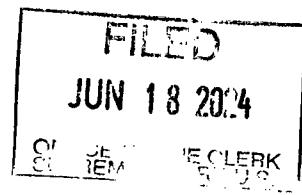


No. 24-5348

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Tierzah Mapson — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eleventh Circuit

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

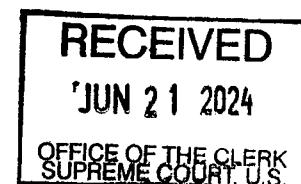
PETITION FOR WRIT OF CERTIORARI

Tierzah Mapson
(Your Name)

815 Ward St
(Address) (Mailing address)

Martinez, CA, 94553
(City, State, Zip Code)

341-758-1388
(Phone Number)



QUESTION(S) PRESENTED

Was there Defamation?

Did the government not meet the Burden of Proof Beyond a Reasonable Doubt?

Did they not follow the Federal Rules of Evidence?

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:

United States District Court for the Northern District of Alabama
United States Court of Appeals Eleventh Circuit

RELATED CASES

U.S. District Court for the Northern District of Alabama
U.S. vs ^{charis} Mapson, Case # 7:22-cv-01405-LCB-JHE
Federal Inmate I.D. 15962-062

U.S. vs. Elisa Mapson, Case 7:22-cv-01406-RDP-JHE
Federal Inmate I.D. 2576-911

United States vs. Tierzah Mapson, Case 6:19-cv-433-LSC-SGC
Federal Inmate ID. 25770-111

United States Court of Appeals Eleventh Circuit
United States v.s. Mapson, Case 22-11159

Table of Contents

Forma Pauperis

Forma Pauperis Affidavit Affirmation Oath Declaration

Writ of Certiorari Affirmation Oath Declaration

Questions Presented

List of Parties

Related Cases

Opinions

Jurisdiction

Constitutional and Statutory Provisions

Table of Authorities

Reasons for Granting The Writ

Conclusion

Proof of Service

Appendix A 11 Circuit Court of Appeals

Appendix B Federal Northern District Court

Tables of Authorities page 1/3:

3.08 What is Not Evidence

1. Arguments and Statements by attorneys are not evidence. The attorneys are not witnesses. What they say in their opening statements, closing arguments and other times is intended to help interpret the evidence, but it is not evidence.

17 La. Civ. L. Treaties, Criminal Jury Instructions 3.7 (3d.ed.) Louisiana Civil Law Treaties updated November 2023 Criminal Jury Instructions Chency C. Joseph, P. Raymond Lamonica Part 1. Criminal Jury Instructions and Proceedings Chapter 3. General - All cases 3:7. Statements and Arguments of counsel not evidence.

Raley v. Ylst, 470 F. 3d 792,803 (9th Cir. 2006) with (Lawson v. Borg, 60 F. 3d 608,612 (9th Cir.1995)).

L. A. No. 28909. In Bank. Aug 31,1966.

Carl Beagle, Plaintiff and Appellate, v. Elizabeth Vasold et AL. Defendants and Respondents.

United States v. Brixt, 548 F. 3d 882,890 (9th Cir. 2008)

Murdock v. Gerth, 65 Cal.

App. 2d

170 (Cal. Ct.App.1994)

Doctor Number: Civ.14336

Citation: 65 Cal.App.2d 170

Filed July 12, 1944

Tables of Authorities page 2/3

Rule 404.

Fruit Of the Poisonous Tree Doctrine

Wong Sun v. United States, 371 U.S. 471 (1963)

Federal Rule of Evidence (FRE) 607

Rule 32. Using Depositions in Court Proceedings

Rule 43. Taking Testimony

Rule 403. Exclusive of Relevant Evidence on Grounds of Prejudice, Confusion, or waste of Time.

