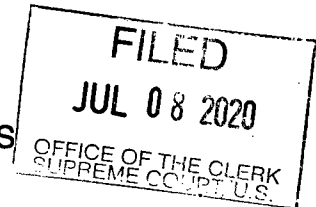


20-5034
No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



DONN DEVERAL MARTIN — PETITIONER
(Your Name)

vs.

LORIE DAVIS, DIRECTOR — RESPONDENT(S)
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH CIRCUIT COURT OF APPEALS-NEW ORLEANS, La.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DONN DEVERAL MARTIN (1454072)
(Your Name)

W. P. CLEMENTS UNIT
10MD-4; 9601 SPUR 591
(Address)

AMARILLO, TEXAS 79107-9606
(City, State, Zip Code)

N/A. (INCARCERATED)
(Phone Number)

QUESTION(S) PRESENTED

1. Does the Supreme Court of the United States (SCOTUS) still stand by the Court's time honored rulings that any conviction obtained by the use of perjury, MUST BE SET ASIDE? U.S. v. Agurs, 427 U.S. 97, 103, 112-113, 96 S. Ct. 2392 (1976); and Hovatt v. Bell, 547 U.S. 518, 536-537 (2006). Also, White v. Regan, 32 U.S. 760, 65 S. Ct. 978 (1945).
Is Petitioner has documented the FACT that he was convicted on the basis of 3 instances of aggravated perjury by 3 key prosecution witnesses (See EXHIBITS A1-A4; B1-B6, and C1-C3). Shouldn't the SCOTUS SET ASIDE ALL 9 CONVICTIONS?
3. Does the SCOTUS still stand by the Court's time honored rulings, that a Defendant's rights, under the 4th Amendment of the U.S. Constitution, are protected from a warrantless, non-consensual, search and seizure, and ANY evidence obtained from that illegal search and seizure, MUST BE SUPPRESSED and not used in any proceeding? Katz v. U.S., 389 U.S. 347 at 516, 88 S. Ct. 507 (1967); Kimelman v. Morrison, 477 U.S. 365, 106 S. Ct. 2574 (1986); and, Minnesota v. Olson, 495 U.S. 91, 95-96, 100, 110 S. Ct. 1684 (1990).
4. Petitioner has documented the FACT that he was convicted on evidence that was illegally seized by a warrantless, non consentual, search and seizure of his password protected computer. Shouldn't the SCOTUS adhere to the Court's time honored rulings, and disallow that evidence from being used to convict Petitioner on 8 of the 9 cases, and SET ASIDE those convictions, with prejudice? Katz v. U.S. (*supra*); Kimelman v. Morrison, (*supra*); and, Minnesota v. Olson, (*supra*).

QUESTIONS PRESENTED (cont.) 2

5. Petitioner was convicted in Case No. 1017612-A by the prosecution using aggravated perjury, falsified evidence, and "junk science" evidence, employed by Mr. Constance Patton, the State's DNA analyst, after Mr. Patton was suborned to commit aggravated perjury by the Tarrant County District Attorney's Office (Mr. Sherin Wilson, District Attorney). Shouldn't the SCOTUS, for the first time, set a precedent that NO DEFENDANT, shall be convicted by the prosecution using "junk science" evidence and SET ASIDE Petitioner's conviction on Case No. 1017612-A? Junk Science Law of 2013; EXHIBITS B1-B5; U.S. v. Agurs, (*supra*); House v. Bell, (*supra*); and White v. Regan, (*supra*).

6. Does the SCOTUS still stand by the Court's ruling that a Petitioner has a valid claim of ACTUAL INNOCENCE, when he establishes the FACT that his constitutional rights were violated, and led to his conviction, without which NO rational juror would have convicted him, beyond a reasonable doubt? Mc Quigg v. Perkins, 569 U.S. 133 S.Ct. 1924 (2013); House v. Bell, (*supra*); Black v. McDaniel, 529 U.S. 473, 485-487 (2000); Schup v. Wells, 513 U.S. 298, 327 (1995); and WILLMAN v. WILSON, 477 U.S. 436, 106 S.Ct. 2616 (1986).

