

No. 22-7368 ORIGINAL

FILED

APR 21 2023

OFFICE OF THE CLERK  
SUPREME COURT U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Parnell R. May — PETITIONER  
(Your Name)

vs.

State of ARKANSAS RESPONDENT(S)  
*et al.*

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI  
AND APPENDICES

Parnell R. May - Pro Se  
(Your Name)

(Address)

(City, State, Zip Code)

(Phone Number)

1. Whether, in regard of this Actual Innocence/due process Claim, the State Court's decision, conflicted against this U.S. Supreme Court's holding, in the U.S. Supreme Court case Law authority of Burrage Vs. U.S., 571 U.S. 204-07, 217-18, 134 S.Ct. - 881, 884-87, 891-92 (2014), as due process of Law, accordingly?
2. Whether, in light of the "New Scientific Evidence" of Parnell R. May's Actual Innocence of causing the death of Anna Marie Mireles, had the jury seen and heard, such New Scientific evidence, WAS it more likely than not, that, No Reasonable minded juror would have found Parnell May guilty beyond a Reasonable doubt, accordingly?
3. Whether, the specific findings documented the Autopsy Report, the specific Medical data facts Recorded in the Medical E.R. records, in correlation with the New Scientific evidence has the potential, to raise Reasonable doubt of Parnell May, directly causing the death of Ann Marie Mireles, by Multiple blunt force injuries, as Dr. Erickson had claimed?
4. Whether, Multiple blunt force injuries, based upon the New Medical Scientific evidence and re-examination of the findings, to a Reasonable Medical certainty, was, and/or is, a but-for-cause of Ann Marie Mireles death beyond a Reasonable doubt, as a due process of Law accordingly?
5. Whether, the defendant Parnell R. May, may be convicted for any degree Homicide, under the but-for-cause of death standard, where, the injuries, did not have increment effects sufficient to cause the death, and based upon the existence of material exculpatory evidence of another cause of death, hypothermia, which was clearly sufficient to cause death by itself, as a due process of Law, accordingly?
6. Whether, the State Prosecution, somehow, suppressed and concealed, material exculpatory evidence, that, was in Parnell R. May's favor, in accordance with, Brady Material standards?
7. Whether, the State Prosecution's, forensic expert witness, Dr. Erickson, made and gave Invalid Forensic Testimonial Evidence Against Parnell R. May, at his October 6<sup>th</sup> 2021 jury trial, in accordance with Hinton Vs. Alabama, 571 U.S. - 134 S.Ct. 1081, 1087-90 (2014)?
8. Whether, the trial Court, agreed with the State Prosecutors, to prevent such Relevant exculpatory evidence, that was, the Medical E.R. records, that was material to this case, so as to, contrive the circumstantial evidence, against Parnell R. May, unfairly in a criminal jury trial, so that, a verdict of guilty, was assured, violated against Parnell May's
- 7 Right of due process to Present a defense, accordingly? Given the error, the trial court?
9. Whether, there's, a reasonable probability, that, absent the error, the factfinders?

- would have had a reasonable doubt respecting, guilt, of causing the death of Anna Marie Mireles, as Dr. Erickson had claimed, had these Medical E.R. Records been seen?
10. Whether, the defendant, Parnell R. May's, Right to have compulsory process, to obtain witnesses, the E.M.T. Spencer Johnson, and, Dr. James Rice, both, whom were, in the defendant's favor, yet, they failed to appear at the October 6th 2021, jury trial, had violated against the defendant's 6th Amendment to the United States Constitution as due process of Law accordingly?
  11. Whether Dr. Erickson's forensic expert testimony was insufficient evidence to prove and/or support beyond a reasonable doubt, Parnell May did caused the death, of Anna Marie Mireles by Reasonable Medical Certainty, in accordance with Hinton vs. Alabama, and Jackson vs. Virginia, as due process of Law accordingly?
  12. Whether this Court, as it was provided, in the Rules of the Supreme Court of the United States, in Rule 1, that, a petition for a Writ of Certiorari, will be granted, only for compelling reasons, where Parnell R. May contends, of actual innocence, Brady-Violation, Wrongfully convicted, by a Miscarriage of Justice, and, the Actual Conflict, between the Arkansas Supreme Court's decision, and, relevant decisions, of this, United States Supreme Court, as due process of Law, accordingly?
  13. Whether, Parnell May could be convicted for Capital Murder, Absent evidence that Anna Marie Mireles, would have lived but for that liver laceration and 800ml of blood loss, with Reasonable Medical Certainty beyond a reasonable doubt?
  14. Whether, Jackson standard for reviewing sufficiency of evidence, where it's New Rule of Law, prohibits the criminal conviction of Parnell May as a Person against whom the facts have been found beyond a reasonable doubt, by a jury trial judge, and state appellate court, except upon proof sufficient to convince a federal judge, that a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt, accordingly?
  15. Whether, the Detective Jeff Allison, Tampered with physical evidence, by altering, suppressed, removed, and/or concealed, the evidence of the Green black and blue tennis shoes, and brown boots, to impair its verity, and/or availability in the jury trial October 6th 7th 8th 2021, that obstructed the defense, as A.C.A. § 5-53-111, against Parnell R. May's Right of due process of Law, accordingly?

## 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:

First Division Circuit Court of Pulaski County, Arkansas, Judge Leon Johnson,  
Prosecuting Attorney's Office of Larry Jegly,  
Arkansas Attorney General's Office of Leslie Rutledge.

## RELATED CASES

State Vs. Parnell R. May, docket Case # 60-CR-2017-169, which resulted in a Mistrial 2018.  
Parnell R. May Vs. State, docket Case # CR-2018-996, Ark. App. Interlocutory Appeal Affirmed.  
Parnell R. May Vs. State, docket Case # CR-2019-7383, U.S. Supreme Court, denied to review Petition.  
State Vs. Parnell R. May, docket Case # 60-CR-2017-169, which resulted in Conviction 2021.  
Parnell R. May Vs. State, docket Case # CR-2022-221, Ark. Supreme Court resulted in Affirmed.  
Parnell R. May Vs. Warden Muselwhite, docket Case # 4:22-CV-00653-JM, Habeas, dismissed.  
Parnell R. May Vs. Warden Muselwhite, docket Case # CV-22-2779, (8th Cir. Affirmed, dismissal).

## TABLE OF CONTENTS

Page 1 of 2 pages

|                                                        |   |
|--------------------------------------------------------|---|
| 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

### APPENDIX A

### APPENDIX B

### APPENDIX C

### APPENDIX D

### APPENDIX E

### APPENDIX F

### APPENDIX G

### APPENDIX H

### APPENDIX I

### APPENDIX J

Continue of Table of Contents,... Page 2 of 2 pages

APPENDIX K ——— 115 Pages: Arrest Photos and Investigative reports that was a false report of seized evidence, and also record proof of material exculpatory evidence claim

Please, be advised, ... The identities of the individuals whom, are very important, in this Petition for a Writ of Certiorari, shall be identified by the following, Names and/or titles accordingly:

Anna Mariem Mireles: The alleged victim, Anna Mariem Mireles, Ann Mariem Mireles, Ms. Mireles, She, her, the decedent, Ann Mireles.

Parnell R. May: Parnell May, the Pro Se defendant, the Legal defense, The PRO SE Legal Defense of Parnell May.

Doctor Stephen A. Erickson: Dr. Erickson, the State Medical Examiner and Pathologist, the Medical Examiner, he, his, the Arkansas State Entomology Laboratory.

Arkansas Supreme Court: State Court, State Supreme Court, Supreme Court of the State of Arkansas, Lower Courts.

First Division Circuit Court: Trial Court, the trial Court Judge, Lower Court.

Please, be advised, ... References to the Appendix, shall be displayed by such representation as follow: "Appendix A P. 1-10", which means that, the Observer, should go to the Appendices, and specifically Appendix A, Page 1 through to page 10, "Appendix J P. 1, P. 23, P. 29", which means that, the observer should go to the Appendices, and specifically Appendix J, Page 1, Page 23, and Page 29", accordingly.

Disregard the side of page, that has been marked with Large X, indicating such accordingly.

# Table of Authorities Cited Page ① of 2 pages

## CASES :

## Page:

|                                                                          |                                        |
|--------------------------------------------------------------------------|----------------------------------------|
| Bousley Vs. United States, 523 U.S. 614, 615 (1998).....                 | P. 27, 38,                             |
| Brady Vs. Maryland, 373 U.S. 83 (1963).....                              | P. 26, 27, 32,                         |
| Burridge Vs. United States, 571 U.S. 204 (2014).....                     | P. 13, 16, 19, 20, 23, 28, 36, 37, 38, |
| Cox Vs. State, 305 Ark. 244, 248, 88 S.W. 2d 306, 309 (1991).....        | P. 13, 22, 36, 37,                     |
| Cupp Vs. Naughten, 414 U.S. 191.....                                     | P. 20,                                 |
| Henderson Vs. Kibbe, 431 U.S. 145 (1977).....                            | P. 20, 21,                             |
| Hinton Vs. Alabama, 571 U.S. 263 (2014).....                             | P. 20, 21, 23, 24, 38,                 |
| In re Olive, 333 U.S. 273 (1948).....                                    | P. 22,                                 |
| Jackson Vs. Virginia, 443 U.S. 307 (1979).....                           | P. 32, 33, 35,                         |
| Logsdon Vs. Hains, 492 F.3d 334, 341 (8th Cir. 2007).....                | P. 28,                                 |
| McCleskey Vs. Zant, 449 U.S. 467 (1991).....                             | P. 21,                                 |
| Melendez-Diaz Vs. Massachusetts, 557 U.S. 305 (2009).....                | P. 20, 24,                             |
| Montana Vs. Egelhoff, 518 U.S. 37 (1996).....                            | P. 23, 30, 32,                         |
| Mooney Vs. Holohan, 294 U.S. 103 (a).....                                | P. 21, 22,                             |
| Murray Vs. Carrier, 477 U.S. 478 (1986).....                             | P. 32,                                 |
| Noble Vs. State, 2014 Ark. 439 S.W. 3d 47 (2014).....                    | P. 32,                                 |
| People Vs. Brengard, 265 N.Y. 100, 191 N.E. 850 (1934).....              | P. 18, 26, 38,                         |
| Sawyer Vs. Whitley, 505 U.S. 333.....                                    | P. 33,                                 |
| Schulp Vs. Delo, 513 U.S. 218 (1995).....                                | P. 30, 32, 33, 34,                     |
| Strickland Vs. Washington, 466 U.S. 668.....                             | P. 25,                                 |
| Strickler Vs. Greene, 527 U.S. 263 (1999).....                           | P. 32,                                 |
| United States Vs. Bagley, 473 U.S. 667 (1985).....                       | P. 27,                                 |
| United States Vs. L. Cohen Grocery Co., 255 U.S. 81 (1921).....          | P. 19,                                 |
| United States Vs. HAREN, 952 F.2d 190, 197 (8th Cir. 1991).....          | P. 31,                                 |
| United States Vs. Van Dyke, 14 F.3d 415 (8th Cir. 1994).....             | P. 31, 32,                             |
| Williams Vs. State, 2011 Ark. 541 2011 WL 6275431 (rev. cert. den.)..... | P. 31, 32,                             |

## Statutes and Rules:

|                                                                |         |
|----------------------------------------------------------------|---------|
| Arkansas Code Annotated section 5-1-11.....                    | (P. 13) |
| Arkansas Code Annotated section 5-2-205.....                   | (P. 10) |
| Arkansas Code Annotated section 5-53-111.....                  | (P. 7)  |
| Arkansas Code Annotated section 16-112-201-208 (repealed)..... | (P. 7)  |
| Act 1780 of 2001 as amended by Act 2250 of 2005.....           | (P. 7)  |

"CONTINUANCE OF" Statutes And Rules:

United States Supreme Court Rules, Rule 10., ..... P. 34,

United States Supreme Court Rules, Rule 39.3.

Under Rule 39.3 of the U.S. Supreme Court Rules "such preparations required by Rule 33.2 was ABSOLUTELY IMPOSSIBLE for Parrell R. May to comply with, and had no choice but to resort to handwriting his Petition for Writ of Certiorari, on the back of other documents that has been properly marked, and "X'ed" out, as an indication to disregard any information observed on that side, accordingly. This is an Emergency the Petitioner, needs this Court's help, in getting fair Justice

United States Supreme Court Rules, Rule 12.3.

where it provided that, "an inmate (as Parrell May) confined in an institution, proceeding in forma pauperis and not represented by counsel, need only file only an original petition and motion, accordingly.

United States Supreme Court Rules, Rule 13.



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-10 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 Arkansas Supreme Court court appears at Appendix A-10 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 \_\_\_\_\_.

[ ] 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 12-08-2022.  
A copy of that decision appears at Appendix A1-10.

☒ A timely petition for rehearing was thereafter denied on the following date: FEBRUARY 2nd 2023, and a copy of the order denying rehearing appears at Appendix C P1-2.

