

19-7383

No. _____

ORIGINAL

FILED

JAN 08 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

PARNELL R. MAY ProSe — PETITIONER
(Your Name)

vs.

State of ARKANSAS et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ARKANSAS COURT of APPEALS, in the Supreme Court of ARKANSAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PARNELL Robert- MAY #50.72229
— ProSe
(Your Name)

3201 West Roosevelt Road, "PULASKI County
- Detention Facility"
(Address)

LITTLE ROCK ARKANSAS, 72204
(City, State, Zip Code)

Inmate book in # 22568-16
(Phone-Number)

Question(s) Presented

The questions are, did the trial Court, Judge Leon J. Johnson, violate against the Second general Principle of the Fifth Amendment to the United States Constitution's Double Jeopardy Clause, by the trial Court's actions, through Manipulation and/or Orchestrating the development of the circumstances, that did give rise to that Successful Motion for a Mistrial on January 26th 2018, in the Criminal Case Number 60CR-17-169, Accordingly?

Did the trial Court, "embarked on a Course Set to Provoke a Mistrial", by the trial Court, "embarking on a Course", that was the Public defenders, that the trial Court knew would claim to be Unprepared for the Case and would Ask for a Mistrial, before the trial Court Appointed those same Public defenders to take over the Case Number 60CR-17-169, on January 26th 2018?

Was, the defendant, I Parnell May, "Goaded" by the trial Court's influence and actions, into Requesting for that mistrial? And did the trial Court Intend for the defendant to come back into the Courtroom, and have the defendant, I Parnell May, Request for that Mistrial?

Was the trial Court Judge's Actions and/or Conduct, Judicial Overreaching, in regards of the Successful Motion for that very Mistrial on January 26th 2018?

Did the trial Court intend to goad I Parnell R. May into that Mistrial, with the intention of getting I Parnell R. May as the defendant, to Request for that Mistrial, so as to have I Parnell R. May to Relinquish my Right to finish that trial before that currently Composed Jury on January 26th 2018?

The Simple Question is...

Did the trial Court's Judicial Conduct give rise to the Successful Motion for that mistrial on January 26th 2018?

Did the trial Court's Judicial Conduct, Goaded that Mistrial into existence on January 26th 2018?

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:

1. The Pulaski County Circuit Court, First Division : Hon: Leon J. Johnson Case# 60-CR-17-169.
2. The Arkansas Court of Appeals Supreme Court of Arkansas Appeal Case# CR-18-996.

The Main Topic

This matter is About the Actual Judicial Manipulation of A JURY TRIAL into a MISTRIAL that did violated Against the Fifth Amendment to the U.S. Constitution's Double Jeopardy Clause's 2nd general Principle, accordingly.

RELATED CASES

- ① State of Arkansas Vs. Parwell R. May - Pulaski County Circuit Court First Division - Case Number 60CR-17-169.
Order denying Motion etc, etc; Judgment entered October 9th 2018. see Appendix B. Page 7-4.
((ON October 15th 2018, INTERLOCUTORY APPEAL WAS Filed))
- ② PARWELL R. May Vs. State of Arkansas - Arkansas Court of Appeals - Appeal Case Number CR-18-996
OPINION Affirming the Order etc, etc; Judgment entered October 2nd 2019. see Appendix A. Page 1-10.
- ③ United States Vs. Jorn, 400 U.S. 470 (1970). see Appendix E. Page 7 specific quotation
- ④ Oregon Vs. Kennedy, 456 U.S. 667 (1982). see Appendix E. Page 7 specific quotation
- ⑤ Butler Vs. State, 95 A.3d 21, 33 (Del. 2014). see Appendix E. Page 7 specific quotation

There ARE, Not many Cases that ARE found, that ARE Related to such a RARE, U.S. Constitutional Circumstance and Issue, in fact, there existed, very Little, on-point Authority either Mandatory or persuasive. Therefore, this very Case, absolutely Requires, that this United States Supreme Court grant this Petition for a Writ of Certiorari, for the further development and establishment of the Rule of the U.S. Constitutional Law, specifically of this Nearly Uncharted Area of the United States Constitution's fifth Amendment's Double Jeopardy-clause's 2ND general Principle, So as to Prohibit and/or Restrict, the Prosecutorial and/or Judicial manipulation, of Jury trials into mistrials, accordingly.



TABLE OF CONTENTS

	<u>Page</u> ①	<u>Page</u> T
OPINIONS BELOW.....	②	2
JURISDICTION.....	③	3
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	④	4
STATEMENT OF THE CASE	④	4
REASONS FOR GRANTING THE WRIT	④	17
CONCLUSION.....	④	28
<u>Declaration of Compliance</u>	④	24
<u>Proof of Service</u>	④	(X)

INDEX TO APPENDICES

- APPENDIX A. The Arkansas Court of Appeals "Opinion and Decision," etc. Ark Supreme Court
- APPENDIX B. The Pulaski County Circuit Court's "Order Denying the defendant's Motion."
- APPENDIX C. "The Felony Information about the Charges." Double charged for Same Offense
- APPENDIX D. Other Material, that is Essential - "The Trial Court's Motive for that Mistrial," etc.
- APPENDIX E. Other Material, that is Essential - "The Arkansas State Laws / Transcript / Cited Case Laws"
- APPENDIX F. Other Material, that is Essential - "Trial Court discuss the Mistrial with Prosecutor ex-parte"

Pursuant to Rule 34.6 Certain types of Personal Information is Not Included in this Petition, in Accordance with Federal Rule of Civil Procedure 5.2, 34.6 Adopts the Redaction Practices that are applicable to the Lower Courts, state and Federal. / Redaction of Personal Information 34.6 This Petition is Presented together with the declaration/certificate of I PARWELL May the Party Unrepresented by counsel, that it is presented in good faith and Not for delay signed by Parwell May PRO SE

TABLE OF AUTHORITIES CITED

CASES

United States Vs. Jorn, 400 U.S. 470 (1970).
Oregon Vs. Kennedy, 456 U.S. 667 (1982).
Butler Vs. State, 95 A.3d 21, 33 (Del. 2014).
Hatfield Vs. State, 346 Ark. 319, 57 S.W.3d 696 (2001).
Faretta Vs. California, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975).

PAGE NUMBER

Page 15,
Page 8, 13, 17, 19,
Page 8, 13, 19,
Page 7.

Appendix
E. page
7

There is, very little, that exist, as of Case Law Authorities, that are related to such issue about the Double Jeopardy Clause's 2nd General Principle, that may law give some further clarity for the 2nd General Principle from an actual experience by a criminal case in trial courts. Therefore this is an actual opportunity for this U.S. Supreme Court to further, establish, even more facts, rules and/or guide-lines, that would regulate and/or govern the judicial and/or prosecutorial conduct, against, 'goaded' a defendant into consenting for a mistrial, in accordance with the development of the 2nd General Principle of Double Jeopardy by Case Law Authorities that were explored and established, this case will help to build in the 2nd General Principle of the 5th Amendment U.S. Constitution's Double Jeopardy Clause.

STATUTES AND RULES

14th Amendment to the U.S. Constitution's Due Process of Law Clause and Equal Protection of Laws Clause.
28 U.S.C. § 2403 (b) may apply and shall be served on the Attorney General of the State of Arkansas. In such a proceeding from any Court of the United States, as defined by 28 U.S.C. § 451. Pursuant to 28 U.S.C. § 2403 (b),
Certified to the Arkansas State Attorney General the fact that the Constitutionality of a statute of the State of Arkansas has been drawn into question, in accordance with United States Supreme Court's Rule 14.1 (e) (v).

The Fifth Amendment to the U.S. Constitution's Double Jeopardy Clause's, Second General Principle is, if the trial Court Judge and/or Prosecutor 'goaded' the mistrial with the intention of getting the defendant to relinquish his right to finish the trial before that currently composed jury, that, it bars retrial of the defendant, according by the Double Jeopardy Clause's Second General Principle, regarding the defendant's consent.
In accordance with, Rule 10, Rule 12, Rule 13, Rule 14, Rule 15, Rule 23, Rule 29, Rule 33, 2 (a) (b), Rule 34, Rule 39, of the United States Supreme Court.

OTHER : The Fifth Amendment, U.S. Constitution's Double Jeopardy Clause. 2nd General Principle.
Article 2, Section 8, of the Arkansas Constitution.

Ark. Code Ann. Section 5-1-112. (3) "A former Prosecution is an Affirmative defense to a subsequent Prosecution for the same offense under the following circumstances: The former Prosecution was terminated without the express consent or implied consent of the defendant, after the jury was sworn in, unless it was terminated by justified by Overruling Necessity."

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 _____ 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 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 A 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 Pulaski County 1st Division 6th Judicial District Circuit court appears at Appendix B 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 _____.

☐ 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 10/02/2019
A copy of that decision appears at Appendix A Pages 7-10 from Arkansas Court of Appeals

☒ A timely petition for rehearing was thereafter denied on the following date: Revised December 19th 2019, and a copy of the order denying rehearing appears at Appendix A. Page 13 from the ARKANSAS Supreme Court.

