

21-7214

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

FEB 10 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

MARK ANTHONY TAYLOR PETITIONER
(Your Name)

vs.

ANNA VALENTINE, WARDEN RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MARK ANTHONY TAYLOR, PRO SE
(Your Name)

KENTUCKY STATE REFORMATORY
3001 WEST HIGHWAY 146
(Address)

LAGRANGE, KY. 40031
(City, State, Zip Code)

N/A
(Phone Number)

QUESTIONS PRESENTED

1. DOES AN "INTER ALIA" CLAIM OF ACTUAL INNOCENCE QUALIFY AS A CLAIM OF ACTUAL INNOCENCE IF THE SAME STATED PORTION OF THE STATUTE: "ACTUALLY INNOCENT OF THE CRIMES CHARGED" APPEAR FIVE DIFFERENT TIMES THROUGHOUT THE HABEAS PROCEEDINGS?

2. DO THESE PRO SE CLAIMS FAIRLY ALERT THE APPELLATE COURT OF THE INTENT TO MAKE THE CLAIM?

3. IF THE STATE PRESENTS EVIDENCE THAT WAS PREVIOUSLY UNDISCOVERABLE BY THE DEFENDANT, DOES THIS PARTICULAR EVIDENCE QUALIFY AS "NEWLY DISCOVERED EVIDENCE," IF THE PETITIONER WAS UNAWARE OF ITS EXISTENCE?

4. IF THIS EVIDENCE WAS PRESENTED TO THE JURY DURING TRIAL, WITHOUT THE

PETITIONER'S KNOWLEDGE, WOULD IT BE NONHARMLESS ERROR AND THEREFORE UNCONSTITUTIONAL?

5. IN THE ABSENCE OF THESE NONHARMLESS ERRORS, WOULD A COURT HAVE TO CONSIDER THE PROBABILITY THAT ABSENT THE ERRORS NO REASONABLE JUROR WOULD HAVE VOTED GUILTY?

6. WHEN A STATE SUBMITS "NEWLY DISCOVERED EVIDENCE IN A STATE POST-CONVICTION PROCEEDING, AT WHAT POINT IN TIME WOULD TIME BEGIN TO TOLL FOR AN ACTUAL INNOCENCE "GATEWAY" CLAIM?

7. WOULD "NEWLY DISCOVERED EVIDENCE" FOR THE PURPOSE OF 28 USCS §§ 2241 (1)(D) DILIGENCE, BEGIN AT THE TIME OF DISCOVERY, OR THE RULING ON THE PETITION IN WHICH IT WAS DISCOVERED?

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

- TAYLOR V VALENTINE, CIVIL ACTION NO. 5:20-CV-00139 TRR
WESTERN DISTRICT OF KENTUCKY PADUCAH DIVISION
JUDGEMENT ENTERED - MARCH 8, 2021
- TAYLOR V VALENTINE, CIVIL ACTION NO. 5:20-CV-00139 TRR-LLK
WESTERN DISTRICT OF KENTUCKY PADUCAH DIVISION
JUDGEMENT ENTERED - MAY 21, 2021
- MARK ANTHONY TAYLOR, MOVANT CASE NO. 21-5609
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
JUDGEMENT ENTERED - NOV. 10, 2021
- TAYLOR V VALENTINE, CASE NO. 21-5616
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
JUDGEMENT ENTERED - DEC 28, 2021

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

SCHLUP V DELO, 513 U.S. 298	ATTACHMENT: REASONS PGE-2-
MCQUIGGIN V PERKINS, 569 U.S. 383	REASONS PGE-2-
HOLLAND V FLORIDA, 560 U.S. 631	REASONS PGE-2-
MCQUIGGIN V PERKINS, 569 U.S. 383	REASON PGE-7-
SCHLUP V DELO, 513 at 316	REASON PGE-8-
HERRERA V COLLINS, 506 U.S. at 404	REASON PGE-8-