Rule 1101 Federal Rule of Evidence

Equal Access to Justice

Fed. R. Evid. 104(a)

Article IV. Relevancy and it's Limits

Tables of Authorities page 3/3

Burden of Proof

Beyond a Reasonable Doubt

EQUAL JUSTICE UNDER LAW

Table of Authorities

Constitution, Statutory , Tréaties, ect.....	Mentioned on but not limited to :
United States v. Rodriguez, 56 MJ 336.....	Statement on Writ of Certiorari p.3/7, 7/7
United States v. Clayton, 67 M.J. 283.....	Statement on Writ of Certiorari p.3/7
State v. Little, 191 N.C. App. 655 (2008).....	Statement on Writ of Certiorari p.4/7
State v. Roper, 328 N.C. 337 (1991).....	Statement on Writ of Certiorari p.4/7
PO-2014-24.....	Statement on Writ of Certiorari page 4/7
Rule on Evidence 3.08	Statement on Writ of Certiorari p.1/7, 2/7
Penal Code § 141 PC	Statement on Writ of Certiorari p.2/7, 4/7, 5/7
Penal Code § 132 PC	Statement on Writ of Certiorari p.2/7, 5/7
Rule 106	Statement on Writ of Certiorari p.2/7
Rule of Law.....	Statement on Writ of Certiorari p.3/7
Rule 403.....	Statement on Writ of Certiorari p.3/7, 5/7, 6/7
Rule 901(b)(7)	Statement on Writ of Certiorari p.3/7,4/7
Rule 801	Statement on Writ of Certiorari p.3/7,4/7
G.S. 8C-803(8).....	Statement on Writ of Certiorari p.3/7, 4/7
Rule 901(b)(7)	Statement on Writ of Certiorari p.4/7
United States, 18 U.S.C. §§ 1621 and 1623 of Title 18	Statement on Writ of Certiorari p. 5/7
Rule 901	Statement on Writ of Certiorari p.5/7, 6/7, 7/7
First Amendment U.S.Const.amend.I	Statement on Writ of Certiorari p.1/7
Fourth Amendment U.S. Const.amend.IV.....	Statement on Writ of Certiorari 1-7
Fifth Amendment U.S.Const.amend.V.....	Statement on Writ of Certiorari p.1/7, 3/7, 4/7, 5/7
Sixth Constitutional Amendment U.S. Const.amend.VI ...	Statement on Writ of Certiorari p. 1/7, 3/7, 4/7, 5/7,
Ninth Constitutional Amendment U.S.Const.amend.IX....	Statement on Writ of Certiorari p.1-7
Fourteenth Amendment U.S. Const.amend.XIV.....	Statement on Writ of Certiorari 1-7

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 A to the petition and is

reported at Eleventh Circuit Court of Appeals; 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 _____ 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 _____ 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.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 3/21/24.

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 _____. A copy of that decision appears at Appendix _____.

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

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

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

Constitutional and Statutory

Habeas Corpus, Article 1, Section 9, Constitution

Fourth Amendment U.S. Const.amend.IV

Fourteen Amendment U.S. Const.amend.XIV

Nineth Constitutional Amendment U.S.Const.amend.IX

Sixth Constitutional Amendment U.S. Const.amend.VI

Fifth Amendment U.S.Const.amend.V

First Amendment U.S.Const.amend.I

Statement on Writ of Certiorari

The case's alleged incident occurred in Alabama, in June 2018. The FBI interviews of Tierzah and Elisa Mapson were days after the alleged incident in June 2018 Orlando Florida. The indictment was signed Aug 28, 2019. The arrests were taken place in September 5, 2019 in CA for Tierzah and Elisa and Oklahoma for Charis Mapson. All three of them are quick referenced as the Mapson sisters. Mr. Thornton is Tierzah's ex-boyfriend. The trial was heard in Alabama July 2021, after a mistrial in 2021. The Eleventh Circuit Court's decision was in 2024.

Regarding the statements in the Government's claims in The Eleventh Circuit Court Opinion located in Appendix A. The FBI did not talk with Tierzah about the case after the June 2018 "interview". None of the Mapson sisters went on the stand in the Alabama trial, Tierzah did not send any statement of which the government claims in it's opinion for the Eleven Circuit Court, so the government's opinion of what Tierzah believing, stating, conceives regarding evidence and the Mapson sisters is bias, fraud and slander. Tierzah never stated nor agreed there was actual evidence against her sisters regarding the incident; nor did Tierzah ever agree the supposable evidence from the government shows any intent on her sisters, nor enough for a conviction for any of the Mapson sisters. Nor did Tierzah ever state that she did not want visitation to occur. If what the government claims is from the attorney's arguments and the government's own theories, then the government's claims are against the Rules of Evidence, the Order of Law, along with the government's claim being slander and fraud. Rule of Evidence clearly states that what the attorneys state in their arguments and statements is not to be considered as evidence. Rule 3.08. It is questioned by Tierzah if the jury and judges also got confused based on the statements and arguments from the prosecutor and the attorneys. This is grounds for a retrial or an acquittal.