[ ] 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).

Pursuant to Rule 34.6, certain types of personal information, is not included in accordance with Federal Rule of Civil Procedure 5.2. This Court has jurisdiction to Review the Arkansas Supreme Court's Judgment Under 28 U.S.C. § 1257, that Provision Authorizes Review of State's final judgment when a State statute's validity is questioned on federal Constitutional grounds and it permits review even when the State Court proceedings are not complete where the federal claim has been finally decided, and later review of the federal issue cannot be had; what ever the outcome, Cox Broadcasting Corp Vs. Cohn, 420 U.S. 469 (1974).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Amendment **XIV** to the United States Constitution, which Proves;

Section 1. All person, born, or, NATURALIZED in the United States, and subject to the jurisdiction thereof, ARE CITIZENS of the United States, and of the State wherein they reside. No State shall make or, enforce ANY LAW which shall ABRIDGE the privileges or immunities of citizens of the United States; NOR shall ANY State deprive ANY person of Life, Liberty, or property, without due process of LAW; NOR deny to ANY person, within its jurisdiction the equal protection of the LAWS.

Section 5. The Congress shall have the power to enforce, by appropriate Legislation, the provisions of this Article.

This case also involves Amendment **VI** to the United States Constitution which provides;

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 informed 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 Assistance of Counsel for his defense.

Also this case involves Amendment **V** to the United States Constitution which provides;

No person shall be subject for the Same offense, to be, twice put in jeopardy of Life or Limb, NOR shall be deprived of Life, Liberty or private property without due process of LAW,

And this case also involves Amendment **I** to the United States Constitution which Provides: Congress shall make no LAW, ABRIDGING the freedom of speech OR PROHIBITING the right of the people, to, petition the Government for a Redress of grievances, Accordingly. (for continuance, see Appendices)

This is a Real Emergency, for Truth and Justice, Please Read every Word for Word!

STATEMENT OF THE CASE

Under the 14th Amendment to the United States Constitution. Accordingly, AS  
THIS VERY CASE, IS ABOUT, SUCH, A VERY VERY IMPERATIVE PUBLIC IMPORTANCE, WHICH  
DIRECTLY INVOLVES, A PERSON, PARNELL R. MAY, WHO WAS, ACTUALLY INNOCENT, OF COMMITTING  
CAPITAL MURDER, OF ANOTHER PERSON, ANNA MARIE MIRELES, IN THE STATE OF ARKANSAS,  
ON DECEMBER 4<sup>TH</sup> 2016. HOWEVER, PARNELL R. MAY, ON OCTOBER 8<sup>TH</sup> 2021, WAS WRONG-  
FULLY CONVICTED OF CAPITAL MURDER, AND SENTENCED TO LIFE WITHOUT PAROLE, IN THE  
STATE OF ARKANSAS, BY, A, MALICIOUS PROSECUTION, THAT, HAD KNEW, PRIOR TO THE  
OCTOBER 6<sup>TH</sup> 2021, JURY TRIAL, THAT, PARNELL R. MAY, WAS, ACTUALLY INNOCENT, OF CAUS-  
ING THE DEATH, BASED UPON MEDICAL EVIDENCE, CONTRARY TO WHAT, THE STATE CRIME LAB-  
ORATORY'S MEDICAL EXAMINER, DR. STEPHEN A. ERICKSON / DR. ERICKSON, HAD ALLEGED.  
AT THE AFOREMENTIONED TRIAL, THERE EXISTED, MATERIAL EXCULPATORY INFORMATION, THAT WAS  
CONTAINED IN THE MEDICAL EMERGENCY ROOM RECORDS, OF, ANNA MARIE MIRELES, / MS. MIRELES, WHICH  
SHOWED, THAT, LOW BODY TEMPERATURE, WAS THE SOLE CAUSE, OF DEATH, SEE APPENDIX H P. 21.  
IT ALSO SHOWED, THAT, 60 MINUTES OF C.P.R., WAS ADMINISTERED, TO MS. MIRELES, ON, THE DAY,  
OF DECEMBER 4<sup>TH</sup> 2016, WHICH STARTED AT, 7:30 AM, THAT MORNING, AND STOPPED, AT 8:32  
AM, THAT SAME MORNING, WHEN, SHE WAS, PRONOUNCED DEAD, AT 8:32 AM, DECEMBER 4<sup>TH</sup>  
2016, WITH A BODY TEMPERATURE, RECORDED, TO BE, 75.6 DEGREES, AT THAT TIME, SEE  
APPENDIX H P. 21. (HOWEVER, DR. ERICKSON, CLAIMED THAT, RIBS AND LIVER DAMAGES,  
AND BLOOD LOSS, MAINLY CAUSED THE DEATH.) MEDICAL E.R. RECORDS, OF, MS. MIRELES, CONTAINED THE  
EXCULPATORY EVIDENCE OF HYPOTHERMIA, WHICH WAS THE SOLE CAUSE OF HER DEATH,  
WHERE, IN THE MEDICAL E.R. RECORDS, MS. MIRELES, WAS DIAGNOSED WITH, "EXPOSURE  
TO ENVIRONMENTAL COLD - INITIAL ENCOUNTER," SEE APPENDIX H P. 17, WHICH WAS MATERIAL  
AND VERY RELEVANT, IN, SHOWING THAT MS. MIRELES, DEATH, WAS ACTUALLY NOT, CAU-  
SED, BY, MULTIPLE BLUNT FORCE INJURIES, AS DR. ERICKSON HAD WRONGLY DETERMINED BY  
HIS OPINION, ACCORDINGLY, SEE APPENDIX J P. 13, PAGES 23. THE STATE PROSECUTORS, LITERALLY,  
FRAMED, A HOMICIDE CASE, AND RAILROADED THE JURY TRIAL. THE STATE PROSECUTORS, HAD KNEW BE-  
FORE THE TRIAL, THAT THOSE MEDICAL E.R. RECORDS, CONTAINED SUCH MATERIAL EXCULPATORY EVIDEN-  
CE OF PARNELL MAY'S ACTUAL INNOCENCE, OF CAUSING MS. MIRELES, DEATH, SEE APPENDIX K P. 9-15.

## ① The entire Arkansas Supreme Court's opinion, was A Deceptive Assertion

The Arkansas Supreme Court, filed its opinion, December 8th 2022, See Appendix A.P. 1-10. However, the opinion, of the Arkansas Supreme Court, completely shunned from the very arguments, that were actually made, by the Appellant, Parnell May in both of his Appellant brief, and Reply brief, accordingly. The entire opinion, of the Arkansas Supreme Court, deliberately turned aside, especially from, the Appellant Parnell May's, Actual factors, and details, of, the specific deficiencies, in the State's main evidence, which was the Dr. Stephen A. Erickson's opinion, of the cause of death, of Ann Marie Mireles, that was used by the State, as its evidence to prove and/or support beyond a reasonable doubt, against Parnell R. May accordingly, but, Dr. Erickson's opinion, as forensic testimonial evidence, against Parnell May, was actually flawed, Dr. Erickson, actually had conflicting statements against his own opinion, of the cause of Ms. Mireles death, where, he was questioned, by, the Pro Se defendant, which, references had been made, in the Appellant's briefs, yet, the Arkansas Supreme Court, turned a blind eye to such facts, that, was, abstracted, and argued, by the Appellant Parnell May in his Appeal. The Arkansas Supreme Court, formed and shaped its opinion, in such, a way, that, it gives off, the impression, that, Parnell May, was, arguing his points on Appeal, in, such, a manner, as the Arkansas Supreme Court, had delivered it, to be, however, though, none of what, the Arkansas Supreme Court, had stated and described, in its opinion, were, of, the "actual" points on Appeal, as the Appellant Parnell May, had, truly argued, which were many actual U.S. Supreme Court case laws, and many, many references, to, the Record Transcript, of, the actual deficiencies in, Dr. Erickson's, forensic testimonial evidence, and, the actual, proffered evidence and medical factors, that were stated, on record, by the witness stand, and abstracted, accordingly. The Arkansas Supreme Court's opinion, failed to mention, the truth, of, the very contents, of, the arguments, in the Appellant's, initial brief, and Reply briefs, as they were specifically argued, in regard, of the fact that, the Medical Examiner Dr. Erickson, made and gave conflicting statements to his own opinion, and, of, the very contents, of, the exculpatory information, contained in the Medical E.R. Records, which was abstracted and argued in both, Appellant's briefs, accordingly, however, the Arkansas Supreme Court, shunned from, addressing such facts.

(1A) Some of the facts, material to consideration of the questions presented

The Medical E.R. Records, contained Material exculpatory information, that showed Parnell R. May's actual innocence of causing the death, by, such medical documentary evidence, however, the State prosecution, somehow, suppressed and concealed such evidence, from the jury, to see, hear, and give consideration, at the October 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 2021, jury trial, wherefore, had, the jury seen, heard, and, considered, the details of the material exculpatory information, which was, contained, within, the 'Medical E.R. Records', that, it was a very reasonable probability, that, the jury would not, have found Parnell R. May, beyond a reasonable doubt, guilty of causing the death, of, Anna Marie Mireles, by multiple blunt-force injuries, as Dr. Erickson, had alleged, accordingly. See Appendix J.P. 4-7.

The State Prosecutors objected to every time the defense asked question of blood tests. The State Prosecutors' actions also had suppressed and concealed the medical E.R. Records, by, objecting to its Admittance, into, the Record evidence, with the trial court judges, ruling in favor, of the State's objection, to allowing those Medical E.R. Records, of Ms. Mireles, to be, admitted into evidence, so that, the jury could not reasonably see, hear, and consider, the material exculpatory information, that was contained within, accordingly, while on the contrary, the State prosecutors, did, contrived, the circumstantial evidence in the case, unfairly and wrongly, against, the defendant, Parnell R. May, so that, a verdict of guilty, would be, assured, at, the October 6<sup>th</sup> 2021, jury trial, which, did violated, against, Parnell R. May, whom was, a person, that had a United States Constitutional right, to present such a defense, disclosing such evidence in a fair trial, in any criminal Court of Law, by due process of Law, accordingly. The Pro Se Legal defense of Parnell May, had to resort, to, proffering the Medical E.R. Records as evidence, for appeal, where, Notice for Appeal was, filed, October 28<sup>th</sup> 2021.

The Appeal from the judgment of conviction, which, was entered October 20<sup>th</sup> 2021, in the Pulaski County Circuit Court, 1<sup>st</sup> Division, criminal case number 60-CR-2017-169, April the 11<sup>th</sup> 2022, the Record on Appeal, was, filed in the Arkansas Supreme Court, directly appealing the Capital Murder Conviction, see Appendix A.P. 1-10, Appendix B.P. 1-4, Appendix C.P. Appendix D.P. 1-6.



(1B) The detailed Medical facts Revealed the truth of the Cause of death  
See Appendix G-P. 9-10.

On December 8th 2022, the Arkansas Supreme Court, had, filed its Opinion, which Affirmed the Capitol Murder Conviction, in regard of the direct appeal, accordingly, however, Before, the Arkansas Supreme Court, had, made its decision, in regard of the direct appeal, to, the Capitol Murder Conviction, the, petitioner, Parnell R. May, had, discovered, "New Scientific evidence," which can further prove, Parnell R. May's Actual Innocence of causing the death, of Anna Marie Mireles by, Multiple-blunt force injuries, by, a much more factual innocence manner, Accordingly, The discovery of this, "New Scientific evidence, and, new method and technology for testing, this New Scientific evidence," was made around, the month of, October 2022, and, accordingly, Parnell R. May, had filed, in the First Division Circuit Court of, Pulaski County Arkansas, a, Pro Se Petition for a Writ of Habeas Corpus pursuant to Act 1780 of 2001, as amended by Act 2250 of 2005 and codified at Arkansas Code Annotated §§ 16-112-201—208 (Repl. 2006), where, that, ... the Act 1780 provides, that, a, writ of habeas corpus can be issued based upon New Scientific evidence, proving that, a person, as Parnell R. May, is Actually innocent, of the offense, for which, he was convicted, however, he has received, No Response, accordingly, This New Scientific evidence of Parnell May's Actual Innocence of causing the death, of Ms. Mireles, was in, the existence of, Medical Specialized knowledge, about, Resuscitation Complications, accordingly, through, such Specialized knowledge, about, Resuscitation Complications, that, was established, by, Medical Case Studies, of Resuscitation Complications, which was, accepted by the General Medical Community, with such, very reasonable medical certainty, especially, the specific medical case study, about, a 26 years old female, who was brought to the Emergency Department, by the 12 emergency Resuscitation team, see Appendix I P. 1-5, After 60 minutes of Not responding to C.P.R., the 26 years old female was pronounced dead, and, later an Autopsy examination was conducted, so, as, to determine the cause of the 26 years old females death, which did not involve, any injuries, or blood loss, ... and it can be, Medically explained, where that,

