

19-7301  
No. \_\_\_\_\_

Supreme Court, U.S.

FILED

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IN THE SUPREME COURT OF THE UNITED STATES

MICHAEL GOODRUM

Petitioner,

v.

KENNETH D. HUTCHISON

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO  
THE SIXTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

Respectfully submitted by,  
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SUPREME COURT, U.S.

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QUESTION PRESENTED

WHETHER IT'S A DUE PROCESS VIOLATION, PROSCRIBED IN JACKSON V. VIRGINIA, FOR PETITIONER'S CONVICTION TO BE BASED ON ASSUMPTIONS WITHOUT ANY EVIDENCE TO PROVE BEYOND A REASONABLE DOUBT THAT HE POSSESSED AND INTENDED TO SELL DRUGS WITHIN 1,000 FEET OF A SCHOOL, WHICH ARE REQUIRED ELEMENTS OF THE OFFENSE?

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PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES SUPREME COURT

The Petitioner, Michael Goodrum, respectfully prays that a Writ of Certiorari be issued to review the judgment and opinion of the Sixth Circuit Court of Appeals, rendered in these proceedings on October 18, 2019.

OPINION BELOW

The Sixth Circuit Court of Appeals affirmed Petitioner's conviction in its case no. 19-5605. The opinion is unpublished, and is reprinted in the appendix to this petition, titled "A".

JURISDICTION

The original opinion of the Sixth Circuit Court of Appeals was entered on October 18, 2019.

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

## STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

The following statutory and constitutional provisions are involved in this case.

### U.S. CONST., AMEND. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; 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 defense.

### U.S. CONST., AMEND. XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### 28 U.S.C. §2254

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a state court only on grounds that he is in custody

in violation of the Constitution or laws or treaties of the United States.

(3)(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgement of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim--

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

Statement of Case

Petitioner's first trial ended in a hung jury. In 2012, after a second trial, Petitioner was convicted of one count of possession of .5~~E~~ grams or more of cocaine with the intent to sell within 1,000 feet of a park, a Class B felony, and one ocount of possession of .5 grams of cocaine with the intent to sell within 1,000 feet of a public school, a Class A felony. State v. Goodrum, No. 2012-02066-CCA-R3-CD, 2014 WL 1102011 (Tenn.Crim.App. Mar. 20, 2014), Perm. App. denied (Tenn. Aug. 29, 2014). The trial court merged the two counts into one conviction and sentenced Petitioner to fifteen years.

On direct appeal, TCCA affirmed Petitioner's conviction and sentence on March 20, 2014. Id. The Tennessee Supreme Court denied Petitioner's application for discretionary review on April 20, 2014.

On August 24, 2015, petitioner filed a timely pro se petition for state post-conviction relief, which was denied. Then TCCA affirmed Petitioner's conviction and sentence. Goodrum v. State, No. 2016-00684-CCA-R3-PC, 2017 WL 3149646 (Tenn.Crim.App. Jul. 25, 2017, perm app denied (Tenn. Nov. 16, 2017) The Tennessee Supreme Court denied Petitioner's application for discretionary review on November 16, 2017. Id

On January 19, 2018, Petitioner filed the instant pro se petition for writ of habeas corpus, which was denied on May 2, 2019. The District Court also denied COA.

In May of 2019 the Petitioner filed a COA to the Sixth Circuit Court of Appeal. His COA was denied on October 18, 2019.

REASONS FOR GRANTING THIS WRIT

IT'S A DUE PROCESS VIOLATION, PROSCRIBED IN JACKSON V. VIRGINIA, FOR PETITIONER'S CONVICTION TO BE BASED ON ASSUMPTIONS WITHOUT ANY EVIDENCE TO PROVE BEYOND A REASONABLE DOUBT THAT HE POSSESSED AND INTENDED TO SELL DRUGS WITHIN 1,000 FEET OF A SCHOOL, WHICH ARE REQUIRED ELEMENTS OF THE OFFENSE.

A. Trial Synopsis:

Officer Jason Dark testified that he has been employed with the Columbia Police Department for the past fourteen years, and specifically in the Narcotics and Vice Division for five years. On July 9, 2008, he was in charge of executing a search warrant at the Fleming's residence. Raven and Gary Fleming was named in the search warrant. Officer Dark stated that he and his partner had previously used a confidential informant to conduct a controlled purchase of crack cocaine from the residence.