QUESTIONS PRESENTED (cont.)

7. Petitioner has documented the FACT that his constitutional rights under the 1st, 4th, 5th, 6th and 14th Amendments of the U.S. Constitution, were violated, and led to his conviction, without which no rational juror would have convicted him, beyond a reasonable doubt. (See EXHIBITS A1-A4; B1-B5; and C1-C3). Shouldn't the SCOTUS stand by the Court's earlier rulings and GRANT Petitioner's claim of Actual Innocence, with prejudice?

8. The actual perpetrator, shown in the photos used to convict Petitioner, is a circumcised man. Petitioner IS NOT CIRCUMCISED (See prosecution's EXHIBIT 22, page 9 of Petitioner's testimony). The prosecution had Detective Mike Weber pose Petitioner in a simulated pose of being circumcised, took photos of the fake state of circumcision and, using those photos, committed aggravated perjury by testifying that Petitioner, like the actual perpetrator, was circumcised! (See A1-A4). Shouldn't the SCOTUS adhere to the Court's earlier rulings, and set aside ALL of Petitioner's convictions, because Petitioner was convicted on falsified evidence and Weber's aggravated perjury? U.S. v. Agurs, (supra); House v. Bell, (supra); and, White v. Regan, (supra).

QUESTIONS PRESENTED (cont.)

9. Did the 5th Circuit Court of Appeals (5CCOA), err, and violate Petitioner's constitutional rights under the 1st Amendment of the U.S. Constitutional Bill of Rights, by ruling that the 5CCOA lacked "jurisdiction" to consider Petitioner's appeal of Judge John McBryde's denial of Petitioner's 28 U.S.C. § 2254 Petition for a Writ of Habeas Corpus, in light of the fact that Judge McBryde withheld evidence from the 5CCOA, that proved Petitioner filed his appeal timely (See EXHIBITS D1-D2)?

APPENDICES A-H. (Also, refer to Petitioner's "Statement of the Case")

10. Does the SCOTUS still stand by the Court's time honored ruling that "the dignity of the U.S. government will not permit the conviction of any person on TAINTED testimony"? Masarosh v. U.S., 352 U.S. 01 (1956). QUESTIONS 1 and 2 above document the fact that Petitioner was convicted on "TAINTED" testimony by 3 State witnesses (See EXHIBITS A1-A4; B1-B6; and C1-C3).

11. Does RULE 10 (c) of the Rules of The Supreme Court, apply when the 5th CCOA refuses to consider a case based on "junk science technology" on the grounds that the 5th CCOA "lacks the proper jurisdiction"? The SCOTUS must exercise supervisory power in this matter.

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:

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APPENDIX B *Judge John McBryde's decision to dismiss Petitioner's § 2254 Petitioner's Appeal for filing the Appeal after 10/22/2019 and WITHHELD contrary evidence.*

APPENDIX C *Petitioner's Petition Requesting a Rehearing of the Fifth Circuit Court of Appeals dismissal of Petitioner's Appeal*

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APPENDIX I EXHIBITS

1. A1-A4 - Absolute proof that the prosecution orchestrated a manifest

miscarriage of justice against Petitioner by posing him in a SIMULATED STATE OF CIRCUMCISION, taking photos of that FAKE state of circumcision, and lying to the jury that, like the actual perpetrator, Petitioner, is circumcised!

B1-B6- Documents the FACT that Ms. Patton used "junk Science" technology, and aggravated perjury, to obtain Petitioner's conviction in Case No. 1017612-A.

C1-C3- Document the FACT that Cunningham lacked 3rd party standing to consent to the illegal search and seizure of Petitioner's computer.

D1-D3- Document the FACT that Petitioner filed his Appeal timely, on or before 10/22/2019.