In that, Medical Case Studies of Resuscitation Complications, ... AN Autopsy was done, ... IN the exam of the thorax, a 6x8 cm big soft tissue bleed was observed on the right side of the inner surface of the ribs, it was found, that, the Left 1<sup>st</sup> - 4<sup>th</sup> ribs, and, the Right 2<sup>nd</sup> - 5<sup>th</sup> ribs, were broken on the mid-clavicular line, having opened the Abdomen, 700cc of blood was Aspirated in the inner Abdominal examination, a 7cm Long blunt Laceration was detected 0.5cm deep to the surface of the Right Lobe of the Liver. In addition, a 3x4 cm big subcapsular hematoma was observed on the diaphragm side of the Laceration, more over blood Leakage was found in the Liver Area, close to the gall bladder, where, veins enter and exit from the Liver. Having analyzed, findings from the scene, examination, internal and external findings from the Autopsy and judicial investigation files, it was, determined, that, the reason for death, was, sudden heart disease (acute arrhythmia). The American Heart Association, are recognized as important institutions, and, recommend C.P.R. chest compressions of 4-5cm, at a rate of 100-120 beats/minute, C.P.R. chest compressions, is a, traumatic procedure, and, any complications more serious, than, soft tissue trauma, (Rib-Sternum fractures, internal organ injuries etc) is undesirable, and, C.P.R. chest compression Application, can vary depending on condition of the Applicator, and, the location, and this condition, can alter, the degree of complications. Please go to, and see again, Appendix I P. 1-5, take those damages, especially, the blood loss, compared to the findings, in the Autopsy Report, see Appendix G P. 8. Accordingly, the above mentioned, about, the medical facts, and information, about, the very specific Medical case study, of the 26 yrs old female, whom, had received, Multiple Rib fractures, Liver Laceration, and similar amount of blood loss, in the Abdomen, Yet, None of those damages, had been determined by the Medical experts to be involved with causing her death. Based upon the specific Medical factual answers, that Dr. Erickson, had stated to the defense's specific Medical questions, regarding the-



- CAUSES AND effects, of C.P.R. chest compressions, and certain amounts of blood flow, see Appendix J.P. 8-54. Accordingly, ... if that Liver Laceration had ever existed, Prior to the Start of those 60 minutes, of C.P.R. efforts, ... there would have been far, much more blood loss, found, in Ms. Miralles, Abdomen/Liver Area, At Autopsy, besides, that, 800 mL of blood loss, Since, "the Liver was so much more injured than the Ribs," see Appendix J.P. 1, and C.P.R. Causes blood flow, see Appendix J.P. 16-20. And also Since, that 800 mL of blood loss in Ms. Miralles Abdomen was supposed to be involved with being a major part of why she died, see Appendix J.P. 27 then, where is that blood loss from the blood flow, Caused by the 60 minutes of, C.P.R. efforts, which would reasonably correlate by, the Laws of Mathematics and, Physics and Medical. In the Medical Case Study, the 60 year old Female, had bilateral, Rib fractures Liver Laceration, and internal blood loss from the application of 60 minutes of C.P.R., as in this Very Case of, Ms. Miralles, who had also Received, 60 minutes of C.P.R. and, the findings of bilateral Rib fractures, Liver Laceration, and, NEARLY the same Amount of internal blood loss, Aspirated from the Abdomen, ... but Dr. Erickson had determined that, those Rib fractures, Liver Laceration, and internal blood loss, WAS created by AN ASSAULT, and that, "blood loss WAS A MAJOR part of why she (Ms. Miralles) died," Dr. Erickson, had, specifically, Stated in his testimony, At the October 6<sup>th</sup> 2021 Jury trial, which WAS incorrect, see Appendix J.P. 27-30. Accordingly, by testimony of, Specific Medical - facts, and the findings and by mathematical calculations, of, AN AMOUNT of blood loss, Per, certain, blood flow per minute, through the human Liver organ, per, certain, heart rates, per minute, as Dr. Erickson did stated on Record, right after, he made his, incorrect determined, cause of death, with the purpose, to make, his, specific findings, of, those Rib fractures, Liver Laceration, and, internal blood loss, to fit the Prosecution's view, of, the Case, accordingly, it WAS A Mischance of Justice, see Appendix J.P. 1-3. There was NO, fatal brain injury, see Appendix G.P. 6 and Appendix J.P. 44-48. The Detective Jeff Allison, planted evidence in this Case, and wrote false Reports, about seizing that, fabricated evidence, of brown boots, from Harvell Moy, at arrest, which aided the Prosecution, see Appendix K.P. 1-8.

- Parnell May never had on any brown boots, with blood on them, at the time of Arrest. The truth was that Parnell May had on black & blue tennis shoes, with no blood on them on December 4th 2016, Parnell May was framed by J.A.C.A. §5-53-11. Even at trial, it was revealed that Parnell May never had on any brown boots, at arrest see Appendix A P. 2. - On December 3rd 2016, Parnell May and Ms. Mireles, both had been drinking alcohol heavy for the past 2 days straight, erupted into a big fight, where Parnell May had overpowered Ms. Mireles, however, after the fighting, both Parnell May and Ms. Mireles were so bruised up, made up, and returned to drinking more alcohol. Then at around 9:00 pm, Ms. Mireles passed out in the hallway on the floor, while Parnell May, woke, still drinking alcohol and taking selfies, with their cell phone, which occurred around 11:15 pm. then, about 11:50 pm that same night, Ms. Mireles had re-awakened and rejoined Parnell May, in drinking more alcohol, where, at that moment, in time, Ms. Mireles, grabbed her 24 ounce can of Malt-Liqueur beer, and half pint whiskey, and opened the front door of their residence, stepped outside, to go drink her alcohol, alone, while, Parnell May, had remained inside the residence, and, moments later, he had passed out on the floor, in the bed room, intoxicated, while Ms. Mireles, outside, on their front porch steps, in a highly densely populated neighborhood, in North Little Rock, Arkansas, in ambient temperatures, said to be, 34 degrees, wet, cold, rainy weather, wearing only, a blue tee shirt, tight blue jeans, and, footie socks, see Appendix J P. 43-44. She passed out on her front porch steps, intoxicated, and being outside, for hours, in that, 34 degrees wet rainy weather, from the time of about 11:50 pm that same night, till 7:00 am, caused her body temperature to drop down, to levels, passed hypothermia shock, and, from that, she became none-responsive, see Appendix J P. 42-43. Then, at about 7:18 am December 4th 2016, her next door neighbor, had saw her lying on her front porch steps, all bruised up with black eyes. At first he said he thought she was drunk and passed out, but after trying to wake her, she was none-responsive, and the neighbor calls 911. then, later that day Parnell R. May is arrested and charged with murder, which was actually an accidental death by an Act of God, but Parnell May was blamed. There was proof-

- of blood pressure, in order to get heart rates, there must be pulsation. See Appendix H P. 22.  
Plus Look, in the medical case studies of Resuscitation Complications, where in both  
Case studies, the 26 year old female patient, had, 700 mL of blood loss, that  
was aspirated from the Abdomen, in that first case study, and, in the second  
case study, the 65 year old truck driver, had, 1 Liter of blood loss, that  
was aspirated from the Abdomen, both from C.P.R., see Appendix I P. 1-3.  
Dr. Erickson, clearly stated, on Record, basically, that, C.P.R., chest compressions, do  
cause, Cardio-blood flow, see Appendix J P. 16-20, ... And that, C.P.R., chest-  
compressions, "are 20 to 30 percent as efficient, as a normal heart beat,"  
see Appendix J P. 51-52. ... Dr. Erickson, stated that, a normal heart rate,  
was, approximately, 75 beats, per minute, whereby, 75 beats per min-  
ute, it would cause, approximately, 1.2 Liters of blood to flow, through, a  
person's, Liver organ, per minute, accordingly, see Appendix J P. 8-15.  
Well, since, C.P.R., chest compressions, are 20 to 30 percent as efficient, as,  
a normal heart rate, which is average, 75 beats per minute, and by 75  
beats per minute would cause, approximately, 1.2 Liters of blood flow,  
through a person's Liver organ, per minute, consequently, such issue, was cal-  
culated, by reasonable Mathematical Numerical factors, of that, 20 to 30 percent, of 1.2 Liters  
blood flow, which, would reasonably be, the percentage whole, ... then,  
that, reasonably means, that, those C.P.R., chest compression, heart rates,  
that were recorded, in the Medical E.R. Records, which, ranged from 125 to  
158, heart rate/beats, per minute, accordingly, see Appendix H P. 10-13, it is  
reasonable to believe, that, about, 200 to 300 mL or so, of blood flow, per minute, was caused  
by those, C.P.R., chest compressions that were recorded, in the Medical E.R.  
Records, which would reasonably be, a close reflection, of, 20 to 30 percent,  
as efficient, as a normal heart beat, beating, at a rate of 75 beats, per-  
minute, which causes, 1.2 Liters of blood flow, through, a person's Liver-  
organ, per minute, accordingly. Dr. Erickson, concluded, that, that, total 960 mL,  
of internal blood loss, that, was documented, in Ms. Mireles, Autopsy report, was  
a major part of why she died, ... But, those C.P.R., chest compressions, reasona-  
bly would have caused, blood flow, which would have reasonably caused, about,  
80 mL of blood leakage from that, Liver Laceration, per minute, ... that's 80 mL, out of  
200 to 300 mL of blood flow, per minute, for each single one, of those, heart-

1C

1: The deficiency in the alleged Significant Contributing factors of the Cause of death

- Rates, that were recorded, in the Medical E.R. Records, starting at its page 5-8, see Appendix H P. 10-13. It was, a total of 14 minutes, of those heart rates that ranged from, 125 to 158, beats, per minute, in variation, accordingly.

Dr. Erickson, stated, basically that, it would, take, 1.2 to 1.5 Liters, of blood loss, to cause a circulatory collapse of the cardio vascular system, or, in other words, to cause death, see Appendix J P. 24-25, P. 52-54, accordingly it was, "Alleged", that, the 960 ml of interval blood loss, was a major part of why Ms. Mireles died, but, where is, the additional blood loss, that, would have, discharged from, a 50% -

~~Right Liver Lobe through-and-through laceration from the C.P.R.~~, which was reasonably hypothetically, estimated, to be, 80 ml of blood leakage per minute, per, a total, of 14 minutes, as, it was, recorded in the Medical E.R. Records, at the hospital, accordingly, ... So that's 80 ml, 14 times, which would total up to be, 1.120, mls of blood loss, that, would have leaked out of such Liver Laceration, at the hospital. If that Liver Laceration, was to have, been present, prior, to the start, of those C.P.R. chest-compression, efforts, which, actually lasted for a duration of 60 minutes, as it was noted in the Medical E.R. Records, on its Pages 11-15, see Appendix H P. 16-19, then, for that reason, ~~if that 50% Right Liver Lobe through-and-through laceration, ever, had existed, before the start of, the 60 minutes of C.P.R. chest-compression efforts,~~ ... Reasonably, it would have been, far, much more, blood-loss found, in the abdomen, of the body of Ms. Mireles, then, just that, 800-milliliter, of blood loss, that, was collected, and document into the Autopsy report, see Appendix G p. 8. All the factual issues, aforementioned, were, based upon, what Dr. Erickson, had stated, in, regard of his statements that, he had made and gave, while being cross-examined by the Prosecution, accordingly, it revealed, that, Something is seriously wrong with Dr. Erickson's opinion, and determined conclusion, of the cause of death, of Ms. Mireles, in, Accordance with, Hinton Vs. Alabama, 571 U.S. 263, at 276, 134 S.Ct. 1090, Accordingly, it was, additional proof, that, C.P.R. created the majority of those Rib fractures, and the whole 50% Right Liver Lobe Laceration, and, produced, that, total 960 ml of interval blood loss, and, not an assault, which means, that, it was not involved, with, the Cause of death and, the Medical Case Studies about Resuscitation Complications, Reasonably medically corroborated, the fact, that, the, 60 minutes of C.P.R. efforts, created majority of those Rib fractures, and entire Liver-