STATUTES AND RULES

28 USC § 2241 (DUD)

ATTACHMENT
PGE-2-QUESTIONS
PGE-2-REASONS
PGE-3-REASONS
PGE-7-REASONS

ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT
OF 1996, 110 STAT. 1214

PGE-8-REASONS

OTHER

CIVIL ACTION NO. 5:20-CV-00139-TBR
CASE NO. 21-5609
CASE NO. 21-5616

ATTACHMENT
PGE-10-REASONS
PGE-10-REASONS
PGE-10-REASONS

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

OPINIONS

APPENDIX A	MOTION SEEKING AUTHORIZATION TO FILE A SECOND OR SUCCESSIVE HABEAS CORPUS PETITION-CASE NO. 21-5609
APPENDIX B	APPEAL AND REQUEST FOR A CERTIFICATE OF APPEALABILITY -CASE NO. 21-5616
APPENDIX C	-MEMORANDUM OPINION AND ORDER OF PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254
APPENDIX D	CIVIL ACTION NO. 5:20-CV-00139-TBR -OPINION AND ORDER-MOTION FOR RELIEF OF PROCEDURAL
APPENDIX E	TIME BAR-CIVIL ACTION NO. 5:20-CV-00139-TBR-LLK
APPENDIX F	

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 A4B 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 C4D 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 N/A to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the N/A court appears at Appendix N/A to the petition and is

☐ reported at N/A; 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 DEC 28, 2021 / NOV. 10, 2021
COA SECOND OR SUCCESSIVE

☒ 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/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 N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT I U.S. CONST. . . .

CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH . . .

AMENDMENT VI U.S. CONST.

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, AND TO BE ~~IN~~FORMED OF THE NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE.

AMENDMENT V U.S. CONST. . . .