Officer Dark said that when he and his team arrived at the Fleming's residence to execute the search warrant Trammell Jennings, a known drug dealer, was in the front yard. Jennings saw the police and fled from the scene on foot. Due to this compromise, five or six officers quickly entered the residence through the front door. Upon entry, the officers identified themselves as police and told everyone inside to get on the ground and show their hands. Officers secured the scene and Sergeant Haywood advised the persons inside of their Miranda rights. When Officer Dark entered the residence, he saw Mr. Goodrum, the defendant in this case, lying on the living room floor "just beyond the front door." He also saw Raven Fleming in the living room with Mr. Goodrum. Ms. Fleming was lying on the floor in front of the couch. A person named Gary Brown was in

the area beyond Ms. Flemming and Mr. Goodrum. Robert Fitzgerald, a known drug dealer was found in the kitchen.

Officer Dark tesitifeid that when he first saw Mr. Goodrum, Sergeant Haywood was securing him. Sergeant Jeremy Haywood tesified, that he searched Mr. Goodrum for weapons and handcuffed him. Mr. Goodrum did not have anything in his pockets. Immediately upon rolling Mr. Goodrum on his side, Sergeant Haywood saw "a plastic bag with white rock type substance that appeared to be crack cocaine" underneath Mr. Goodrum's chest and stomach area. He then called for officer Dark to come observe the substance. When questioned Officer Dark said, to his knowledge, Mr. Goodrum did not have anything on his person such as a weapon, scale, a cell phone, or substantial currency. According to Seargent Haywood, "Mr. Goodrum was adamant that it wasn't his drugs."

Further, Sergeant Haywood did not see any drugs in Mr. Goodrum's hands when he entered the residence. Sergeant Haywood testified that he did not know how the drugs ended up on the floor.

During the execution of the search, the Police found a bag of marijuana behind the couch, Xanas pills in Ms. Fleming's bedroom closet, and ecstasy pills on the kitchen counter near where Mr. Fitzgerald was secured. The police also found a crack pipe on Mr. Brown's person, but no drugs. A total of \$291.00 was seized from Ms. Fleming's. According to Officer Dark, Ms. Fleming was subsequently charged with possession of marijuana and the Xanax pills; Mr. Fitzgerald was charged with possession of the ecstasy pills; Mr. Brown was charged with possession of

the crack pipe; and Mr. Goodrum was charged in the case sub judice, means "before the court or judge for determination".

In the course of his investigation, Officer Dark determined that the residence was located within 1,000 feet radius of both Fierson-Johnson Park and College Hill School. Afterwards, Special Agent, Laura Adams, a forensic scientist with the T.B.I. Crime Lab, testified that the "rock like substance" of cocaine weighed 1.7 grams.

Mary Carter, an employee of Maury County school system, testified, that in July 2008, Horce Porter School at College Hill was a public, alternative school in Maury County.

Mr. Goodrum's first trial ended in a hung jury. Then the state offered Mr. Goodrum a plea deal were he would be convicted of a misdemeanor and sentenced to 11 months and 29 days in exchange for his admission of guilt, which Mr. Goodrum rejected because he was innocent.

In 2012, after the second jury trial, Mr. Goodrum was convicted of one (1) count of possession of .5 grams or more of cocaine with the intent to sell within 1,000 feet of a park, a class B felony, and one (1) count of possession of .5 grams or more of cocaine with the intent to sell within 1,000 feet of a school, a class A felony. The trial court merged the two (2) counts into one (1) conviction and sentenced Mr. Goodrum to fifteen (15) years, at 100% - day for day, in the Tennessee Department of Correction.

B. Standard of Review:

According to the U. S. Supreme Court, the Constitutional sufficieny of evidence to support a criminal conviction is governed by Jackson v. Virginia which requires a Court to determine whether a defendant's conviction was obtained as the result of evdience that is sufficient to persuade a properly instructed, reasonable, jury of his guilt beyond a reasonable doubt. See Jackson v. Virginia, 99 S.Ct. 2781 (1979).