⑩

Homicide is the death of a Person caused by another Person's Action

- Laceration, and, internal blood loss, so, it is reasonable, to exclude them, from the list of the findings, not being any part, of causing the death see Appendix G P. 8-100  
In Arkansas, the Law, for Causation, as it was, basically held, in, Cox Vs. State, 305 Ark. 244, 248, 808 S.W.2d 305, 309 (1991), that, "Causation can not be found where other concurrent causes were clearly sufficient to produce the result, and the defendant, as Parnell R. May's act was clearly insufficient to produce it", Applying, Ark. Code Ann § 5-2-205 (1987)), in regard of legal facts, accordingly.  
The fact, is that Anna Marie Mireles' death, was not, the result, of, foul play, and/or, an assault, ... her death, was an accidental death by, AN ACT OF GOD, which was, an extraordinary natural event, of, very cold, ambient temperatures, of, 34 degrees, when, Mrs. Mireles, had, decided to, go outside, of, her residence, and drink, her alcohol, see Appendix J P. 10 however though, she was severely bruised up and battered from an assault, by Parnell May, that had occurred, the day, before she died, Unfair Manipulated Circumstantial Evidence and Feelings is what, the State used, to convict, Parnell May, and also, the State, did suppress, and conceal, specific material exculpatory evidence, that was in, Parnell May's favor, which blocked, the defense, from, showing the jury, such medical proof, of Parnell May's actual innocence, of causing the death of Mrs. Mireles, by such real medical facts, and evidence, toward a reasonable, medical certainty. see Appendix J P. 5-7  
Dr. Erickson, testified, that Mrs. Mireles died as a result of being beaten, and that, it was the entire constellation, of her numerous injuries, that caused her death, which was medically not true, ... for one Dr. Erickson, had stated, in his testimony, that, "the liver was so much more injured than the ribs", see Appendix J P. 1 and that "blood loss was a major part of why she died", see Appendix J P. 27, which reasonably constituted, to have significantly contributed to the cause of death, as it was alleged, accordingly, however Dr. Erickson did not know, whether the rest of the injuries would have caused the death of Mrs. Mireles, absent the liver laceration and 800 ml of blood loss, see Appendix J P. 33-34, This issue was pointed out and argued to the Arkansas Supreme Court, which had disagreed, with such, as it was decided, by this United States Supreme Court, in Burrage Vs. United States, 571 U.S. 204, 207, 134 S.Ct. 881, 886, where it held that Parnell May could not be convicted of homicide, absent evidence that Mrs. Mireles would have lived, but for that,



Liver laceration and 800 mL blood loss, which were alleged to be significant contributing factors. Parnell May admitted of being wrong, for, his Abusive Actions, to, Ms. Mireles, however, Right, is Right, And, Wrong, is Wrong, where, the Cause of, Ms. Mireles, death, was Not, by, any, increment effects of, the many blunt force physical injuries Ms. Mireles had suffered, from, the Assault, by Parnell May on December 3rd 2016, in a domestic disturbance, at their residence, accordingly. And where, After, such very horrible Assault, both, Parnell R. May and Anna Marie Mireles, had made up, and, went back to, continue drinking, Alcohol, And, Around or about, 12: midnight Ms. Mireles, drunk, had decided to, go outside of their residence, and, drink, on, her own front porch steps, by herself, in, the wet, rainy cold, weather, of, 34 degree ambient temperatures, while, Parnell R. May had remained inside the residence, drinking, and later, both Parnell R. May, and Ms. Mireles, pass out, drunk, but, Ms. Mireles, passes out drunk, on, the outside of the residence on the front porch steps, in, the wet rainy cold weather of 34 degrees, Ambient temperatures, which caused her body temperature to drop from a normal temperature of, 98.7 degrees, to, Around or about 80 degrees, hypothermia temperature, at Around or about the time of, 6:30 Am December 4th 2016. Later on, she was found by her next door neighbor, at, 7:00 Am December 4th 2016, None-Responsive, ... 911 was called, and the E.M.T.s started to apply C.P.R. at about 7:30 am, December 4th 2016, and the Medical Emergency Room team, had stopped C.P.R. at 8:32 am December 4th 2016, with body temperature at 75.6 degrees, see Appendix H P. 16-17, P. 20, etc. Being that Ms. Mireles was found none-responsive, lying on her own front porch, with two black eyes, busted lips, bruises, to the face, arms and body, which was, very evident, that, she had been seriously assaulted... however, though, the Assault did not cause the death of Anna Marie Mireles, see Appendix A P. 1-4. However, the State prosecutors and Dr. Erickson, both knew, that, the cause of death was Not by, Multiple blunt force injuries, even at the scene, where blood stains and some drops were found on the floor, and clothings, ... Photos taken, by investigators, and submitted into Records, as evidence, did not add up to be, at the very-

-most, 100ml of blood loss, NOR, WAS IT, PROVED, ACCORDINGLY, WHETHER SYMPATHY, FOR ANNA MARIE MIRELES, AND OUTRAGED, AGAINST PARNELL R. MAY, IT WAS VERY REASONABLY MORE LIKELY, THAN NOT, THAT THE STATE PROSECUTORS AND DR. STEPHEN W. ERICKSON HAD AN INCENTIVE TO ALTER THE CIRCUMSTANTIAL EVIDENCE, IN AN UNFAIR MANNER, THAT WAS FAVORABLE FOR THE STATE PROSECUTORS, ACCORDINGLY;... BUT THE TRUTH IS THAT, NONE OF THE EXTERIOR BRUISES OR INJURIES TO THE HEAD, ARMS, AND BODY, HAD EVER CAUSED THE DEATH, NOR WAS ANY OF THE INJURIES, A MAJOR PART OF WHY SHE DIED, EXCLUDING THE RIBS AND LIVER DAMAGE, AND BLOOD LOSS, SEE APPENDIX J P. 27 AND APPENDIX I P. 1-5, AND APPENDIX G P. 8, BY MEDICAL FACTS WITH REASONABLE CERTAINTY, DURING THE OCTOBER 6<sup>TH</sup> 2021 JURY TRIAL, WHICH HAD LASTED FOR 3 DAYS, WHERE THE PRO SE LEGAL DEFENSE OF PARNELL MAY, HAD ASKED THE MEDICAL EXAMINER VERY SPECIFIC MEDICAL QUESTIONS, WHICH GOT SOME OF THE FACTUAL MEDICAL ANSWERS, ACCORDINGLY, WHERE IT ACTUALLY, CONFLICTED AGAINST, DR. ERICKSON'S OWN TESTIMONY, OF HIS OPINION, AND, DETERMINED CAUSE OF MS MIRELES DEATH,.... DR. ERICKSON, ON RECORD WHERE HE HAD SPECIFICALLY STATED THAT, "THE LIVER WAS SO MUCH MORE INJURED THAN THE RIBS" SEE APPENDIX J P. 1 AND THAT, "BLOOD LOSS WAS A MAJOR PART OF WHY SHE DIED" SEE APPENDIX J P. 27, WHICH REASONABLY COMPELLED THE PRO SE DEFENDANT, TO, ASK, ... "IF IT WAS NOT FOR THAT LACERATED LIVER AND 800ml of blood loss, WOULD ANNA MOST LIKELY HAVE LIVED?" DR. ERICKSON ANSWERED BASICALLY, ... "I DON'T KNOW". DR. ERICKSON STATED UNCERTAINTY AND DEFICIENCY, IN THE MEDICAL ASPECT OF THE CAUSE OF MS. MIRELES DEATH, SEE APPENDIX J P. 33-35 AND SUCH WAS POINTED OUT, AT THE OCTOBER 6<sup>TH</sup> 2021 JURY TRIAL, IN THE DIRECTED-VERDICT, AND AGAIN, IT WAS THOROUGHLY ARGUED IN PARNELL MAY'S DIRECT APPEAL TO THE ARKANSAS SUPREME COURT, AS THE RECORD WILL REFLECT, SEE ALSO APPENDIX G P. 9-10. HOWEVER, THE ARKANSAS SUPREME COURT, TURNED A BLIND EYE, TO SUCH, REASONABLE FACTORS, OF SUCH INSUFFICIENT EVIDENCE, AS WELL AS, THE STATE COURT, TURNED A BLIND EYE TO THE UNFAIR DUE PROCESS OF LAW, THAT WAS EXERCISED AGAINST PARNELL-MAY'S RIGHT TO PRESENT SUCH EVIDENCE, THAT WAS CONTENDED BY THE DEFENSE, TO BE POTENTIAL EXCULPATORY EVIDENCE, IN PARNELL MAY'S FAUPR, SEE APPENDIX K P. 9-15, THE ARKANSAS SUPREME COURT TURNED A BLIND EYE, TO, EVIDENCE OF PARNELL MAY'S ACTUAL INNOCENCE, OF THE CRIMINAL OFFENSE, BEING CHALLENGED, ACCORDINGLY, ... PARNELL MAY, NEVER, AT ANY TIME, CLAIMED THAT, C.P.R. EFFORTS, CAUSED HER DEATH, ...

Before going into the facts of the Sufficiency issue, please see Appendix A p. 4-5. The opinion of the Arkansas Supreme Court addressed only the topics that the Arkansas Attorney General had mentioned in its response brief, but absolutely not one material issue or case law as it was argued by the Petitioner, whom was the appellant Parnell R. May, on appeal. It was, as if the Arkansas Supreme Court did not ever review the handwritten, 30 page argument portion of the Pro Se Appellant's brief. Nor, the 15 page handwritten reply brief, which was discriminatorily prejudice against Parnell R. May. Accordingly, the State Supreme Court's opinion was so, biased one sided against Parnell R. May, and it kept on, steadily, stating about what the State Medical Examiners had said, as if they could never make an incorrect opinion, of the cause of death, whereas there existed actual discrepancy in Dr. Erickson's opinion, which was used to be forensic testimonial evidence against Parnell May, which was insufficient evidence to support the conviction. Accordingly, the State Supreme Court, unfairly, highlighted details of what the said, but mentioned absolutely nothing of any of the many statements in the Record Transcript, that was actually abstracted by Parnell May, that showed such real discrepancy, as well as, insufficiencies in such forensic testimonial evidence accordingly. The 10 page opinion that is included with this Petition for a Writ of Certiorari, will show exactly how so, unfairly one sided the Arkansas Supreme Court was, against all the issues that Parnell May had raised in his Appeal, whereas, the Arkansas Supreme Court, never mentioned anything about the actual fact that Dr. Erickson had stated in his testimony that he "did not know" in regard of the question of whether Anna Marie Mireles would have most likely lived, absent, the Liver laceration and 800 mL blood loss, as well as, many other, factual, and legal issues that was raised in the Appellant's brief of Parnell R. May. The Arkansas Supreme Court's decision affirmed the conviction against Parnell R. May which basically meant that the Arkansas Supreme Court's decision was directly in conflict against this United States Supreme Court's decision and holdings in *Burrage Vs. U.S.*, 571 U.S. 204 (2014). As Parnell R. May had argued throughout both his Appellant's initial and reply briefs, a cor-



-dingly. The Arkansas Supreme Court's opinion is clearly deficient of the facts. The most astronomical fact of this very case is that, the Pro Se Appellant, Parnell R. May, had, actually, abstracted the State's expert witness, Dr. Stephen A. Erickson's, own words, which were, his opinion, and determined conclusion of the cause of Anna Marie-Mireles death, and also Dr. Erickson's own statements, that he made and gave, in his testimony, during the Cross-examination, by the Pro Se defense, which were in conflict, against what Dr. Erickson, had stated, in his opinion, and determined, conclusion, of the cause of Ms. Mireles death, which was the State's, invalid forensic-testimonial evidence, to prove, and/or, support, beyond a reasonable doubt, the cause of death element, against, Parnell R. May, accordingly, and it was abstracted, from, the record transcript, and, thoroughly argued, with real clarity, in both, the Appellant's initial brief, and Reply brief, in the appeal case Number, CR-22-221, of Parnell R. May Vs. State of Arkansas, along with some of the most, accurate, United States, State, and Federal case laws, and authorities, accordingly, as well. However, though, the Arkansas Supreme Court, "as it can be seen, in its entire 10 page opinion", deliberately, shunned, from, such actual factors, that, were actually argued, throughout Parnell May's, appeal briefs. The Arkansas Supreme Court's 10 page opinion, was actually an elaborate, unconstitutional act, of due process, to cover-up, the truth, of the fact, that, Dr. Erickson, had provided, fraudulent forensic testimonial evidence, that was insufficient for the State, that also contravened the circumstantial evidence, by, unfair, due process against, Parnell May, so that, a verdict, of, guilty of causing the death of Anna Marie Mireles, as Dr. Erickson, had alleged in his opinion, would be assured, in a Criminal Court of Law, in the State of Arkansas, which was a State, within, the United States of America, accordingly, see Appendix A P. 1-10. The 10 page, opinion, of, the Arkansas Supreme Court, showed deliberate actions, of, its State, local political and social, biasness, prejudicially, supported lies against Parnell R. May, whom, had chose, to expose, the Medical facts, and Material evidence of his actual innocence of committing homicide, in, what, was actually, a local high, profiled Criminal case, related, to domestic violence, as, it was abstracted from the record transcript, and argued in appeal, accordingly, see Appendix J P. 58-61. That was the reason, why the State did not, want, such, truth of actual innocent, to be revealed, and known, to, the Public, and any citizen, of the United States, consequently.