AMENDMENT XIV U.S. CONST

ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996 (AEDPA), 110 STAT. 1214

STATEMENT OF THE CASE

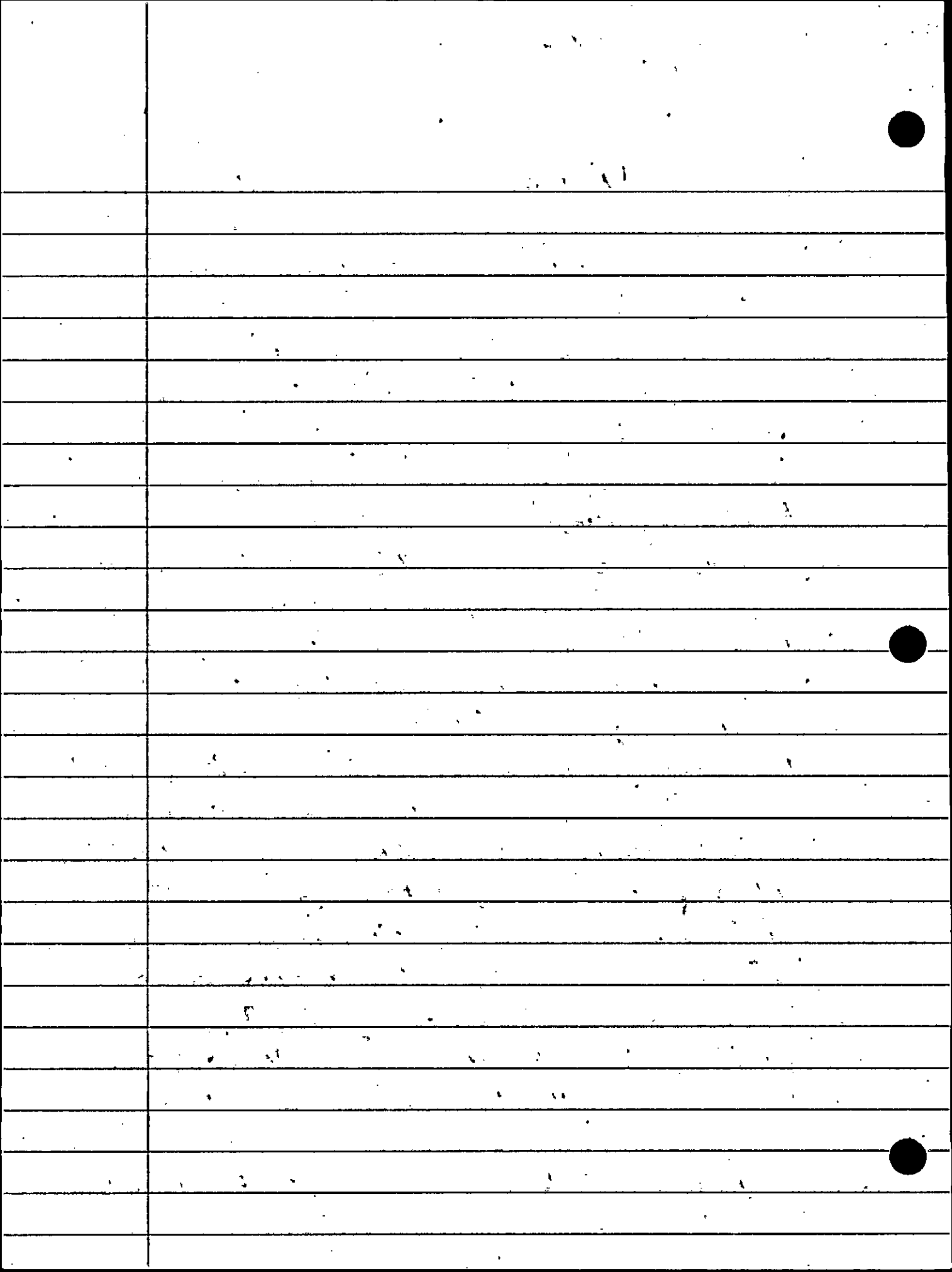
SEE "ATTACHMENT": STATEMENT OF THE CASE

STATEMENT OF THE CASE

IN 2013, A JURY FOUND TAYLOR GUILTY OF MURDER, KIDNAPPING, AND TAMPERING WITH PHYSICAL EVIDENCE. HE WAS SENTENCED TO SERVE LIFE WITHOUT PAROLE. THE KENTUCKY SUPREME COURT AFFIRMED TAYLOR'S CONVICTIONS ON SEPTEMBER 24, 2015. TAYLOR FILED A STATE POST-CONVICTION MOTION TO VACATE, SET ASIDE, OR CORRECT HIS SENTENCE ON AUGUST 24, 2016. THE TRIAL COURT DENIED TAYLOR'S MOTION. THE KENTUCKY COURT OF APPEALS AFFIRMED THE DENIAL OF POST CONVICTION RELIEF, AND THE KENTUCKY SUPREME COURT DENIED DISCRETIONARY REVIEW ON AUGUST 21, 2019.

TAYLOR MAILED HIS HABEAS PETITION FROM PRISON ON AUGUST 14, 2020, AND IT IS CONSIDERED FILED ON THAT DATE.

TAYLOR HAS SINCE FILE FOR AUTHORIZATION OF A SECOND OR SUCCESSIVE HABEAS PETITION, AND ALSO FOR A CERTIFICATE OF APPEAL BOTH DENIED.



REASONS FOR GRANTING THE WRIT

THE TIMING OF THE EVIDENCE AND THE EVIDENCE PRESENTED BY THE STATE MUST BE CONSIDERED AS "NEWLY DISCOVERED EVIDENCE", DUE TO THE FACT THAT THERE IS NO RECORD OF THE ALLEGED CONFESSIONS CONTAINED WITHIN THE PURVIEW OF ANY COURT RECORDS MADE AVAILABLE TO TAYLOR, AND; "IF NOT ENTIRELY FRAUDULENT," MUST BE PART OF THE TRIAL RECORD, THAT OF WHICH THE ACCESS HAS BEEN DENIED TO TAYLOR THROUGHOUT HIS POST-CONVICTION PROCEEDINGS.