☐ 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).

- For the Arkansas Court of Appeals Order denying a Rehearing I was provided only with a Court Notice by Clerk
 - For the Arkansas Supreme Court Order denying a Review I was provided only with a Court Notice by Clerk
- Please Refer to Appendix A. Pages 12 and 13.

2. "The timely manner for filing this Petition for a Writ of Certiorari, is to be considered within the timely manner of 90 days for filing this very Petition, from the date of 10/02/2019, the Opinion and Decision made by the Arkansas Court of Appeals, the Order Denying Rehearing on the date of 11/06/2019, and the Order Denying Review on the date of 12/19/2019, accordingly, by due Process of Law and the Rules." Sign ARNOLD R. May Prose 12/23/2019

Constitutional and Statutory Provisions Involved

The First Amendment, to the U. S. Constitution, gives I Parvell R. May, A.K.A. Parvell May, the Petitioner, the right to Petition the Government <this U. S. Supreme Court> for a Redress of I Parvell May's Grievances,

The Fifth Amendment to the U. S. Constitution's Double Jeopardy Clause Provides that "Nor shall any Person be subject for the Same Offence to be twice put in Jeopardy of Life or Limb.... According with Equal Protection of the Laws, Accordingly,

The Fourteenth Amendment to the U. S. Constitution's Due Process of Law Clause and the Right of Equal Protection of the Laws Clause, also Provided and guaranteed to I Parvell R. May, due Process of Law and Equal Protection, Against Double Jeopardy, equal Protection of the Laws,

The Second General Principle, of the 5th Amendment's Double Jeopardy Clause, established that, if a defendant did consent to a mistrial, then the Double Jeopardy Clause does Not bar Retrial. The exception to this general Principle is, if the trial Court Judge and/or Prosecution 'goaded' the mistrial, with the intention of getting the defendant to Relinquish his right to finish the trial before the currently composed jurors, in Accordance with the 14th Amendment, U. S. Constitution's Due Process, and Equal Protection of Laws.

Article 2, Section 8, of the Arkansas Constitution Provides that "No Person shall be twice put in Jeopardy of Life or Liberty for the Same Offence"

Arkansas Code Annotated Section 5-1-112 (3) states that "A former Prosecution" is an Affirmative defense to a Subsequent Prosecution for the Same Offense under any of the following circumstances: (3) The former prosecution was terminated without the express or implied consent of the defendant after the jury was sworn in, Unless the termination was justified by overruling necessity.

Goaded, is defined in the Merriam-Webster Dictionary as "A Pointing Rod, used to Urge on, or something that Urges.

Urge, is defined in the Merriam-Webster Dictionary as "to Present, or Advocate, to try and Persuade, or Sway." These underlined words are of the 5th Amendment to the U. S. Constitution's Double Jeopardy Clause's 2nd General Principle, where that it strictly forbids the trial Court, Against goading a defendant into Consenting for a Mistrial.

Under Article III of the U. S. Constitution, this Case is properly brought from the lower Courts to this United States Supreme Court. The Jurisdiction of this Court is Justified, in Accordance with Federal Law and this Case is filed pursuant to the Rules of this Court. Please Refer to Appendix, for Documentary Evidence. (3)

CONCISE
STATEMENT OF THE CASE

1. In Specific Regard to the Inter Locutory Appeal Case Number CR-18-996, that was filed in the ARKANSAS Court of Appeals on, October 15th 2018, from the Pulaski County Circuit Court, First Division, Hon: Leon J. Johnson the Judge's Order, denying the Motion and Brief to Bar the State from Retrial of the charges Based up on Double Jeopardy Principles, that was heard in the Pulaski County Circuit Court, First Division, Case Number 60CR-17-169, before the Judge Leon J. Johnson on October 1st 2018. Please Refer to Appendix B, page 1 to 4.
2. Approximately a year Later the Arkansas Court of Appeals, Affirmed, the Order, denying the Motion to Bar the State from Retrial of the charges based up on double jeopardy Principles, Please See the Appendix A Pages 1 to 10.
3. The Order, denying the Motion, was filed by the Pulaski County Circuit Court on October 9th 2018, and I Parvell R. May A.K.A. Parvell May, filed an Inter Locutory Appeal, in the ARKANSAS Court of Appeals on October 15th 2018, and Approximately one year Later, the Arkansas Court of Appeals had made an Opinion and decided to Affirmed the Order denying My Motion, October 2nd 2019. ~~It shall be considered with in the 90 days timely manner for filing this Petition for a Writ of Certiorari in this Court.~~
4. On October 18th 2019 I Parvell May had filed a Pro Se Petition for Rehearing in the ARKANSAS Court of Appeals, and, on November 6th 2019, the ARKANSAS Court of Appeals had, denied, my Pro Se Petition for Rehearing, Please See the Appendix A, Page 11. The ARKANSAS Supreme Court Only provided I with Clerks Notices etc.
5. Subsequently, the ARKANSAS Supreme Court, had begin to Consider my Petition for Review, on November 7th 2019, where that I had filed a Petition for Review Prior, to the ARKANSAS Court of Appeals decision, in, Anticipation of the Court's Action, and Now, its obvious by their opinion that was, Avoidance, and One sided.
6. The ARKANSAS Supreme Court's decision, about, the Petition for Review, is where also this very Petition for a Writ of Certiorari, is based on, far as the timely filing, with the Clerk of Court to the United States Supreme Court. Please See the Appendix A, Page 12, and Page 13., Petition for Review was denied on 12/19/2019. By this petition, small fragments of the Abstracted Record has been provided so as to Show Proof of the Trial Court's Conduct that did Projected Judicial Overreaching into the development of the Circumstance that did Played out into the Successful Motion for a Mistrial on 01/26/2018, that did intended to goad I Parvell R. May into - Requesting for that Mistrial believing the trial Court. 4. Both the Order denying Petition for Rehearing and the Petition for Review and the Opinion are within the 90 days timely manner of this Petition.

Concise Statement of the Case

The trial Court permitted I Parnell May, to Represent myself as PROSE, took away that PROSE Right, against my wishes, and Appointed the Counsel for a Mistrial.

7. ON JANUARY 13, 2017, I PARNELL R. MAY WAS CHARGED WITH 1st DEGREE MURDER FOR THE DEATH OF MY GIRLFRIEND ANN M. MIRELES. PLEASE REFER TO APPENDIX C. THE TRIAL COURT HAD PERMITTED I PARNELL MAY, TO REPRESENT MYSELF, AT JURY TRIAL, BEGINNING ON JANUARY 24th 2018. THE TRIAL COURT OFFICIALLY RELIEVED THE PUBLIC DEFENDERS PRIOR TO JURY TRIAL BY ORDER. I PARNELL MAY BEGAN THE TRIAL PROSE, AND CONTINUED THROUGH MOST OF THE TRIAL, FOR 3 DAYS, UNTIL THE TRIAL COURT, TOOK AWAY MY PROSE STATUS, AGAINST MY WISHES, THE TRIAL COURT APPOINTED THE PUBLIC DEFENDERS, TO TAKE OVER THE CASE, SO AS TO FINISH THE JURY TRIAL, ALSO AGAINST MY WISHES, I INSISTED THAT I WANTED TO REPRESENT MYSELF.
8. THE TRIAL COURT, KNEW THAT THE PUBLIC DEFENDERS, WOULD CLAIM TO BE, UNPREPARED, TO TAKE OVER THE CASE SO AS TO FINISH THE JURY TRIAL, AND WOULD REQUEST FOR A MISTRIAL FOR THAT REASON, AND THE TRIAL COURT STILL APPOINTED THE PUBLIC DEFENDERS, TO TAKE OVER THE CASE.
9. THE TRIAL COURT HAD DISCUSSED THE PROSPECT OF THE MISTRIAL, WITH THE PROSECUTORS AND THE PUBLIC DEFENDERS, ON RECORD, BUT WITHOUT I PARNELL MAY BEING PRESENT, THE PUBLIC DEFENDERS STATED TO THE PROSECUTORS AND THE TRIAL COURT, ON RECORD THAT THE PUBLIC DEFENDER WAS GOING TO ARGUE THAT IT WAS ONLY MURDER SECOND, STILL, I PARNELL MAY WAS NOT PRESENT, AT THAT EX-PARTE STYLE DISCUSSION, ALSO I WAS ARGUING ABSOLUTE INNOCENCE, DURING TRIAL.
10. THE TRIAL COURT CONTINUED TO DISCUSS THE PROSPECT OF THE MISTRIAL, WITH THE PROSECUTORS AND THE PUBLIC DEFENDERS, ON RECORD AND WITHOUT I PARNELL MAY BEING PRESENT, ABOUT, HOW BEST, TO, AVOID DOUBLE JEOPARDY, BY THE DEFENDANT VERBALLY REQUESTING FOR A MISTRIAL, AND I PARNELL MAY WAS NEVER INFORMED ABOUT THE SUBSTANCE OF DOUBLE JEOPARDY BY THE PUBLIC DEFENDERS, NOR DID THE TRIAL COURT, PROTECT I PARNELL MAY'S RIGHT TO BE SUFFICIENTLY INFORMED OF SUCH LEGAL ACTION IN A CRIMINAL COURT OF LAW, IN REGARD TO DOUBLE JEOPARDY.
11. THE TRIAL COURT INSTRUCTED THE BAILEFF TO, "GO GET THE DEFENDANT", AND AFTER I PARNELL MAY WAS RETURNED INTO THE COURTROOM, THE TRIAL COURT, ALMOST IMMEDIATELY, PRESENTED AND ADVOCATED, TO I PARNELL MAY, ABOUT THE BENEFIT OF A MISTRIAL, ADVOCATING FOR THE PUBLIC DEFENDERS, THAT, THEY, THE PUBLIC DEFENDERS, ASKED FOR A MISTRIAL, SO THEY CAN, "PRESENT OTHER EVIDENCE AND PREPARE THIS IN A WAY THAT MAY CAN HELP YOU AND YOUR CASE." "HOWEVER ONLY YOU CAN REQUEST FOR A MISTRIAL," AND "MR. MAY EVERYBODY IS TRYING TO HELP YOU AND SAVE YOU," "SO TALK TO THE PUBLIC DEFENDERS ABOUT IT." THIS IS WHAT THE TRIAL COURT HAD SAID IN OPEN COURT, ON RECORD, AS WELL AS PHYSICAL GESTURES THAT AIDED THIS IMPROPER INFLUENCE OF THE JUDICIAL CONDUCT, THAT DID GIVE RISE TO THE SUCCESSFUL MOTION FOR A MISTRIAL IN ACCORDANCE WITH CASE LAW AUTHORITIES, OREGON VS. KENNEDY, 456 U.S. 667 (1982). PLEASE REFER TO APPENDIX A, PAGE 2, THROUGH 7. THE TRIAL COURT'S CONDUCT, DID GOADED I PARNELL MAY, AS THE DEFENDANT, INTO A MISTRIAL ON JANUARY 26th 2018. ON OCTOBER 15, 2018, AN INTERLOCUTORY APPEAL WAS FILED IN ARKANSAS COURT OF APPEALS BY COUNSEL FOR PARNELL MAY, UNDER CASE NUMBER CR-18-996, FROM PULASKI COUNTY CIRCUIT COURT 1st DIVISION.