The Sixth Amendment provides that in all criminal prosecutions, the accused shall enjoy the right to be confronted with witnesses against him; this right applies to testimonial statements made out of court because the declarant is a witness within the meaning of the Sixth Amendment, and thus the accused must be afforded the right to cross-examine that witness -

[https://www.armfor.uscourts.gov/digest/IB3.htm#:~:text=Clayton%2C%2067%20M.J.%20283%20\(the,Sixth%20Amendment%2C%20and%20thus%20the](https://www.armfor.uscourts.gov/digest/IB3.htm#:~:text=Clayton%2C%2067%20M.J.%20283%20(the,Sixth%20Amendment%2C%20and%20thus%20the)

Rule 3.08 What Is Not Evidence defined by a government website : "Certain things are not evidence. I will list them for you:(1) Arguments and statements by lawyers are not evidence. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them from the evidence differ from the way the lawyers have stated them, your memory of them controls.(2) Questions and objections by lawyers are not evidence. Lawyers have a duty to their clients to object when they believe a question is improper under the rules of evidence. You should not be influenced by the objection or by my ruling on it.(3) Anything that I have excluded from evidence or ordered stricken and instructed you to disregard is not evidence. You must not consider such items.(4) Anything you may have seen or heard when the court was not in session is not evidence. You are to decide the case solely on the evidence received at trial.(5) The indictment is not evidence. This case, like most criminal cases, began with an indictment. You will have that indictment before you in the course of your deliberations in the jury room. That indictment was returned by a grand jury, which heard only the government's side of the case. I caution you, as I have before, that the fact that [defendant] has had an indictment filed against [him/her] is no evidence whatsoever of [his/her] guilt. The indictment is simply an accusation. It is the means by which the allegations and charges of the government are brought before this court. The indictment proves nothing." -

<https://www.mad.uscourts.gov/resources/pattern2003/html/patt74bp.htm>

Penal Code § 141 PC makes it a crime to plant or tamper with evidence in order to get someone to be charged with a crime, or to cause deception at a legal proceeding.

Penal Code § 132 PC makes it a felony offense knowingly to offer false documents into evidence in a legal proceeding, trial, inquiry or investigation.

The Eleventh Circuit court of appeals, the governments statement that Tierzah stated Mr. Thornton as not the father of her child is out of context and gives a misleading character display of the defendant. As well does not give the defendant able to cross examine the one stating the out of context statement and the lack of proving the information on why it was stated.

Federal Rule of Evidence 106 states that if a party presents a recorded statement or writing, an opposing party can request that any other relevant parts be introduced at the same time.

Rather Mr. Thornton is or is not the biological father of Tierzah Mapson's daughter, has nothing to cause the incident and was not made as a relation for it either by the Mapson sisters. The government's use of unrelated, out of context, misrepresentation of statements should not be used in decision making of convictions and is defamation against character.

United States v. Rodriguez, 56 MJ 336 (the rule of completeness, which has its roots in common law principles of evidence, has two purposes: (1) to ensure that the court not be misled because portions of a statement are taken out of context, and (2) to avoid the danger that an out-of-context statement may create such prejudice that it is impossible to repair by a subsequent presentation of additional material).

As sited from: <https://www.armfor.uscourts.gov/newcaaf/digest/IIIC31.htm>

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons "The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence."