THEREFORE, IF THIS EVIDENCE THAT THE KENTUCKY ATTORNEY GENERAL'S OFFICE HAS PRESENTED ON MOTION FOR DISCRETIONARY REVIEW IS IN FACT PART OF THE TRIAL RECORD AND WAS SUBMITTED TO THE FACT FINDER, THEN THE TRIAL WOULD HAVE TO BE CONSIDERED NOT FREE OF NON-HARMLESS CONSTITUTIONAL ERROR, THUS, MOREOVER, IN LIGHT OF THE NEW EVIDENCE, NO JUROR

ACTING REASONABLY, WOULD HAVE VOTED TO FIND HIM GUILTY BEYOND A REASONABLE DOUBT. SEE SCHLUP V DELO, 513 U.S. 298; AND, MCQUIGGIN V PERKINS, 569 U.S. 383.

THE UNITED STATES SUPREME COURT HELD IN HOLLAND V FLORIDA, 560 U.S. 631, 130 S.Ct. 2549, 177 L.Ed. 2d 130 (2010), THAT EQUITABLE PRINCIPLES HAVE TRADITIONALLY GOVERNED THE SUBSTANTIVE LAW OF HABEAS CORPUS... AND FOUND THAT THE TEXT OF 28 U.S.C. § 2244(d)(1) CONTAINS NO CLEAR COMMAND COUNTERING THE COURTS EQUITABLE AUTHORITY TO INVOKE THE MISCARriage OF JUSTICE EXCEPTION TO OVERCOME EXPIRATION OF THE STATUTE OF LIMITATIONS GOVERNING A FIRST FEDERAL HABEAS PETITION.

THE SUMMARY CONCERNING PROCEDURAL POSTURE IN MCQUIGGIN V. PERKINS, 569 U.S. 383 FOUND: THE UNITED STATES SUPREME COURT GRANTED CERTIORARI TO RESOLVE A CONFLICT AMONG

THE CIRCUITS ON WHETHER 28 USC § 2241 (d)(1) COULD BE OVERCOME BY A SHOWING OF ACTUAL INNOCENCE... IT FOUND THAT THE SIXTH CIRCUIT ERRED TO THE EXTENT THAT IT ELIMINATED TIMING AS A FACTOR RELEVANT IN EVALUATING THE RELIABILITY IN EVALUATING THE RELIABILITY OF THE AFFIDAVITS.

HERE, IN THE CASE IN HAND, THE SIXTH CIRCUIT FAILED TO CONSIDER AND ELIMINATED TIMING AS A FACTOR RELEVANT IN EVALUATING THE TIMING OF THE "NEW EVIDENCE" WHICH IS PROVEN BY THE STATEMENTS THAT THE COURT MADE IN ITS ORDER (CASE NO. 21-5609 PGE-2-).

TAYLOR SUGGEST THAT IT (HIS PROPOSED CLAIM) RELIES ON NEW EVIDENCE BECAUSE PURPORTED FALSE EVIDENCE WAS SUBMITTED TO THE KENTUCKY SUPREME COURT IN THE STATE'S BRIEF FILED IN RESPONSE TO

PGE-3 — "ATTACHMENT": REASONS FOR GRANTING

HIS MOTION FOR DISCRETIONARY REVIEW, WHICH WAS DENIED ON AUGUST 21, 2019. BUT TAYLOR FAILS TO SHOW THAT HE EXERCISED DUE DILIGENCE TO DISCOVER THE FACTS UNDERLYING HIS PROPOSED CLAIM BEFORE FILING HIS FIRST § 22.54 PETITION, GIVEN THAT THE STATE BRIEF WAS FILED BEFORE AUGUST 21, 2019, AND HIS FIRST PETITION WAS FILED IN 2020. SEE § 22.44 (6)(2)(B)(i)."'

THE SIXTH CIRCUIT COURT'S FINDINGS WERE ERRONEOUS, RELEVANT TO ITS METHOD OF CALCULATING "TIME" OR THE "TIMING" TO PERFORM DUE DILIGENCE, BEFORE THE LEGAL ACTION OF MOTION FOR DISCRETIONARY REVIEW BECAME FINAL BY THE "GRANTING" OF, OR ITS "DENIAL", IS ERRONEOUS.

A DECISION BY THE KENTUCKY SUPREME COURT WAS NEEDED, IN ORDER FOR THE PETITIONER TO DETERMINE HIS NEXT COURSE

PAGE - 4 - "ATTACHMENT": REASON FOR GRANTING

OF ACTION.