Statement of the facts

The trial Court's Conduct Improperly Influenced the C/P's Circumstances that did Provoked that Mistrial, After the trial Court realized the Legal defenses Evidence in the jury trial on January 26th 2018, that was the Motive behind the Mistrial.

12. The trial Court, had discussed, about, the Prospect of the Mistrial, with the State Prosecutors, and the Public defender, "Specifically" Llewellyn Marczuk, whom was the Lead Public defender, and who was also, Against I Parnell May's, best interest, for the Sake of innocence.
13. (Months before trial had begin I Parnell May had discovered evidence in the Case that would prove my innocence of committing any homicide, that, in fact, my girl friend, had died by Alcohol Poison, Called N-Propanol detected in the Amount of 1.0% mg. but, that data, was Not Reported, into the Official Records, it was withheld wrongfully, and this Anomaly, was showed, to the Public defenders, they would either avoid the topic or when they would talk about the evidence, about, how it would Not be allowed, because it would humiliate the Arkansas State Crime Laboratory's Reputation. The Autopsy Report, Stated a Cause of death, that was inconclusive by Scientific Certainty.
14. The Public defenders were terminated, so as to, show the evidence of the State Crime Laboratory's Forensic toxicology Records, that reported the detection of ethanol in the Amount of 0.081% mg., but, withheld, the detection, of N-Propanol in the Amount of 1.0% mg., And the Certificate of death, stating that the Cause of death was "Multiple blunt force injuries," but the "Approximate Interval Onset to death" was "Unknown," and how the Claim of Multiple blunt force injuries, was in fact, inconclusive, and, wrongfully, sent an Undetermined Case to trial, Please Refer to Appendix D Pages 2 and Pages 3, this will shed light, on the Motive behind the trial Court's Actions and Conduct, that did urged that mistrial into existence. During 3 days of trial, I had tried to submit the Medical Records and toxicology records into exhibit for the jury to review, and the State prosecutors strongly Objected, and I would Raise up the Records, so the jury could still see what I had tried to show and give to them, I kept on talking about the facts during my turn of the Cross-Examination, about how the Prosecutors were blocking the truth, from being seen and known, the trial Court, considered that action, to be disruptive behavior, but, I was confronting my Accusers, in Open Court defending the truth, about my Very innocence, yet I was being suppressed and silenced, and the truth and fair and equal Justice, was being manipulated, and obstructed, by the Prosecution, and the trial Court.
15. On the third day, the trial Court, took away I Parnell May's Right to Proceed Prose in the middle of the jury trial, and Against my strong objection, the trial Court Appointed the the same Public defenders whom, had previously informed the trial Court that they would Request for a Mistrial, if they were to take over the Case. The trial Court basically had Appointed, the Counsel, in order to have that Mistrial on January 26th 2018. The Motive for the trial Court, goading that Mistrial into existence, 6 WAS to get rid of that jury After they saw, and heard, the strong evidence, raising reasonable doubt. Please Refer to Appendix D. Pages 1 through 25.

Statement of the facts

The trial Court knew beforehand that if the Public defenders were Appointed that the Public defenders would claim to be Unprepared and would Ask for a Mistrial. The trial Court erred by Not giving Special Warning etc.

16. The trial Court, knew beforehand, that, the Public defenders would Request for a Mistrial, claiming to be Unprepared, for the Case, and After the trial Court took Away I Parnell May's Right to Proceed Pro se in my jury trial, and Against All my very wishes, and forcefully Appointed, to I Parnell May, the Public defenders, Lewellyn Marczuk, and Harrison Tong, and I Parnell May, insisted, that, I wanted to Represent my own Legal defense, in Objection of the, Unwelcomed Appointed Counsel.
17. The trial Court, never informed, I Parnell May, of any dangers and disadvantages such as, taking away my Right to proceed Pro se, in the middle of my own jury trial, for, such a reason, as a, disruptive behavior, or being Persistent in my Legal defense, Against all odds, Before, the trial Court, Permitted, I Parnell May to Proceed Pro se, in my Jury Trial on January 24th 2018. I was Not given any Specific Warning about, any such dangers and disadvantages, of a Legal Process, of taking away my Constitutional Right to Proceed Pro se, before Permitting me to do so, and/or that such, Specific Consequences, could cause the Court to take such Legal Action, as to, take away my Right to Proceed Pro se in the middle of my own jury trial, Against my very wishes, and Appointed the ineffective Counsel's to Represent my Legal defense in a Criminal Court of Law, The Record will contain the evidence of this as well.
18. The trial Court took away I Parnell May's U.S. Constitutional Right to Proceed Pro se in the middle of my jury trial, the trial Court, was required to, first, give I Parnell May such "Specific Warning" about such dangers and disadvantages, about, if a defendant was to engage in conduct that would Prevent the fair and orderly exposition of the issues, that the Court could take away the defendant's Right to Proceed Pro se, but the trial Court, failed to make I Parnell May aware of such Specific Consequences, before I Parnell May was Permitted to Proceed Pro se in my jury trial on January 24th 2018, and that was errors on the trial Court's behalf as well. The Record will establish this to be the truth.
19. The trial Court failed to make even a Limited inquiry into I Parnell May's "understanding of the Legal Process before Permitting I Parnell May to Represent myself, January 24th 2018, in jury trial. This was clearly error on the trial Court's part, in accordance with Case Law authorities, Haffield Vs. State, 346 Ark. 319, 57 S.W. 3d 696 (2001), and Foret vs. California, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975). That is to say that the trial Court had violated my U.S. Constitutional Right of Effective Counsel in a fair trial, and by due process I Parnell May am entitled to all Reliefs Accordingly, by equal Protection. Please Refer to Appendix E. Page 7. The trial Court Appointed the Counsel that I had the Conflict of Interest regarding the Case Strategy.