The FBI statement reports of "interviewing" the Mapson sisters Tierzah and Elisa being read to the jury as if it's the testimony of the Mapson sisters and the government use of it against the Mapson sisters both in Alabama trial and in the Eleventh Circuit Court of Appeals went against the Sixth Constitutional Amendment as stated in : United States v. Clayton, 67 M.J. 283 (the Sixth Amendment provides that in all criminal prosecutions, the accused shall enjoy the right to be confronted with witnesses against him; this right applies to testimonial statements made out of court because the declarant is a witness within the meaning of the Sixth Amendment, and thus the accused must be afforded the right to cross-examine that witness). -

[https://www.armfor.uscourts.gov/digest/IB3.htm#:~:text=Clayton%2C%2067%20M.J.%20283%20\(the,Sixth%20Amendment%2C%20and%20thus%20the](https://www.armfor.uscourts.gov/digest/IB3.htm#:~:text=Clayton%2C%2067%20M.J.%20283%20(the,Sixth%20Amendment%2C%20and%20thus%20the)

In addition, the statement reports on Tierzah and Elisa made by the FBI in June 2018, are in hearsay; the reports were made days after "interviewing" with the FBI agents not having any notes, recordings or ect during the time of the "interviews". To use the FBI agent's statement reports that were made days after with no solid evidence to help in making those statement reports but the accusation theory to which they are to make statement reports on is untrustworthy to be used and is in hearsay. Rule 901, Rule 801, Rule 803, and is in Rule 403.

"Rule 901(b)(7) sets forth the rules governing the authentication of public records or reports. Public records or reports may be authenticated by "evidence that a writing authorized by law to be recorded or filed and in fact recorded or filed in a public office...is from the public office where items of this nature are kept." G.S. 8C-901(b)(7). The rule further applies to any "purported public record, report, statement, or data compilation, in any form." Id."

Rule 801. hearsay as defined by cornell law school article " (c) Hearsay. "Hearsay" means a statement that: (1) the declarant does not make while testifying at the current trial or hearing; and (2) a party offers in evidence to prove the truth of the matter asserted in the statement." ect.. - https://www.law.cornell.edu/rules/fre/rule_801

"Documents, writings or data compilations that would otherwise be admissible as public records under Rule 803(8) are not admissible if "the sources of information or other circumstances indicate lack of trustworthiness." G.S. 8C-803(8). This restriction on admissibility is comparable in purpose and application to the trustworthiness requirement discussed in the preceding Evidence entry on Business Records [Rule 803(6)]. The trustworthiness provision "applies to all three parts of the exception." G.S. 8C-803(8), Official Commentary. "[G]uarantees of trustworthiness are based on a consideration of the totality of the circumstances but only those that surround the making of the statement and that render the declarant particularly worthy of belief." State v. Little, 191 N.C. App. 655 (2008) (excluding, on lack of trustworthiness grounds under Rule 803(8), witness statement taken by SBI agent several hours after the shooting while witness was sitting inside agent's vehicle), quoting State v. Roper, 328 N.C. 337 (1991)."

The government's arguments stating false information, out of context information, to the jury in Alabama and to the Eleventh Circuit Court, and the government stating that basically without a doubt doesn't exist to the jury was undue weight and undue influence for the convictions. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9198394/>

The protective order against Mr. Thornton was filed in December 2013 and heard in January 2014. It contained about Mr. Thornton's marine friend offering a clean up crew to deal with Tierzah and her family after Mr. Thornton found out where Tierzah lived, as well statements of the abuse Mr. Thornton did towards Tierzah. The Oklahoma Protective order case number PO-2014-24 Tierzah filed against Mr. Thornton never accused Mr. Thornton of child molestation. In the Alabama trial 2021 the jury and the Eleventh Circuit court were told false information regarding this legal document.

Which is slander, fraud, defamation as well gave a false interpretation of evidence, facts, and in violation of Penal Code § 132 PC and 18 U.S.C. §§ 1621 and 1623 of Title 18, Rule 901, Penal Code § 141 PC.

"In the United States, 18 U.S.C. §§ 1621 and 1623 of Title 18 of the United States Code prohibit false declarations and perjury in federal courts, including grand jury sessions. Perjury is a serious crime that involves lying under oath during legal proceedings. False statements can also be illegal, and can include deliberately providing incorrect information in situations where one is not necessarily under oath."

While there might have been photos of a white truck with license plate numbers, on the freeway. There was no identification for any vehicle belonging to any of the Mapson sisters at the location of the incident, nor was there of any phone records of the Mapson sisters being in the accused location of the incident of June 2018 in Alabama. There was seen on the video footage of multiple same vehicle type, and other vehicles all not identified. Though there's video footage of Mr. Thornton at the incident, no perpetrator was seen, or identified, nor confirmation of a perpetrator's vehicle, and not all video footage were collected and even were deleted after being viewed by the police in the area, including the security video footage which would of shown the perpetrator. There was no solid evidence that connected the Mapson's sisters with the incident of June 2018, to accuse such is against beyond a reasonable doubt.

