No. 19-8253

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

RUDOLPH CHURCHILL — PETITIONER
(Your Name)

vs.

COMMONWEALTH OF PENNA. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

RUDOLPH CHURCHILL
(Your Name) PRISONER #MM-44-62

1100 PIKE STREET
(Address)

HUNTINGDON, PA. 16654-1112
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

SIXTH AMENDMENT TO THE U.S. CONSTITUTION

INEFFECTIVE ASSISTANCE OF COUNSEL (TRIAL COUNSEL)

*FAILING TO REQUEST THAT THE JURY BE CHARGED WITH RESPECT TO THIRD DEGREE MURDER.

*FAILING TO OBJECT TO A HIGHLY PREJUDICIAL AND INFLAMMATORY HYPOTHETICAL QUESTION POSED BY THE TRIAL COURT TO THE PETITIONER'S DNA EXPERT WITNESS REGARDING THE DISCOVERY OF A BABY SUCKING ON A PACIFIER IN A SHALLOW GRAVE.

*FAILING TO OBJECT TO THE PROSECUTOR'S REFERENCE DURING HER CLOSING ARGUMENT TO THE BABY IN A SHALLOW GRAVE HYPOTHETICAL QUESTION.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[x] 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:

THE COMMONWEALTH OF PENNSYLVANIA IS REPRESENTED BY:

DISTRICT ATTORNEY LARRY KRASNER
DISTRICT ATTORNEY FOR PHILADELPHIA COUNTY
THREE SOUTH PENN SQUARE
PHILADELPHIA, PA. 19107-3499

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OTHER

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[ ] is unpublished.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[ ] is unpublished.

[XX] 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 PA. SUPREME COURT

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[X] is unpublished.

The opinion of the SUPERIOR COURT OF PA. 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).

[X] For cases from **state courts:**

The date on which the highest state court decided my case was 1-22-2020. A copy of that decision appears at Appendix "A".

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

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE CONSTITUTIONAL PROVISION INVOLVED IN THIS PETITION IS THE SIXTH AMENDMENT TO THE U.S. CONSTITUTION.

STATEMENT OF THE CASE

THIS IS A VERY PREPOSTEROUS CASE. TWO MURDERS OF TWO PROSTITUTES.

THE PETITIONER WAS ARRESTED TWENTY FIVE (25) YEARS AFTER THE CRIME. EVIDENCE WAS FOUND ON DISCARDED ITEMS IN A TRASH-FILLED CAR AND AN ABANDONED BUILDING THAT WERE ACCESSABLE TO THE PUBLIC AND WHERE ADDICTS OFTEN FREQUENTED.

THE COMMONWEALTH OF PENNSYLVANIA ALLEGED THAT 25 YEARS EARLIER THE PETITIONER DID MURDER RUBY ELLIS AND CHERYL HANIBLE, WHO WERE PROSTITUTES IN THE CITY OF PHILADELPHIA.

THE ONLY WITNESS TO DIRECTLY IMPLICATE THE PETITIONER IN THE MURDERS WAS A JAILHOUSE INMATE WHO WAS HEARING VOICES AND WHO WAS HALLUCINATING AT THE TIME WHEN THE COMMONWEALTH ALLEGED THAT THE PETITIONER CONFESSED TO THIS JAILHOUSE INMATE,*INMATE SIMMONS.

INMATE SIMMONS SUFFERED FROM AUDITORY AND VISUAL HALLUCINATIONS. SIMMONS HAD BEEN A PATIENT AT THE BROOKLYN BEHAVIORAL HOSPITAL WHERE HE WAS RECEIVING TREATMENT FOR MAJOR DEPRESSION AND SUICIDAL IDEATION.