Statement of the facts

The trial Court did Embarked on a Course Set to
Provoke that Mistrial and Intended to Goad I in-
to Moving for that Mistrial, the trial Court Aided
and Influenced the Circumstances to that Mistrial

20. The trial Court, had instructed the bailiff to "remove the defendant," and while I Parnell May was, Not Present, in the Court Room, the trial Court had engaged into an ex-parte style discussion, with the Public defender and Prosecutors, about, the prospect of that Mistrial. The Prosecutors, were Complaining about double jeopardy, the Public defender had ASSURED, the Prosecutors, and the trial Court, that, AS COUNSEL, that, he (the Public defender) was going to Argue, that "this is Only a Murder Second", just as it was said by the Public defender Llewellyn Marczuk, before the Court, ON RECORD, Clearly AGAINST I Parnell May.
21. Then the trial Court and the Prosecution, changed their position, about the Mistrial, from a complete denial of the Mistrial, to, it being Under Abeyance, by the trial Court and, it was discussed of, how best, to Avoid, double jeopardy, and the trial Court is ON RECORD, Aiding in the devising of the idea, about, the consent, from the defendant. The Prosecutors affirmed, that, if the defendant, verbally ask for a Mistrial, because, they had Lost A Case, in the Past, because the defendant, did Not Verbally Consent to a Mistrial. (PLEASE SEE APPENDIX F. I-4.)
22. The trial Court began to, Re-question the Prosecutors, about, if the defendant was to come in this Court Room and say that he (the defendant) wants a Mistrial, that they (the Prosecutors) would agree to it? The Prosecutors, said, yes, but only if the defendant was to ask for it. That is when, the trial Court instructed the bailiff, to, "go get the defendant." The Record will, Contain the evidence, to establish, this to be Absolute truth by facts. The trial Court is ON RECORD, assisting in the orchestration of the necessities for that, designed Mistrial, that had been, set to Provoke I Parnell May into Consenting for a Mistrial. ON JANUARY 26th 2018, the trial Court did induced I Parnell May to Move for a Mistrial.
23. The trial Court did "embarked on a Course Set to Provoke a Mistrial", in accordance with Case Law Authorities Butler Vs. State, 95 A. 3d, 21, 33 (Del. 2014). (Please Refer to Appendix E, Pages 7). That Case had established, that such Judicial Conduct, did give Rise to the successful motion, that was obviously intended to goad I Parnell May into moving for a Mistrial ON JANUARY 26th 2018, and in accordance with Case Law Authorities Butler Vs. State, (Del. 2014), and Oregon Vs. Kennedy, 456 U.S. 667 (1982). Please Refer to Appendix E, Pages 7, where, those two Cases had established that such Judicial Conduct, of goading a defendant into moving for a Mistrial, bars Retrial, therefore in my Case of State of Arkansas Vs. Parnell R May, it also bars the State from Retrial of the charges based up on Double Jeopardy Principles as well. It was about the Governmental Conduct, that goaded the Mistrial, Not the defendants Conduct, the trial Court knew the Public defenders were ineffective and Conflict of interest Against I At first. (Please see Appendix E. Pages 8-13.)

Statement of the facts

The trial Court, through Improper Influence
Settled the Course for a Mistrial by the Public
Defender, As Appointed Counsel.

Please See the Appendix E. 4th PAGE.

24. The Record will contain the evidence, that will also establish, the fact that, the trial Court, had verbally instructed the very same Public defender Llewellyn Marczuk, on October 16th 2017, that, "At this point the Court will allow you to be relieved, you no longer have to worry about this case", the trial Court had told the same Public defender over four months, prior to the January 24th 2018, Jury Trial, to "No longer worry about this case". It was basically the trial Court instructing the same Public defender Llewellyn Marczuk, to Not prepare, for this, case, even in the event, that the trial Court, was to later decide to Appoint that same Public defender as Counsel, to take over I Parvell May's Case, so as to finish my Jury Trial, had be Unprepared
25. The trial Court, had actually Pre-settled, that Course for a Mistrial, since October 16th 2017 at the Omnibus Hearing, where, the trial Court, had instructed, the same Public defender Llewellyn Marczuk that he "No longer have to worry about this case," for the reason of, I Parvell May, had elected to Proceed Prose, in my legal defense, but the trial Court, actually prejudiced my Constitutional Right of Assistant Stand-by and Counsel, and also prejudiced my Constitutional Right of a fair trial, ^{each} U.S. Constitutional Rights, were violated against, by the trial Court, first instructing the same Public defender, that he, "No longer have to worry about this case," on the day of October 16th 2017, and, on January 26th 2018, the trial Court, takes away I Parvell May's Right to Proceed Prose in the middle of my own Jury Trial, and forcefully Appointed the same Public defender Llewellyn Marczuk to take over the Rest of my Case and the same Public defender Llewellyn Marczuk, claimed to Not be prepared, and Asked for a mistrial, but the same Public defender was going to Argue that I committed 2nd degree Murder, where I was trying to present the Medical evidence and Argue about my innocence, the trial Court Appointed that mistrial to represent I Parvell May, knowing the Public defender and I Parvell May had a Clear Conflict of Interest, and the trial Court introduced Urged Provoked and Advocated on the behalf of the Public defenders that mistrial (Appendix A. Page 2-7.)
26. In the event, that, I Parvell May, Refused to, voluntarily Relinquish My Right to Proceed Prose, the trial Court exercised its, Authority, influence and Position, so as to take away my U.S. Constitutional Right to Proceed Prose in the middle of my Jury Trial for alleged reason as engaging indispersive behavior, that I Parvell May was Never given any specific Warning about such specific consequences as a danger or disadvantage in representing myself, before I was permitted to Proceed Prose, January 24th 2018, it was error and UNCONSTITUTIONAL against I Parvell May, to a fair trial by Jury.

Statement of the facts

The trial Court Set the Course for a Mistrial and the Public defenders were Prepared to Argue that it was only Murder Second, the trial Court intended for a MISTRIAL. Please See, Appendix A. Page 4 for Proof.

27. By the trial Court, Pre-setting that Course, for a Mistrial, on October 16th 2017 by ordering that Same Public defender to be relieved, and that, he No Longer had, to worry about this Case, basically, it gave, that Public defender, an excuse, for the Request of that Mistrial, that it would make, a better Record, and it gave the trial Court, the Unfair Advantage and descretion, of Appointing a Mistrial, to I Parwell May, where the Public defenders, was basically, "the + course" that was set for a Mistrial," ever since October 16th 2017, according to the Record, when the trial Court told the Public defender, Lewellyn Marczuk, that he was relieved of the Case and that he "No Longer have to worry about this Case". Please Refer to Appendix E, Pages 4, 5, and 6. Please Also See Appendix E, Pages 1-4.
28. That, Also Clearly established, the fact, that the trial Court, definitely, Knew before-hand, that the public defender would, claim to be Not Ready for the Case, and, yet the trial Court, still appointed, the Same Public defender to Lead and take over my Case, Against my wishes, and, in the middle of my ongoing Jury trial in a Criminal Court of Law, within the United States, unfairly against I Parwell May.
29. The Record, will also show, that, the Public defender, had told the Prosecutors and the trial Court on Record and, without I being Present, that, As Appointed Counsel, that the Public defender, was going to Argue that, "it was only Murder Second," and, about how it was a Complete turn around in midpoint of the trial, of that currently Composed Jury. The Public defender made such suggestions to the trial Court and Prosecutors, about the fact, that the idea, would not sit well with that, Currently Composed Jury. After, 3 days of Seeing and hearing I Parwell May, that had been Arguing and attempting to show Medical Science evidence of my Absolute Innocence,
30. By the trial Court's Conduct, it Proved, that the trial Court, had Agreed, that, the Currently Composed Jury had to be eliminated, where that the trial Court, had directly got too involved, judicially Overreaching its sworn duty, and actually Provoked that Mistrial into existence, and by having I Parwell May brought back into the Courtroom and the trial Court, began to Advocate, for the Public defender, about how and why the Public defender was Asking for a Mistrial, and how that it may Can help I Parwell May and my Case, No doubt, that was goading I Parwell May into a Mistrial. About 8 months Later I Parwell May discovered, that, the method of the Mistrial was Wrong. The trial Court did Persuaded I Parwell May, to move for that Mistrial, on January 26th 2018, Please See, Appendix F. Pages 1-4, for the Proof.