The Opinion of the State Supreme Court was fully digressed from what Parrell May had claimed Dr. Erickson, was asked by the Pro Se defendant Parrell May during the cross-examination of Dr. Erickson, who was the State's expert witness, "If it was not for that Liver Laceration, being there, with the 800 ml of blood loss, would's Anna, most likely, would have lived?"; Dr. Erickson, Paused as in thought, and very clearly stated in response to that very question, that "I don't know". See Appendix J P. 33-34, thereby accordingly, he was very Uncertain, but in his own words, just moments earlier during the cross-examination, he had stated as a significant contributing factor, that he thinks, "blood loss was a major part of why she died", however, "it would take about 1.2 to 1.5 Liters of blood loss to cause, circulatory Collapse of the Cardiovascular System", See Appendix J P. 24-25, P. 52-53, P. 27, There was 100 ml of blood loss in the Right chest cavity, 60 ml of blood loss in the Left chest cavity, and 800 ml of blood loss, in the Abdomen cavity of Ms. Mireles, see Appendix G P. 4, P. 8, and reasonably about 60 ml of blood loss found at the scene, which directly stemmed from the busted Lip, that Ms. Mireles had received during the Assault. The Record evidence, did not reflect, the findings, of 1.2 to 1.5 Liters of any blood loss, in this entire case, which reasonably meant, that, it was, Not enough blood loss documented in the Autopsy report or any, record evidence, for it to be, "a major part of why Ms. Mireles had died", accordingly, because, ... for one reasonable reason, that, that Liver Laceration, and the 800 ml of blood loss, that was found, in the Abdomen cavity, did not exist, prior to, the Start of, the 60 minutes, of C.P.R. chest compression efforts, that was Applied to, the body of Anna Marie Mireles, Nor was, the majority of all those rib fractures, the Arkansas Supreme Court's, opinion, of such, was wrong, accordingly. In the New York Supreme Court, case Law of People Vs. Brewgard, 265 N.Y. 100, 108, 191 N.E. 850 (1934), at 108, 191 N.E. 850, where it held, that, "The question whether the Act constitutes murder is Necessarily one of fact. An obscure, or merely probable connection between an Assault, and death will, as in every case of alleged crime, requires Acquittal of the charge of any degree homicide, Accordingly, there was an Obscure, merely probable connection, between the Assault, and the death of Anna Marie Mireles on December 4th 2016. There was proof

REASONS FOR GRANTING THE PETITION

A. Conflict with Decisions of this United States Supreme Court:

One very important reason, for, accepting this case for review, is the actual and clear conflict between the decisions of the Arkansas Supreme Court, and the decisions of this United States Supreme Court, specifically regarding the facts that in this case, Dr. Stephen A. Erickson, / Dr. Erickson, could not say whether Anna Marie Mireles, would have lived, had it not been, for that Liver Laceration, and, 800 ml of blood loss, Dr. Erickson, None the Less, concluded, "on record" that the Liver Laceration, and, blood loss was a major part of why she (Anna Marie Mireles) died, See Record Transcript #000607, and #000646 - #000647, see Appendix, J.P. 27, P. 33-34, which, was a very similar issue, that was in this U.S. Supreme Court's holding that, was made in the United States Supreme Court case law, of, BURRAGE Vs. United States, 571 U.S. 204-207, 134 S. Ct. 881, 885-886 (2014), where, it had specifically held, that, "Dr. Schwike could not say whether Banka, would have lived had he not taken the heroin, Dr. Schwike, None the Less, concluded, that heroin was a contributing factor in Banka's death," Id., in addition, this United States Supreme Court held, that, the defendant (as Parnell May was) could not be convicted, absent, evidence, that, the victim would have lived, but for his heroin use," id. at 204 134 S. Ct. 881, in further addition, "Uncertainty of that kind, (as it was in Parnell May's case) cannot, be squared, with, the beyond-a-reasonable doubt standard, applicable, in criminal trials, or, with, the need, to express criminal laws in terms ordinary persons can comprehend," id. at 218 134 S. Ct. 842 (citing United States Vs. L. Cohen Grocery Co., 255 U.S. 81, 89-90, 41 S. Ct. 298, 65 L. Ed. 516 (1921)), the defendant, Parnell May, whom assaulted Ms. Mireles, prior to, another cause of death, could not be convicted, under causation, absent evidence, that Ms. Mireles, would have lived but for that Liver Laceration, and 800 ml of blood loss, accordingly, this United States Supreme Court should grant this Petition for Writ of Certiorari, wherefore, the Arkansas Supreme Court's decision, conflicted against, this United States Supreme Court's holdings, accordingly, see BURRAGE

-Vs. United States, 571 U.S. 204, 207, 217-18, 134 S.Ct. 881, 884-885, 891-92 (2014), and as it was, also held, in, the United States Supreme Court, case law, of, Henderson Vs. Kibbe, 431 U.S. 145, 152, 97 S.Ct. 1730, 1735, 52 L. Ed. 2d 203 (1977), that, "because the Court of Appeals decision appeared to conflict with this Court's holding, in Cupp Vs. Naughten, 414 U.S. 141, 94 S.Ct. 396, 38 L. Ed. 2d 368, we granted certiorari, 429 U.S. 815, 97 S.Ct. 55, 50 L. Ed. 2d 74." 2d, Accordingly, the very same treatment should be exercised in this very case in regard, of, the very fact, that, the Arkansas Supreme Court's decision, appeared to conflict with this United States Supreme Court's holding in, Burgage Vs. United States, 571 U.S. 204, 207, 217, 218, 134 S.Ct. 881, 884, 885, 891, 116, Accordingly, where in view, of, the fact, that, the above mentioned, was, one, of, the legal foundations, of, Parnell R. May's Legal Arguments, in his appeal, about, the fact, that, Dr. Erickson, could not say, whether Anna Maria Mireles would have lived, but for the Liver Laceration, and, 800 ml of blood loss, Nonetheless, Dr. Erickson, concluded that, that same Liver Laceration, and 800 ml of blood loss, was, "a major part of why she (Mrs. Mireles) died," see Appendix P. 27-30, P. 33-34, and P. 1, accordingly. It showed that Dr. Erickson, was clearly uncertain, in regard, of, the beyond-a-reasonable doubt, standards, as it was required by due process, where the Dr. Stephen A. Erickson, the State Medical Examiner, and, forensic pathologist, whom, Made and gave his Opinion, of, such contributing factors of, causing Ms. Mireles death, which was used, for, forensic testimonial evidence, against Parnell May, at his jury trial, which was, occurring, in a Criminal Court of Law, in the State of Arkansas, which was a State, within the United States of America, accordingly, such forensic testimonial evidence, was, flawed, in accordance, with the United States Supreme Court case law, of, Hinton Vs. Alabama, 571 U.S. 263, 134 S.Ct. 1081, 188 L. Ed. 2d 1 (2014) (per curiam), and it was held in Melendez-Diaz Vs. Massachusetts, 557 U.S. 305, 319, 129 S.Ct. 2527, 2537, 174 L. Ed. 2d 314 (2009), "Serious deficiencies, have been, found in the forensic



-sic evidence used in criminal trials (as it was in Parnell May's case accordingly). One commentator asserts, that, the legal community now concedes with varying degrees of urgency, that our system produces erroneous convictions based on discredited forensics. "Metzger, Cheating the Constitution, 59 Vand. L. Rev. 475, 491 (2006). One study of cases in which exonerating evidence resulted in the overturning of criminal convictions concluded that invalid forensic testimony contributed to the convictions in 60% of the cases (just as the forensic testimonial evidence by, Dr. Erickson was used against Parnell R. May at his October 6<sup>th</sup> 2021 jury trial), Garrett & Neufeld, Invalid Forensic Science Testimony and Wrongful Convictions, 95 Va. L. Rev. 1, 14 (2009). And the National Academy Report concluded: "The forensic science system, encompassing both research and practice, has serious problems that can only be addressed by a national commitment to overhaul the current structure that supports the forensic science community in this country," (which definitely includes Dr. Stephen A. Erickson, and the Arkansas State Crime Laboratory), see, "National Academy Report P-1 (emphasis in original)" *Id.* and also see Hinton Vs. Alabama, 571 U.S. 263, 276, 134 S.Ct. 1081, 1090 188 L.Ed 2d 1 (2014).

Also, in accordance with, McLeskey Vs. Zant, 499 U.S. 467, 495, 111 S.Ct. 1454, 1471, 113 L.Ed.2d 517 (1991) where it held that, "Kuhlmann... required federal courts to entertain successive petitions; when a petitioner (as Parnell May) asserts a constitutional claim with, a colorable showing of factual innocence," *Id.* just as, the very constitutional claim in this case of Parnell R. May, accordingly. The State Prosecutors and the trial court judge did violated against Parnell R. May's U.S. Constitutional right, of due process of law, in accordance with, the holding in, United States Supreme Court Case Law of Mooney Vs. Holohan, 294 U.S. 103 (a). "A prosecutor, (as the prosecutor in Parnell R. May's October 6<sup>th</sup> 2021 jury trial) did violated, the Constitutional duty of disclosure, where the omission of the Medical E.R. Records of Anna Marie Mizeler, was very sufficiently significant in the

-denial of the defendant (Parnell May's) right to a fair trial," Id. Parnell R. May  
-had "the right to offer the testimony of witnesses," as the E.M.T., Spencer-  
Johnson and the hospital Doctor, James Rice, both, whom, were subpoena-  
-ed to testify, for Parnell May, at his October 6th 2021, jury trial about  
their accounts regarding the C.P.R., that they both had Applied Anne/Mireles-  
Mireles, however, they both suspiciously failed to appear, to the Oct-  
-ber 6th 2021, jury trial, see Appendix J.P.55-57. According with the very  
United States Supreme Court Case Law, of Mooney Vs. Holohan, 294 U.S. (a),  
where it held in part that defendant (Parnell May) had the right to compul-  
-sory process to compel their attendance, if necessary (as it was very  
Necessary in Parnell May's case), which was in plain terms, (Parnell May's)  
Right to present a defense, the right to present the defendant (Parnell May's)  
version of the facts, as well as the prosecution's version, to the jury, so,  
the jury, may decide where the truth lies, just as an accused, has the right  
to confront the prosecution's witnesses, for the purpose of challenging  
their testimony, the accused has the right to present his own witnesses,  
to establish a defense. This is a fundamental element of due process of law  
in accordance with, In re Olive, 333 U.S. 273, 68 S. Ct. at 507 (foot note  
omitted), however, the witnesses, that Parnell May had subpoenaed, by the ARKAN-  
-sas Law, failed to appear, to the October 6th 2021, jury trial, and, accordingly  
the trial court, precluded Parnell May's right, to compulsory process, to compel,  
Spencer Johnson the E.M.T., paramedic and Doctor James Rice's attendances,  
and the Arkansas Supreme Court, turned a blind eye, to such United States Constitutional-  
-violation, to Parnell May's 6th Amendment right, to Obtain witnesses in his favor, as-  
-well as, disregarded the issue of, hypothermia, being the actual, sole cause, of  
the death, of, Ms. Mireles, see Appendix J.P.55-57, where such Medical Evidence, of such  
a cause of death, was contained within, those Medical E.R. Records, which  
was, material exculpatory information, contained, in the Medical E.R. Records  
which were, very relevant documentary evidence, of another cause of death, in  
accordance with, Cox Vs. State, 305 Ark. 244, 248, 808 S.W.2d 306, 309 (1991)..



(B) Importance of the Questions Presented:  
"Reasons for Granting the Petition" 3<sup>rd</sup> REASON