In re Winship, 397 U.S. 358 (1970), the Supreme Court held that due process requires the factfinder in a criminal case to convict only on proof beyond a reasonable doubt of every fact necessary to constitute the crime ..charged. Id at 364. Further, in Jackson v. Virginia, the court concluded that habeas courts must evaluate state convictions by determining whether a rational tier of fact could have found the defendant guilty beyond a reasonable doubt. Id. at 2792. In so deciding, the court established a Constitutionally mandated standard for review of all criminal convictions. See Harvard Law Review, 93 harv.L.Rev. 210, Nov. 1979, Standard of review of Sufficiency of Evidence supporting criminal conviction.

"The requirement that guilt of a criminal charge be established by proof beyond a reasobale doubt dates at least from our early years as a nation. The demand for a higher degree of persausion in criminal cases was recurrently expressed from ancient times, (though) its cyrstallization into the formula beyond a reasonable doubt seems to have occurred as late as 1798. It is now accepted

in common law jurisdiction as the measure of persuasion by which the prosecution must convince the tier of all the essential elements of guilt." In re Winship, at 361.

"Expression in many opinions of this Court indicates that it has long been assumed that proof of a criminal charge beyond a reasonable doubt is constitutionally required." See, for example, Miles v. U.S., 103 U.S. 304 (1881)... Coffin v. U.S., 156 U.S. 432 (1895). Mr. Justice Frankfurter stated that [it's] the duty of the Government to establish...guilt beyond a reasonable doubt. This notion - basic in our law and rightly one of the boast of a free society - is a requirement and a safeguard of due progress of law in the historic, procedural content of 'due process." Leland v. Oregon, supra, 343 U.S. 790, 802-803 (1952). (dissenting opinion). In a similar vein, the court said in Brinegar v. U.S., 338 U.S. 160, 174 (1949), that (g)uilt in a criminal case must be proved beyond a reasonable doubt and by evidence confined to that which long experience in the common-law tradition, to some extent embodied in the Constitution, has crystallized into rules of evidence consistent with that standard. These rules are historically grounded rights of our system, developed to safeguard men from dubious and unjust convictions, with resulting forfeitures of life, liberty, and property. See Davis v. U.S., supra, 160 U.S. 469, 488 (1895). Further, this Court said in Davis, "that the requirement is implicit in 'constitutions...(which) recognize the fundamental principles that are deemed essential for the protection of life

and liberty.'" see In re Winship, 397 U.S. 358, 362 (1970); quoting Davis v. U.S., supra, 160 U.S. 469, 358 (1895).

In re Winship, Court stated, "no man should be deprived of his life under the forms of law unless the jurors who try him are able, upon their consciences, to say that the evidence before them...sufficient to show beyond a reasonable doubt the existence of every fact necessary to constitute the crime charged.' Id. at 484, 493.

The reasonable-doubt standard plays a vital role in the [American scheme of criminal procedure]. It's a prime instrument for reducing the risk of convictions resting on factual error. The Standard provides concrete substance for the presumption of innocence - that bedrock 'axiomatic and elementary' principle whose 'enforcement lies at the foundation of the administration of our criminal law. In re Winship, 160 U.S. at 363; quoting Coffin v. U.S., supra, 156 U.S. 432, 453 (1895).

"The requirement of proof beyond a reasonable doubt has this vital role in our criminal procedure for cogent reasons. The accused during a criminal prosecution has at stake interest of immense importance, both because of the possibility that he may lose his liberty upon conviction and because of the certainty that he would be stigmatized by the conviction. Accordingly, a society that values the good name and freedom of every individual should not condemn a man for commission of a crime when there is reasonable doubt about his guilt. As we said in Speiser v.

Randall, supra, 357 U.S. 513, 525-526 (1958); there is always in litigation a margin of error, representing error in factfinding, which both parties must take into account. Where one party has at stake an interest of transcending value - as criminal defendant his liberty - this margin of error is reduced as to him by the process of placing on the other party the burden of...persuading the factfinder at the conclusion of the trial of his guilt beyond a reasonable doubt. Due process commands that no man shall lose his liberty unless the Government has borne the burden of...convincing the factfinder of his guilt. To this end, the reasonable doubt standard is indispensable, for it 'impresses on the tier of fact the necessity of reaching a subjective state of certitude of the facts in issue.' In re Winship, 160 U.S. at 364; quoting Dorsen & Rezneck, In re Gault and the Future of Juvenile Law, 1 Family Law Quarterly, no. 4 pp. 1, 26 (1967).