IN THE SAME PARAGRAPH (CASE NO. 21-5609 PGE-2-), THE COURT CONTRADICTS ITSELF. "TAYLOR SUGGEST THAT IT RELIES ON NEW EVIDENCE BECAUSE PURPORTED FALSE EVIDENCE WAS SUBMITTED TO THE KENTUCKY SUPREME COURT."

THE CONTRADICTION HERE IS: "MOREOVER, THE KENTUCKY SUPREME COURT'S DENIAL OF TAYLOR'S MOTION FOR DISCRETIONARY REVIEW IS A JUDICIAL OPINION; IT IS NOT 'NEW EVIDENCE' ESTABLISHING THAT A REASONABLE FACTFINDER WOULD NOT HAVE FOUND TAYLOR GUILTY OF THE CRIMES OF CONVICTION."

ON THE FIRST HAND, THE COURT BEING FAIRLY ALERTED UNDERSTANDS THAT THE NEW EVIDENCE WAS SUBMITTED TO THE KENTUCKY SUPREME COURT BY THE STATE. THIS INDICATES THAT THE SIXTH

PGE-5 - "ATTACHMENT" REASONS FOR GRANTING

CIRCUIT COURT UNDERSTOOD FULLY THAT THE "NEW EVIDENCE" PRESENTED BY THE STATE IS DIRECTLY TIED TO THE "EQUITABLE EXCEPTION" THAT THE PETITIONER NOW SEEKS.

KEEPING IN MIND: THE AMASSED, EXPOUNDED, AND EXPANDED VOLUME OF FABRICATED CONFESSIONS SUBMITTED TO THE COURT AS EVIDENCE, AND THEREFORE "NEWLY DISCOVERED EVIDENCE," DUE TO THE FACT THAT IT WAS "NEWS" TO THE PETITIONER AND "UNDISCOVERABLE" UNTIL IT WAS PRESENTED BY THE STATE ITSELF IN ITS RESPONSE BRIEF TO THE KENTUCKY SUPREME COURT, ALSO:

CONTRARY TO THE SIXTH CIRCUIT'S ERRONEOUS CALCULATION OF TIME, AS TO THE DISCOVERY OF EVIDENCE - THE DISCOVERY OF NEW EVIDENCE THAT WAS CLAIMED WITHIN 1-YEAR OF ITS DISCOVERY, ABSENT

PGE-6 - "ATTACHMENT": REASON FOR GRANTING

THE PRESENCE OF A COURT-FASHIONED DILIGENCE BARRIER ONLY CONCLUDES THAT:

THIS SATISFIES 28 U.S.C. § 2241 (D) THAT REQUIRES A HABEAS PETITIONER TO FILE A CLAIM WITHIN ONE YEAR OF THE TIME IN WHICH NEW EVIDENCE COULD HAVE BEEN DISCOVERED THROUGH THE EXERCISE OF DUE DILIGENCE. *McQuiggin v Perkins*, 569 U.S. 383.

FOR THIS PREVIOUS UNDISCOVERABLE EVIDENCE TO HAVE BEEN SO STRONGLY PRESENTED BY THE STATE IS BEYOND STRANGE, AND CAUSE FOR CONCERN BECAUSE IT HAD TO BE PRESENTED TO THE TRIAL JURY. THEREFORE, IT STANDS TO REASON THAT WITHOUT THESE FABRICATED CONFESSIONS WHICH WERE OBVIOUSLY PRESENTED BEFORE, OR, TO THE JURY AS THE STATE CONTENDS:

PGE - 7 - "ATTACHMENT" REASONS FOR GRANTING

"IT IS MORE LIKELY THAN NOT THAT NO REASONABLE JURY WOULD HAVE CONVICTED HIM IN LIGHT OF THE "NEW EVIDENCE." ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996's, 110 STAT. 1214 MISCARriage OF JUSTICE EXCEPTION-CLAIMS OF ACTUAL INNOCENCE. McQUIGGIN V PERKINS, 569 U.S. 383.