DEFENSE COUNSEL CONFRONTED SIMMONS WITH A RECORDED TELEPHONE CALL MADE ON MARCH 27, 2014, DURING WHICH SIMMONS ADMITTED THAT HE HAD BEEN SUFFERING VISUAL AND AUDITORY HALLUCINATIONS AT THE TIME OF PETITIONER'S PURPORTED CONFESSION. SIMMONS ALSO ADMITTED THAT HE SUFFERED FROM SHORT-TERM MEMORY LOSS. **N.T. 4/26/16, 141-45.**

MR. SIMMONS WAS THE ONLY WITNESS TO IMPLICATE PETITIONER IN THE MURDERS BUT SIMMONS WAS SIMPLY UNRELIABLE, AND SO MUCH SO, THAT NOTHING SIMMONS ALLEGED THAT THE PETITIONER TOLD HIM COULD BE CONSIDERED AS TRUTHFUL.

THERE IS NO BASIS FOR CREDITING THE TESTIMONY OF SIMMONS WHO WAS MENTALLY INCAPABLE OF CORRECTLY PERCEIVING THE EVENT, FOR IN ALL HONESTY, SIMMONS WAS WHOLLY UNTRUSTWORTHY. SEE COMMONWEALTH V. WARE, 329 A.2D 258, 268 (PA. 1974).

FEDERAL COURTS HAVE DEEMED MENTAL INSTABILITY RELEVANT TO A WITNESS'S CREDIBILITY WHERE, DURING THE TIME FRAME OF THE EVENTS TESTIFIED TO, THE WITNESS EXHIBITED A PRONOUNCED DISPOSITION TO LIE OR HALLUCINATE, OR SUFFERED EROM A SEVERE ILLINESS, SUCH AS A CASE OF SCHIZOPHRENIA, THAT IMPAIRED THEIR ABILITY TO PERCEIVED AND TO TELL THE TRUTH. UNITED STATES V. PARTIN, 493 F.2D 750, 762 (5TH CIR. 1974); UNITED STATES V. LINDSTROM, 698 F.2D 1154, 1160 (11TH CIR. 1983)▮EMOTIONAL OR MENTAL DEFECTS THAT MAY AFFECT THE ACCURACY OF TESTIMONY INCLUDE THE PYSCHOSES, MOST OR ALL NEUROSES, DEFECTS IN THE STRUCTURE OF THE NERVOUS SYSTEM, MENTAL DEFICIENCY, ALCOHOLISM, DRUG ADDICTIONS, AND PSYCHOPATHIC PERSONALITY▮——>MR. SIMMONS WAS THE ONLY EVIDENCE PRESENTED TO THE FACT-FINDER IMPLICATING THE PETITIONER IN THE DEATHS OF THE TWO DECEDENTS.

T H E D N A D O E S N O T P R O V E
P E T I T I O N E R M U R D E R E D
A N Y O N E A T A L L

THE ARRESTS CAME 25 YEARS AFTER THE MURDERS

MS. ELLIS' BODY WAS FOUND PARTIALLY WRAPPED IN A BROWN BLANKET IN AN ABANDONED CAR IN A TRASH-STREWN PARKING LOT. CLOTHING WAS FOUND INSIDE THE VEHICLE NEAR THE BODY, INCLUDING A PAIR OF WORK BOOTS AND A NIGHTGOWN. OTHER ITEMS FOUND INSIDE THE CAR THAT MAY POINT TO THE IDENTITY OF THE KILLER INCLUDED A USED CONDOM, TISSUES, AND A CLEAR PLASTIC CUP AND BOTTLE. SOME OF THESE WERE, INEXPLICABLY, IGNORED. N.T. 4/21/16, pp. 65,67,89,91,92,97.

FIVE WEEKS LATER, MS. HANIBLE'S BODY WAS DISCOVERED INSIDE AN ABANDONED BAR 1/3 OF A MILE WHERE MS. ELLIS WAS FOUND.

BOTH MS. ELLIS AND HANIBLE WERE PARTIALLY DRESSED AND STRANGLED. MS. HANIBLE'S BODY WAS WRAPPED IN A BLANKET. POLICE OFFICERS DID RECOVER NUMEROUS ITEMS OF CLOTHING FROM THE SCENE FOR FORENSIC ANALYSIS, BUT DISREGARDED OTHER ITEMS WITH POTENTIAL EXCULPATORY EVIDENTIARY VALUE, SUCH AS A BOTTLE AND CRACK PIPE FOUND RIGHT NEXT TO THE VICTIM. N.T. 4/26/16 pp. 5,8,18-22.