Statement of the facts

The trial Court Gave the Case to the Public defenders
Over I Parnell May's Objection, Despite the trial Court
Knowing that the Public defenders before Appointed Counsel
would claim to be Unprepared and Ask for a mistrial

31. (Please, Refer to the Appendix A, on Pages 2, through Page 7) of the Decision and Opinion made by the Arkansas Court of Appeals, October 2nd, 2019, where it will show a part of the colloquial, between the trial Court and I Parnell May in the Last and final Proceeding that Led into the establishment of the mistrial on January 26th, 2018.
32. The trial Court, had ordered the bailiff, to "go get the defendant" and as I Parnell May was returned back into the Courtroom, the trial Court, was discussing matters about the Cell Phone with the Public defender, Harrison Tome, and interrupted, by telling the Public defender to, "Hold on a Second Let's do this first," (Please See, Appendix F, Pages 1-4.)
33. The trial Court began to order individuals to stand in specific places, and almost immediately, the trial Court, directly presented to I Parnell May about the Public defenders, of their authority of taking over the rest of my case, and that the Public defenders wanted to prepare. I Parnell May again objected and stated that "I am pro se," but I was ignored.
34. The Record shows the trial Court, actually, presented and advocated, on the behalf of the Public defenders for that mistrial. The trial Court, actually described the benefits, of the Public defenders, "Asking for a mistrial so that he can present other evidence, and prepare this in a way that may help you and your case." That was not what the trial Court, "urging" I Parnell May into consenting for that mistrial, please review the Record, it's real.
35. As the trial Court, continued, to tell, I Parnell May, about the prospect of the mistrial and how it may can help, I Parnell May and my case, and that "Mr. May, Everybody's trying to help you and save you," I Parnell May did believe what the trial Court, had claimed, as he guaranteed and assured to I Parnell May, as the trial Court, being the Judge, Leon J. Johnson, his power of influence was very compelling and convincing, and I Parnell May actually believed that the trial Court, and the Criminal Justice System was finally working to save me, against a wrongful prosecution. The trial Court, goaded I Parnell May into requesting for that mistrial on, January 26th 2018, and it did not help me and save me. Instead, I Parnell May was double charged with an additional Capital murder charge with the Original first degree murder charge, for the very same offense, and I am being prosecuted for two homicide charges for the same offense. Now, (Please Refer to the Appendix C, Pages 7 through Page 8) Violating my Right of due Process accordingly.
36. The trial Court did intended, to goad I Parnell May, as the defendant into moving for a mistrial, on January 26th 2018, and additional evidence of intent (Please Refer in the Appendix A, Page 5) where, the Arrow Points at, the trial Court, basically telling, I Parnell May that, "OKAY, You would Request a mistrial." The aforementioned facts, are all in the Record!! (Please Look at Appendix A, Page 5) The Judge told me this (11)

Statement of the facts

The trial Court, the Prosecution did have a Very Strong Motive, Socially motivated by Career bias Where the State Crime Lab had violated against State Laws.

37. The Motive for the trial Court, and the State Prosecution's, Actions, of changing their very positions, from Refusal and denial of having "Any kind of mistrial," like they had said on Record, just moments before, the Public defender had, told the trial Court, and the State Prosecution, that as Appointed Counsel over the Case, that he (the Public defender) was going to Argue that he (the defendant) Only Committed Murder Second, Advertising it as a deal.
38. The Public defender continued to explain to the Prosecution and the trial Court, that it was "IN mainstream," "we have problems," The Public defender clearly stated that "he was going to Argue that it was Murder Second," and that he (the Public defender) did not feel like I Parvill R. May have any evidence to pursue the defense of fabrication and Causation." (PLEASE SEE APPENDIX F, Pages 1-4)
39. The Public defender basically had admitted and Acknowledged on Record, that he (the Public defender) was, in fact, Actually Prepared for the Case, so as to finish the trial, but, "we have Problems," The trial Court and the Prosecution, realized that they had a much greater Assurance of a Conviction of Murder Second, but, also understood that "IN mainstream," of a Jury trial, where the defendant I Parvill R. May and PRO SE, Argued and tried to present in- to exhibit for three days, Medical Science Evidence, of an, inconclusive Cause of death and Toxicology Records of the detection of N-Propional Toxins, that were not Reported into the Official Autopsy Report and Lab Results Report, (Please Refer to Appendix D, Page 16 to 20) (Please Special Refer to Appendix D, Page 25)
40. (Please Refer to Appendix D, Pages 1 to 25) that has been Provided, in order to show this Court, that this was the Motive that Moved the trial Court, the Prosecution and the Public defenders to Manipulate the Circumstances, that developed into that Mistrial, on January 26th 2018.
41. It was to get rid of that Currently Composed Jury that had Seen and heard I Parvill R. May Speak, trying to show, the Medical Documentary Evidence of my Actual Innocence, of Committing any degree of Homicide, where as, Homicide is, the, UNLAWFUL death of a person by another person's Action, and in my Criminal Case, my friend, had passed away by Alcohol Poison.
42. The Arkansas State Crime Laboratory, had Removed Suppressed and Concealed the Record data about the detection of N-Propional, in the Amounts of 1.0% mg, that was in the heart blood that was tested on December 13th 2016, (Please Refer to the Appendix D, Pages 11 to 14)
43. The trial Court, the Prosecution, and the Public defender, All, work for the State of Arkansas and the Arkansas State Crime Laboratory had been exposed in an Open Criminal Court of Law, of Tampering with Physical evidence, and, that is, obviously, the Powerfullst Motive, that, did motivated the trial Court, to Provoke that Mistrial on January 26th 2018.
44. (The Appendix D, Pages 1 to 22) are Copies of the Certificate of Death, the Official Autopsy Report, the Abstracted Pages of the Medical Records showing, Stimulated heart Rates and Pulses at Specific times, and the Toxicology test Record Data, so as to, show Proof of Motive for the Judicial Manipulation for a Mistrial. (12) The Mistrial was to Cover the Tampering with

Statement of the facts
The trial Court's motive was to cover up a
Corruption by Judicial Manipulating a Mistrial.
The trial Court allowed an Undetermined Case go to
trial by Jury, Unfairly and Wrongly and knew it.

- continue
- Physical evidence, committed by the Personnel at the Arkansas State Crime Laboratory, as well as other additional facts, that were presented during the three days of the trial before that currently composed Jury, that had been empaneled on the day of January 24th 2018, of the Criminal Case Number 60CR-17-169.
45. The trial Court, aided in the efforts to protect the Arkansas State Crime Lab's Medical Examiner Dr. Stephen A. Erickson, the toxicologist, Sharon Pulla, and others accordingly, from what I Parrell R. May had uncovered, and did expose in open Court, on record.
46. Please look in the Appendix D Page 11 to 14, and this Court will see that those are two test results showing the detection of ethanol at 0.081 % mg and the detection of N-Propanol at 1.0 % mg. I presented these facts to the Jury on January 24th 2018.
47. Next please look in the Appendix D Page 16 and 20, and this Court will see, that there are the Official Autopsy Report and the Official Laboratory Report, and in the 8 page Autopsy Report on its Page 7, you will see that N-Propanol is not recorded into that Report, and also the Official Laboratory Report, it is not recorded as well. I exposed this.
48. Please look in the Appendix E Page 1 to 4, and this Court will see that it was State Law that required personnel at the State Crime Lab to make a full Report of the facts developed, and file that Report with the Law enforcement Agencies and Prosecuting Attorney. So that those Records and Reports that were made by any personnel at the State Crime Lab, can be received as competent evidence in any Criminal Court of Law in the State of Arkansas. The State Crime Lab had violated State Laws.
49. The trial Court and Prosecutors began to realize an opportunity to start a new trial and to get a more advantage in a former conviction, and cover up the actual fact that the State Crime Laboratory was exposed of tampering with physical evidence, where that upon retrial, I Parrell R. May would not be permitted to represent my own legal defense, and the public defender Llewellyn Marczuk, had already told the trial Court and Prosecution, that he (the public defender) was going to argue for murder second, and would not use any of the evidence, that I had presented, and, in this Petition, I have presented some of the same evidence to this Court in order to show this Court, the reason for the trial Court's actions, in guiding I defendant, Parrell R. May, into moving for a mistrial on January 26th 2018.
50. The above mentioned is about the most obvious motive for the trial Court's action, of the judicial manipulation for that mistrial, and I the Petitioner Parrell R. May believes that the material provided in the Appendix C, D, E-F, are essential to understand this Petition for a writ of Certiorari. Please Review the Certificate of death Appendix D. Pages 2-3. 13. The cause of death was inconclusive,

Brief Abstracted Records with Statement of facts
showing the evidence of Actual trial Courts
Conduct that did Provoked that Mistrial into Existence

