

The Supreme Court Of The United States Of America

Docket Number: **19-8216**

Scott Winfield Davis
Appellant,
versus
Shay Hatcher, Warden
Appellee.

**ON PETITION FOR WRIT OF CERTIORARI FROM THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
RELATED TO
AN APPEAL FROM A HABEAS CORPUS DECISION
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA**

MOTION TO SUPPLEMENT WRIT OF CERTIORARI

Scott Winfield Davis, Pro Se
GDC# 1234213
Phillips State Prison
2989 West Rock Quarry Road
Buford, GA 30519-4118

Petitioner filed a Motion for Writ of Certiorari on March 31, 2020 and now awaits any response from the Georgia Attorney General due on May 11, 2020. The most important aspect of Davis’ Petition is the ongoing and widening Circuit splits concerning the interpretation of “bad faith” and lost evidence in *Arizona v Youngblood*¹.

On April 29, 2020, the 8th Circuit Court of Appeals confirmed the granting of a 28 USC § 2254 state habeas (*Jimerson v Payne*, 8th Circuit Court of Appeals, Nos. 18-3174, 18-2873, decided 4/29/2020) in Arkansas with a meritorious *Youngblood* claim under eerily similar facts as Davis’ especially concerning a secret tape recording when in direct contrast the 11th Circuit Court of Appeals denied Davis’ habeas.

In summary, the main passage of import is the following,

“Although the substance of the recording is not entirely clear, what the recording contained appears to be significant enough that law enforcement and the prosecution worked together to intentionally conceal its existence from the defense. That intent is demonstrated in several ways. One way is the prosecutor's decision to provide, at a minimum, misleading answers to defense counsel's discovery requests, but more accurately classified as untruthful answers. Another way is the prosecutor's decision not to preserve the recording after

¹ 488 U.S. 51 (1988).

*he found out about it and opined it was inadmissible.^[11] In addition, law enforcement assisted the prosecution's efforts to conceal the existence of the recording by putting together a statement for Prescott to sign that deliberately left out any mention that a recording took place. The existence of the recording was also omitted from the state police report, which failed to identify Prescott as an informant. Taken together, the uncontroverted evidence **establishes bad faith (emphasis added)**”.*

This decision in favor of Jimerson is the direct contrast of the decision in Davis’ where Atlanta Police and Fulton County prosecutors denied, lied about and withheld a secret second unique tape (still missing yet admitted to now by APD Detective Walker) of Davis’ crucial police interview for 20 years that Davis challenged over and over. This tape was one of over 72 pieces of missing evidence that disappeared without reason. Yet, the 11th Circuit found no bad faith.

This decision is a recent and also strong example of the seemingly opposite decisions various Circuits are making when concerning *Youngblood* and bad faith that Davis has asked the Court to clarify in his Petition.

Petitioner asks the Court for permission to supplement the Petition for Writ of Certiorari with this *Jimerson* case.

Respectfully submitted, this 4th day of May, 2020.

Scott Winfield Davis, Pro Se

CERTIFICATE OF SERVICE

This is to certify, pursuant to 28 USC § 1746, that a copy of the foregoing Petition for Writ of Certiorari has been served upon all parties by depositing a copy into the United States mail system at, with adequate postage affixed thereto to ensure delivery and addressed to:

Clint Malcolm, Esq.
Assistant Attorney General of the State of Georgia
Georgia Attorney General's Office
40 Capitol Square, SW
Atlanta, GA 30334

This ____ day of _____, 2020.

Scott Winfield Davis

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