

No. 21-5023

ORIGINAL

Supreme Court, U.S.
FILED

JUN 16 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Donnie Romone Tuggs — PETITIONER
(Your Name)

vs.

CHARLES RYAN ATTENEY — RESPONDENT(S)
GENERAL

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Donnie Romone Tuggs
(Your Name)

ASPC-TUCSON-JAWA KITA
(Address)

P.O. Box 24401 TUCSON, ARIZONA 85734
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Comm. Mullerbaux did a COURT ORDER OF DET. Mcbride to do DNA swabs) of petitioner in Court Room 902, Superior Courts) in Phoenix ARIZONA. on 1/18/12. on 6/18/12 "DNA" results were in and it was not a match of petitioner and why counsel did not go back to Court Room 902 and get the charges) dismissed? why go to trial when the prosecutor for the state knew that petitioner DNA was not on the drugs) tested, CRACK COCAINE or the morphine pills), no "DNA", Relevant Evidence why would counsel of records) NICOLE P. HARTLEY not have the charges) dismissed before the first trial which was September 19, 2012 and results) were back on June 18, 2012?

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 A | police report attached. |
| APPENDIX B | petition for writ of HABEAS CORPUS |
| APPENDIX C | filed MARCH 27, 2013 - Superior COURT |
| APPENDIX D | COURT ORDER filed Sept. 30, 2019 NORTH DISTRICT attached. |
| APPENDIX E | COURT ORDER April 22, 2021, NORTH DISTRICT attached |
| APPENDIX F | |

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Coyler v. Sullivan 446 U.S. 355,
344-45 (1980).

Fourteenth Amendment (DUE process) Evitts v. Lucey
469 U.S. 387-99 (1985).

Strickland v. Washington 466 U.S. 668, 687-88 (1984).

Gentry v. Sevier 597 F.3d 838, 851-52 7th Cir. (2010).

STATUTES AND RULES

Rules) 401. DNA swab(s) Relevant evidence
NO MATCH.

ARIZONA REVISED STATUTES, ARTICLE 5. Scientific
CRIMINAL ANALYSIS

41-1771: CRIME laboratory branch crime detection
laboratories, equipment and operation.

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 April 22, 2021 (ORDER); 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 Feb. 1/29/19 Report A REC.; 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 _____ to the petition and is

☐ reported at MAY 6, 2015; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the JULY 14, 2015 STATE COURT 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 _____.

[] 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).

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

The date on which the highest state court decided my case was July 14, 2015
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: NONE, 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 NONE (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

6th Amendment right to Counsel - *Strickland v. Washington*, effective Assistance of Counsel,
not ineffective Assistance of Counsel,

Fifth Amendment protection

8th Amendment violation

14th Amendment violation

Rule(s) of evidence

STATEMENT OF THE CASE

Pursuant to November 17, 2011 at 12:45 am petitioner was riding a bike without a fixed light mounted to the front. Pursuant to officer Landolf with partner officer Landolf said that the area is a known drug area. This so called bike was never taken to impound this certain night. Pursuant to morphine pills and crack cocaine was seized. There was only one picture taken of the morphine pills in front of a house that no body stayed at. The crack cocaine the officers involved said that they never took pictures of the crack cocaine that was found that night. Pursuant to question presented before the Supreme Court, DNA tests were done of the morphine pills and crack cocaine and the drugs that were seized were not defendant, no proof before the Court.

REASONS FOR GRANTING THE PETITION

NO ^a ^u DNA that match petitioner of results that came back 6/18/12. pursuant to September 19 2012 first trial before comm. Lynch court and this was a mistrial based on a larger bag of the CRACK that the prosecutor for the state said that was not tested, but had this larger bag of CRACK in evidence. pursuant to DNA evidence, NO PROOF but there was a trial anyway even the prosecutor for the state John schneider knew this, and counsel of records knew this as well and let this happen. Pursuant to power to grant writ. (3) He is in custody in violation of the constitution or law or treaties of the united states.

pursuant to petitioner be released from D.O.C.
and the charge(s) dismissed. Pursuant to
Respondent(s) to response to why would they
let this case go so far when they knew
that petitioner "DNA" was not on the evidence
tested morphine pills or the crack cocaine, and
said it was a alleged traffic stop.

CONCLUSION

TRIA/C Judge Hon. Robert E. Miles, Superior Court, Phoenix

The petition for a writ of certiorari should be granted. DNA swabs were
done and results came in and petitioner "DNA" was not a match.

Respectfully submitted,

Donnie Romance Tings

Date: 6/10/21