IN 2007, PHILADELPHIA RECEIVED A GRANT WHICH ENABLED THE POLICE TO RE-EXAMINE OLD UNSOLVED CASES, AND THE PHYSICAL EVIDENCE THAT STILL EXISTED. MUCH OF THE EVIDENCE WAS TOO DEGRADED TO ANALYZE.

REASONS FOR GRANTING THE PETITION

THE COMMONWEALTH OF PENNSYLVANIA ALLEGED THAT THE TWO WOMEN DECEDENTS WERE MURDERED IN 1989 IN PHILADELPHIA, PENNSYLVANIA. THE POLICE DID TAKE SOME EVIDENCE INTO THE EVIDENCE LAB FOR TESTING BUT THE RESULTS WERE NOT CONCLUSIVE AND NO ARRESTS WERE MADE CONCERNING THESE MURDERS.

OFFICER JAMES CALDWELL PROCESSED THE OLD ABANDONED OLDSMOBILE THAT MS. ELLIS WAS FOUND INSIDE. THIS WAS IN 1989. FROM THE FRONT SEAT OF THE CAR (ABANDONED CAR) HE RECOVERED A PAIR OF SIZE 6 GIANT BRAND WORK BOOTS, A LARGE PIECE OF BROWN FABRIC, A NIGHTGOWN, A WHITE PAPER TOWEL, WITH RED STAINS ON IT, AND A USED CONDOM FROM THE REAR OF THE VEHICLE. IN 1989 THESE ITEMS WERE SUBMITTED TO THE POLICE LABORATORY, FOR EXAMINATION. N.T. 4/21/2016 pp. 83-100. POLICE OFFICERS AND DETECTIVES INTERVIEWED MORE THAN 20 INDIVIDUALS, BUT MS. ELLIS' KILLER REMAINED UNIDENTIFIED. N.T. 4/26/16 p. 74.

FIVE WEEKS LATER, TWO MEN, SAMUEL TERRY AND MR. BELL, WENT TO A VACANT, FIRE DAMAGED BAR ON THE 1200 BLOCK OF GIRARD AVENUE IN PHILADELPHIA TO USE DRUGS. THERE THEY FOUND A BODY OF A WOMAN IN THE CLOSET ON THE SECOND FLOOR OF THE BAR. THE POLICE DETECTIVE JEFF PIREE WENT TO THE BAR AT APPROXIMATELY 9:00 P.M. ON THE NIGHT OF APRIL 23, 1989. THERE THEY DISCOVERED THE BODY OF CHERYL HANIBLE, INSIDE A SMALL CLOSET IN THE TRASH-STREWN VACANT BUILDING. THE BODY OF MS. HANIBLE WAS PARTIALLY CONCEALED UNDER A BLANKET. SHE HAD BEEN STRANGLED WITH A SHOELACE THAT HAD BEEN WRAPPED AROUND HER NECK.

THERE WAS ALSO A SOCK STUFFED DOWN HER THROAT. AN AUTOPSY DID REVEAL THAT SHE HAD CONSUMED COCAINE AND ALCOHOL SHORTLY BEFORE HER DEATH. N.T. 4/20/16 pp. 93-110. LOUIS SZOKJA, A SCIENTIST IN THE PHILADELPHIA POLICE DEPT. CRIMINALISTICS UNIT, CONDUCTED AN ACID PHOSPHATASE TEST ON MS. HANIBLES TANK TOP AND PANTIES, BUT THE RESULTS OF THAT TEST WERE NEGATIVE AND THE TESTING DID NOT DETECT THE PRESENCE OF SEMEN ON ANY OF THE CLOTHING. N.T. 4/21/16, pp. 125-156; AND 4/22/16, pp. 17.