E- Chronology of Events 08/13/2007-06/30/2020

F- Allegations petitioner can prove at a full and fair evidentiary hearing.

G- Petitioner's Appeal of Judge John McBryde's denial of Petitioner's

28 U.S.C. § 2254 Petition For A Writ Of Habeas Corpus

H- Court of Criminal Appeals dismissal of 8 of the 9 Applications regarding "junk Science" technology. Case No. 1017612-A was assigned to a special hearing (held on 04/12/2018).

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 SHOWS PETITIONER'S UNCLUT FORESKIN = UNCIRCUMCISED, AND
 PROVES PETITIONER IS NOT THE CIRCUMCISED MAN IN THE
 PHOTOS USED TO CONVICT PETITIONER ON 8 OF THE 9 COUNTS.
 THE PROSECUTION FAISED A SIMULATED STATE OF CIRCUM-
 CISION BY HAVING PETIDNER RETRACT THE UNCLUT
 FORESKIN!

OTHER

1. AMENDMENT ONE
2. AMENDMENT FOUR
3. AMENDMENT FIVE
4. AMENDMENT SIX
5. AMENDMENT FOURTEEN

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district 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.

☐ For cases from **state courts** (N.A.)

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 28, 2020.

[] No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: May 27, 2020, and a copy of the order denying rehearing appears at Appendix C.

[] 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**: N/A.

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT ONE. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or, abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT FOUR. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT FIVE. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall he compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT SIX. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT EIGHT. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

AMENDMENT FOURTEEN. (SECTION ONE ONLY) 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED (cont.)

of life, liberty, or property, without due process of law;
nor deny to any person within its jurisdiction the equal
protection of the laws.

STATEMENT OF THE CASE

Petitioner has been diligent in pursuing his goal of obtaining his total exoneration of the wrongful convictions brought against him. Petitioner's "Chronology of Events" (APPENDIX I; EXHIBIT E) lists his filings in the (1.) 2nd Court of Appeal (Direct Appeal); (2.) Tex. Court of Criminal Appeals (PDR; several Art. § 11.07 and § 11.073 Applications for a Writ of Habeas Corpus); (3.) Federal District Court-Northern District (28 U.S.C. § Petition For a Writ of Habeas Corpus); (4.) 5th Cir. Ct. of Appeals (Appeals of the Federal District Courts denials); and, the Supreme Court of the United States (Petitions For a Writ of Certiorari), over the last 13 years. (2008-2020)

In every filing of an: Art. § 11.07/11.073 Application; 28 U.S.C. § 2254 Petition; or Appeal to the 5th Cir. Ct. of Appeals, Petitioner requested a full and fair evidentiary hearing (see Petitioner's "Chronology of Events"), and was NEVER granted an evidentiary hearing, even though Petitioner's requests were in compliance with the stipulations given in Townsend v. Sain, 372 U.S. 293 (1963), which is supported by East v. Scott, 55 F.3d 996 (5th Cir. 1995); Nugher v. Johnson, 191 F.3d 607, 630 (5th Cir. 1999); and, Goodwin v. Johnson, 132 F.3d 162, 178 (5th Cir. 1997). According to Townsend v. Sain (supra), and many other Courts' citations, the traditional rule is, "a request may not be denied, without a hearing, as long as the applicant/petitioner alleges facts which, if proved, entitles him to relief." Petitioner has made 10 allegations that he can document at a full and fair evidentiary hearing (APPENDIX I, EXHIBIT F) and they should have granted the hearing.

There is NO DOUBT that Petitioner has been the victim of a manifest miscarriage of justice carried out by: the 372nd District Court; the 2nd Court of Appeal; the Court of Criminal Appeals; the Federal District Court-Northern District-Ft. Worth Division; and the 5th Circuit Court of Appeals. The prosecution, using aggravated perjury, falsified evidence, junk & hearsay evidence,

STATEMENT OF THE CASE (cont.) 2

and illegally seized evidence, against a backdrop of ineffective assistance of trial counsel, was able to obtain 9 convictions of Petitioner, and in the process, violated Petitioner's constitutional rights under the 1st, 4th, 5th, 6th, 8th, and 14th Amendments of the U.S. Constitution.

