

No. 21-5756

ORIGINAL

Supreme Court, U.S.
FILED

SEP 09 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

GETTUS LEROY MINTZ
(Your Name)

— PETITIONER

vs.

DAVID C SHINN

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

STATE OF ARIZONA SUPREME COURT

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

PETITION FOR WRIT OF CERTIORARI

GETTUS LEROY MINTZ #040014
(Your Name)

P.O. BOX 8909
(Address)

SAN LUIS, ARIZONA. 85349
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

SEE ATTACHED

CERTIFIED QUESTIONS PRESENTED NO. 1

1). DID THE STATE OF ARIZONA VIOLATE PETITIONERS 5TH. AND 14TH. AMENDMENTS RIGHTS TO DUE PROCESS AND EQUAL PROTECTION WHEN THE STATE ALLOWED DETECTIVE HICKMAN'S FALSE TESTIMONY TO GO UNCORRECTED BEFORE THE GRAND JURY THERE WAS BLOOD FOUND IN PETITIONERS VEHICLES FLOOR BOARDS? (SEE EXHIBIT #2 P. 124); ALSO (P. 125, AND 126).

SUMMARY

THE CRIMINALIST (LINDA POWELL) REPORT STATES NO BLOOD WAS FOUND IN THE PETITIONERS CAR'S FLOOR BOARD. (SEE EXHIBIT #3 P. 0316) ALSO (SEE EXHIBIT NO. 7 D309). THE PETITIONERS CAR WAS RETURNED BY THE PEORIA POLICE DEPARTMENT IMPLIES THE STATE USED FALSE TESTIMONY TO INDICT AND CONVICT PETITIONER.

THE FORENSIC CRIMINALIST LAB REPORTS DO NOT CORROBORATE DETECTIVE HICKMAN'S GRAND JURY AND TRIAL TESTIMONY.

(CERTIFIED QUESTION PRESENTED NO. 2
FORENSIC MISCONDUCT

QUESTION: DID THE FORENSIC EXAMINER COURTNEY COLLUMS FALSE TESTIMONY VIOLATE THE PETITIONERS U.S. CONSTITUTIONAL RIGHTS UNDER THE 14TH AMENDMENT DUE PROCESS, WHEN MRS. COLLUMS CONFLICTED BOTH HER LAB REPORTS? (SEE EXHIBIT #3 AND EXHIBIT #6) VERSUS MRS. COLLUMS TRIAL TESTIMONY (RT 1-27-2010 P.66)? ALSO (RT 1-27-2010 P.67) ATTACHED. . . WHEREBY, MRS. COLLUMS TESTIFIED FALSE IN PETITIONERS TRIAL THAT ALL THE CLOTHING HAD BLOOD ON THEM.

CERTIFIED QUESTION NO. 3

DID THE STATE OF ARIZONA SUPERIOR COURT, AND ARIZONA APPELLATE COURT VIOLATE THE U.S. CONSTITUTION 14TH AMENDMENT DUE PROCESS AND EQUAL PROTECTION WHEN THEY DENIED THE PETITIONERS POST-CONVICTION JUDICIAL NOTICE PRESENTING PROOF OF FALSE TESTIMONY BY FORENSIC MISCONDUCT?

(CERTIFIED QUESTION NO. 4

DID THE STATE VIOLATE THE PETITIONERS CONSTITUTIONAL RIGHTS OF THE 14TH AMENDMENT WHEN IT USED STATE WITNESS DETECTIVE HICKMAN TO FAISELY TESTIFY THERE WAS BLOOD FOUND ON THE PETITIONER BLUE SWEATSHIRT DURING TRIAL? (RT 1-27-2010 P. 124, 125, 126).

THE CRIMINALIST LINDA POWELL FORENSIC LAB REPORT STATES NO BLOOD WAS FOUND (AN FLOOR BOARD. (SEE EXHIBIT NO. 3 P. 0310).

