No. 22-5784

ORIGINAL

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

KEVIN A. WATSON — PETITIONER
(Your Name)

vs.

COMMONWEALTH OF VIRGINIA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Henrico County, Circuit Court and Virginia Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KEVIN A. WATSON, #1003366
(Your Name)
Red Onion State Prison
(Address) P.O. Box 970
Pound, VA 24279
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether Petitioner's trial Counsel extrinsic Fraud violates the 6th and 14th Amendments of the Federal Constitution?

2. Whether Henrico County, Virginia Commonwealth's Attorneys use of False evidence to obtain the Criminal Conviction violates the 14th Amendment OF the Federal Constitution?

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 AUTHORITIES CITED

CASES

PAGE NUMBER

Kimmelman v Morrison, 477 U.S. 365 (1986) 5,
Nafue v Illinois, 360 U.S. 264 (1959) 5,

STATUTES AND RULES

N/A

OTHER

N/A

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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 _____ 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[ ] is unpublished.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 _____ 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[ ] is unpublished.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 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[✓] is unpublished.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 Henrico County, Virginia Circuit 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.

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 June 22, 2022. A copy of that decision appears at Appendix A.

[ ] 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

U.S. Constitution 6th and 14th Amendments.

STATEMENT OF THE CASE

1. The Petitioner by Pro-se Filed a Motion to Vacate with the Henrico County Circuit Court Virginia on October 28, 2021. Appendix C.

2. The Circuit Court by sua sponte denied the Motion on its merits on November 1, 2021. Appendix B.

3. The Petitioner Filed a Notice of Appeal in the Circuit Court to appeal its November 1, 2021 Final decision to the Virginia Supreme Court on November 19, 2021.

4. The Petitioner thereafter Filed a Petition For Appeal in the Virginia Supreme Court on December 14, 2021.

5. The Virginia Supreme Court refuses to grant the Appeal on June 22, 2022. Appendix A.

6. The Petitioner now respectfully submits this writ of certiorari to review the below Court decisions.

REASONS FOR GRANTING THE PETITION

A. Conflicts with decisions of this Court.

The holding of the Courts below that Petitioner's trial Counsel's extrinsic Fraud claim does not violate the United States Constitution 6th and 14th Amendment is directly Contrary to two decisions of this Court. Kimmelman v Morrison, 477 U.S. 365 (1986); Napue v Illinois, 360 U.S. 264 (1959).

"A criminal defendant's trial Counsel has a duty under the 6th / 14th Amendments to object to the State's DNA evidence chain of custody and has a duty to argue the evidence is inadmissible." Kimmelman v Morrison, supra.

"The 14th Amendment - Due Process of law clause, Prohibits the State's use of False evidence to obtain a Criminal Conviction." Napue v Illinois, Supra.

A review of Appendix L and the attached exhibits will show Petitioner's trial Counsel committed extrinsic Fraud and Henrico County Commonwealth's Attorneys used false evidence to obtain the Criminal Conviction. Thus, the Virginia Supreme Court and Henrico County, Virginia Circuit Court decisions is directly contrary to Kimmelman v Morrison, supra; and Napue v ILLinois, supra.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kevin A. Watson

Date: 9/20/22