THE VICINITIES THAT THE BODIES OF THE DECEDENTS WERE FOUND WAS AN AREA ADDICTS AND PROSTITUTES WOULD UTILIZE TO HIDE FROM THE POLICE PATROLS. IT WAS AN AREA THAT WAS TRASH LADEN, WITH ABANDONED VEHICLES, BURNED OUT BUILDINGS, - A NO MANS LAND.

PAPER TOWELS, RAGS, ETC. WERE JUST PART OF THE TRASH LADEN AREA, DISPOSED OF BY THE MANY NUMEROUS ADDICTS, PROSTITUTES, AND PATRONS.

THE PETITIONER IS **ACTUALLY INNOCENT**, AND DID NOT COMMIT ANY OF THESE MURDERS. ‖EMPHASIS‖

INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

TRIAL COUNSEL FAILED TO FILE A PETITION FOR ALLOWANCE OF APPEAL AFTER THE PETITIONER WAS CONVICTED. TRIAL COUNSEL WAIVED THE DIRECT APPEAL PETITION FOR ALLOWANCE OF APPEAL. PETITIONER HAD TO FILE A PRO-SE PETITION TO THE COURT TO HAVE THE RIGHT RESTORED NUNC PRO TUNC. EVENTUALLY THAT RIGHT WAS RESTORED.

INEFFECTIVE ASSISTANCE OF COUNSEL

FAILURE TO REQUEST A JURY INSTRUCTION REGARDING 3RD DEGREE MURDER

IN THIS CLAIM THE PETITIONER SETS FORTH THAT TRIAL COUNSEL DID NOT TAKE ADVANTAGE OF THE COURT'S INDICATION THAT IT WAS WILLING TO GIVE THE JURY INSTRUCTION TO 3RD DEGREE MURDER, BUT INSTEAD REQUESTED THAT THE COURT **NOT** INSTRUCT THE JURY WITH RESPECT TO THIRD DEGREE MURDER. N.T. 4/29/2016. p. 114.

THE COURT WAS MORE THAN WILLING TO GIVE THIS INSTRUCTION AND MADE THAT CLEAR. NONETHELESS TRIAL COUNSEL ASKED THE COURT **NOT** TO GIVE TO THE JURY INSTRUCTIONS REGARDING 3RD DEGREE MURDER.

THIS RESULTED IN THE LOSS OF THE OPPORTUNITY TO BE FOUND GUILTY OF A LESSER GRADE OF MURDER THAT CARRIED WITH IT THE OPPORTUNITY FOR THE PETITIONER TO BE ELIGIBLE FOR PAROLE RELEASE. ‖EMPHASIS‖

WITHOUT A DOUBT, THIS SATISFIES THE FIRST PRONG OF THE I.A.C. TEST, AS SET FORTH IN STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984).

THE SECOND PRONG IS ALSO SATISFIED WHEN IT IS INDISPUTABLE THAT THE PATH NOT CHOSEN OFFERED A POTENTIAL FOR SUCCESS SUBSTANTIALLY GREATER THAN THE COURSE OF ACTION PURSUED BY COUNSEL. HERE, THE PATH CHOSEN BY COUNSEL, RESULTED IN THE IMPOSITION OF A **MANDATORY** SENTENCE OF LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE IN THE EVENT THAT THE PETITIONER WAS CONVICTED OF FIRST OR SECOND DEGREE MURDER. A CONVICTION FOR THIRD DEGREE WOULD HAVE RESULTED

IN THE PETITIONER BEING ELIGIBILE FOR PAROLE AFTER THE MINIMUM SENTENCE IMPOSED FOR THIRD DEGREE MURDER WAS SERVED. IT IS TRUE THAT BY DEFINITION, THE PATH NOT CHOSEN OFFERED A SUBSTANTIALLY GREATER CHANCE OF SUCCESS AS THE PATH CHOSEN OFFERED A-FOR CERTAIN ZERO CHANCE-OF PETITIONER RECEIVING A SENTENCE WITH THE POSSIBILITY OF PAROLE IN THE EVENT THAT THE JURY RETURNED A VERDICT OF GUILTY ON THE CHARGE OF MURDER.