Though the government promotes a hearsay of Charis's ex-boyfriend remembering an overheard conversation he was not involved in, regarding firearms at a totally different time, place and subject matter. There is no evidence that Charis owned the presumed weapon during the time of the incident, even though the presumed firearm is also considered a common firearm for people to own. For the prosecutor to have used that hearsay and a marine serving their country as evidence for a conviction on a different subject is hearsay and coaxing. Using a testimony of a person saying they overheard a conversation about a marine having weapon experience and training is not relatable to the case but is an added on weight from the government. Rule 403 and Hearsay.

Rule 403. Exclusion of relevant evidence on grounds of prejudice, confusion, or waste of time. Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Statement on Writ of Certiorari Page 6/7

The government has repeatedly used misleading, undue weight, undue influence and prejudged perception in its arguments which was coaxing convictions and rules of evidence including Rule 403, and Rule 901. Example is of a text of "it's just halo", that has no evidence to support the government's claims. A one text message of "it's just halo" could have been related to multiple things called "halo", and even if by the chance of related to a video game does not mean it correlates with the incident of June 2018 in Alabama.

Example regarding the text of "it's just halo", which the government uses, though the government has no evidence to support the government's claims, violation of Rule 901.

List of some other things called "halo" :

#1. Multiple songs including : Artist: Beyonce , song "Halo" in 2009, Artist: Depeche Mode , song "Halo" in 1990, Artist: Texas , song "Halo" in 1997, Artist: Soil , song "Halo" in 2002, Artist: Deep Blue Something , song "Halo" in 1996, Porcupine Tree song "Halo"

#2. "halo is a ring or light that forms around the sun or moon as the sun or moon light refracts off ice crystals present in a thin veil of cirrus clouds. The halo is usually seen as a bright, white ring although sometimes it can have color." – quote from :

https://www.weather.gov/arf/why_halos_sundogs_pillars#:~:text=A%20halo%20is%20a%20ring,sometimes%20it%20can%20have%20color

#3. Product: halo headlights

#4. Product: Halo light for videos and photographs, ect

#5. Halo brand of seaweed products

#6. Halo mentioned in the Bible

#7. Halo brand for outdoor cooking equipment products.

#8. Halo brand of healthy icecream

#9. Halo vegan fish sauce

#10. Halo pet food halopets.com

#11. Halo wholesale food company

#12. Halo brand of Raw vegan chocolate bars <https://rawhalo.com/shop/>

#13. Product Halo smart collar, for pet

#14. Product Halo bolt portable power jump starter and AC outlet

#15. Halo hair extensions#16. Halo™ is an innovative platform that delivers high-quality gene editing tools to seamlessly support your research needs from RUO to GMP reagents. <https://www.synthego.com/platforms/halo>

#17. Halo precision diagnostics which Offers Early Detection & Screening Kits for Prostate & Breast Health. <https://www.halodx.com/genetic-kits/>

Statement on Writ of Certiorari Page 7/7

With obviously other not listed here companies, products, services, ect.. with the word "halo". As well, the possibility of spellcheck error, since voice text and even when typing a text message auto correct happens with text messages still.

Rule 901 "IN GENERAL. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is." -

<https://uscode.house.gov/view.xhtml?path=/prelim@title28/title28a/node230/article9&edition=prelim>

With the fact that for the case's evidence not all the video footages at the location of the incident in June 2018 were collected including the one video footage that would of shown the perpetrator at the location. Along with, the bullet from the another incident that happened at the same location was mix in with the bullet fragments that the government accused for this case which both was held together in a ziplock bag that noone even knew existed until brought to attention in the mistrial in 2021. Along with evidence not properly collected and stored, actual evidence that was critically important to the case was not collected and even erased; there is reasonable doubt.