51. In the Appendix E. Pages 8 - 13, as One of A Small fragment of the Abstracted Record, Presented to Show this Court how the Public defender Llewellyn Marczuk actually admitted to the trial Court that, he as Appointed Counsel, was Prepared for the Case, where he said, that, he "was going to Argue that it was Murder Second", And from there, the trial Court, knew about that Plan of Conceding guilt, against I Parnell R. May's Position of Innocence.
52. The trial Court continued to discuss and devise, the idea of, having a mistrial, by I the defendant Parnell R May, to Come back into the Court room, and Say, "I want a mistrial", that was what the trial Court, did have in mind, when the trial Court, said, "Go get the defendant". Please See the Appendix F. Pages 1 - 4.
53. The trial Court, did intended, or, in other words, "had in mind" of I Parnell R. May Coming back into the Court Room and, "do it". Please See the Appendix A. Page 4 where the trial Court urged I Parnell R May to talk to the Public defenders about the mistrial and the trial Court clearly expressed anxiety in the Anticipation of I Parnell R. May Requesting for a mistrial, when the trial Court stated that, "he ain't going to do it" "he ain't going to do it". I Parnell R. May, did not know, what a mistrial was, and, No one properly informed me, of what a mistrial meant, therefore, I surely did Not know, about the workings of double Jeopardy.
54. Appendix A. Page 5, the trial Court, did directly tell me, to, "Request for a mistrial", and I Parnell R May did exactly what the trial Court, had directly advised and Urged I Parnell R. May, to do, because, I did believe that, "Every one was trying to help me and Save me", the trial Court was direct in telling me, on that day, "Okay you would Request for a mistrial" then, quickly shifted to a questioning style of expression, After stating to I Parnell R May about what I would Request for. The Arkansas Court of Appeals, ignored such obvious facts.
55. I Parnell R. May, was Not, the first to Ask, for a mistrial, in fact, the Public defenders did Not talk to me about having a mistrial, it was the trial Court, who was the first to introduce to me the prospect of a mistrial, and it was the trial Court, advocating and Presenting that mistrial Option, to I Parnell R. May, and the trial Court Spoke on the behalf of the Public defenders, saying that, they wanted it, so as to present other evidence and prepare this in a way that can help me and my case. The trial Court is clearly Judicial Overreaching.
56. Appendix F Pages 1 - 4, Shows that, just in that brief moment, the trial Court, devised up the idea of getting I Parnell R May the defendant, to Come back into the Court room and "just do it" to Say, "I want a mistrial", And when I Parnell R. May did return into the Court Room, the trial Court, did goaded I Parnell R. May into Requesting for that mistrial, on January 26th 2018. Because the trial Court did intended to have that very mistrial, the trial Courts Conduct, Judicial Overreached its responsibility as trial Court Judge and did goaded I Parnell R. May into Requesting for that mistrial January 26th 2018.

Please See Appendix A. Page 4, for the trial Court's Intent,
The Record shows evidence, that, Corroborated other evidence, that
the trial Court's Conduct, did give rise to the existence of that Mistrial.

57. In the October 9th, 2018, Order denying, I Parnell May's Motion and Brief to bar the State from Retrial of the charges based upon Double Jeopardy Principles, After a hearing that was held, October 1st, 2018, Please Refer to the Appendix B. on the 3rd Page, and where the ARROWS are pointed at, where the same trial Court Judge, had Stated: "May Was Not goaded into Consenting, to the Mistrial, Counsel requested a Mistrial to prepare, and the defendant assented so he could subpoena witnesses HE BELIEVED WOULD BE FAVORABLE TO HIS CASE," Please Refer to Appendix B. on the 3rd Page, at the ARROWS.
58. I Parnell May did believe the trial Court, on January 26th 2018, especially when the trial Court, had told, I Parnell May, that the Public defender, "was Asking for a Mistrial, so that he can present other evidence and prepare this in a way that may help you and your case," and that, "Mr. May, Everybody's trying to help you and save you," Please Refer to Appendix A. on Pages 2 through Pages 3. Please Consider both Afore References.
59. Those above mentioned, facts, are Very Strong Evidence, of the trial Court, goading I Parnell May into Moving for a Mistrial, where, in the October 9th 2018 Order denying the Motion and Brief to Bar Retrial etc, the same trial Court Judge, stated that I Parnell May had, "Believed Would Be favorable to his Case," that is reasonable to understand and accept, especially After the trial Court, had, Assured to I Parnell May, that, "Everybody is trying to help you and save you," on January 26th 2018, regarding the Mistrial Consent.
60. The trial Court, knew before Appointing Counsel, that they would complain, of being Unprepared, for the Case, and would Request for a Mistrial, the trial Court, did discuss methods of how best to Avoid the double jeopardy Clause, with the Prosecuting Attorneys, and the trial Court, had devised, the idea, with the Prosecuting Attorneys, of the defendant returning to the Court Room, and verbally saying, that he, the defendant, wants a Mistrial.
61. The Judicial Conduct, is, actually Clear and Present, in the Record, that had been Abstracted and Provided, to the Arkansas Court of Appeals. There is No doubt, about the facts, that the governmental Conduct, in question, was clearly, the Judicial Conduct, of the trial Court that did intended to goad, I Parnell May, into Moving for a Mistrial, on January 26th 2018. The Arkansas Court of Appeals Decision, directly Conflicts Against the United States Supreme Court, Case of Oregon Vs. Kennedy, 456 U.S. 667, 676, 679, (1982), it was bias.
62. The Judicial Conduct, of the trial Court, on January 26th 2018, in the Criminal Case Number 60CR-17-169, did give rise to the Successful Motion for that very Mistrial, and the trial Court did intended, to have I Parnell May, be returned into the Court Room and verbally say that I want a Mistrial, and I Parnell May was not informed or even AWARE that the Purpose for getting I Parnell May to Ask for a Mistrial, was also for the State to Avoid double jeopardy Clause. The trial Court intended to goad I Parnell May into Moving for a Mistrial, Please See Appendix A. page 4.

Statement of the fact, the trial Court gounded I Parnell May
to Requesting for that Mistrial, that made the M/S-
-trial Un Constitutional, Caused by the trial Courts Conduct.

63. Just from the Small Amount, of the Contents, that were in the transcript Record in the Abstracted Pages, that were Provided, through this Petition for a Writ of Certiorari, in the Appendix Pages, Accordingly, It is obvious to See that the Conduct, of the trial Court, had, directly influenced the development of that Mistrial, far more, and more effective, especially in the effort of convincing I Parnell R. May to Request for that Mistrial, then anybody on Record, in the beginning of it, the trial Court had started it. Actually the trial Court, was more effective in Persuading I Parnell R. May to Request for a Mistrial, then, the Same Public defenders that the trial Court had Appointed as Counsel to takeover I Parnell R. May's Case, and All this Can be Seen in the Small Amount of the transcript Record, that had been Presented, by the Appendix Pages, accordingly, of the fact that it was the trial Courts Conduct, that did gounded I Parnell R. May, to the Point of Requesting for a Mistrial on January 26th 2018.
64. It was Unfair exercise of Justice, that was Projected and displayed, by the Lower Court and the Arkansas Court of Appeals, and Supreme Court of Arkansas, against I Parnell R. May, The Way that the higher State Courts in Arkansas, conducted their de Novo Review and gave their Opinion, as a decision, about this Case, was Clearly empirical evidence of bias treatment against I Parnell R. May, especially where that I had discovered and exposed actual documentary evidence of the Arkansas State Crime Laboratory, Tampering with Physical evidence, by the Removal Suppressing and Concealing of the Record about the test results facts of the detection of the Chemical Compound Named N-Propanol, in the Amount of 10% mg, and how that data Was Not Recorded into the Official Report, this is true, Please See the Appendix D. Page 11 through to Page 16, and Also Appendix E. on Page 3.
65. I Parnell R. May will not have any fair Official Proceeding, whether trial, or Appeal, I will not have any fair Official Proceeding in any Criminal Court of Law, in the State of Arkansas, and the Proof is this very Case, that has been Presented to this Court, in regard of the double Jeopardy issue, where the trial Courts Judicial Conduct did give rise to the Successful Motion for that Mistrial on January 26th 2018, I was Scamed out of that Jury trial.
66. The Arkansas Court of Appeals and Supreme Court of Arkansas, Saw the evidence of the trial Courts Conduct, Provoking that mistrial, it was obvious to See it in the Record and to Reasonably Understand that the trial Court is gounding I Parnell R. May, to Request for the mistrial, But the highest Courts in the State of Arkansas, decided to Protect the trial Court and the Arkansas State Crime Laboratory, Just as the trial Court was Protecting the Arkansas State Crime Laboratory against, the evidence, being exposed of the Arkansas State Crime Laboratory Tampering with Physical evidence, That was the Covert but Obvious Motive for the trial Courts Conduct in gounding I Parnell R. May into Requesting for that Mistrial. It was to get rid of that Currently Composed Jury and to Re-make another trial Court Record, without I Parnell R. May's choice of the evidence and Argument of Causation, fabrication.

REASONS FOR GRANTING THE PETITION

I Seek for Fair Justice through this Court directly by due Process of Law.

Clearly, this is an Emergency of the United States Constitutional Law. This case is about the U.S. Bill of Rights, the U.S. Fifth Amendment's double jeopardy Clause, where the Second general Principle, Protects, I PARNELL MAY, a U.S. American Citizen, Against, the Judicial Conduct, that gave rise to the Successful Motion for a MISTRIAL; that goaded I PARNELL MAY, the defendant into moving for that MISTRIAL on JANUARY 26th 2018, INTENTIONALLY.

Please, this United States Supreme Court Must Review and Decide this Case, there is an existence of a Conflict, between the decision of, which this Review is sought, and a decision of another Appellate Court, on the same issue, IN REGARD to the Case of BUTLER Vs. State, 95 A.3d 21, 33 (Del. 2014) "To evaluate an alleged claim of goading we must scrutinize the objective facts and circumstances. The reason for this is plain: A trial court judge and/or prosecutor is very unlikely to ever confess to having the intent to deprive a defendant of his right to trial before the empaneled jury. As a result, the requisite intent must necessarily be inferred from the objective facts and circumstances." Id. The ARKANSAS Court of Appeals opinion, Conflicts Against the State of Delaware's.

