

19-5692 ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUN 18 2019

OFFICE OF THE CLERK

Larry Dean Cochran — PETITIONER
(Your Name)

VS.

Eighth Circuit Judicial Council — RESPONDENT(S)
and et al., RE: Cochran v. Dooley, Warden (USCA8 Case No. 14-1804),
ON PETITION FOR A WRIT OF CERTIORARI TO

8th U.S. Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Larry Dean Cochran #9958
(Your Name)

Mike Dunfee State Prison/1412 Wood St.
(Address)

Springfield, S.D. 57062
(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

Has U.S. of A's Congress constrained or given flexibility for U.S.A. Judges or Courts to deny or delay a miscarriage of justice, surfaced within its reach to be corrected and exonerated, for any innocent U.S.A. citizen that did not commit a falsely convicted crime as stated in U.S.S.C. case No. 12-126 Decided May 28, 2013. Answer: Congress has not applied any statutory barrier to relief for miscarriages of justice and precedent by U.S.S.C. case No. 12-126 must be followed to protect an innocent U.S.A. citizens opportunity to be heard on innocence claim and have Equal Protections of the Laws.

LEGAL PRECEDENTS

U.S. Supreme Court Case No. 12-126, 570 U.S. 389 (2013)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED
Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution.
Brady violation

JURISDICTION

28 U.S.C. § 1651(a)

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: *Eighth Circuit Judicial Council, U.S. Court of Appeals, and Solicitor General of the United States of America, and Others under Oath of Office involved in Conspiracy.*

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[] is unpublished.

☒ unknown

The opinion of the United States district 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.

[] 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 March 28, 2019.

[] 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: May 01, 2019, 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. § 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

Basic liberty interests secured to Petitioner and every United States of America citizen and protected by the Fifth and Fourteenth Amendments of the United States Constitution and Article VI, Sec. 2, of the South Dakota Constitution and S.D.C.L. 21-27-1.

Appeal, habeas corpus on ground of deprivation of right to 19 A.L.R. 2d. 789.

Suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment irrespective of the good faith or bad faith of the prosecution. *Erickson v. Weber*, 748 N.W.2d 739, 2008 S.D. 30, Constitutional Law ~~con~~ 4594(1) State v. Thorsby, 757 N.W.2d 300, 2008 S.D. 100, Constitutional Law ~~con~~ 4705. State v. Apple, 759 N.W.2d 283, 2008 S.D. 120, Criminal Law ~~con~~ 11.39

Townsend v. Sain, U.S. Ill. 1963, 83 S.Ct. 745,
372 U.S. 293, 9 L.Ed. 2d 720

STATEMENT OF THE CASE

Petitioner is being held in restraint of liberty in and by the State of South Dakota's individuals acting under color of law because Larry Dean Cochran will not admit guilt to prior completed "Actual Innocent" false arrests (See Appendix D.2., D.3., and D.4.) to even be released on initial parole date (See Appendix F.4., F.5., and F.6.) by refusing to commit perjury to be in compliance of SDCL 24-15A, 24-15A-34, and 24-15A-39. (See Appendix F.7., and F.8.) Morgan v. Thomas, 321 F.Supp. 565 (S.D. Miss. 1970), habeas jurisdiction is synonymous with restraint of liberty. 321 F.Supp. at 573.

Hammond v. Lenfest, 398 F.2d 705 (2d Cir. 1968). In speaking about 28 U.S.C. Sec. 2241, the court said: And, recent Supreme Court decisions have made it clear that "[i]t [habeas corpus] grand purpose - the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty." 398 F.2d at 710-711

Petitioner has exhausted the remedies available in the courts of the State and to your court and there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the "Actual Innocent" citizens of the United States of America.

REASONS FOR GRANTING THE PETITION

To finally gain relief for "Actual Innocent" (Factual) Petitioner and suppressed witnesses with favorable new discovery evidence to remedy the false arrests of Larry Dean Cochran, and therefore Void for want of Subject-Matter Jurisdiction and Fundamental Jurisdiction on stated above convictions, also General Damages are demanded.

To protect all actual innocent citizens in the United States of America and its territories deprived of life, liberty, or property, without due process of law, grant them unconstrained access to U.S.A. Judges and Courts to be heard on Actual Innocent Claims.

CONCLUSION

The petition for a writ of certiorari should be granted, and precedent by U.S.S.C. case No. 12-126 must be followed to have Equal Protections of the Laws for miscarriages of justice by State and Federal officials.

Respectfully submitted,

Larry Dean Cochran

Date: August 9th, 2019.