

no USCA7-20-19-2761

ORIGINAL

no 211220-20192761ms 211220

20-5049

in the

supreme court of the united state's

petition for writ of certiorari

KEVIN L martin

petitioner

FILED

JUN 30 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs

John Galipeau

Respondent's.

on petition for a writ of certiorari to

united states court of appeal for the seventh circuit

petition for writ of certiorari

KEVIN L martin pro, SE 169789 B-203

Westville Correctional Facility, "5501 South 1100 West

Westville, IN 46391

phone-number n.a.

QUESTION presented

whether the district court or court of appeal apply the application of law because the videotape withheld the 12-minute of exculpatory evidence the videotape do not show the prison guard interacted with the petitioner and exclude that material evidence violates a due process right because if no evidence to support martin had interacted with this guard mean it no evidence that sufficient to supported martin guilty verdict?

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 & list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follow

John Cralipon warden at westville correction facility, In Indiana state prison

Related case's

In the prison-disciplinary context due process requires among other thing that a conviction be supported by some evidence SEE

superintendent mass cor v walpole ✓
Hill 472 US 445 455 1985.

mendoza v miller 779 F2d 1287 1293
7th cir 1985 cert denied 476 US 1142
106 S Ct 2251 90 L Ed 2d 697 (1986-)

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Table of authorities cited

CASES

Wilkinson v Austin 2005 US 125 Sct 2384 162 LEd 2d 174.) p. 7

Pate v Robinson 383 US 375 1966.) p. 7

Brady v Maryland 373 US 83, 83 Sct 1194 10 LEd 2d 215 1963.) p. 7

Peggle v Cotton 314 F3d 674-677-78 7th Cir 2003.) p. 8

Hill 472 US 414 957.) p. 8

Rashad Bey v McKworth 969 F2d 357 361 7th Cir 1992.) p. 8

Montgomery v Anderson 262 F3d 641-644-45 7th Cir 2001.) p. 9

Hill 472 US 414 957.) p. 9.

McEachum v Fano 427 US 215, 233 49 LEd 2d 451 96 Sct 2532 1976.) p. 9

Wilff v McConnell 418 US 539 566 91 LEd 2d 935 94 Sct 2963 1974.) p. 9

Statutes and rules

28 USC 1257.) p. 7

28 USC 2254. p. 7

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 judgement below
opinions below

For cases from federal courts

The opinion of the united states court of appeal at Appendix L and
Appendix K. final judgment to the petition and is

- Report at index to appendices review
- has been designated for publication but is not yet reported on N-A
- is unpublished
- For cases from state court? N A N A

The opinion of the highest state court to review the merit appears at
Appendix lists to the petition.

- Reported at
- has been designated for publication but is not yet reported on
- is unpublished

The opinion of the united state court of appeal Appendix K and L appears
at Appendix to the petition and is.

- Reported at Appendix - A)
- has been designated for publication but is not yet reported on
- is unpublished N A

Jurisdiction

For cases from federal courts

The date on which the united states court of appeal decided my case
was decided April 13 2020 Appendix - L

- no petition for rehearing was timely filed in my case, May 8, 2020
- A timely petition for rehearing was denied by the united states court of appeal
on the following date 4-17-20. And no copy my cell got flow with water
order deny rehearing appears at Appendix M.)

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 (- N A)

The jurisdiction of this court

For cases from state courts

The date on which the highest state court decided my case was

A copy of that decision appears at Appendix N. A

An Extension of time to file the petition for a writ of certiorari was granted to and including date in application no _____ date on _____

The jurisdiction of this court is involved under 28 U.S.C. 12579)
constitutional and statutory provisions involved

(A) Martin filed a petition for a writ of habeas corpus see 28 U.S.C. 2254 arguing that the disciplinary proceedings did not comport with due process because his conviction was not supported by sufficient evidence and district court Southern District of Indiana Texas House Division and court of appeal for the seventh circuit, Abuse of discretion and took advantage of Martin incompetency and excluded issue appropriately issue present that his due process right violating at the CIB hearing to a fair proceeding, under 14 Amendment and fourteenth amendment may arise from (1) constitution itself by reason of guarantees implicit in word liberty or (2) expectation or interest created by state law of policies, DOC policy 02-04-101 uses the guidelines, 'The right to present documentary evidence in your behalf SEE Appendix-E.) EX-C page 2). SEE Wilkinson v Austin 2005 U.S. 125 Sct 2384 162 LEd 2d 174 (Ginsburg - argue.) For this reason, 'The trial judge has a duty to raise competency issue, 'In this case if it interferes with your liberty and whether in fact the petition is competent does not constitute a waiver see pate v Robinson 383 U.S. 375 1966) Martin says his right were violated because he was denied access to the 12-minute of the video, 'was force to Martin defense before the CIB hearing to showing (Martin) had no interact with ms Foster on the day of the event and this would undermine and contradicted this prison-guard alleged that she had interact with (Martin) and also the video tape contradicted this prison guard event that she stepped out onto the range and spoken with (Martin) and my question of law if the video tape do not showing this event happen how could -ms. write here (Martin) threat see Appendix i) 2. repeat.) mean the rule of Brady v Maryland 373 U.S. 83, 83 Sct 1194 10 LEd 2d 215 1963.) requires the disclosure of that 12-minute video-tape.)

