

No. 19-5276

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAR 13 2019

OFFICE OF THE CLERK

Marvin Taylor — PETITIONER
(Your Name)

vs.

Ron Neal — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States 7th Circuit Court of Appeals S.D.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marvin Taylor
(Your Name)

P.O. Box A

(Address)

New Castle IN 47362

(City, State, Zip Code)

N/A

(Phone Number)

RECEIVED

JUN 14 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1) Under my current claim of vindictiveness against myself, the defendant, by judicial and prosecutorial figures, I am questioning the actions they invoked which violated my Indiana Constitutional Rights under Article 1, Sections 11 and 12, Indiana Code 35-34-1-8 as well as U.S. Constitution Amendment 14. (as mentioned in Appendix)
- 2) The imposition of my sentence that was handed down to me was done erroneously and with gross negligence on both the prosecutor and judicial parties involved. The fact that crucial evidence was withheld, forged cause numbers, missstated involvement in a Post Conviction Motion, and that records were sealed show these errors were made blatantly and intentionally against me. Why is there not a direct reversal applied to my case when this is so evident that these Due Process Violations were made against me.

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:

Amy Barber - Marion Co. Superior Court 2
Clarke Campbell - Marion Co. Prosecutor
Elizabeth Boehm - Marion Co. Prosecutor
Nancy Judd - Chief Appellate Judge
Ellen Meilaender - Deputy Attorney General

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APPENDIX C State Court under cause# 49A04-1705-SP-1049

APPENDIX D United States District Court under cause# 1:17-CV-02757-TWP

APPENDIX E United States Court of Appeals under cause# 18-1833

APPENDIX F

NOTE: Appendices not on exhibit can be found under E-File on current cause #.

TABLE OF AUTHORITIES CITED

CASES

CASES	PAGE NUMBER
Dorsey v State	PS 1-3 6476,1
Schmerber v California	PS 1-7 2592,1
Simmons v US	PS 1-6 6475,1
Crosby v State	PS 1-2 6473,1
State v Selva	PS 1-10 6444,1
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STATUTES AND RULES

I.C. 33-9-1-4
I.C. 33-39-1-4 (A)
Ind. Constitution 1-12 1-2 and 12 (A)
U.S. Constitution 14 Amm
I.C. 10-13-06-18
Trial Rule 37 (A)
Ind. Rules of Prof. Conduct 3.4 (A)
I.C. 35-34-1-8
I.C. 35-38-7
I.C. 10-13-6-15 (A) (C)

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) Indiana Constitution Articles 1-12 Sections 12, 12(A)
- 2) United States Constitution Amendment 14
- 3) Trial Rules 37 (A) (B) (C)
- 4) Indiana Rules of Professional Conduct 3.4(A)
- 5) I.C. 33-9-1-4
- 6) I.C. 33-39-1-4 (A)
- 7) I.C. 10-13-6-18
- 8) I.C. 35-34-1-8
- 9) I.C. 35-38-7
- 10) I.C. 10-13-6-15 (A) (C)

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 E to the petition and is

reported at Case Number: 18-1833; 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 D to the petition and is

reported at Cause Number: 1:17-cv-02757-TWP; 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 C to the petition and is

reported at 49A04-1705-SP-1049; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the Marion County Superior Court 2 court appears at Appendix B to the petition and is

reported at 49602-9807-PC-107714; 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 10-05-2018.

[] 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: 12-14-2018, and a copy of the order denying rehearing appears at Appendix E.

[] An extension of time to file the petition for a writ of certiorari was granted to and including 5-3-2019 (date) on 7-1-2019 (date) in Application No. 18 A 1833.

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 4-4-2017. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: 8-10-2017, and a copy of the order denying rehearing appears at Appendix B.

[] 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).

Mr. Taylor was found guilty in Marion County
Superior Court 2nd ward cause #49G03-9807-CF-
10714 and was sentenced to 89½ years incarceration.
On March 14, 2016 Mr. Taylor filed a Motion
for DNA testing, pursuant to I.C. 35-38-7, to
prove his innocence under the above cause
number. The Magistrate Judge, Amy Barber,
Marion Co. Superior Court 2nd ward the State
of Indiana to respond within 60 days of
March 17th 2016 which was her order date.
The State responded May 2nd 2016, stating
this was an un-authorized post-conviction
relief filing and the court successfully denied
Mr. Taylor's Motion. On May 24, 2016 Mr. Taylor
filed his Notice of Appeal with Chief Judge
Dawn Vothaik Ordinance Mr. Taylor to file his brief
49A05-1605-CR-1212. On September 7, 2016 Chief
Judge Vothaik assigned cause #
Dawn Vothaik under cause #
49A05-1605-CR-1212. On September 29, 2016 the
Court of Appeals was granted an extension for filing an
appeal by the same date. Mr. Taylor to file
September General Filed a Verified Motion to Dismiss
Court of Appeals "that had not been authorized
appeal on grounds it was a "successive post
conviction petition" that had not been authorized
by the Court of Appeals.

STATEMENT OF THE CASE

REASONS FOR GRANTING THE PETITION

Under Due Process Rules of the United States and Indiana, I was to be granted DNA hearings and time extensions as well as a "special" defense counsel during my filings in Marion County Superior Court 2 in March of 2016. At that time, Amy Barbara, Magistrate Judge of that court issued a 60 day response order to the State of Indiana. The State returned a dental response and on May 2nd 2016, the same Judge issued a dental order using the "excuse" of an unsuccessful collateral attack using a post-conviction motion. At this time I was not under a post-conviction motion and was mottoring under my original cause #. (See Exhibit A) This clearly shows that Judge Amy Barbara was ruling and hearing my petition under my CF cause #, not a PC cause number. This thereby defines different rules and procedures to be utilized under the State of Indiana and the United States Due Process Laws and Procedures. The State of Indiana failed to adhere to these rules when they portrayed erroneously my filings under a Post-Conviction clause. This error and blatant

Disregard for my Constitutional and Due Process rights calls for an immediate Dismissal under the Rules and Regulations of Indiana and the United States Due Process Laws and Regulations. Therefore under these Statutes and the proof provided, I ask this Writ to be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Marvin Taylor
Date: June 4, 2019