This case presents, fundamental questions, of the interpretation of this Court's decision, in, BURRAGE Vs. United States, 571 U.S. 204, 207, 217-218, 134 S.Ct. 881, 884, 886, 891-92 (2014), Hinton Vs. Alabama, 571 U.S. 263, 271, 273, 275, 76 134 S.Ct. 1081, 1087, 1088, 1089-90 188 L.Ed 2d 1 (2014) (Per curiam). Accordingly. The questions, presented, is, of, a very great public importance, because, it affects, a person's right, of due process of law, equal protection of the laws, against the State, unfairly, depriving, any person, as Parnell May, or any citizen of the United States, of life, liberty, or property, accordingly, this Court's guidance, on the questions, is, also of a very great importance, to any citizen, of the United States, as Parnell R. May, because it affects, their ability, to receive, a fair trial, by an impartial jury, in, any criminal court of law, in the State of Arkansas, which was, a state, within the United States of America, and, not be deprived of equal protection, due process of law, discriminatorily, by the State against, the right to present and have considered by the jury, all relevant evidence, and potential material exculpatory evidence, to, rebut, the State's evidence, on all elements of the offense, see, MONTANA Vs. Egelhoff, 518 U.S. 37, 116 S.Ct. 3013, 135 L.Ed 2d 361 (1996) Accordingly. The issue's importance, is greatly enhanced, by the fact, that, the lower courts, in, this case, have seriously misinterpreted, BURRAGE where, this Court, held, in, BURRAGE, that, "defendant (as Parnell May, was, October 6<sup>th</sup> 2021, at his jury trial, basically) could not be legally convicted, absent evidence, that, the victim, would have lived, but for the cause of the liver laceration, and, the internal blood loss," Id. at 218-19, 134 S.Ct. 892, accordingly. The issue's importance, is also greatly enhanced, by the fact, that, the lower courts in this case, also have seriously misinterpreted, Hinton, where, this Court held, in, Hinton, that, "Prosecution experts (as Dr. Erickson, and Dr. Kokes, accordingly) can, and did, made mistakes, of course, and that this Court, indeed, has recognized, the

threat, to fair criminal trials, poised by the potential, for incompetent, or fraudulent, prosecution forensic experts, as Dr. Stephen A. Erickson was, at, the October 6<sup>th</sup> 2021 jury trial, noting that, serious deficiencies, have been found, in the forensic evidence, as it was, in, this very case, of Parwell May, that was used, against him in his October 6<sup>th</sup> 2021, jury trial, where one study of cases, in which exonerating evidence, resulted in the overturning of criminal convictions, concluded, that, invalid forensic testimony, contributed, to the conviction, in 60% of the cases, see Melendez-Diaz Vs. Massachusetts, 557 U.S. 305 319, 129 S.Ct. 2527 L. Ed 2d 314 (2009) (citing Garrett & Neufeld, Invalid Forensic Science Testimony and Wrongful Convictions, 95 Va. L. Rev. 114 (2009)). See Hinton, at 276, 134 S.Ct. 1090. The actual fact, that, the record evidence, contained proof, that, Dr. Stephen A. Erickson, had made inconsistent statements in his testimony regarding his opinion, about the cause of Ms. Mireles death, and the specific medical factual answers, that, Dr. Erickson, had stated, to the defenses, specific, medical questions, about the detailed mechanism, of the causes and effects C.P.R. Chest Compressions, and certain amounts, of blood flow, which specifically showed that there would have been more blood loss, see Appendix J p. 8-54. Dr. Erickson's opinion, of the cause of Ms. Mireles death, which conflicted to his statements, he made during cross-examination, Dr. Erickson, alleged that, those ribs and liver damages and internal blood loss was significant contributing factors, accordingly see Appendix J p. 1-3. Holdings in Hinton, at 275, 134 S.Ct. 1089, that, when a defendant, (as Parwell May), challenges a conviction, the question is whether there is a reasonable probability that "absent the error of the refusal to admit potential material exculpatory evidence, which was the medical E.R. records of, Ms. Mireles, the factfinders would have had a reasonable doubt respecting guilt, of causing the death, of Ms. Mireles, as, Dr. Erickson, had claimed, in his testimony, of his opinion, of the cause of death," see Hinton, at 275, 134 S.Ct. 1089 (citing -

- Strickland vs. Washington, 466 U.S. 668, at 695, 104 S.Ct. 2052, contrary to the conflicting statements, Dr. Erickson had made and gave regarding the cause and effects, of C.P.R. compressions, the specific amounts, of, blood flow, per minute, per, certain, amount of heart rates, and his failure, to see any of the investigative findings, of the evidence of hypothermia, which was actually contained, within Anna Marie -  
- Mireles, Medical E.R. Records, that, the State Prosecutors had, obtained, by, Subpoena Duces Tecum for Medical E.R. Records, in the matter of the Law enforcement investigation, by the State Prosecuting Attorney's Office, in Pulaski County, Arkansas, December 13<sup>th</sup> 2016, accordingly. See Appendix H.P.1-6.

The trial Court, in Parnell R. May's case, has the burden of explaining the reason, for, not, compelling the Doctor, James Rice, and the E.M.T, Spencer Johnson, whom had private communication, with the trial Court judge, by text, they suspiciously does not, show up for any, of the October 6<sup>th</sup> 2021, jury trial, both of which, were, the defendant, Parnell R. May's witnesses, whom, deliberately failed to appear, after, being properly subpoenaed, in accordance, with Arkansas laws, as, the record evidence will reflect, ... however, Parnell R. May's defense, was greatly prejudiced, by, the two witnesses, Spencer Johnson and Dr. James Rice, failure to appear, see, Appendix J.P.55-57, their testimonies about the low body temperature of Anna M. -  
- Mireles, and, their application, of C.P.R. for 60 minutes, with compression rates, 125 to 158, per minute, and Dr. James Rice's, testimony, of his diagnosis of, "exposure to environmental cold-initial encounter", to the patient, Anna Marie Mireles, on December 4<sup>th</sup> 2016, as it was noted in those Medical E.R. Records, accordingly, it would have correlated, very much support, to, the Pro Se Legal Defense of Parnell May. The failure to appear, violated, against Parnell May's right, to have compulsory process to obtain witnesses, in his favor, see Appendix J.P.55-57, as well as, the Detective Jeff Allison's planting of fabricated evidence, and, making false reports, about seizing those brown boots with blood on them from Parnell May wearing them at arrest, which violated against Parnell May's 4<sup>th</sup> 6<sup>th</sup> and 14<sup>th</sup> Amendment of search and seizure, com-

~~Pursuant to~~ Pursuant to obtain witnesses and due process of law, accordingly See Appendix K p. 1-2. The omission of those medical E.R. Records, greatly prejudiced Parnell May, see Appendix U P. 5-7, those Medical E.R. Records, reasonably constituted to be, Brady Material, which, it was such evidence, that was known by the State Prosecutors, before the trial, that favored a criminal defendant, whom was Parnell May, in accordance with, Brady Vs. Maryland, 373 U.S. 83 (1963), where it held that, "Brady Material, includes, all evidence, that might cast a, Reasonable doubt, as to, a criminal defendant, as, Parnell R. May's guilt, that was known to, the State prosecutors before the October 6<sup>th</sup> 2021 jury trial, following Brady Vs. Maryland, 373 U.S. 83 (1963), "the government, whether the Police, or the prosecutor, has a duty to disclose, such evidence to the accused upon demand, so as to present it to the jury." Please see Appendix K p. 1-5, or, on Appendix for motion for Retrial. Accordingly, The defendant (as Parnell R. May) is entitled, to Relief, for a Brady Violation, where, the defendant (as Parnell R. May) can show, that, the evidence existed, and that, it was favorable for the defendant (Parnell R. May's case), either exculpatory or because it could have been used to impeach, a government witness, as Dr. Erickson was at the October 6<sup>th</sup> 2021 jury trial, or evidence, which was, the Medical E.R. Records, of Anna Mariel Miralles, that Miralles, was suppressed by the State prosecutor at the October 6<sup>th</sup> 2021 jury trial, regardless of it being suppressed by the State prosecutors willfully, or, inadvertently, it still, did greatly prejudiced, the defendant, Parnell R. May's, legal defense, by, the actions of the State prosecution's suppression, accordingly, Id. The exculpatory evidence (which was the Medical E.R. Records), that proved Parnell R. May's innocence was the source of the exculpation. Evidence tending to increase the probability of a fact, as the Medical E.R. Records, which had the tendency, to increase the reasonable probability, of the fact, that hypothermia was the sole cause of Ms. Miralles death, and that multiple blunt force injuries, was not the cause of death, in accordance with, People Vs. Brevgard, 4108, 191 N.E. 850, where it held that, "whether, the act constitutes, murder, is neces-

At any one, of fact, An obscure, or merely probable connection between an Assault and the death of Anna Marie Mireles, will as in every case of alleged crime, requires, acquittal, of the charge of any degree homicide. The proximate relationship must, of course, be clearly proved beyond a reasonable doubt. A duty rested upon the trial judge so to instruct the jury, and, in the absence of such instruction, or, in the event of failure of the necessary proof, a similar duty would rest upon a court of review, such as this very United States Supreme Court, to reverse the judgment of conviction, *id*, accordingly. Just by that, obscure or merely probable connection between the assault and death of Anna Marie Mireles that is contained within the record-evidence, which actually exposed, and revealed the actual fact, that, Parnell R. May is actually innocent of, committing any degree homicide, in accordance with *Bousley Vs. United States*, 523 U.S. 614, 615, (1998), where it held, that, "Actual innocence means factual innocence, not mere legal insufficiency." *Id*,. There are factual New Scientific Medically exculpatory evidence of Parnell R. May's actual innocence, of causing the death, of Anna Marie Mireles, by Multiple blunt force injuries, as Dr. Stephen A. Erickson, had alleged, in his opinion of the cause of death, which was material exculpatory evidence, accordingly, as well. The State prosecutors, prevented the Medical E.R. records to be disclosed, to, the jury at the October 6<sup>th</sup> 2021, jury trial, as it was held, that, "the United States Supreme Court revisited *Brady*, and declared that when the petitioner contends that material exculpatory evidence, as these Medical E.R. Records of Ms. Mireles, were, which, was, not disclosed, because the State's objection, along with, the aid of the trial court's ruling in the State's favor, accordingly, it suppressed and concealed, the exculpatory information, that, was contained, in, those Medical E.R. Records, And the State knowing that, that material evidence was exculpatory," *id*, in quoting *United States Vs. Bagley*, 473 U.S. 667 (1985), "the petitioner has demonstrated that there is reasonable probability, that, judgment of conviction would not have been rendered or would have been prevented had that information been disclosed at trial," *id*, accordingly, it is reasonable to believe, that, the State Court, did not review for,



- Such an important issue, regarding such Federal question, which needs to be settled by this Court, where the State Supreme Court, as well as, the Assistant Attorney General, the State Prosecutors and trial court judge, they all did turn a blind eye toward, potential exculpatory evidence which was very material to this case, and, the Arkansas Supreme Court, the Assistant Attorney General, the State Prosecutors, as well as, the trial court judge, accordingly, were each very reasonably considered, to be, Officers of the Law, in the criminal justice system, where, in the United States Federal Court, in the U.S. Federal case Law, of, Logsdon Vs. Hains, 492, F. 3d 334, 341 (6th Cir. 2007), (quoting Wesley, 791 F. 3d 442), it held, that, "AN OFFICER CANNOT TURN A BLIND EYE TOWARD POTENTIAL EX-CULPATORY EVIDENCE", Id., where, that the Pro Se Legal defense of Parnell May had contended for two years and some months, prior to the October 6th 2021, jury trial, that the Medical E.R. Record, of, Anna Marie Mireles, was potential Brady Material, that contained exculpatory information, which was actually material, in proving that Parnell R. May did not cause the death of Anna Marie Mireles, whereby, multiple blunt force injuries had no significant increment effects, in being a major part of why she died, see BURRIDGE, at 217 134 S. Ct. 891, because, those Rib fractures, Liver Laceration, and, internal blood loss which was documented in, Mrs. Mireles Autopsy Report, on Page 8, in the findings, actually did not exist before the time of 7:30 AM December 4th 2016, See Appendix G.P.2 When Anna Marie Mirele was found None-Responsive by the E.M.T. Paramedic, whom decided to Apply C.P.R., At 7:30 AM December 4th 2016, in hopes, to Revive her, because "something else" had, caused her, to be, None-Responsive, before the E.M.T. Paramedics, had arrived at the scene, accordingly, it was hypothermia. The Medical E.R. Records, were proffered into the record for Appeal, and, they showed, evidence, of, serious hypothermia, by, the Doctor, James Rice, who diagnosed her with, "exposure to environmental cold-initial encounter" and "zero rigor mortis present", and her actual body temperature, was recorded to be, 76.6, at the time Dr. James Rice, had ordered, his Medical team to Stop-



-All, C.P.R, chest compression efforts, and, Officially Pronounced, Anna Marie Mireles, dead, at 8:32am December 4th 2016, as the Medical E.R. Records had contained such aforementioned Medical Data facts, accordingly, as well as, it also, contained, approximately 14 minutes of, Recorded heart rates, of a 125 to 158 beats per minute, in variation, that was detected by a device testing template, at the hospital, which were created by C.P.R, compressions, see Appendix H.P.8-15, the Medical E.R. Records, of Anna Marie Mireles, had a reasonable probability, of, raising, reasonable doubt, in the mind of the jury about the cause of Ms Mireles death, blood loss being a major part of why she died as alleged by Dr Erickson, in his testimony, accordingly, see Appendix J.P.27-30, and the Medical E.R. Records, showed that, it was a reasonable medical certainty, that, 60 minutes of C.P.R, chest compression efforts, did create, the majority of those, Rib-fractures, Liver Laceration, and internal blood loss, that was, documented in Ms. Mireles, Autopsy Report, see Appendix I.P.15, Appendix H.P.8-16, and Appendix G.P.8, accordingly, those Medical E.R. Records, showed exactly, just how many C.P.R, chest compressions, were applied, per minute, for, 14 minutes, at the hospital, which was, far beyond the recommended, 100 to 120, see Appendix I.P.3, In fact, it was, 125 to 158, compressions, per minute, which varied, accordingly, and that was just 14 minutes of C.P.R, chest compressions, in the 30 minutes of C.P.R, efforts at the hospital with Doctor James Rice, however, ... it was another 30 minutes of C.P.R, efforts, at the scene and while en route, with the E.M.T, paramedic Spencer Johnson, both whom were subpoenaed by Parnell R. May, to be witnesses for the defense, accordingly they both failed to appear, at the October 6th 2021, jury trial, see Appendix J.P.55-57. Damages by C.P.R, can vary, please see Appendix I.P.1-5, based upon the Medical Case Studies of Case 1 and Case 2, specially where it stated that, "C.P.R, chest compression application can vary depending on condition of the applicator and the location, where, this condition, can alter the degree, of the complications, see Appendix I.P.3