ALSO, CRIMINALIST COURTNEY COHMS CRIME LAB REPORT - DNA, STR SUMMARY SHEET STATES ITEM 360 = NEGATIVE RESULTS / SEE EXHIBITS (3-B). ITEM 360 IS IDENTIFIED AS THE BLUE SWEATSHIRT.

THUS, IT IS PROOF, THE STATE USED DETECTIVE HICKMAN'S FALSE TESTIMONY BEFORE THE GRAND JURY AND TRIAL TO CONVICT THE DEFENDANT-PETITIONER MR. GETTUS LEROY MINTZ.

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:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	<i>DECISION OF COURT OF APPEALS</i>
APPENDIX B	<i>DECISION OF STATE TRIAL COURT</i>
APPENDIX C	<i>DECISION OF STATE COURT DENYING REVIEW</i>
APPENDIX D	<i>ORDER OF STATE SUPREME COURT DENYING REHEARING</i>
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

MOONEY V. HOLAHAN 294 U.S. 103 (1935) 4-A
NAPUE V. ILLINOIS 360 U.S. 264 (1959) 4-A

STATUTES AND RULES

28 U.S.C. § 1257

OTHER

JURISDICTION

FINAL JUDGEMENTS OR DECREE RENDERED BY THE HIGHEST COURT OF A STATE IN WHICH A DECISION COULD BE HAD, MAY BE REVIEWED BY A SUPREME COURT BY WRIT OF CERTIORARI WHERE THE VALIDITY OF A TREATY OR STATUTE OF THE UNITED STATES IS DRAWN IN QUESTION OR WHERE THE VALIDITY OF A STATUTE OF ANY STATE IS DRAWN IN QUESTION ON THE GROUND OF ITS BEING REPUGNANT TO THE CONSTITUTION, TREATIES, RIGHT, PRIVILEGE, OR IMMUNITY IS SPECINIV SET UP OR CLAIMED UNDER THE CONSTITUTION OR THE TREATIES OR STATUTES OF, OR ANY COMMISSION HELD OR AUTHORITY EXERCISED UNDER THE UNITED STATES. (CHAPTER 81 28 § 1257.

CONSTITUTIONAL AND STATUTORY PROVISIONS CH. 81-28

INVOLVED §1257.

FINAL JUDGEMENTS OR DECREES RENDERED BY THE HIGHEST COURT OF A STATE IN WHICH A DECISION COULD BE HAD MAY BE REVIEWED BY THE SUPREME COURT BY WRIT OF CERTIORARI WHERE THE VALIDITY OF A TREATY OR STATUTE OF THE UNITED STATE IS DRAWN IN QUESTION OR WHERE THE VALIDITY OF A STATUTE OF ANY STATE IS DRAWN IN IN QUESTION ON THE GROUND OF ITS BEING REPUGNANT TO THE CONSTITUTION, TREATIES, OR LAWS OF THE UNITED STATES, OR WHERE ANY TITLE, RIGHT, PRIVILEGE, OR IMMUNITY IS SPECIALLY SET UP OR CLAIMED UNDER UNDER THE CONSTITUTION OR THE TREATIES OR STATUTES OF, OR ANY COMMISS-
ION OR TREATIES OR STATUTES OF, OR ANY COMMISSION HELD OR AUTHORITY EXERCISED UNDER, THE UNITED STATES.

STATEMENT OF THE CASE

IN THE CASE STATE OF ARIZONA V. GETTUS MINTZ THE STATE'S PROSECUTOR USED FALSE TESTIMONY DELIBERATELY OR INADVERTENTLY TO INDICT AND CONVICT MR. MINTZ. (SEE ATTACHED P.124 LINES 10-15) AND (P.124, 125, AND 126).

THE STATE'S WITNESS DETECTIVE HICKMAN SWORE BEFORE THE GRAND JURY THERE WAS BLOOD EVIDENCE FOUND INSIDE THE PETITIONER MR. MINTZ CAR THAT WAS IMPOUNDED.

