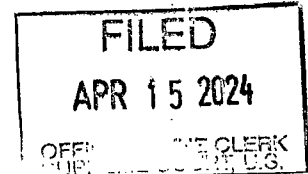


No. 23-7270 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Mark Johnson

— PETITIONER

(Your Name)

VS.

People

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The State Court of Appeals
The Court of appeals Court of appeals Hall

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

PETITION FOR WRIT OF CERTIORARI

Mark Johnson

(Your Name)

Clinton Correctional Facility

(Address)

1156 Rt. 374 P.O Box 2001

(City, State, Zip Code)

Dannemora, NY 12929

(Phone Number)

QUESTION(S) PRESENTED

- A) Illusory Certificate of Compliance, The Discovery statute requires that Disclosure be made of all information which tends to impeach the Credibility of a testifying witness CPL 243.20 (1)(K)(iv)), Pages 30, 31, 32, 33, 34 See motion to Vacate Certificate of Compliance Mar 11, 2021 By Attorney A. Joseph Catalano
- B) Legally Insufficient Evidence at the close of the people's case the defense moved to dismiss all of the counts on the grounds that the people had not produced legally sufficient evidence to support the charges (trial p 1029). with regard to count one, Predatory Sexual assault against a child, Counsel argued that the time frame as testified to by m. was inconsistent and not in agreement with the time frame set out in the indictment. Further there was insufficient proof that the duration of the assault was greater than a three month period.
- C) weight of the Evidence Pages 28, 29
- D) Improper Expert Testimony Pages 16, 17, 18, 19, 20, 21
- E) Improper Application of Rape Shield Rule
- F) The ruling of the court denied me the right to bring forth proof in favour of my defense, Pages 11, 12, 13, 14, 15
- G) Prejudicial Evidence admitted at Trial, Pages 22, 23
- H) Appellants' motion to Vacate, Pages 35, 36, 37, 38, 39, 40, 41
- I) my GPS Tracking device that was on my phone, that has been in Police custody since my arrest, clearly shows that on the 27th of July 2019 I was at work. Please see Police Department Voluntary Consent to Search for digital device.
- J) I was denied my right to Sopearo power and to cross examine a potential witness Janiark Johnson. Because I did not send her to the Store and she was band from that store for stealing.

K) Miss. Holly Sloman district Prosecutor was removed off my Case and out of the DA office for misconduct shortly after my bail reduction hearing. ~~because~~ Because I told the Honorable Judge Murphy, That Miss Holly Sloman, Denied me of my Constitutional Right to go To the Grand Jury. He asked Miss. Holly Sloman, if I had Submitted a letter requesting to be present at the Grand Jury. Miss Holly Sloman, said yes a ride was sent which was a lie.

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

IN 2017, CATHY HARRISON WAS RELEASED FROM PRISON AFTER SERVING 7 YEARS, SHE LIED TO AUTHORITIES BECAUSE I MOVED FROM ROCHESTER TO NIAGARA FALLS. MISS CATHY HARRISON SAID I RAPED, KIDNAPPED AND SEX TRAFFIC MY CHILDREN. THEY PUT RAPE KITS ON OUR CHILDREN AND LOCKED ME AND MY WIFE JESSY LYNN UP UNTIL THE REPORT OF THE RAPE KITS CAME BACK WHICH PROVED OUR INNOCENCE. ALSO I HAD FULL CUSTODY AT THAT TIME AND WE LOST EVERYTHING OVER IT. WE WERE LOCKED UP FROM 2017, TO JAN 4, 2018 AND OUR CHILDREN WERE GIVEN BACK TO US. WE HAD NO PROBLEMS UNTIL CATHY HARRISON WAS RELEASED FROM JAIL. THIS IS THE SECOND TIME MY CHILDREN WENT INTO FOSTER CARE, AND ME AND MY WIFE TO JAIL OVER A LIE.

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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 6 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 C 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 Appellate Division court appears at Appendix A to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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 1/24/2024.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: 1/24/2024, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

There is a Disagreement among the lower Courts on the late Discovery Issue, ~~Regarding~~ Provided by the People of Police disciplinary Records and the highest state Court Refusal to hear the case as there has been a split decision among the lower Courts regarding this issue. My due process rights were violated. The people have 180 days to give their C.O.C (Certificate of Compliance) as well as their S.T.R Statement of Trail readiness and the people can't declare their readiness, until after all the evidence pertaining to this case has been presented to the Prosecution and Defense and the Defendant have received Full Discovery. Sixteen months had elapsed since the commencement of the action without a valid declaration of trail readiness.

STATEMENT OF THE CASE

- 1) The victim gave two conflicting inconsistent statements at trial and on the indictment which was not in agreement with one another.
- 2) on the 27th 2017, my GPS tracking device will show that I was not home when the alleged abuse took place.
- 3) on the 29th 2017, The victim alleges an abuse took place she said after the alleged abuse, she was told to take a shower but because we did not have any hot water, she said she didn't want to take a cold shower, so she just went to school. Forensic taken of my home and the victim's clothes all came back negative in my favour, and the DNA test also came back in my favour.
- 4) I requested the Court for a Paternity test, in my search for motive, but to no avail to date, I am still waiting on the Paternity test results.
- 5) I am innocent of these charges that I am accused of doing.

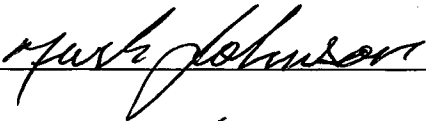
REASONS FOR GRANTING THE PETITION

- I SUBMIT POINT 1 OF THE BRIEF THAT THE TRIAL DECISION OF THE COURT DENYING MY OFFER OF PROOF WAS MADE IN CONTRAVENTION TO THE RAPE SHIELD LAW (PL 60.42). THIS DECISION DENIED ME THE OPPORTUNITY TO PROVIDE EVIDENCE VITAL TO MY DEFENSE.
- ~~POINT 2~~ POINT 2, LEGALLY INSUFFICIENT EVIDENCE WITH REGARD TO COUNT ONE PREDATORY SEXUAL ASSAULT.
- Point 3) Illusory Certificate of Compliance and late discovery.
- Point 4) Improper application of Rape Shield Rule
- Point 5) I was denied my right to have a potential witness J.I. Sopearua and cross examine.
- Point 6) Ineffective Counsel my lawyer Mr. Kevin Spiller, Failed to enter into evidence my Gps tracking device He Failed to object on issues. He Failed to put on record that I was denied my Constitutional right to go to the grand jury. At trial I requested that we raise this issue, he said no because it is an appellate court issue.
- Point 7) Taunted Case, The Prosecutor Miss Holly Sloma, was removed off my Case for misconduct and removed out of the office of DA.
- POINT 8) LEGAL ERRORS IN TRIAL DEPRIVED ME OF A FAIR TRIAL

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 4/12/2024