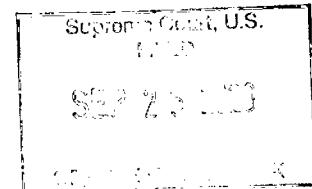


20-6024

No. 20-1181

IN THE  
SUPREME COURT OF THE UNITED STATES



Keinald v. Parnell

— PETITIONER

(Your Name)

vs.

Scott R. Frakes

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States court of Appeals for the Eighth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Keinald v. Parnell

(Your Name)

2725 N.hwy 50, p.o.Box 900

(Address)

Tecumseh, NE. 68450

(City, State, Zip Code)

402 335-5998

(Phone Number)

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SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

Defendant contends that he is being held on what what contends to be a void judgement redured during a jury trial where the main witness who was also the victim in this matter was impeached during trial in excess of eleven times

Did the Eighth circuit court of Appeals Err when denying a certificate of Appealability in this matter? No:20-1181

Did the United States court of Appeals omaha,Nebraska Err when denying a petition for Habeas corpus Relief 28u.s.c.2254 case No:CR 15-1671

u.s.const.amend.6 ineffective assistance of counsel

Did the douglas county district court err when denying a verified petition for Post-conviction relief without an evidetiary hearing in case No:cr 15-1671

Did the douglas county district court err when denying a verified petition for Post-Conviction relief without an evidentiary hearing on parnell claim of Prosecutorial misconduct

Did the Douglas county District court err when denying a verified petition for Post-Conviction relief without an evidentiary hearing on the claim of INSUFFICIENT EVIDENCE

ACTUAL INNOCENCE:Did the douglas county district court err when denying a verified petition for POST-CONVICTION relief without an evidentiary hearing on this claim

Did THE NEBRASKA COURT OF APPEALS ERR when denying defendants claims of INEFFECTIVE ASSISTANCE OF TRIAL AND APPELLANT COUNSEL ,INSUFFICIENT EVIDENCE,PROSECUTORIAL MISCONDUCT JUDICIAL BIAS AND ACTUAL INNOCENCE

(i)

## **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:

## **RELATED CASES**

- U.S.v.jenkins 849 f.3d.390
- U.S.v.Davis 139 S.ct.2319
- U.S.v.Marcus 130 S.ct.2159
- U.S.v.Walker 934 f.3d 375
- U.S.v.Bagley 105 S.ct.8375
- U.S.v.Dunnigan 113 S.ct.1111
- U.S.v.williams 571S.ct.595
- Johnson v.U.S. 135 S.ct.2551

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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**:

The opinion of the highest state court to review the merits appears at Appendix C 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 July, 30, 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: July 23, 2020, 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 \_\_\_\_\_.  
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**

The following constitutional and Statutory provisions are involved in this matter

U.S.const.amend.14

All persons born or naturalized in the united states,are subject to the jurisdiction thereof ,are citizens of the united states and the state wherein they reside no state shall make or enforce any law which abridge the privilege or immunities of citizens of the united states ;nor shall any state deprive any person of life,liberty,or property,without DUE PROCESS of law nor deny any person within its jurisdiction the equal protection of the law

U.S.const.amend.5

it is unconstitutional to deprive a citizen of the united states the right to be free without DUE PROCESS of law

U.S.const.amend.6

All persons of united states stature has the right to effective assistance of counsel and the right to have an impartial jury

U.S.const.amend.4

every united states citizen has a right to be free of illegal searches and,seizures

U.S.const.amend.8

every united states citizen has a right to be free from cruel and unusual punishment

28U.S.C. §2254

Every citizen of united states stature has a right to petition the government for Habeas corpus relief from any judgement rendered against the constitutional laws of united states

CONSTITUTIONAL AND STATUTORY PROVISIONS CONTINUED

neb.rev.stat. §28-507 BURGLARY

neb.rev.stat. §28-311.01(1)(a) terroristic threats

neb.rev.stat. §28-314 false imprisonment in the first degree

neb.rev.stat. §29-2221 habitual criminal

fed.r.civ.p.32(a)(1)

## **STATEMENT OF THE CASE**

Defendant filed a petition for writ of Habeas corpus Pursuant to 28 u.s.c. §2254 in the united states District court for the district of nebraska june 3,2019 claiming that he is being held under a void judgement rendered under perjured testimony during a trial proceeding the states main witness who is also the victim in the case impeached himself the habeas petition claims were ruled cognizable july 18,2019 in the united states district court omaha nebraska with a respondent deadline of August 19,2019 a memorandum and order denying defendants habeas corpus petition was entered on september 12,2019 defendant then filed for a certificate of appealability to the united states court of appeals for the eighth circuit on february 13,2020 the certificate of appealability and appeal were denied and dismissed may 18,2020 a motion for an extension of time to file for a rehearing was then submitted to the eighth circuit court of appeals june 5,2020 motion for extension of time for rehearing was then granted until july 31,2020 the appeal and motion for rehearing was then denied july 23,2020 and the mandate was then issued july 30,2020