There is also an existence of a Conflict, between the decision of, which this Review is sought, and a decision of the United States Supreme Court, on the same issue, IN REGARD to the Case of, OREGON Vs. Kennedy, 456 U.S. 667 (1982), where the Supreme Court, to an extent, clarified the standard, for determining, if Consent to a MISTRIAL, Permitted Reprosecution, stating: "We do not, by this opinion lay down a flat rule that where a defendant in a criminal trial successfully moves for a mistrial, he may not thereafter invoke the bar of double jeopardy against a second trial. But we do hold that the circumstances under which such a defendant may invoke the bar of double jeopardy in a second effort to try him are limited to those cases in which the conduct giving rise to the successful motion for a mistrial was intended to provoke the defendant into moving for a mistrial." Id. at 679. The Court held, "Only where the governmental conduct in question is intended to 'goad' the defendant into moving for a mistrial may a defendant raise the bar of double jeopardy to a second trial after having succeeded in aborting the first on his own motion." Id. at 676. Here, whether motivated by paternalism, sympathy, frustration, or exhaustion, an objective Review of how the MISTRIAL Played out demonstrates that the trial Court embarked on a course set to provoke a MISTRIAL, and under the double jeopardy Clause, that bars retrial of I PARNELL MAY. The ARKANSAS Court of Appeals Review and Opinion, in this Case is completely One sided, Against I PARNELL MAY, where, the facts in the Record, showed Judicial Manipulation for a MISTRIAL.

REASONS for Granting this Petition
The TRIAL COURT ASSURED I PARNELL R. MAY THAT EVERYONE WAS TRYING TO HELP AND SAVE ME
AND I PARNELL R. MAY DID BELIEVE THE TRIAL COURT, AND SO I DID WHAT I WAS URGED TO DO BY...

The TRIAL COURT'S CONDUCT did give rise to the Successful Motion for a Mistrial, in the Case of the State of ARKANSAS versus PARNELL ROBERT MAY on JANUARY 26th 2018, the truth is that the trial Court's Judicial Overreaching helped shaped the development of Circumstances that were No doubt Attributable to Judicial Overreaching, that created the Conditions, along with the trial Court's improper influence, that Provoked and Goaded I Parnell May into Moving for a Mistrial, JANUARY 26th 2018, and the Record will contain, the evidence, to establish this as truth.

Thus, this Case, Came down, to the FACTUAL ANALYSIS, the ARKANSAS Court of Appeals' FACTUAL ANALYSIS WAS MORE AKIN TO A SUFFICIENCY ARGUMENT, than a, de Novo Review, this Court must grant this Petition, it is a SERIOUS U.S. CONSTITUTIONAL ISSUE, about Double Jeopardy and the ARKANSAS Court of Appeals, did not address the facts that were pointed out in ANY of I PARNELL MAY'S Appellant's Brief, Arguments or Motion to bar the State from Retrial of the charges based upon double jeopardy principles, the Problem with the ARKANSAS Court of Appeals ANALYSIS, is that, it only cited evidence, supporting the trial Court's decision, and based it, on the trial Court's, Claim, of taking away I Parnell May's Right to Proceed Pro Se, for what was alleged as "the defendant, had," engaged in disruptive behavior, AS JUSTIFICATIONS for the ARKANSAS Court of Appeals opinion and decision, that was bias.

The familiar Maxim is that "A defendant Cannot Cause his own mistrial," and the ARKANSAS Court of Appeals, adjusted the facts, in the Record, to justify the trial Court's decision instead of A, de Novo Review, of the objective facts and Circumstances, fair, equal, and Non-bias, that would have, No doubt, found, that the trial Court's Conduct did, give rise, to the Successful Motion for that mistrial by goading I Parnell May into moving for that mistrial, and I Parnell May know what happened to me on JANUARY 26th 2018. The trial Court did, URGED for I PARNELL MAY, to Request for a Mistrial, and I WAS given ASSURANCE by the trial Court, that "every body" was trying to help me and save me. Please Refer to Appendix A Page 5, the Arrow shows the trial Court directing me to Request.

The ARKANSAS Court of Appeals' failure to address the facts that were in the Record, and the ARKANSAS Court of Appeals and Supreme Court of ARKANSAS, INABILITY and/or UNWILLINGNESS to even identify I PARNELL MAY'S Arguments is very, very, very, troubling Unfair, and AGAINST I PARNELL MAY AND fair and equal Justice, that is also a Right of I PARNELL MAY. This is very Justifiable Reasons for this Court to grant this Petition along with the following REASONS, that are also in the best interest of the development of the Rule of Law, and the establishment of the Rule of Law, of the U.S. Constitution, especially about the U.S. 5th Amendment's Double Jeopardy Clauses, Second General Principle, the trial Court did embarked on a course, and that course was the public defenders who Pre-Set to Assist the trial Court into Provoking that very mistrial (18). This Court, Review the Record, and will see the Truth!

"ORIGINAL" REASONS FOR GRANTING THIS PETITION
The Actual Judgment Sought to be Reviewed is the October 9th 2018 Order, etc.

On October 9th, 2018, an Order was filed into the, Pulaski County Circuit Court, First Division for the Criminal Case Number, 60 CR-17-169, about the Motion and Brief to bar the State from Retrial of the Charges based upon the Double Jeopardy Principles filed by, I the defendant Parnell May in that above mentioned Case Number, the Circuit Court, that was also the same trial Court Judge, that had denied that Motion to bar the State from Retrial, etc.,

On October 15th 2018 I Parnell May had an Interlocutory Appeal of the October 9th 2018 Order denying my Motion to bar the State from Retrial, etc, filed in the ARKANSAS Court of Appeals, and almost a year later, on October 2nd 2019, the ARKANSAS Court of Appeals, Affirmed the Circuit Court's Order denying the Motion to bar the State from Retrial, etc. Please Refer to the Appendix B, Pages 1 to 4, the Order from Circuit Court,

I Parnell R. May had exhausted all available state remedies respecting a claim of error, where the claim had been presented to the ARKANSAS Court of Appeals and the ARKANSAS Supreme Court, and relief had been denied, in accordance with ARKANSAS Supreme Court Rules, Rule 1-2. (3) issue involving federal Constitutional interpretation, (5) significant issues needing clarification or development of law, or overruling of precedent, and (h) when the claim has been presented to the ARKANSAS Court of Appeals and/or the ARKANSAS Supreme Court, and relief has been denied, the Appellant shall be deemed to have exhausted all available state remedies. Therefore this United States Supreme Court has Proper Jurisdiction.

The ARKANSAS Court of Appeals, Opinion for its decision failed to Address any of the facts that, the Appellant, I Parnell May pointed out, in the Record, identifying as the Judicial overreaching that created the Mistrial, the ARKANSAS Court of Appeals and the ARKANSAS Supreme Court's inability and Unwillingness, to identify any of I Parnell May's Arguments about those facts, that are actually Present in the Record, are very, very, very, troubling. Please Refer to the Appendix A, Pages 1 through 10, that is the ARKANSAS Court of Appeals, Opinion and Decision, for the Case Number CR-18-996.

A, Full Objective Review of the Record, will, No doubt, Prove that, Judicial Manipulation, for that mistrial, actually did occurred in my Case on the date of JANUARY 26th 2018, and that under the Double Jeopardy Clause it reasonably and justly, bars the State from Retrial of I Parnell May for those charges based upon the Double Jeopardy's Second general Principles and the Double Jeopardy Principles in whole for the matter, regarding the trial Court, did Not make any findings and ruled a mistrial for any Manifest and/or Overruling Necessity.

These are all very Significant REASONS for this Court, to grant this Petition, and these reasons are justified by fair and equal Justice, in the Criminal Justice System here in the U.S., and this Court has that duty to, the U.S. Constitution, the U.S. Citizen I Parnell May, and Justice.

CONCLUSION: I have listed my Arguments (19) of the Petition, showing that the Court's Conduct was Projecting Judicial Overreaching.

Reason for Granting this Petition

For the further development of the Rule of the U.S. Constitutional Law, this Court should grant this Petition for a Writ of Certiorari.