Moreover, use of the reasonable-doubt standard is indispensable to command the respect and confidence of the community in application of the criminal law. It is critical that the moral force of the criminal law not be diluted by a standard of proof[, or federal review of that standard,] that leaves people in doubt whether innocent men are being condemned. It is also important in our free society that every individual going about his ordinary affairs have confidence that his government cannot adjudge him guilty of a criminal offense without convincing a proper factfinder of his guilt with utmost certainty [, and

federal review thereof.] See In re Winship, 160 U.S. at 364.

"Lest there remain any doubt about the constitutional stature of the reasonable-doubt standard, we explicitly hold that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged." In re Winship, 160 U.S. at 365.

In re Winship, the Supreme Court held that due process requires the factfinder in a criminal case to convict only on proof beyond a reasonable doubt of every fact necessary to constitute the crime ... charged. See In re Winship, 160 U.S. 365. In Jackson v. Virginia, the Court concluded that habeas courts must evaluate state convictions by determining whether a rational tier of fact could have found the defendant guilty beyond a reasonable doubt. In so deciding, the Court established a constitutionally mandated standard for review of all criminal convictions. See Jackson v. Virginia, 99 S.Ct. 2781 (1979).

C. Supportive Facts:

Under the rule of In re Winship the state of Tennessee was under a constitutional obligation to prove Petitioner Goodrum's guilt beyond a reasonable doubt. If the state failed to meet the burden and yet convicted him of possession with the intent to sell .5 gram of cocaine within 1,000 of a school zone, which is a class "A" offense, then Petitioner Goodrum was deprived of liberty without due process of law. Further, in Jackson v. Virginia, the Court concluded that habeas courts must evaluate

state convictions by determining whether a rational tier of fact could have found the defendant guilty beyond a reasonable doubt. This is exactly what Petitioner Goodrum alleged, that his conviction was base on assumptions without any evidence to prove beyond a reasonable doubt that he possessed or intended to sell the drugs within 1,000 feet of a school, when he filed his Petition for Writ of Habeas Corpus and COA after he had exhausted his state Court remedies, and it is what he challenges herein.

In challenging the sufficeincy of the evidence used to convict Petitioner Goodrum contended that the state failed to establish all the required elements of the crime beyond a reasonable doubt. Specifically, those two elements in question are: (a) possession and (b) intent to sell:

(a) Possession

According to Tennessee Code Annotated §39-14-417 (a)(4) states, if he "[p]ossess[ed] a controlled substance with intent to...sell the controlled substance" a defendant shall be punishable for a higher felony classification under Tennessee Code Annotated §39-17-432 (b)(1) if the drug violation "occurs on the grounds or within one thousand feet... of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, or public library, recreation center or park." Goodrum argues that the prosecution failed to establish the element of possession.

Mr. Goodrum argued that he is innocent, and that he was merely present at the residence where the drugs were found, and

where known drug users and dealers were present in the area. There was no evidence that he possessed the drugs. Under Tennessee law, "[p]ossession may be actual or constructive." Constructive possession is established when a person knowingly has "the power and the intention at a given time to exercise dominion and control over an object, either directly or through others." However, in this case, the courts did not accurately consider, that "mere presence" of Petitioner Goodrum at the location where the controlled substance was found is insufficient standing alone to establish constructive possession, or the element of offense that he possessed the drugs beyond a reasonable doubt.

Whether there has been constructive possession of drugs or mere presence at a location where drugs are present depends on the facts and circumstances of each case.

In this case the proof present at trial is: that a confidential informant had conducted a controlled purchase of crack cocaine from Raven and Gary Fleming's residence. Afterwards, while Petitioner Goodrum was visiting the Fleming's the Columbia Police Department executed a search warrant at the residence.