## REASONS FOR GRANTING THE PETITION

The district court's denial of the petition for habeas corpus relief warrant's this court's attention the case revolves around a single witness who deemed himself unreliable when committing perjury during trial under oath U.S.v.Dunnigan 113 s.ct.1111 in excess of eleven times and the trial was allowed to continue even after this witness was caught lying in open court in front of the jury U.S.v U.S.v.Williams 71sS.ct.595 the majority of this witness's testimony revolved around him saying that he was held at gunpoint the entire time which brought the false imprisonment charge into play neb.rev.stat. §28-314 which fall's under U.S.v.Bagley 105 s.ct.3375 the fact that this witness lied multiple times under oath should have been ground's for a mistrial or complete dismissal of charges or ground's for a new trial i argued the ineffective assistance of counsel after my direct appeal because my trial counsel and appeal counsel were the same so my first opportunity to bring it up was my post-conviction which attorney general claimed it was procedually barred because it wasn't brought up on direct which would be impossible because i had the same counsel through trial and direct appeal there was insufficient evidence to support a guilty verdict on remaining charges because the testimony was he was held at gunpoint and was threatened with a gun defendant was found not guilty of all weapons charges would

REASONS FOR GRANTING PETITION CONTINUED

Which would make remaing charges void and the stateccould not convict beyond a reasonable dought

U.S.v.Jenkins 849 f.3d 390

the defendant has pled his innocence from the very ~~beginning~~ begining but has went on deaf ears till this point

U.S.v.Davis 139 s.ct.2319 ,U.S.v.Marcus 130 s.ct.2159

The fact still remains that defendant's fingerprint's Nor his D.N.A. were even found on any weapon seaized during the searches that were conducted House v.Bell 126 s.ct.2064 the fact is there was an additional search conducted eleven day's after the ~~said~~ incident at the request of the home owner and a firearm was then recovered at which time eight month's later they decided to charge the defendant with firearm possession as well as use of a weapon to commit a felony. U.S.const.Amend.45;8,14 trial counsel in this case failed to file a motion to suppress this evidence which should have never been allowed .U.S.const.Amend.6

provides that a citizen of us stature be allowed the effective assistance of counsel.The fact is the victim in this case testified that he was held at gunpoint this was his testimony in his deposition as well as trial which in turn caused the false imprisonment in the first degree neb.rev.stat.28-314 which made the use of a weapon charge essential to legally convict for first degree false imprisonment .neb.rev.stat.28-1205(1)(a)and(c) the fact that defendant was found not guilty of this should have rendered remaining charges void.

U.S.v.Dunnigan 113 s.ct.1111 the defendant's claim's of insufficient evidence,ineffective assistance of counsel,pro prosecutorial misconduct,judicial bias and actual innocence needed closer inspection .

REASONS FOR GRANTING THE PETITION CONTINUED

If counsel would have did any investigating into this matter and spoken with the witnesses that defendant told her to speak surely the outcome would have differed U.S.const.amend.6 defendant clearly shows that his right's have been substancially violated.. and the charges of false imprisonment, neb.rev.stat.§28-314,terroristic threats neb.rev.stat.28-311.01 (1)(a)and burglary,neb.rev.stat.§28-507 should have never been allowed to stand without the use of a weapon charge neb.rev.stat.§28-1205(1)(a)and(c) because the victim in this case testified that he was held at gunpoint the entire time.

And wasn't allowed to move from any one position the entire time but was caught lying about that also and admitted to being able to move around freely and that he was never frightened or scared and that defendant's demeanor was calm

FACT"S: defendant was never in possession of a firearm nor a knife upon his arrest defendant did not reside at the residence in which he was arrested there two searches conducted before defendant was taken to jail and during those two initial searches there was never any weapon recovered or found two day's later the victim called police and said that he had found a knife eleven day's later they get another phone call from victim and his mother saying that they had two spots they wanted searched eventually a gun was recovered in the basement drywall defendant was never in the basement area and was arrested in the upstairs attic eight months go by and they charge defendant with the firearm that was found

REASONS FOR GRANTING THE PETITION CONTINUED

Within the transcript of Domnic Frederick there wil be testimony that he had multiple opportunities to leave when confronted with the question when he was in the other room why didn't you just run out the house long pause and then he say's oh i didn't wanna get shot also mr Frederick admits to being high on drugs and had several drinks also in fact him and defendant were drinking beer's together during this said incident and also admits he was never scared by defendant's presence nor did he ever feel threatened the victim in this case admits he was never touched or forcibly moved at any time which you would have to have for Neb.rev.stat. §28-314 false imprisonment in the first degree Mr. Frederick also admits that all his friend's have carry and conceal permits and he had been drinking with one of his friends at his residence and that his friend lance templeton could have left both door's ajar when he left that morning . how was it ever considered that defendant was ever in possession of afirearm? defendant has had several firearm possession's in the past and during those times defendant had to be in actual physical possession or reside at the residence where it was recovered or guilty knowledge of said fifearm fingerprint's or D.N.A there was never any of that present in this case . if the victim in this case was never frightened or scared in any way then how can you have a terroristic threat that never actually happened?

for all the foregoing reasons defendant pray's that the issues within this case aren't overlooked but closely scrutinized that the lower court's allowed it to travel this far and hopes and pray's that this writ will be granted.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Keinald Parncut

Date: 9-24-20