This Petition For A Writ of Certiorari (Cert. Petition), directly concerns Case No. 1017612 (A), and indirectly, the remaining 8 cases. On 04/06/2008, Petitioner was indicted for allegedly "licking the bottom" of his granddaughter, Sierra Scals, and charged for aggravated sexual assault, a first degree felony. The "outcry" was made by Petitioner's daughter, Marina Scals. On April 26-June 19, 2006, Ms. Constance Patton, a Tarrant County DNA Analyst, ran a 15 Probe Polymerase Chain Reaction (PCR) DNA test on Petitioner's saliva swabs and compared it to a swatch of cloth taken from the alleged victim's panties. Ms. Patton then testified, under oath, at Petitioner's trial in August, 2007, that she got 15 out of 15 allele matches (APPENDIX I, EXHIBIT B1). However, the actual results, from the PCR test, show only 7 out of 15 allele matches (APPENDIX I, EXHIBIT B3), which, according to the FBI Manual For DNA Diagnostics, is an insignificant result, and EXCLUDES Petitioner as a possible contributor to the DNA mixture, allegedly found on the alleged victim's panties. Ms. Patton, committed aggravated perjury when she testified there were 15 out of 15 allele matches and Petitioner "could not be excluded as a contributor."

STATEMENT OF THE CASE (cont.)3

Ms. Patton's results also showed that the DNA mixture contained
alleles that did not belong to either Petitioner, or the alleged victim!
(APPENDIX I, EXHIBIT B2).

Under orders from the Court of Criminal Appeals and the
direction of the Texas Forensic Science Commission, on 08/21/
2015, Ms. Patton retested the DNA mixture, and swabs, on May
10-16, 2017, and obtained the results shown in APPENDIX I, EXHIBITS
B4 and B5. On 04/12/2018, Ms. Patton testified in a special
hearing held in the 372nd District Court, that, given the results
from the 2nd DNA PCR test, she could no longer include Petitioner
as a possible contributor to the DNA mixture allegedly found on
the alleged victim's pants.

The hearing judge abused his discretion, and ruled that
Ms. Patton's 3rd degree felony was "unintentional and, therefore,
harmless error!" After the judge submitted his biased "find-
ings and conclusions of law" to the Court of Criminal Appeals, the
Court of Criminal Appeals denied Petitioner's 28 U.S.C. § 2254,
and his Art. § 11.073 Application for a Writ of Habeas Corpus.

Petitioner filed his 28 U.S.C. § 2254 Petition for a Habeas
Corpus in the Amarillo Division of the Northern District Federal
District Court on 09/10/2019.

STATEMENT OF THE CASE (CONT.) 4.

On 09/17/2019, the Amerillo's Federal Judge transferred to the Federal District Court-Northern District-TT Worth Division (Judge John McBryde's Court). On 09/24/2019, Judge McBryde denied Petitioner's § 2254 Petition on the grounds that the Petition was an "unauthorized, successive" Petition, even though the Petition was based on "New Evidence" granted by the special hearing held on 04/12/2018, concerned with "junk science" evidence (APPENDICES H, and G, respectively). On 10/18/2019, Petitioner filed: (1) an Appeal of Judge McBryde's denial; (2) a Brief to support a Motion for a Certificate of Appealability; (3) a Motion for a Certificate of Appealability; and (4) a Motion to Proceed In Forma Pauperis (APPENDIX E), in the 5th Circuit Court of Appeals. On 11/21/2019, Judge McBryde granted Petitioner's Motion to Proceed In Forma Pauperis (APPENDIX E). On 12/13/2019, the 5th Circuit Court of Appeals ordered Judge McBryde to provide proof that the Appeal and related documents were filed "on or before" 10/22/2019. (APPENDIX E). On 12/16/2019, Judge McBryde sent Petitioner an Order to prove he put the Appeal, and related documents, in the U.S. Clements Unit mail system "on or before" 10/22/2019. (APPENDIX K). On 12/27/2019, Petitioner sent Judge McBryde two documents that proved the Appeal and related documents were filed 10/18/2019.