The governments use of listing "evidence" against the Mapson sisters included the ballistic expert is out of context and misleading, the ballistic expert stated on the stand in Alabama trial that in his expert opinion after viewing the indictment, footages, ect in addition to the ballistic expert's experience of working over a thousand cases is that the accusations accusing the Mapson sisters of the June 2018 incident is false.

United States v. Rodriguez, 56 MJ 336 (the rule of completeness, which has its roots in common law principles of evidence, has two purposes: (1) to ensure that the court not be misled because portions of a statement are taken out of context, and (2) to avoid the danger that an out-of-context statement may create such prejudice that it is impossible to repair by a subsequent presentation of additional material). As sited from:

<https://www.armfor.uscourts.gov/newcaaf/digest/IIIC31.htm>

Reasons to Grant Writ of Certiorari Page 1/3

"As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution." Quote from:

<https://www.supremecourt.gov/about/about.aspx>

In the Appeal the prosecutor use of what an attorney said as evidence is against rules of evidence, procedures and order of law, for it is considered not evidence, rule 3.7 FEDERAL RULES OF EVIDENCE and deprives a defendant of the rights to confrontation, cross-examination, and assistance of counsel embodied in the Sixth Amendment." Raley v. Ylst, 470 F.3d 792, 803 (9th Cir. 2006) (citing Lawson v. Borg, 60 F.3d 608, 612 (9th Cir. 1995))

What the FBI said on the stand about statement of testimony is invalid of evidence because it would go against the 6th constitutional amendment cause the defense is unable to cross examine for his testimony stated of hearsay, as well the FBI did not make their reports until days after questioning without having notes or recordings or anything physical to go by in stating what they put in report. The FBI testimony went against Rule 403 and was of defamation on the Defense. RULE 403. EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION, OR WASTE OF TIME

"Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."

"A jury's exposure to extrinsic evidence deprives a defendant of the rights to confrontation, cross-examination, and assistance of counsel embodied in the Sixth Amendment." Raley v. Ylst, 470 F.3d 792, 803 (9th Cir. 2006) (citing Lawson v. Borg, 60 F.3d 608, 612 (9th Cir. 1995))

15:442 (1950) ARTICLE IV. RELEVANCY AND ITS LIMITS

Federal Rules of Evidence, which apply to all civil and criminal federal court proceedings, govern whether evidence is inadmissible. Fed. R. Evid. 1101(b). If the evidence does not meet standards of relevance, the privilege or public policy exists, the qualification of witnesses or the authentication of evidence is at issue, or the evidence is unlawfully gathered, then it is inadmissible. Fed. R. Evid. 104(a).

Reasons to Grant Writ of Certiorari Page 3

Contradictory evidence, proving unreliable statement of FBI report. The statement from the FBI agent, if what the agent stated regarding Elisa Mapson was true, the defense would have been arrested in June 2018; but were never arrested till over a year later on Sept 5, 2019. Which shows evidence against what the FBI agent stated in his report made in late June 2018 that he made days after the date he questioned the defense Elisa Mapson, having no notes or recordings for making his statement report.

FBI handled the evidence that belonged to the defense in June 2018 days after the incident and days before agents report statements regarding the defense, as well, before FBI agents/task force had a search and seize warrant. Defendants were not under arrest till over a year later in September 2019. There was no reason for agents to handle the evidence before authorization and before anyone from the evidence department arrived. No immediate danger was presented for it either. Is against the Fourth Amendment of the U.S Constitution and is of Fruit of the Poisonous Tree Doctrine.

The prosecutor's use of claiming a white truck as a defendant's without any identifiable evidence of the defendant's vehicle being at the incident's location to prove is habeas corpus. There were plenty of other white trucks in the area, all non identified. One of the most common vehicle type of that area is a white truck. There is no location on phone records or camera footages or license plate readers of that location area in connection to any of our belongings. People traveling doesn't mean they're at the location another person accuses. Nor was there any view of any of the drivers in the multiple white trucks. There was no footage of the perpetrator shown whatsoever, while there is footage of Mr. Thornton looking back beforehand and during the incident in the exact same manner. There was another camera footage that was deliberately not gathered by evidence which would have shown the presumed shooter location.