Upon entry, the Officer Jason dark, testified that he saw Mr. Goodrum lying on the living room floor "just beyond the front door." He also saw raven Fleming, who had just been charged three weeks prior with possession with intent to sell cocaine, and Gary Brown lying on the floor in the living room. Robert Fitzgerald, a known drug dealer, was found in the kitchen.

During the execution of the search, the police found a bag of marijuana behind the couch, Xanax pills in Ms. Fleming's

bedroom closet, ecstasy pills on the kitchen counter near Mr. Fitzgerald was secured, and a crack pipe on Mr. Brown. Subsequently, Ms. Dleming was charged with possession of the marijuana and Xanax pills, Mr. Fitzgerald was charged with the ecstasy pills, and Mr. Brown was charged with the crack pipe.

Sergeant Jereny haywood testified that he searched Petitioner Goodrum for weapons and handcuffed him. Petitionenr Goodrum did not have anything in his pockets. Immediately upon rolling him over on his side, Sergeant Haywood saw "[a] plastic bag with a white rock type substance, later identified as crack cocaine, underneath petitionenr Goodrum's chest and stomach area.

According to Sergeant Haywood, Petitionenr Goodrum was adamant that it wasn't his drugs. he did not see any drugs in petitionenr Goodrum's hands when he entered the residence. He also testified that he did not know how the drugs ended up on the floor. Officer Dark testified, that Mr. Goodrum did not have a crack pipe or anything else for smoking crack cocaine.

Futher, Petitionenr Goodrum had no prior drug convictions, the police didn't even know who he was until the search. This is unlike the other parties in the house. For example:

- (I) Fitzgerald: was a known drug dealer,
- (II) Raven Fleming: had prior drug related charges stemming from a police search of this same residence a few weeks prior to this, and
- III) Gary Brown: had a crack pipe on his person.

At trial the burden of proof was supposed to be on the state

to show a link between Petitioner Goodrum and the bag of crack cocaine that was found in a known drug dealer's house, and the prosecution presented assumptions, not proof.

In sum, the state presented no evidence to link the drugs to Petitioner Goodrum; the drugs were not found on Petitioner Goodrum, no one actually saw Petitioner Goodrum with the drugs, there were no statements by Petitioner Goodrum against his interest, and he had no prior drug related charges or convictions. Hence, the assumptions presented by the state at trial was insufficient for any reasonable juror to find that the required element of "possession", or constructive "possession" existed to convict Petitioner Goodrum of this charge. There was no evidence presented to link the drugs to Petitioner Goodrum, only uncorroborated assumptions; hence, even if this Court views the evidence in the light most favorable to the prosecution, and all reasonable inferences and resolutions of credibility are made in the jury's favor, it's clear that the evidence was insufficient to persuade a properly instructed, reasonable, jury of his guilt beyond a reasonable doubt. Therefore, Petitioner's conviction violates his constitutional right to due process, and his conviction should be vacated.

#### (b) Intent to Sell

According to Tennessee Code Annotated §39-14-417(a)(4) states, if he possessed a controlled substance with intent to...sell the controlled substance a defendant shall be punished at a higher

felony classification under Tennessee Code Annotated §39-17-432

(b)(1) if the drug violation "occurs on the grounds or within 1,000 feet...of the real property that comprises a...school."

Petitioner Goodrum argues that the prosecution failed to establish the element of "intent to sell."

Petitioner Goodrum argued that there was no evidence elicited by the state at trial showing he intended to do anything with the drugs discovered at the home Raven Fleming, and there was no proof that he was promoting activities nor benefiting in the proceeds thereof.

In this case, Officer Dark testified, that Petitioner Goodrum was not known to the Police prior to the execution of the search warrant, which means Petitioner Goodrum didn't have any prior drug related charges or convictions, and the police had no prior knowledge or evidence of Petitioner selling drugs.

Further, during the execution of the search warrant Sergeant Haywood testified, that he searched Petitioner Goodrum for weapons and handcuffed him. Petitioner Goodrum did not have anything in his pockets.

Officer Dark testified that petitioner Goodrum did not have anything on his person such as a weapon, scales, a cell phone, or substantial currency.

Actually, there was just one small bag of crack cocaine found at the residence not multiple bags for resale or distribution.