STATEMENT OF THE CASE (cont.) 5

(APPENDIX I; EXHIBITS D1 and D2). On 03/30/2020, Judge McBryde filed a Denial of Petitioner's Appeal, and related documents, and included the Mailbox's records but WITHHELD Petitioner's documents that proved the 10/18/2020 filing of his Appeal and related documents (APPENDIX B). On 05/07/2020, the 5th Circuit Court of Appeals denied Petitioner's Appeal, and related documents, on the grounds that the Court "lacked jurisdiction" to consider Petitioner's Appeal and related documents, because of the alleged claim that the documents were not filed "on or before" 10/22/2019, and made the claim without considering APPENDIX I; EXHIBITS D1 and D2, because Judge McBryde WITHHELD that evidence that proved Petitioner filed the Appeal and related documents, on 10/18/2019. (APPENDIX A). On 05/12/2020, Petitioner filed a Petition for a Rehearing in the 5th Circuit Court of Appeals. On 05/27/2020, the 5th Circuit Court of Appeals denied Petitioner's Petition for a Rehearing. (APPENDIX D). On 06/30/2020, Petitioner filed a Petition for a Writ of Certiorari in the Supreme Court of the U.S. (SCOTUS) requesting the SCOTUS to grant his Petition for a Writ of Certiorari, vacating the denial by the 5th Circuit Court of Appeals, and remand the case back to the 5th Circuit Court of Appeals for full and fair consideration of his Appeal and related documents.

REASONS FOR GRANTING THE PETITION

1. Petitioner has produced copious, unassailable proof, that ALL of his convictions were obtained by the use of aggravated perjury, falsified evidence, "junk science" evidence, illegally seized evidence, against a background of ineffective assistance of trial counsel. (See EXHIBITS A1-A4; B1-B5; and, C1-C3). Also, see Petitioner's "Chronology of Events" This "manifest miscarriage of justice" MUST be corrected by the SCOTUS and Petitioner exonerated. White v. Regan, (supra); Napue v. Illinois, 360 U.S. 264, 79 S. Ct. 1173 (1959); DeMarco v. U.S., 928 F.2d 1074 (11th Cir. 1994); U.S. v. Thomas, 987 F.2d 1298 (7th Cir. 1993); Strickland v. Washington, 460 U.S. 668, 687-688 (1954); U.S. v. Cronin, 466 U.S. 648, 647 (1984); Garborough v. Mentry, 540 U.S. 1, 4 (2003); Glover v. U.S. 531 U.S. 198, 204 (2001); U.S. v. Tucker, 716 F.2d 576 (8th Cir. 1993); Lajeda v. Dubois, 142 F.3d 18 (1st Cir. 1998); Katz v. U.S. 389 U.S. 347, 361 (1967); Minnesota v. Olson, (supra); Kimmelman v. Morrison, (supra); (Minnesota v. Olson supports Katz v. U.S. and Kimmelman v. Morrison).
2. Petitioner's rights, under the 1st, 4th, 5th, 6th, and 14th Amendments, were violated, and resulted in ALL of Petitioner's convictions, that without which, NO rational juror would have convicted Petitioner, beyond a reasonable doubt, and justifies Petitioner's claim of Actual Innocence. McQuiggin v. Perkins, (supra); House v. Bell, (supra); McCluskey v. Zant, 499 U.S. 467, 494-495 (1991); Smith v. Murray, 477 U.S. 527, 106 S. Ct. 2661 (1986) and Schlag v. Helo, (supra). Petitioner's claim of Actual Innocence MUST be GRANTED by the SCOTUS and Petitioner MUST be exonerated.
3. The illegally seized photos, used to convict Petitioner on 8 of 9