was Exculpatory Evidence, the video tape withheld 12-minute of this video tape was done with a malice intent to libel and it applies to prison disciplinary proceeding in *See Piggie v Cotton* 344 F3d 674 677-78 7th Cir 2003.) In prison disciplinary proceedings Brady has two goals (1) that the Crib considers all relevant evidence (2) to make sure the inmate can present his best defense *Piggie* 344 F3d at 678 An inmate right like Kevin Martin was violated with the Crib Failure to review all the evidence; on the other hand is it sufficient to support the revocation of good-time credits so long as the record is not so devoid of evidence that the finding of the disciplinary board were without support or otherwise arbitrary (citing *Hill* 472 US at 457.) The relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board (citing *Hill* 472 US at 455 456.) If the video tape do not show the prison guard stepped out onto the cage looking up to cell 1112.) mean Martin never had no interact that prejudiced and it do not support Crib decision mean it was arbitrary disregard of Martin due process right to present his best defense at the hearing. And Martin notes this right extends only to documentary mean summary video print evidence about 12-minute that is Exculpatory in nature of discounting the prison guard event on this day would not have been enough left to convict (Martin) of threat charge, *See Rashedi v. V* Duckworth 969 F2d 357 361 7th Cir 1992) Martin Have a right to access to the summary document of 12-minute to present such documentary and request the Supreme Court to point out what evidence support this verdict by the Crib hearing if the video tape do not showing this event. happen that wrote in the conduct ~~See~~ Appendix A) in camera review of material documenting the investigator's Assessment of the credibility of the prison guard and the government obviously chose the last of these four options when it filed its motion

to file exhibits 'in camera'. The district court granted the government's motion and reviewed the record as a whole that contradicted the evidence in the conduct report mean ms meek could not heard motion if the video tape do not showing the prison guard stepped out onto the range that prejudiced and if no evidence to support found martin verdict by this cab hearing. In Indiana a man has a liberty interest in his earned good-time credits, so the state must follow the appropriate procedures before revoking these credits. SEE *Montgomery v Anderson* 262 F3d 641-644-45 7th Cir 2001. In the prison-disciplinary context due process requires among other things that a conviction be supported by some evidence and ms meek statement at no evidence it clear and if the video tape do not show the prison guard stepped out onto the range and question what did ms meek hear or what she heard the event do not add up to the fact in the conduct report and what evidence support this verdict none. see *superintendent v Walpole* Hill 472 US 445-1985. prejudice write by this prison guard. Also martin think it clear that never the inmate retains an unalienable interest in liberty at the very minimum the right to be treated with dignity which the constitution may never ignore. SEE *Meachum v Fano* 427 US 215, 233 49 L Ed 2d 451 96 S Ct 2532 (1976). martin timely request to have the video tape reviewed violated his due process right under see *Wolff v McDonnell* 418 US 539, 566 41 L Ed 2d 935 94 S Ct 2963 (1974). Also this court must apply and ordered that new hearing be conducted with tape on if the 12-minute existed that the IDOC reinstate martin good-time credit earning classification and restore the credit he lost as a result of the denials.

STATEMENT OF CASE

on or about 9-21-18, petitioner filed 28. U.S.C. 2254 with southern district of Indiana Tax Court division under 218-CV-00429 JMS-plp About his due process right been violation at the hearing. This denying martin of a fair procedures under 14 Amendment and martin Establish his merit and prove his case hearing he was Worryful convict by a Bias over case hearing etc not view all the material before found martin guilty of threat charge.

REASON FOR GRANTING THE PETITION

Based upon the constitutional violation martin 14 Amendment to a fair procedures under due process by the wabash valley Facility withheld the video tape 12-minute and the the conduct report do not support the event by the video tape prejudice right there that afford martin the opportunity to present exculpatory information to have his right to present his best defense at the case hearing would exonerated martin on this charge of threat because the evidence do not support charge. and I request the court to do a camera review of the video tape and granting the petition allege they true.

Conclusion

For this reason; The petition For a writ of Habeas Corpus should be granted because the petition (4-) amendment right was violated mean deprived of due process right relevant in part?

6-19-20

Kevin L. Martin

Kevin L. Martin

(injustice-)