In sum, there was absolutely no evidence or proof elicited by the state to demonstrate "beyond a reasonable doubt" that

Petitioner Goodrum intended to sell or do anything with the drugs discovered at Ms. Fleming's residence.

The U.S. Court of Appeals, 6th Circuit, held that the "evidence was presented at trial that the police found Goodrum lying on a bag containing 1.7 grams of crack cocaine worth \$340...the amount of crack cocaine and the fact that Goodrum did not possess any drug paraphernalia that would suggest personal use supported a finding that Goodrum had intent to sell. See Goodrum v. Hutchison, No. 19-5605 (Oct. 18, 2019) at \*4; quoting Goodrum v. State, 2014 WL 1102011, at \*6-7.

However, the state only presented uncorroborated assumptions, not evidence that Petitioner Goodrum intended to sell the drugs in question.

Not only did Petitioner Goodrum not have any drug paraphernalia that would suggest personal use he also didn't have any drug paraphernalia on him that would suggest he had intended to sell the drugs, like a cell phone, weapon, scales, substantial currency, or a way to cut the drugs. This clearly demonstrates that the state presented uncorroborated assumptions, not evidence.

Further, the \$340 estimated value of the drugs, without corroborated evdeince, doesn't show that Petitioner intended to sell the drugs. Especially, when you consider that Petitioner Goodrum had a history of gainful employment that continued right up to his trial. It would be illogical for Petitioner Goodrum to jeopardize his job to sell drugs that were worth less than a weeks pay. Again, this demonstrates that the state presented

uncorroborated assumptions, not evidence.

The state new this; otherwise, they would not have offered Petitioner Goodrum a plea deal after the first trial ended in a hung jury were he would have only been convicted of a misdemeanor and sentenced to 11 months and 29 days. After Petitioner Goodrum rejected the state's offer, because he was innocent, the state seemed to retaliate by prosecuting Petitioner Goodrum for a class "A" felony with a fifteen year, 100%, sentence.

In sum, the state presented no evidence, just uncorroborated assumptions; hence, even if this courts views the evdinece in the light most favorable to the state and all reasonable inferences and resolution of credibility are made in the jury's favor, it's still clear that the evidence, or lack thereof, was insufficient to persuade a properly instructed, reasonable, jury of his guilt beyond a reasonable doubt. Therefore, Petitioner's conviction violates his constitutional right to due process, and his conviction should be vacated.

By reviewing cases under the Jackson test furthers the central purpose of the reasonable doubt standard: maximizing the accuracy of the guilt-determining process. As the Court declared in Winship, the reasonable doubt standard "is a prime instrument for reducing the risk of convictions resting on factual error." In re Winship, 397 U.S. 358, 363 (1970). Since accurate results are most likely to be achieved through rational deliberations, it is appropriate to view the reasonable doubt standard as a means of encouraging rational factfinding. See Johnson v. Louisiana,

406 U.S. 356, 360 (1972). By demanding rationally defensible convictions, the Jackson test enables courts to effectuate that function.

Although convictions, like Petitioner Goodrum's, that can only have been based on "speculation [,] passion, prejudice, or sympathy" may be rare, they represent clear violations of the due process command of Winship. The Court in Jackson recognized that prior law was inadequate to ensure compliance with the reasonable doubt rule and therefore coupled that rule with a constitutional mechanism for its vindication. As long as the reasonable doubt standard remains "basic in our law and rightly one of the boasts of a free society," that doctrine should be effectably enforced at all levels of the criminal process.

CONCLUSION

For the reasons stated herein, this Court should issue a Writ of Certiorari to correct the Sixth Circuit Court of Appeal's error in failing to properly apply the Jackson test, which is the law of this court, and relief should be granted. Should Goodrum's cry for justice not be heard!

Date: 11-21-19

Respectfully submitted by,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed, postage prepaid, first class U.S. mail, this 21 day of November, 2019 to: State Attorney General, Herbert Slatery III, P. O. Box 20207, Nashville TN. 37202-0207.

Michael Goodrum  
Michael Goodrum, 504211

I declare under the penalty of jury that the foregoing is true and correct.

Executed on: 11-21-19

Michael Goodrum  
Michael Goodrum, 504211