By such reasonable Consideration, about, such a Reasonable Probability, for  
the, such Reasonable Medical Certainty, base upon the Medical Case Study, of  
the 26 yrs old female, ... Accordingly, it was a Reasonable probability, that,  
at least 12, of, those 14 rib fractures, were, created by, the 60 minutes of  
C.P.R., chest compression Applications, which, can vary, depending on the  
Condition of the Applicator, and the Location, at the Scene, and while en-  
-route, and at the hospital, which can alter the degree of the rib fractures,  
as well, as, it was, a Reasonable Medical Certainty, that, that 50% Right Liver Lobe  
through-and-through Laceration, which bled out the 800 ml of blood loss in  
the hemoperitoneum/Abdomen cavity, actually was, created, and produced, by  
the 60 minutes of C.P.R., chest compression Applications, which can vary,  
depending on the condition of the Applicator, and, the Location, which  
was at the scene, and, while en-route, to the hospital, and, at the hosp-  
-ital, which did alter, the degree of that Liver Laceration, as such, see Appendix J.P. 62, and  
-C.P.R. chest compressions causes Cardio blood flow, Accordingly. See Appendix J.P. 16520  
The Above mentioned are based on Such Medical Case Studies, and testimony, about such issues,  
as, C.P.R., causing blood flow, rib fractures and Liver Laceration, and, at  
the October 6th 2021, jury trial, the Medical E.R. records of Anna Marie Mir-  
-bles, was relevant evidence, as well as Material exculpatory evidence, that was  
in Parnell R. May's favor, in accordance with the United States Supreme Court  
case law, of, Montana Vs. Egelhoff, 518 U.S. 37, 116 S.Ct. 2013, 135 L. Ed 2d  
361 (1996), where, it held that "The due process clause guaranteed a  
defendant (who was Parnell R. May) the right to present and have consid-  
-ered, by, the jury, all relevant evidence (potential exculpatory evidence)  
to rebut the State's evidence, on, all elements of the offense", id, es-  
-pecially, the causation/cause of death element, in this very case, ....  
however, the State violated against Parnell R. May's right of due process Accordingly,  
Schulp Vs. Ddo, 513 U.S. 298, 324-25 115 S.Ct. 851, 866, held that, "the greater importance, the person,"

-As Parnell May's interest in avoiding injustice, is the most compelling in the context of actual innocence. Accordingly Parnell May needs this Court's help, against such miscarriage of justice. Also in accordance with the United States Federal case law of, U.S. Vs. Van Dyke, 14 F.3d 415 (8th Cir. 1994) where it held, that, it was, "error by the trial court in refusing to admit exculpatory evidence," *Id.*, as the trial court judge had did so in the October 6<sup>th</sup> 2021 jury trial, by refusing to admit the Medical E.R. Records of Anna Marie Mireles, which did contain material exculpatory information, which was very relevant evidence, in, Parnell R. May's favor, *Id.*, Tr. 2059 "First, evidence should not be excluded on the grounds of that, it is exculpatory" or, relevant," *Id.*, at, 421, "It was, a one sided, view of the case (as it was in Parnell R. May case at the October 6<sup>th</sup> 2021 jury trial against Parnell R. May) (citing, U.S. Vs. Haren, 952 F.2d 190, 197 (8th Cir. 1991), "The inadvertent failure to include this rather exculpatory (evidence of the Medical E.R. Records of Anna Marie Mireles) especially in combination with other problems noted above, (and, now the New Scientific Evidence of Parnell R. May's actual innocence of causing the death of Ms. Mireles, by multiple blunt force injuries, which was discovered later about one year after the wrongful conviction) where, the inadvertent failure to include the Medical E.R. Records as above mentioned, certainly gave the jury, on October 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, 2021, at the trial, a version of the events, that was singularly favorable to the State Prosecution," *Id.*, which was unfair to Parnell R. May's right of due process of law, accordingly. The State courts, in Arkansas, would be allowed to do the same violation, to due process, to any citizen of the United States as it was, done to Parnell May. It was, also, clear reversible error, in accordance with, Arkansas Supreme Court's own case law, in, Williams Vs. State, 2011 Ark. 541 2011 WL 6275431 (Per curiam) where, it held, that, "the prosecution suppression of evidence (as the Medical E.R. records) favorable to an accused (as Parnell R. May) upon request (to show the exculpatory information within the Medical E.R. records to the jury) violated due process, because the evidence which was the Medical E.R. records, was, material to prove that Parnell May was not guilty of causing the death of Anna Marie Mireles by multiple blunt force-

-injuries, in Brady, "Evidence is material, if there was reasonable probability, that, had the evidence, (which was Ms. Mireles Medical E.R. Records) been disclosed, (to the jury, by the defense, at the October 6<sup>th</sup> 7<sup>th</sup> and 8<sup>th</sup> 2021, jury-trial without the State, tactically objecting to its admission, along with the trial Court's refusal to the admission of such exculpatory evidence, Above mentioned, see, Strickler Vs. Green, 527 U.S. 263, 119 S.Ct. 1936, 144 L.Ed. 2d 289 (1999), U.S. Vs. VanDyke, 14 F.3d 415 (8th Cir. 1994) Accordingly, See in Noble Vs. State, 2014, ARK. 439 S.W. 3d 47 (2014) and see, Williams Vs. State, 2011, ARK. 541, 2011 WL 6275431 (per curiam)); "that the hospital records contained particular exculpatory information, that could not have been secured, by the defense, because the State had Somehow concealed it," id, accordingly, just as, the State, had Somehow, concealed the material exculpatory information, that was actually contained, within, the Medical E.R. Records, of Ms. Mireles, ... where, the due process Clause, guaranteed Parvell R. May's Pro Se Legal defense, the right, to present and have considered by the jury, all relevant evidence, which reasonably meant even potential exculpatory evidence, such as those Medical E.R. Records, of Ms. Mireles, to rebut the State's evidence on all elements of the offense, especially the essential element, of the causation element of Capital Murder, see Montana Vs. Egelhoff, 518 U.S. 37 (1996), accordingly. Failure to grant this very Petition, will further the Unconstitutional Miscarriage of Justice, against Parvell May, where he is actually innocent of committing homicide, in accordance with, Murray Vs. Carrier, 477 U.S. 478, 106 S.Ct. 2639, 91 L.Ed. 2d 397, and Jackson Vs. Virginia, 443 U.S. 307 (1979), "which governs insufficient evidence claims, id, at 330" rather because, a Schulp claim involves evidence at trial, Schulp, 513 U.S., at 327, while the gateway claim, (as the New scientific evidence of the Medical Case Studies about Resuscitation Complications, for example the Medical Case study about the 26 year old female, whom had received 60 minutes of C.P.R., and received, Ribs and Liver damages, and, nearly the very same amount, blood loss in the Abdomen/Liver Area, see Appendix I P.1-S, Appendix G-P.8, It is even, more reasonable probability, that, Parvell May is actually innocent, of causing Ms. Mireles death, where the State did not present, evidence of enough blood loss to cause death, and be blood loss for 60 minutes of C.P.R. see Appendix J P.24-25.

- and in Appendix J P. 52-54, yet blood loss was alleged to be a Major Cause See Appendix J P. 27.  
- In Schulp Vs. Delo, 513 U.S. 298, and Sawyer Vs. Whitley, 505 U.S. 333, in light of New evidence (as the New Scientific evidence of the Medical Case Studies of Resuscitation Complications) see Appendix I P. 1-5. It is more likely, than, Not, that ~~no~~ Federal Judge would have been convinced, that, a rational trier of fact, could have found the essential element, which was the cause of death of Ms. Mireles, against Parrell May beyond a reasonable doubt accordingly, see Jackson Vs. Virginia, 443 U.S. at 326-327 99 S.Ct. 2793. Again, in Jackson, it was held that "In short, Winship presupposes, as an essential of the due process guaranteed by the 14th Amendment that No Person, (as Parrell May) shall be made to suffer the onus of a Criminal conviction, except upon sufficient evidence to support beyond a reasonable doubt, the verdict that Parrell May did cause the death by Medical evidence and Medical facts with Reasonable Medical Certainty, accordingly, see Jackson, at 316 99 S.Ct. 2787. Under the New Rule of Law, where, it prohibits, the Criminal Conviction of any Person (including, apparently, a person (as Parrell May) against whom the "alleged" facts, have already been found beyond a reasonable doubt, by a jury, a trial judge, and one or more levels of State Appellate Judges, ... except upon proof sufficient to convince a Federal Judge (this Federal U.S. Supreme Court's Justices) that a, "rational trier of fact could have found the essential element of Parrell May causing the death of Ms. Mireles, as Dr. Erickson, had determined by his forensic testimony, evidence beyond a reasonable doubt, according with A.C.A. § 5-1-11, Burden of Proof of each element, accordingly, see Jackson Vs. Virginia, 443 U.S. at 326-27 99 S.Ct. 2793, Also. 3. In Schulp, basically, where, in applying the Carrier standard, to Schulp's request for an evidentiary hearing (as Parrell R. May had request for an evidentiary hearing in the 1st Division Circuit Court of Pulaski County Arkansas, In Schulp, at 299 115 S.Ct. 854, (d) "To satisfy Carrier's actual innocence standard, a petitioner (as Parrell R. May) must show that, in light of the New Scientific Evidence, of the Medical Case Studies of Resuscitation Complications, for example, the Medical Case Study of the 26 yrs Old female etc", Again, this United State Supreme Court, had held, basically, that, "in light of such New Medical Scientific evidence, aforementioned, it was, more likely, than, Not, that, no reasonable juror would —



- have found Parnell R. May guilty beyond a reasonable doubt, of causing majority of those rib fractures, liver laceration, and internal blood loss, to cause Ms. Mireles death, as Dr. Erickson had, alleged in his opinion, because, those specific damages, never existed, prior to the C.P.R. The focus, on actual innocence, means that, this very United States Supreme Court, is not bound, by the admissibility rules, that would govern at trial, and can, consider, the probative force of relevant evidence, that was unfairly excluded, and the new scientific evidence that was unavailable at trial, accordingly as it was held in Schulp, at 299 U.S. Ct. 854, the Medical E.R. Records, were excluded at the October 6th 2021, jury trial. And, now, the current discovery of the new scientific evidence of Parnell May's actual innocence, of homicide, which was the specialized knowledge in the Medical Case Studies, of Resuscitation Complications, which was not available at the October 6th 2021, jury trial, accordingly Parnell May earnestly petitions this court for a redress of being wrongly convicted. It is, very clear, that, this petition for a writ of certiorari, is, about a very very imperative public importance, which clearly, directly involves, a person, as Parnell R. May, just as any citizen of the United States whom was, and still is, actually innocent, of committing homicide, whereas, the State Prosecutors, and Dr. Stephen A. Erickson had, wrongfully accused Parnell R. May, of, in which, Parnell R. May, was wrongfully convicted of Capital Murder, in the State of Arkansas, by, a malicious prosecution, that had knew, prior, to the October 6th 2021 jury trial, that Parnell R. May was actually innocent, accordingly. It was provided, in Rule 10, of the United States Supreme Court Rule book on page 5, that "A Petition for a Writ of certiorari will be granted only for compelling reasons." Accordingly, all the reasons that are being stated, in this very petition, reasonably meets, such compelling force as, the State Prosecutors had, somehow suppressed and concealed the exculpatory information that was contained within, the Medical E.R. Records of Annal Marie Mireles as, evidence, and the State Prosecutors, contrived, the circumstantial evidence, in the case, unfairly, against Parnell May, so that, a verdict of guilty, would be assured at the October 6th 2021 jury trial, which did violate against Parnell R. May's United States Constitutional right of due process of law, and, equal protection of the laws, accordingly, and



the actions of the Arkansas Supreme Court reflected the Prosecutorial Misconduct and the fraudulent testimonial evidence of the Arkansas State Crime Laboratory's Medical examiners Dr. Erickson and Dr. Kaker, along with the trial court's actions, which were absolutely wrong, unfair, and unconstitutional, against Parnell May, all for the sake of making it appear, as if, Parnell May was actually guilty of homicide by contriving and concealing evidence, and facts about the real truth of this case, the State court's opinion is an effort to hide the truth, that Parnell May is actually innocent, of Capital Murder, by the State Supreme Court of Arkansas, ignoring the actual arguments that were actually made in both appellant's briefs. However because Parnell May, was a 47 yr old black man, below the poverty level, with a 5th grade public school education, drug and alcohol addiction, and a criminal history, which was perfect for the State prosecutor's arbitrary view of the case, in which, it all was exploited unfairly against Parnell May for the wrongful conviction, by such a malicious prosecution, in such a discriminatory manner, accordingly, See Jackson, at 323-324 99 S. Ct. 2792, "the right of due process to the morally blameless". The prosecutors, with such advantages of the unlimited access to the resources, in the State of Arkansas, and with a purpose to, protect its reputation, as, never being wrong, accordingly, plus it was impossible for Parnell May, to trust, any, State court appointed attorney, whom had tried, numerous of times, to, mislead, Parnell May, by having him to allow them to represent him, in order to, sell him out, by, deliberately, not presenting the actual medical facts about the truth, of the cause of Ann Marie Mireler's death, which, was basically, an attempt, to further cover-up the truth of the cause of her death, by, being in control of what facts would be presented, to the record from the legal defense's side, while, the State prosecutors, unfairly, contrived, the circumstantial evidence, against, Parnell May, so as to, assure, the guilty appearance against Parnell May accordingly. However, though, Parnell May, proceeded, pro se, so that, he could, ask, the specific questions, at his October 6th 2021, jury trial, and get, the medical facts, and answers that, were abstracted, from the record transcript with accuracy, and references, were made, to all those very testimonies, in Parnell B. May's appellant's briefs accordingly, but the Arkansas Supreme Court, deliberately, shunned from, all those medical facts, and the legal facts, that were actually in Parnell May's favor. See Appendix A p. 5, the opinion of the Arkansas Supreme Court, is absolutely fraudulent assertions where Parnell May, never said, at any time, that, Ms. Mireler died by resuscitation efforts by the E.M.T.s, Parnell May contends that, "No injuries caused her death... she died by hypothermia, ONLY." Id.

