARGUMENT IN TERMS OF ITS ACTUAL MANNER OF USAGE, RATHER THAN CONSTRAINT TO JUST ITS EXPRESS PROVISIONS.

INDEED, AS IS DEMONSTRATED HERE, WE PRESENT ALL TOO COMMON CIRCUMSTANCES OF SUCH INDIFFERENCE, QUITE PROBABLY BY CLERKS INVESTED WITH POWERS INTENDED TO BE RESERVED TO ARTICLE III JUDGES. BUT AS IS ALL TOO CLEAR, IN PRACTICE, TWO DISTINCT AND READILY DISTINGUISHABLE PETITIONERS, WITH WILDLY DISPARATE ISSUES, RECEIVED AN IDENTICAL BOILERPLATE DENIAL FOR A COA, WHEN BOTH HAD AMPLY DEMONSTRATED THE REQUISITE DEBATABILITY OF THEIR VERY DIFFERENT CLAIMS.

THAT ON PETITION FOR REHEARING en banc, THEY EACH RECEIVED AGAIN IDENTICAL ORDERS FROM A DIFFERENT TWO JUDGE PANEL, IN BOTH CASES "CONSTRUED AS MOTION FOR RECONSIDERATION", NOTWITHSTANDING THAT THE PETITIONS HAD BEEN PROPERLY FILED TO BE DOCKETED AND DISTRIBUTED BY THE CIRCUIT DEPUTY CLERKS. YET, UNBELIEVABLY, AGAIN, IDENTICAL COOKIE-CUTTER ORDERS ISSUED, VARIED ONLY BY NAME AND NUMBER.

OBVIOUSLY, NO THOUGHT AT ALL WENT INTO THE DISPOSITIONS, LIKELY NOT EVEN READ, AND ALMOST CERTAINLY NOT BY CIRCUIT JUDGES O'SCANNLAIN AND GOULD, FOR IT WOULD BE UNTHINKABLE THAT ANY SUCH JUDGE COULD DO SO.

PRIOR TO AEDPA TAKING EFFECT IN 1996, THE FEDERAL COURTS ACTUALLY PROVIDED THEIR INTENDED FINAL LINE OF DEFENSE FOR THOSE, AS HERE, HAD ENTERED A MISCARRIAGE OF JUSTICE IN DISPOSITION.

IRONICALLY, A NUMBER OF THOSE BYGONE EXEMPLARS SAVED FROM ETERNAL DISASTER INVOLVED DNA EVIDENCE BROUGHT TO LIGHT THROUGH THE VEHICLE OF §2254. HERE, THE DNA MEANS TO DEMONSTRATE ACTUAL INNOCENCE HAS EXISTED FROM THE OUTSET, BUT THROUGH THE COMBINED EFFECT OF KNOWINGLY PERJURED TESTIMONY, WITH EGREGIOUSLY INEFFECTIVE ASSISTANCE. THESE ARE TERMS OF ART FOR CLERKS AND JUDGES, BUT UNTIL ONE LIVES THE FULL MEANING OF THEIR EXPRESSION, ARE NOT UNDERSTOOD.

THE FEDERAL COURTS HAVE BEEN DECLAWED AND EMASCULATED IN THE PRESENCE OF THE AEDPA DRUG, THAT DEMANDS DEFERENCE AND COMITY TO COURTS, AS IN THIS STATE, THAT DO NOT DESERVE THE NAME. CONSIDER, FOR EXAMPLE, MUEDOCH v. CASTRO, 609 F.3d 983 (9th CIR 2010)(en banc), ANOTHER BLOWN OPPORTUNITY, THAT WHILE en banc REVIEW WAS GRANTED, NOTHING ELSE OF CONSEQUENCE WAS.

THIS COURT HAS ALSO DECLINED TO HEAR THE APPEALS OF 30 OF 31 PRESENTED, OF THOSE WHO WERE ULTIMATELY EXONERATED BY DNA EVIDENCE, BUT RULED AGAINST THE INDIVIDUAL IT DID ELECT TO HEAR. JUDGING INNOCENCE, 108 COLUM. L. REV. 55, 95 BRANDON GARRETT (2008).

UNFORTUNATELY, SUCH MISCARRIAGES ARE OFTEN THE SAD PRODUCT OF HAVING BEEN PRESENTED UNDER HABEAS, RATHER THAN ON DIRECT APPEAL. SEE, e.g. BROWN v. PAYTON, 544 US 133, 148-49 (2005). SUCH DEFERENCE ALSO SHOWED ITSELF IN SESSOMS v. GROUNDS, 776 F.3d 615, 651 (9th CIR 2015) OR PERHAPS, ITS MIRROR-IMAGE MIGHT BE INVOKED AS IN HINTON v. ALABAMA, _US_, 134 S.Ct. 1081, 1085 (2014), IN WHICH THE DISPOSITION OF THE STATE APPELLATE COURT ON DIRECT APPEAL WAS VACATED FOR EGREGIOUS IAC.

THEREFORE, UPON THE HOPEFUL GRANT OF CERTIORARI, THE PETITIONER RESPECTFULLY REQUESTS THE OPPORTUNITY TO PRESENT MORE THOROUGH EXPOSITION ON THE NEEDED AMENDMENT TO OR HOLDING OF THE PORTIONS OF AEDPA WHICH EFFECTIVELY RENDER SUSPENDED THOSE CRITICAL COMPONENTS OF HABEAS AS PRESENTLY CODIFIED UNDER §2254, IN PARTICULAR, THOSE SECTIONS OF §2244(b)(1)(B) AND §2244(d)(1)(D) WHICH SERVE TO OBSTRUCT ACCESS TO ACTUAL INNOCENCE RELIEF.

IN THE ALTERNATIVE, PERHAPS, ATTENTION SHOULD BE WIDELY DIRECTED TO THE HOLDING OF THIS COURT IN IMBLER V. PACHTMAN, 424 US 409, 428 (1976):

> "EVEN JUDGES, CLOAKED WITH ABSOLUTE CIVIL IMMUNITY FOR CENTURIES, COULD BE PUNISHED CRIMINALLY FOR WILLFUL DEPRIVATION OF CONSTITUTIONAL RIGHTS."

CONCLUSION

FOR THE FOREGOING REASONS, PETITIONER RESPECTFULLY REQUESTS THAT THE PETITION FOR A WRIT OF CERTIORARI BE GRANTED.

RESPECTFULLY SUBMITTED THIS 13th DAY OF JUNE, 2019.

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