Because a defendant decides to Represent him self, in his Case, and Proceed Pro Se in his own Jury trial, and becomes Only Persistent in the Cross-examination of the States expert witness, in regard to inconsistency in the witnesses own statements, that the trial Court decides to take away I Parnell May the defendant's Right to Proceed Pro Se in my Jury trial, Against my wishes, and immediately the trial Court Appointed the Same Public defender that the trial Court had ordered to "Not worry About this Case," on October 16th 2017, and the trial Court Appointed that Same Public defender on January 26th 2018, to take over my Case Also Against my Strong Objections and Against my wishes, . Then removed I Parnell May from the Courtroom, so as to discuss what and How Actions the trial Court shall take and/or make, that was Actually bias and Against I Parnell May Unfairly in that Criminal Court of Law, and the U.S. Constitution, Provided I Parnell May the Right to fair trial

The trial Court became fully involved with, devising orchestrating, and establishing the Agreement of A Specific Mistrial Custom designed, So as to fit the State Prosecutions view of the necessity of the Case, and I Parnell May did Not know About that Specific Mistrial's true Purpose that was Custom designed by the trial Court, And the Public defenders that were the Course that the trial Court, had embarked on So as to get to that Specific Mistrial, that was to have I Parnell May say that I want a Mistrial, So the State Prosecution Can Pre-Advantageously Avoid double Jeopardy by the trial Court using its Position of Authority and influence to instruct order, persuade, goad, and manipulated, others and Circumstances accordingly So as to get that very Specific Mistrial, that the trial Court had discussed About with the Prosecution, before the trial Court, told the bailiff to "Go get the Defendant" in that Last ex-parte style of a discussion with Ms. MARIAM the State Prosecutor who had Just said "We are worried About double Jeopardy". Please Refer to Appendix F. All Pages

Because there are not much on-point Authorities either mandatory or persuasive, this Court should use this Case of, Parnell May vs. State of Arkansas, So as to further establish the U.S. Constitutional Rule of Law, in regard of the Fifth Amendment to the U.S. Constitution's Double Jeopardy Clause's 2nd general Principle, About what Constitutes, the Judicial Conduct that goaded a defendant into Consenting for a Mistrial, whereas it will bar Retrial of that defendant in accordance with the double Jeopardy Clause, Just as what the trial Court in this Case of State of Arkansas vs. Parnell May, had committed by a Very Unique and elaborate Course of Action, that Still Provoked Urged and goaded I Parnell May into Requesting for that Mistrial on January 26th 2018.

REASONS for Granting this Petition

The trial Court Scammed I Parnell R. May into Requesting for a mistrial and out of a fair trial by that currently composed Jury.

The trial Court did appoint a Counsel, that the trial Court knew beforehand was claiming to Not be Prepared and would request a mistrial, the trial Court set a course to that mistrial when the trial Court appointed the Public defenders to take over the Case, Against I Parnell May's wishes, creating the circumstances that were, overwhelmingly influencing, for a mistrial, and the trial Court stated that the mistrial was basically for I Parnell May's benefit, even going so far as to say as Mr. May, Every body's trying to help you and Save you, these were the Actions that were Attributable to the Judicial Conduct of the trial Court's Conduct, that did intended to goad I Parnell May into moving for that mistrial, the trial Court did set into motion the chain of events that did goaded I Parnell May, Provoked I Parnell May into that mistrial, goaded I Parnell May into Requesting for that mistrial, and under the double jeopardy Clause's Second general Principle, that would bar Retrial.

Please See the Appendix A. Pages 2 through 7.

This Case, in itself, is a Very good Reason, as to why, this Court, must grant this Petition for a writ of Certiorari. This Case will definitely help this Court, to develop and establish, another Case Law Authorities, with a more clear, and defined, standard, for determining if a defendant's Consent was goaded by Judicial and/or Prosecutorial Conduct.

This Court must seize this opportunity to Review and decide this Case, where that there are, Uncharted Circumstances, that needs to be, properly identified, by this United States Supreme Court, and established as the Rule of Law, for the future.

The Record will contain the evidence that will establish that the trial Court was Aware that the Public defenders was Unprepared to Represent I Parnell May, the trial Court gave the Case to the Public defenders, Over I Parnell May's Objection, despite knowing that the Public defenders was claiming before that they were Not Prepared, and in Addition to Creating the Coercive Situation, the trial Court, actually Urged I Parnell May to Consenting and Requesting for that mistrial on January 26th 2018, especially by the trial Court, Assuring to I Parnell May that, "every body's trying to help you and Save you", Judicial Overreaching is Prohibited. Please Refer to Case Law United States vs. Joan 400 U.S. 470, 485 (1971).

The Bill of Rights are established in the U.S. Constitution, guaranteeing to Protect I Parnell May a U.S. American Citizen Against Governmental Actions, that are wrong, Unfair, Malicious, and Bias, the trial Court in my Case was Not allowed to goad I Parnell May into a mistrial. Therefore this Court has an Obligation, to the U.S. Constitutional Law, and Must Review and decide this Very Case, the aforementioned Reasons, are Officially Justifiable grounds for this Court to Grant this very Petition.

Reason for Granting this Petition
in my original version of Common Expression, Layman's form...

I Parnell May at that time of January 26th 2018, was doing to the best of my Ability and Understanding, in the effort, of representing myself, Against, the false Allegations of Committing a homicide, and in the Process of Attempting to show and speak about the Medical facts and many inconsistencies in the investigation, I Parnell May's Right to a fair Jury trial in a Criminal Court of Law, was obstructed.

After I Parnell May was Officially unable to represent my best interest of Innocence, and forced to be represented by the trial Court's Appointed Public defenders, who were not for my best interest of Innocence, and actually said I should get Life Please Refer to My Appendix F. on Page 2 where the first arrow points at, and the Record will show, the Public defender Llewellyn Marczuk, telling the trial Court and Prosecution, that, and I quote, "he deserves a huge sentence, perhaps life." unquoted, while I was Absent.

The trial Court Appointed such an ineffective Counsel to Represent I Parnell May in the middle of my jury trial, and completely against my very wishes, and Strong objection, and that was Absolutely unfair Against I Parnell May in a Criminal Court of Law, in the United States of America, where I Parnell May, an American, U.S. Citizen, had the Right to have a fair trial by a Jury, in accordance with the 6th Amendment to the U.S. Constitution, and the trial Court had violated Against that Right on January 26th 2018.

At that time of January 26th 2018, and After I Parnell May had been denied my Right to Proceed Prose in my Legal defense, at my Currently Composed and empaneled jury trial, I Parnell May was overwhelmed by the presentation and advocacy of the mistrial by the trial Court and the Public defenders, who were used as, the course, so as to get that mistrial, that the trial Court, advocated to I Parnell May, on the behalf of the Public defenders, and when the trial Court had told I Parnell May, that "Every One" was trying to help me and save me, I Parnell May at that time, did actually believed what the trial court had said, and I Parnell May understood the trial Court's Suggestion of, "Only you the defendant can Request a mistrial", as to be the notion, the trial Court needed and wanted I Parnell May to do, in order for "Every One", to succeed, in, helping and saving me.

Aftermath, it did not, help me and save me, I was duped, into requesting for that mistrial by the Judicial Conduct, of the trial Court's, improper influence, that did intended to goad I Parnell R. May the defendant, into requesting for that mistrial on January 26th 2018, and as later time progressed I Parnell May quickly Learned about my Rights and discovered the truths and facts, into such depths, about my Rights and began to take this type of Action, like I bring before this Court, seeking for fair and equal Justice, accordingly by the U.S. Constitutional Laws, Bill of Rights that guaranteed I Parnell May due process of equal Protections of the Laws Accordingly, Against, such governmental Conduct.

REASONS FOR GRANTING THIS PETITION
I Parnell R. May invites this Court to Please Explore this ^{ENTIRE} VERY CASE RECORD.

Again, there is, very little, that exist, as of CaseLaw Authorities, that directly addresses such issue, about the U.S. Constitution's Fifth Amendment's Double Jeopardy Clause's Second general Principle, that can give further clarity for the Standard, for determining, whether a trial Court Judge and/or Prosecutor, exercised Judicial and/or Prosecutorial Manipulation for a Mistrial. This Court must, use this Case, as an Additional Building Block in the development and establishment, of this Specific U.S. Constitutional Law, so that it may be enforced, properly, effectively, and with clarity, through fair and equal Justice for that Reason as well as the existence, of a direct conflict, between the decision of which this Review is sought, and the decision, of another Appellant Court, please see Butler vs. State, 95 A. 3d 2133 (Del. 2014) and also the existence of a direct conflict between the decision of which this Review, is sought, and the decision of the United States Supreme Court, both on the same issue, please see Oregon vs. Kennedy, 456 U.S. 667 (1982). The ARKANSAS Court of Appeals, had decided an important question, of U.S. Constitutional Law, directly in a way that, clearly conflicts with the relevant decision of this Court, specifically in regard of Oregon vs. Kennedy, 456 U.S. 667, 676, 679, (1982), about the Double Jeopardy Clause. I Parnell R. May seek relief by fair and equal exercise of justice and in this Court.

CONCLUSION "In Regard of the importance to the Public of the issue."

Finally and for the Sake of the Bill of Rights to the U.S. Constitution's Double Jeopardy Clause's Second general Principle, in order to better exercise and enforce, fair and equal Justice, within the United States of America, to protect and defend the U.S. Constitution, The petition for a writ of certiorari should be granted.

Respectfully submitted,

Parnell May / Parnell R. May

Date: December 23rd 2019

I declare under Penalty of Perjury that the foregoing is true and correct.

Executed on 23rd December 2019



23
23

Parnell R May
Dated Dec-23-2019