As, the Petitioner's direct assertions of the undisputed, Legal factors basically, ...  
IN regard of the fact, that, the Arkansas Supreme Court's decision, by its opinion,  
conflicted, against, this United States Supreme Court's, holding, in, BURRAGE VS.  
United States, 571 U.S. 204 (2014), Accordingly, ... the petitioner, understands  
such case law authority, to be, as followed, ... "Parrell R. May could not be con-  
victed, absent evidence, that, Anna Marie Mireles would have lived, but-for-  
the Liver Laceration and the 800 ml of blood loss, where, Dr. Erickson, Nonetheless,  
had concluded, that, the Liver was so much more injured than the Ribs, Appendix J.P. 1  
and total 960 ml of, internal blood loss, as documented in the Autopsy Report, was a major  
part of why she died," which reasonably constituted, a significant contributing factor, of,  
the cause of death, accordingly. However, Dr. Erickson, could not, say whether, Anna-  
Marie Mireles, would have lived, had it not been, for, that Liver Laceration  
and 800 ml of blood loss, ... where, that 800 ml of blood loss, was, well over, half,  
of, the total 960 ml blood loss, that was "supposed", to be, a major part of why she  
had died, as Dr. Erickson, alleged, see Appendix J.P. 26-29, Parrell May argued such issues, in his  
Appeal, to the Arkansas Supreme Court, and, the Arkansas Supreme Court, ...  
responded, by its decision, which had affirmed, the conviction, against Parrell  
R. May, ... Accordingly, the Arkansas Supreme Court, disagreed with, the very  
holding of this United States Supreme Court, as it held in BURRAGE, that, "defenda-  
nt could not be convicted, absent evidence," as it was cited in, Cox Vs. State,  
303 Ark. 244, 248, 808 S.W. 2d 306, 309 (1991) "CAUSATION cannot be found where  
other concurrent causes were clearly sufficient to produce the result and the  
defendant's act/conduct, was clearly insufficient to produce it" "Absent evide-  
nce, that, Anna Marie Mireles, would have lived, but-for- that Liver Laceration  
and 800 ml of blood loss, id, whereas, the Arkansas Supreme Court's decision, in  
the case, of Parrell May, was that, a defendant, "CAN", be convicted, under CAU-  
sation, absent evidence, that, the "alleged victim", would have lived, but-for, such, -  
CAUSATION and that, such, uncertainty, "CAN" be squared with the beyond-A-  
Reasonable doubt standard, applicable in criminal trials, or with the need to  
express criminal laws in terms ordinary persons can comprehend, see BURRAGE  
at 207, 134 S. Ct. 885, BURRAGE, at 207, 134 S. Ct. 891, and at, 218, 134 S. Ct. 892, accordingly.

The following is the Finals of the Presentation of the Actual Medical Facts, in Correlation with the Legal Facts, regarding the Reasons, for granting this petition for a Writ of Certiorari. The State Court of Arkansas decision, affirmed the conviction of Capital Murder, against Parnell R. May, for the death of Anna Marie Mireles, however, Parnell R. May could not be convicted, under the but-for-causation, absent evidence, that, Anna Marie Mireles would have Lived, but for the Liver Laceration and 800 ml of blood loss, where, ... Dr. Erickson, had testified, that, "the Liver was so much more injured than the Ribs", see Appendix J.P.1.

Dr. Erickson, testified, that, "blood loss was a major part of why she died", see Appendix J.P.26-29, in addition to the empirical proof, of the Actual and Legal Facts, the Pro Se Defense, asked Dr. Erickson, on the Witness Stand, that, "if it was not for that Liver Laceration being there with the 800 ml of blood loss, would Anna, most likely, would have lived?" Dr. Erickson, Paused, as if he was thinking, then he stated, in response, "I don't know", see Appendix J.P.33-35, accordingly, he was Uncertain.

For one, Parnell May, could not be liable for Anna Marie Mireles death, since there was Not an independent cause of death, as the result of Parnell May's Action/conduct, of Assault, ... Unless, the Multiple blunt force injuries, are a but-for-causation, and "Causation cannot be found where other concurrent causes, (such as hypothermia) which was clearly sufficient to produce the death, ... and the bruises, abrasions, and other exterior blunt force injuries, were clearly insufficient to produce the death," reasonably excluding the bilateral Rib fractures, the 50% Right Liver Lobe through and-through laceration, and the total 960 ml of internal blood loss, specifically, in accordance with the Causation Standards, as it was held in, Cox vs. State, 305 Ark 244, 248, 808 S.W.2d 306, 309 (1991), see Burrage, 217 134 S.Ct. 892, 15 and, in further addition, Parnell R. May, could not legally be convicted for homicide, absent evidence, that, Anna Marie Mireles, would have most likely Lived but for the Liver Laceration, and the 800 ml of internal blood loss, in accordance with Burrage, at 219 134 S.Ct. 892, wherefore, it was Dr. Erickson, whom testified, that, "the Liver was so much more injured than the Ribs, and that, blood loss was a major part of why she died", accordingly, the State Court's decision Conflicted, against this Court's decision, and also another State Supreme Court's decision, where that, there was an Obscure or merely Probable Connection between, the Assault, and death,

-of Ms. Mireles in accordance with People Vs. Brangard, 265 N.Y. 108 191 N.E. 850, as well,  
-as, also, for the simple reason, that, it was argued about such holdings, of the  
United State Supreme Court case law, of BURRAGE Vs. United States, 571 U.S.  
204 (2014), in the Appellant's brief and Reply brief of Parnell R. May, Acc-  
-ordingly. In the State Court's Opinion, it does not mention, anything regarding  
the very holdings of BURRAGE, instead, the State court's decision, of, affirming  
the conviction, which, was basically, the Arkansas Supreme Court's way of  
expressing its disagreement to, the holdings, in BURRAGE Vs. United States, and  
People Vs. Brangard and Hinton. Accordingly, The Petitioner, Parnell May, has contended  
of actual innocence of committing a homicide, where, that, it was not his  
action/conduct, that caused Anna M. Mireles death, ... there is, the existence  
of actual, material exculpatory evidence, and, now, the recent discovery of  
the new scientific evidence, of Parnell R. May's actual innocence of homicide,  
and, the Petitioner, has prepared, such evidence, for, any presentation, in,  
any criminal court of law, within United States of America, ... however, the Courts,  
in, the state of Arkansas, will not, give any, response to any of the motions and  
petitions, requesting for an evidentiary hearing pursuant to Act 1780 of 2001.  
Parnell R. May, contends, that, he is not only, actually innocent of homicide, by,  
mere legal insufficiency, but, also actually innocent of homicide, by actual  
proof, in accordance with Bousley Vs. United States, 523 U.S. 614, 615 (1998), as  
it was held, that, "Actual Innocence, means factual innocence, not mere legal  
insufficiency," Id. Parnell May's case, is so very important enough to actually  
justify devoting this Court's, limited time, to review and decide on its merits  
Accordingly, where, the importance of such issues, of actual innocence, and to  
be wrongfully convicted of homicide, is not only detrimental to Parnell R. May,  
but also detrimental, to, any person, whom is actually innocent of a crime,  
but, because of their background, or, criminal history, they are framed, by,  
the State, to fit its view of the case, which is most of the time guilty of any crime,  
This Court, should, guide the Arkansas Supreme Court, by, this Court's, Supreme,  
and final decision, where, the State Court of Arkansas, had, basically expressed that,  
unlike BURRAGE Vs. U.S., 571 U.S. 204 (2014), in the state of Arkansas, a defend-  
-ant, can be convicted under, the but-for causation, absent evidence, about the  
alleged victim, would have lived, but - for - the alleged contributing cause of death.

Parnell R. May Petition's, this United States Supreme Court, for a redress, of being wrongfully convicted, of homicide, whereas, by Actual medical facts, in correlation with Legal facts, Parnell May is actually innocent of committing any degree homicide, by factual proof, as well as, Legal insufficiency. Accordingly, It is understood, that, this Court, exercises Judicial discretion, in, deciding, whether, to accept, a case for review, ... however, Parnell May, puts, faith, and trust, in this Court, believing, that this Court is committed to, upholding, the Rule of Law, and the sacred principles upon, which this great Nation was founded, which is to uphold the Constitution and protect the rights, of, all Americas, including the voiceless, and vulnerable, as Parnell May, accordingly. It is very rare and uncommon, to hear, a person, in Parnell May's, current position, which is incarcerated in prison, striving and seeking for, fair justice, especially, in, this Court, where, each of the nine Justices, trusted to have, a pragmatic understanding that the Law must work for the American people, as Parnell May, whom is a person, that is a citizen of the United States, ... that has been wrongfully convicted of an offense, that he actually did not commit, because, it never, was a death by homicide, ... regardless of Parnell May's other faults, for which he may be guilty of, such as Assault, in this very case, homicide, is not one of them, ... And the State Prosecutors and the State of Arkansas, and its Supreme and Lower court, ... violated against Parnell R. May's Right of due process of Law, equal protection of Laws, by unfairly exploiting and contriving the circumstantial evidence, against Parnell May, so that a verdict of guilty would be assured, along with the States action, of suppressing and concealing the Medical E.R. Records, which was material exculpatory evidence, that was in Parnell May's favor. Now, Parnell May Petitions, this Court, to, exercise its Judicial discretion, to do justice, for Parnell May, to be fair, and grant this petition, and review this case, to get it right, where wrong has been done, against Parnell May, by such State and Prosecutorial misconduct, because, of the domestic violent nature of this case, evidence was used, wrongly, unfairly, for the State's own view of the case, against Parnell May, where upon, the jury's feelings, were deliberately incited, by the State unfairly till, the jury did not see and hear, any of the medical facts, regarding the very actual cause of Mrs. Mizeles death, as Parnell May, contended, where ~~where~~ ~~Morie Mizeles death~~ ~~was not caused by multiple blunt force injuries~~ ~~the Capital Murder Conviction and Life Sentence is Cruel and Unusual Punishment for the offense of Assault~~ ~~According~~



-guy, This Court should review this case, and provide fair justice, against such state misconduct  
Parnell R. May, is a person, as provided by the first, Sixth, and fourteenth Amendments to the  
+ United States Constitutional Law, and as a person, had the right, to a fair and impartial  
Jury trial, to have compulsory process to obtain witnesses in Parnell R. May's favor  
which was, the E.M.T., Spencer Johnson, and Dr. James Rice, whom both, had, suspiciously,  
failed to appear, at the October 6<sup>th</sup> 2021, jury trial, but, were properly subpoenaed  
in accordance with Arkansas Law, Parnell R. May's right to present evidence  
that, was contended to be potential Material Exculpatory Evidence, in Parnell R. May's  
favor, which was Parnell R. May's right to present, a defense, that, showed relevant  
and potential exculpatory evidence of Parnell R. May's actual innocence, of, the  
CRIMINAL OFFENSE, that, was charged against Parnell R. May, which did violate against  
Parnell R. May's right of due process of Law, accordingly. All factual issues, assert-  
-ed, in this Petition, can be verified and corroborated by the Record, in Lower Court.

#### CONCLUSION

Based upon, the aforementioned Statement of the Case, the aforementioned Reasons,  
for granting this very Petition for a Writ of Certiorari in this Court, along  
with all the authorities aforementioned, and Parnell R. May's actual innocence,  
... The petition for a writ of certiorari should be granted.

Respectfully submitted,

Parnell R. May - Pro Se Litigant

Date: April 13<sup>th</sup> 2023