

23-6354

No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

DEC 20 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Devontae A Easterling — PETITIONER  
(Your Name)

VS.

Mississippi State Supreme Court RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Devontae A Easterling  
(Your Name)

31 Thomas dr  
(Address)

Collins MS 39428  
(City, State, Zip Code)

(601)-837-6424  
(Phone Number)

## QUESTION(S) PRESENTED

Am i eligible for a new trial?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

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STATUTES AND RULES

OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☒ reported at Supreme Court in Mississippi; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the Supreme Court in Washington D.C. court appears at Appendix \_\_\_\_\_ to the petition and is

☒ reported at Mississippi State Supreme Court; 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☐ is unpublished.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 denied.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☒ A timely petition for rehearing was thereafter denied on the following date: September 21, 2023, and a copy of the order denying rehearing appears at Appendix A.

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

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

## STATEMENT OF THE CASE

i devontae a easterling was accused of murdering josh McDonald on august 18 2012. I was at my grandma house i woke up and started walking to my dad house looking for my gun. i there saw my cousin kim graves heading to masee so i got in her truck we then went to masee to the bank peoples bank and to cafes. we came back at around 1:30 and by that time i saw cory barns and dominique flagging kim down. she pulled in at my dad house calvin easterling and cory and dominique got in the truck so i got out. i started walking and Terrell stopped me asking where josh was. i had no idea he was even there. i walked to a neighbor house to get a ride and all i know is i was accused of killing somebody. i did not run because i had no reason to. i had no reason to kill josh he was my cousin he took care of me when i was out to my dad house. i wanted to make a statement so my mom took me to the police station. i had no gun powder on my hands or blood on me. the eye witnesses had blood and fresh gun powder on him. i dont know what happened because i was not there. they lost my statement and edmonds statement. they also lost the video recordings that was proof that i did not do it. my mom has those recordings still but they would not let them be submitted. the ballistics report said the bullet was inconclusive and it was two different shells but my lawyer failed to lead with that. i am prone my innocence and i deserve a fair trial. i was framed and they denied my witnesses a chance to testify on my behalf. i was not there i was in masee with kim graves.

## REASONS FOR GRANTING THE PETITION

i did not receive a fair trial. they convinced me not to testify saying they had other stuff on me. they denied my witnesses a chance to get on stand and they denied the videos they lost to be added as evidence on my behalf. i have witnesses and none of the statements against me match. if was two guys and mines was stolen. my mom still has the video recordings that they say they lost. i am innocent and do not deserve life in prison for a crime i did not commit. both lawyers took my mom money and did not help me. Terrell Utobbs refused to sign the affidavit from the ms supreme court and stated i probably was not going to win and that this happens everyday. Please give me another chance at my freedom. i did not commit this crime i dont even know what happened. all i know is they said i did it. please review the trial transcript and help me.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Devontae A Easterlin

Date: December 19 2023