REASONS TO GRANT THE PETITION (cont.) 2

convictions, show a person who is radically circumcised. Prosecutors EXHIBIT 22, shows Petitioner IS NOT circumcised (Petitioner's EXHIBIT A4) and totally EXONERATES Petitioner! The prosecution posed Petitioner in a state of simulated circumcision, by retracting the UNCURT foreskin, taking photos of the fake state of circumcision, and allowed Detective Mike Weber to use those falsified photos in convincing the jury that Petitioner, like the actual perpetrator, is circumcised! The SCOTUS MUST NOT allow this egregious act of prosecutorial misconduct stand unopposed, and GRANT Petitioner's Petition For A Writ of Certiorari, and exonerate Petitioner TOTALLY! U.S. v. Boothe, 994 F.2d 63 (2nd Cir. 1993); Demarco v. U.S., 928 F.2d 1074 (11th Cir. 1994); Napue v. Illinois, (supra); and U.S. v. Thomas, (supra).

4. This Petition challenges the ruling of the SCCOA that the SCCOA lacks the "jurisdiction" to consider Petitioner's appeal of Federal District Judge, John McBryde's denial of Petitioner's 28 U.S.C. § 2254 Petition For A Writ of Habeas Corpus, on the ground that it was an "unauthorized, successive" Petition. However, the Petition was based on "new evidence" generated from a

REASONS TO GRANT THE PETITION (CONT.) 3

hearing conducted at a District Court (372nd) on 04/12/2018
that proved Petitioner was NOT GUILTY in Case No. 1017612A.

Petitioner's § 2254 Petition was based on a claim of
Actual Innocence, and on the fact that the prosecution
employed "junk Science" evidence, and aggravated perjury, to
obtain the conviction of Petitioner in Case No. 1017612A.

The SCCOA made the Court's ruling unaware of the fact
that Judge McBryde withheld evidence that proved Petitioner
filed his appeal timely in the SCCOA and gives the
SCCOA jurisdiction to consider Petitioner's appeal. The
SCOTUS MUST GRANT Petitioner's Petition For A Writ of
Certiorari, VACANT the ruling of the SCCOA, and Order
the SCCOA to consider Petitioner's appeal, fairly and
judiciously. (See EXHIBITS D1 and D2 that were withheld
by Judge John McBryde).

5. Petitioner's 28 U.S.C. § 2254 Petition clearly documents
the fact that, throughout Petitioner's prosecution, he
was subjected to egregious, prosecutorial, felonious
conduct that included: (1.) aggravated perjury; (2.) falsified
evidence; (3.) illegally seized evidence; (4.) "junk Science"
evidence; and, (5.) the prosecution suborning aggravated perjury.

The SCOTUS, and many Circuit Courts of Appeal, have ruled that these acts of prosecutorial misconduct are not acceptable and MUST result in the exoneration of the offended Petitioner, with prejudice. McQuiggin v. Perkins, (supra); House v. Bell, (supra); Napue v. Illinois, (supra); Mooney v. Holohan, 294 U.S. 103, 112 (1935); U.S. v. Mason, 293 F.3d 826, 829-830 (5th Cir. 2002); Morris v. Yeast, 447 F.3d 735, 744 (9th Cir. 2006); and, Snake v. Portuondo, 553 F.3d 230, 241 (2nd Cir. 2009).

6. If the SCCOA had been aware of the evidence Petitioner had filed with Judge John McBryde (EXHIBITS D1 and D2), on 12/27/2018, proving that Petitioner had filed his appeal timely on 10/18/2019,

CONCLUSION

the SCCOA would have accepted "jurisdiction" and would have considered Petitioner's appeal fairly. The SCOTUS MUST ORDER this to be done.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dorinda Deverall Martin

Date: JUNE 30 / 2020