Prejudice and habeas corpus. The statement and implications that a defendant has been in the military and has shot a gun in military training and legalized target practice in a completely non-illegal way, is not a legal stance to accuse someone of a crime, and again is prejudice and habeas corpus. Discrimination against military personnel and other citizens. There was no weapon associated with the incident found in our possession, around or affiliated with us.

The prosecutor listing in the Eleventh Circuit Appeal a list as evidence does not equal to justify a conviction. The prosecutor had listed evidence against us: that was proven in court to have been from a different incident that did not involve anyone in the case but of a prior shooting accident at the location collected and mixed into our evidence. Cross contaminated evidence and a misrepresentation of facts.

Reasons to Grant Writ of Certiorari Page 3/3

The ballistic expert opinion of the case was the defense had nothing to do with what occurred and that in his expert opinion the accusations are false, so the prosecutor listing the ballistic expert as evidence against us in his argument in the appeal is contradictory from the experts findings, which caused a misleading and representation to the court of appeals.

In the Appeal, the prosecutor also listing a charge that the jury said not guilty to as if it was approved is a misrepresentation of fact to the appeal court and against justice. All of the defense was found not guilty of attempted murder by the jury.

They mixed evidence from a different incident with the evidence of our case. And still quote it in as evidence in the appeal argument even after finding out that it is not in trial.

Fruit of the Poisonous Tree was both used in the Northern District Federal Court and even more so used in the Eleventh Circuit Appeal Court.

The prosecutor failed to meet the burden of proof and Beyond Reasonable Doubt. There was no evidence that proved any of the defense at the location or in the involvement of the incident. Assumptions are not filling reason beyond a doubt.

The prosecutor's evidence is of biased oral testimonies and interpretations with numerous errors. For example: Mr. Thornton claimed I tried put a protective order against him in January 2014 for child molestation but it had nothing related to that, and it gives a false interpretation of history, character, motive, and facts.

The 9th Constitution and the right to remain silent, the right to be considered innocent until proven guilty; I have the right to not speak, and the government, the jury, and so forth are not suppose to assume a wrong just because of silence nor are they to put false or misleading statements as if they received a testimony which they in fact did not. They're not to try speak negative just out of assumptions, but to truly seek without a doubt and burden of proof. Discrimination of assumed guilty.

Federal Rules of Evidence, which apply to all civil and criminal federal court proceedings, govern whether evidence is inadmissible. Fed. R. Evid. 1101(b). If the evidence does not meet standards of relevance, the privilege or public policy exists, the qualification of witnesses or the authentication of evidence is at issue, or the evidence is unlawfully gathered, then it is inadmissible. Fed. R. Evid. 104(a).

Conclusion

The Petition for a Writ of Certiorari should be granted.

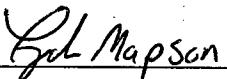
If not granted, then where does Justice reside? If the U.S Constitutional Amendments and Rules of Evidence are being broken and ignored in our Justice system then there is no Justice system.

The Court of Appeals did not even get the jury's verdict accurate.

Granting the Writ of Certiorari will resonate personal freedom.

Respectfully Submitted,

Name printed : Tierzah Mapson

Signature: 

Date : 6/17/24

**See Attached
for
Notarization**

CALIFORNIA JURAT WITH AFFIANT STATEMENT**GOVERNMENT CODE § 8202**

See Attached Document (Notary to cross out lines 1-6 below)
 See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

1

2

3

4

5

6

*Signature of Document Signer No. 1**Signature of Document Signer No. 2 (if any)*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Contra Costa

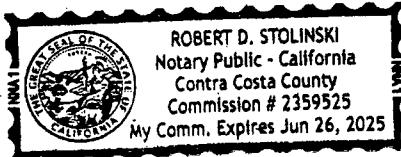
Subscribed and sworn to (or affirmed) before me

on this 17 day of June, 2024,
by _____ Date _____ Month _____ Year(1) Tierzah Mapson(and (2) _____),
Name(s) of Signer(s)proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature

Robert D. Stolinski

Signature of Notary Public



Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Affidavit Affirmation Oath Declaration Regarding Petition for Writ of Certiorari

I Tierzah Mapson solidly affirm that the information within the document is true and correct to the best of my understanding and knowledge.

Name Printed : Tierzah Mapson

Signature : Tierzah Mapson

See Attached
for
Notarization