"THIS IS EVIDENCE SO STRONG THAT A COURT CANNOT HAVE CONFIDENCE IN THE TRIAL UNLESS THE COURT IS ALSO SATISFIED THAT THE TRIAL WAS FREE OF NONHARMLESS ERROR" SCHLUP V DELO, 513 at 316, 115 S.Ct 851, 130 L.Ed. 2d 808. Pp. 400-401, 185 L.Ed. 2d, at 1035-1036.

THIS ISSUE OF PUBLIC CONCERN AND PUBLIC IMPORTANCE TO ENSURE "THAT FEDERAL CONSTITUTIONAL ERRORS DO NOT RESULT IN THE INCARCERATION OF INNOCENT PERSONS" HERRERA V COLLINS, 506 U.S. at 404, 113 S.Ct. 853, 122 L.Ed.

PGE - 8- "ATTACHMENT": REASONS FOR GRANTING

2d. 203, Pp. 398-400, 185 L. Ed. 2d at 1034-1035. DEMONSTRATING THE AUTHORITATIVE NEED OF A DECISION CONCERNING WHETHER OR NOT TAYLOR'S INTER ALIA CLAIMS OF ACTUAL INNOCENCE ARE SUFFICIENT TO QUALIFY AS AN "ACTUAL" INTER ALIA CLAIM.

THERE ARE AT LEAST 5-INSTANCES WHERE THE PETITIONER CLAIMED ACTUAL INNOCENCE HIS HABEAS CORPUS PETITION, AND HIS SUBSEQUENT PETITIONS, WHICH ARE RELEVANT TO: (1) THE STATE SUBMITTING FALSE EVIDENCE AND/OR NEW EVIDENCE; (2) THE QUALIFICATION OF THE INTER ALIA CLAIMS OF ACTUAL INNOCENCE ARE SUFFICIENT.

THE PETITIONER STATED IN HIS PETITIONS:

"... BY SUBMITTING FALSE EVIDENCE TO THE COURT IN ORDER TO DEPRIVE LIBERTY FROM THE DEFENDANT WHO IS ACTUALLY INNOCENT OF THE CRIMES CHARGED."

PGE - 9- "ATTACHMENT": REASONS FOR GRANTING

THIS IS CLAIMED:

(1) HABEAS PETITION - PAGE-29 - ATTACHMENT:
GROUND FOUR 1 OF 6 (CIVIL ACTION NO. 5:20-CV-
00139-TBR)

(2) MOTION UNDER 28 USC § 2244 FOR LEAVE
TO FILE A SECOND OR SUCCESSIVE HABEAS
PETITION UNDER 28 USC § 2254 BY A PERSON
IN STATE CUSTODY (CASE NO. 21-5609)

- PAGE-2 - CLAIM ONE

- PAGE-12 - SUPPORTING FACTS

(3) PETITIONER'S REQUEST FOR CERTIFICATE
OF APPEALABILITY (CASE NO. 21-5616)

PAGE-15-16 - COA

PAGE-19-20 - COA

THE RULINGS AND DECISIONS OF THE SIXTH CIRCUIT
AND THE DISTRICT COURT IN THIS CASE RE-
SULT IN A CONTINUING VIOLATION OF THE
PETITIONER'S: FIRST, FIFTH, SIXTH, AND FOURTH-
TEENTH AMENDMENT OF THE U.S. CONSTITUTION AND AEDPA

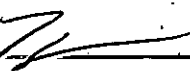
PAGE-10 - "ATTACHMENT": REASONS FOR GRANTING

CONCLUSION

THE PETITIONER IS SEEKING CERTIORARI UNDERSTANDING THAT THE PRIMARY CONCERN OF THE SUPREME COURT IS TO DECIDE CASES PRESENTING ISSUES OF IMPORTANCE BEYOND THE PARTICULAR FACTS AND PARTIES INVOLVED. THE PETITIONER BELIEVES THAT THIS IS THAT TYPE OF CASE, WORTHY OF CERTIORARI.

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,

Mal with 

DATE: FEBRUARY 8, 2022