

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 ATTORNEY GENERAL
— RESPONDENT(S)

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-JAWIA RITA
(Address)

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

(Phone Number)

QUESTION(S) PRESENTED

Comm. Mullereaux did a court ORDER OF DET.
Mcbride to do DNA swab(s) of petitioner in
Court Room 902, Superior Court(s) 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 charge(s) dismissed?
why go to trial when the prosecutor for
the state knew that petitioner DNA was not
on the drug(s) tested, CRACK cocaine or the
morphine pill(s), no "DNA" relevant evidence
Why would counsel of record(s) Nicole P. HARLEY not
have the charge(s) 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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INDEX TO APPENDICES

APPENDIX A

police report attached.

APPENDIX B

Petition for writ of HABEAS CORPUS
filed MARCH 27 2013. Superior Court

APPENDIX C

Court Order filed Sept. 30, 2019 Ninth
Circuit attached.

APPENDIX D

Court Order April 22, 2021, Ninth Circuit
attached

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Coyker 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) 40% DNA swab(s) Relevant evidence
no match.

ARIZONA Revised STATUTES, ARTICLE 5, Scientific
Criminal Analysis

41-1771: CRIME laboratory branch crime detection
laboratory(s), 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 standard with partner officer Sandef 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 officer(s) involved said that they never took picture(s) of the crack cocaine that was found that night. Pursuant to question presented before the Supreme Court, DNA test(s) were done of the morphine pills and crack cocaine and the drug(s) that were seized were not defendant. No proof before the Court(s).

REASONS FOR GRANTING THE PETITION

NO DNA that match petitioner or results) that came back 6/18/12. pursuant to September 19 2012 first trial before Comarr. 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 schreider knew this, and counsel of record) 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

TRIAC Judge Hon. Robert E. Barnes, Superior Court, Phoenix

The petition for a writ of certiorari should be granted. DNA swab(s) were
done and result(s) came in and petitioner "DNA" was not a match.

Respectfully submitted,

Donnie Lorraine Triggs

Date: 6/10/21