HAD COUNSEL REQUESTED A JURY INSTRUCTION FOR THIRD DEGREE MURDER THERE WAS NO ADVERSE IMPACT THAT COULD HAVE RESULTED. IT COULD ONLY -> OFFER A POTENTIALLY LESSER SENTENCE IN THE EVENT OF CONVICTION. IN ADDITION-INSTRUCTING THE JURY REGARDING A LESSER DEGREE OF A CRIME-COULD NOT CONFLICT WITH THE DEFENSE STRATEGY, THAT THE SAID PETITIONER DID NOT COMMIT ANY OF THESE MURDERS. THIS FAILURE BY COUNSEL DID SERIOUSLY PREJUDICE THE PETITIONER.

BOTH PRONGS OF THE STRICKLAND V. WASHINGTON, SUPRA, HAVE BEEN MET HERE AND THE PETITIONER IS ENTITLED TO RELIEF. TO DEMONSTRATE A VIOLATION OF THE SIXTH AMENDMENT RIGHT TO THE EFFECTIVENESS OF COUNSEL, THE PETITIONER MUST PLEAD AND PROVE THAT:

(A) COUNSEL'S PERFORMANCE WAS DEFICIENT.
(B) THE DEFICIENT PERFORMANCE WAS PREJUDICIAL. PREJUDICE MEANS THERE IS A REASONABLE PROBABILITY THAT BUT FOR COUNSEL'S ACTS OR OMISSIONS, THE OUTCOME WOULD HAVE BEEN DIFFERENT.

HERE, COUNSEL WAS INEFFECTIVE FOR THE REASONS SET FORTH ABOVE.

INEFFECTIVE ASSISTANCE OF COUNSEL

FAILURE TO OBJECT TO A HYPOTHETICAL QUESTION

OUTRAGEOUS AND HIGHLY PREJUDICIAL:

IN THIS CASE, THE COURT/JUDGE POSED TO THE DEFENSE'S **DNA** EXPERT, A HIGHLY PREJUDICIAL AND INFLAMMATORY HYPOTHETICAL QUESTION THAT CONSISTED OF THE HYPOTHETICAL REGARDING THE DISCOVERY OF A BABY SUCKING ON A PACIFIER IN A SHALLOW GRAVE. N.T. 4/29/2016 pp. 33-34.

TRIAL COUNSEL FAILED TO PROTECT PETITIONER'S RIGHTS BY FAILING TO OBJECT TO THIS INFLAMMATORY HYPOTHETICAL QUESTION.

THE QUESTIONING BY THE COURT, OF THE DEFENSE DNA EXPERT, IN ADDITION TO INDICATING A DISBELIEF OF THE WITNESS'S TESTIMONY DID UTILIZE A HYPOTHETICAL LIKELY TO EVOKE A PASSIONATE RESPONSE FROM THE JURORS AS IT INVOLVED A MURDERED AND TERRIBLY DECOMPOSED BABY, DISTRAUGHT PARENTS, A SHALLOW GRAVE, AND 25 YEARS WITHOUT ANSWERS OR JUSTICE.

IN SPITE OF THIS HIGHLY CHARGED, & ENORMOUSLY INFLAMMATORY HYPOTHETICAL ASKED BY THE COURT OF THE DEFENSE DNA EXPERT, COUNSEL DID NOT OBJECT.

THIS RESULTED IN THE TRIAL COUNSEL'S **ONLY WITNESS** BEING ATTACKED BY THE COURT WITH IMAGERY THAT ABSOLUTELY DID PREJUDICE THE JURY, FORMING IN THEIR MINDS A FIXED BIAS AND HOSTILITY TOWARDS THE PETITIONER.

THERE WAS A REASONABLE BASIS TO OBJECT TO THIS HYPOTHETICAL AND ITS SIMULTANEOUSLY SYMPATHETIC AND GORY IMAGERY. THE FAILURE TO OBJECT BY COUNSEL UNDERMINED THE DEFENSE'S SOLE WITNESS PIVOTAL CONCLUSION.