HOWEVER, THE FORENSIC CRIMINALIST LINDA POWELL'S EXAMINED THE VEHICLE AND FOUND NO BLOOD EVIDENCE.

CRIMINALIST FORENSIC REPORT BY LINDA POWELL STATES NO BLOOD WAS FOUND ON THE VEHICLE'S FLOOR BOARDS AS DETECTIVE HICKMAN TESTIFIED BEFORE THE GRAND JURY. DETECTIVE HICKMAN SWORE BEFORE THE JURY IN TRIAL THERE WAS BLOOD FOUND IN MR. MINTZ'S CAR. (RT. 1-27-2010 P.125 LINES 4-6)

LINDA POWELL'S SCIENTIFIC EXAMINATION REPORTS DATED MAY 13TH, 2009 BEFORE THE TRIAL STATES "NO BLOOD WAS DETECTED ON ITEM (#350)(#350) IS INDICATED AS THE ONE SWAB FROM FRONT DRIVER FLOOR BOARD. (SEE EXHIBIT #0309) LINDA POWELL'S SCIENTIFIC EXAMINATION REPORT DR NO. 2009713059 P.2 OF 4. ATTACHED. ALSO SEE EXHIBIT #0310 BY LINDA POWELL.

THUS, BY COURT RECORDS AND FORENSIC REPORTS THE STATE USED KNOWN FALSE TESTIMONIES TO CONVICT PETITIONER KNOWINGLY AND INTENTIONALLY, HAD NOT THE STATE ALLOWED THE KNOWN FALSE TESTIMONY IN THE EVIDENTIARY HEARING THERE WOULD PROBABLY HAVE BEEN A NOT GUILTY VERDICT. WHEREFORE, THE CERTIFIED QUESTIONS SHOULD BE ASKED AND ANSWERED BY THE ARIZONA STATE SUPREME COURT FROM THE DIRECTION OF THE HON. U.S. SUPREME COURT: CITING MOONEY V. HOLAHAN 294 U.S. 103 (1935) AS CASE LAW OF CONSTITUTIONAL MAGNITUDE, AND ALSO THE U.S. SUPREME COURT'S CASE LAW PRECEDENT NAPUE V. ILLINOIS 360 U.S. 264 (1959): VIOLATION OCCURS WHEN STATE, ALTHOUGH NOT SOLICITING FALSE EVIDENCE ALLOWS IT TO GO UNCORRECTED, WHEN IT APPEARS.

PETITIONER SUBMITTED TO THE COURT'S BY JUDICIAL NOTICE A PETITION BEFORE ALL THE STATE COURT IN ARIZONA STATE BEGINNING IN THE STATE SUPERIOR COURT, APPELLATE COURT, AND THE ARIZONA SUPREME COURT DENIED TO REVIEW THE U.S. CONSTITUTIONAL VIOLATIONS.

REASONS FOR GRANTING THE WRIT

THE INTEREST OF JUSTICE IS THE REASON WHY M/R. MINTZ WRIT SHOULD BE GRANTED. THE STATE USED KNOWN FALSE WITNESS TESTIMONY TO CONVICT THE PETITIONER. THE STATE OF ARIZONA MARICOPA COUNTY, PHOENIX POLICE DEPARTMENT IS UNDER INVESTIGATION BY THE DEPARTMENT OF JUSTICE STEMMING FROM CONSTITUTIONAL VIOLATIONS ACTIONS, PATTERNS AS IN THIS CASES; DETECTIVE HICKMAN'S FALSE GRAND JURY AND TRIAL TESTIMONY COUPLED WITH THE CRIMINALIST M/S. COLLINS FALSE TESTIMONY. THIS, A REASON FOR GRANTING THIS WRIT IN LIGHT OF THE U.S. CONSTITUTIONS GUARANTEE'S, EQUAL PROTECTION OF THE LAW'S WARRANTED TO GRANT THIS PETITION.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Heather L. Mintz

Date: 9-8-2021