IN FACT THE PROSECUTION DISCUSSED AND RELIED UPON THIS SAID QUESTION-IT DID SO-IN ITS CLOSING ARGUMENT. N.T. 4/29/2016. pp. 121-122.

AN OBJECTION BY TRIAL COUNSEL WOULD HAVE RESULTED IN THE QUESTION BEING WITHDRAWN, OR ACCOMPANIED BY AN APPROPRIATE INSTRUCTION FROM THE COURT.

HERE, COUNSEL'S PERFORMANCE WAS DEFICIENT. THE STANDARD IS ONE OF REASONABLENESS UNDER ALL THE CIRCUMSTANCES. TRIAL COUNSEL HAD NO REASON, WHATSOEVER, FOR NOT OBJECTING TO THE COURT'S HYPOTHETICAL QUESTION TO THE DEFENSE'S DNA EXPERT. THIS IS A CLEAR CASE OF THE INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL. THE DEFICIENT PERFORMANCE WAS PREJUDICIAL. HAD COUNSEL OBJECTED TO THE COURT'S QUESTION THE OUTCOME OF THE TRIAL WOULD HAVE BEEN DIFFERENT. SEE STRICKLAND, SUPRA, 466 U.S. AT 693-696; CRONIC, SUPRA, 466 U.S. 648, 657 n20; AND CURRY V. ZANT, 371 S.E. 2D 647, 649 (GA. 1988).

BOTH PRONGS OF THE STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984) I.A.C. TEST HAVE BEEN MET HERE AND PETITIONER'S SIXTH AMENDMENT RIGHT HAS BEEN DENIED TO THE PETITIONER.

COUNSEL FAILED TO OBJECT TO THE ASSISTANT DISTRICT ATTORNEY'S CLOSING ARGUMENT

IN THIS CASE, COUNSEL FAILED TO PROTECT PETITIONER'S RIGHTS BY FAILING TO OBJECT TO THE (ADA) CLOSING ARGUMENT BASED UPON A HIGHLY PREJUDICIAL AND INFLAMMATORY HYPOTHETICAL QUESTION POSED BY THE TRIAL COURT TO THE DNA EXPERT FOR THE DEFENSE. N.T. 4/29/2016, pp. 33-34, 121-122.

THE ISSUE/QUESTION POSED BY THE TRIAL COURT IS DESCRIBED ON THE PREVIOUS PAGES #11 AND #12. DEFENSE COUNSEL DID NOT OBJECT TO THE PORTION OF THE ADA CLOSING THAT HIGHLIGHTED THE INFLAMMATORY HYPOTHETICAL. PETITIONER ASSERTS THAT THE CUMULATIVE EFFECT OF THE MULTIPLE INEFFECTIVENESS OF TRIAL COUNSEL CONCERNING THE BABY IN THE SHALLOW GRAVE HYPOTHETICAL, MEETS THE TWO PRONG TEST OF THE STRICKLAND V. WASHINGTON, SUPRA, TEST.

A C T U A L I N N O C E N C E

THE PETITIONER IN THIS CASE IS ACTUALLY INNOCENT AND DID NOT COMMIT ANY OF THE MURDERS THAT HE WAS CONVICTED OF.

THE DNA EVIDENCE DID NOT PROVE THAT THE PETITIONER MURDERED AND HAD SEX WITH ANY OF THE DECEDENTS.

THE ONLY PROSECUTION WITNESS WAS MR. SIMMONS, A JAILHOUSE WITNESS, WITH SEVERE MENTAL HEALTH PROBLEMS.

THIS IS A CASE OF ACTUAL INNOCENCE AND THE WRONGFUL CONVICTION OF AN INNOCENT MAN. TO BE CONVICTED TO LIFE IN PRISON WITHOUT ANY TRUTHFUL, HONEST, EVIDENCE BEING SET FORTH AGAINST THE PETITIONER IS A VIOLATION OF THE PETITIONER'S 5TH AND 6TH AMENDMENT RIGHTS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

X Rudolph Churchill

Date: 3-30-2020