No. 24-5508

ORIGINAL

FILED
AUG 06 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

..... ♦ .....

JASON DOMINICK,
Petitioner,
vs.

SUPERINTENDENT FAYETTE SCI *et al*
Respondent(s)

..... ♦ .....

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

..... ♦ .....

Jason Dominick
LR-1159
SCI Fayette
50 Overlook Drive
La Belle, PA 15450

Question(s) Presented

1. If Velma and the rest of the Scooby Doo Mystery Inc. Gang would expose junk science presented to the jury in order to preserve the reliability and credibility of forensic science in court rooms; and would determine trial counsel to be ineffective for failing to do the same; then did the lower courts employ an erroneous standard for determining prejudice under *Strickland v. Washington*, 466 U.S. 668, 690-691 (U.S. 1984) when they determined that Dominick's blood pattern expert used for rebuttal *must exonerate* Dominick to a mathematical degree of certainty in order to demonstrate that Dominick's defense was impaired by trial counsel's failure to present a blood pattern expert who on appeal testified that the Commonwealth's blood pattern evidence was neither forensically accurate, nor reliable.

List of Parties

1. Superintendent of the State Correctional Facility at Fayette.
2. Attorney General of Pennsylvania.

Table of Contents

Index to Appendices

- **Appendix A:** Dominick v. Superintendent, M.D. Pa. No. 1-21-cv-00555, U.S.D.J. for the Middle District of PA, (October 11, 2023).
- **Appendix B**: Dominick v. Superintendent, No. C.A. No. 23-3003, Third Circuit, (April 1, 2024) Bibas, Matey, and Chung.
- **Appendix: C**: Dominick v. Superintendent, No. C.A. No. 23-3003 [Denial of Reconsideration], (May 10, 2024).

Table of Authorities Cited

Cases **Page Numbers**

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

- **Appendix A:** Dominick v. Superintendent, M.D. Pa. No. 1-21-cv-00555, U.S.D.J. for the Middle District of PA, (October 11, 2023).
- **Appendix B**: Dominick v. Superintendent, No. C.A. No. 23-3003, Third Circuit, (April 1, 2024) Bibas, Matey, and Chung.
- **Appendix: C**: Dominick v. Superintendent, No. C.A. No. 23-3003 [Denial of Reconsideration], (May 10, 2024).

JURISDICTION

The date on which the United States Court of Appeals denied rehearing was May 10, 2024. Appears at **Appendix C.**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Constitutional and Statutory Provisions Involved

CONCISE STATEMENT

The lower courts altered what was required under *Strickland v. Washington*, 466 U.S. 668, 690-691 (U.S. 1984) in order to determine prejudice when they opined that Dominick's blood stain expert must "state with certainty" that Dominick was not the shooter in order for Dominick to demonstrate prejudice, opposed to whether Dominick's blood stain expert's testimony indicating that the Commonwealth was using junk science to compel a conviction would have established "that there is a reasonable probability that..... the result of the proceeding would have been different." *Strickland.*

The "state with certainty" standard is contrary to this Honorable Court's previous holding. The lower court engineered their own version of the prejudice requirment that is established in *Strickland.* They essentially rule that trial counsel's failure to call a rebuttal expert can only be prejudicial if that rebuttal expert could "state with certainty" that the defendant is exonerated by physical

evidence, thereby effectively excluding the possibility that testimony exposing the Commonwealth's reliance on junk science could ever rise to the level of prejudice.

This Honorable Court should grant this petition for writ of certiorari in order to prevent the "state with certainty" standard engineered by lower courts from taking root, which would undermine the constitutional protections established in *Strickland v. Washington*, 466 U.S. 668, 690-691 (U.S. 1984) for all habeas petitioners seeking to establish prejudice.

Statement of the Case

On July 27, 2013, Scranton police officers discovered a Jeep Liberty at the bottom of a ravine near Roaring Brook Step Falls, approximately .72 miles east of the University of Scranton tennis courts. Tire marks at the top of the embankment were consistent with high acceleration, indicating that the Jeep had been forced over the embankment at a high rate of speed. A deceased male, later identified as Frank Bonacci, was found with a single gunshot wound to the head. A large rock was wedged on the Jeep's gas pedal.

Subsequent investigation revealed that Bonacci had once been a rival of Jason Dominick for the affections of Keri Tucker, but Dominick testified (and circumstantial evidence confirmed) that the situation between Bonacci and Dominick had cooled in the months prior to Bonacci's death.

On July 19, 2013, beginning at 3:00 p.m., Dominick's good friend, Neil Pal, hosted a party at which

Dominick drank alcohol. Bonacci arrived at the party at approximately 2:30 a.m. By 6:00 a.m. Dominick, Pal, Bonacci, and Brandon Emily were on the rear deck of Pal's house. Emily was waiting for his roommate to pick him up when Pal said that he and Dominick were going to take Bonacci home in Bonacci's Jeep. At 6:50 a.m., Emily saw Dominick, Bonacci, and Pal leave the deck and walk toward the alley where the Jeep was parked. Pal was in the driver's seat, Bonacci was in the front passenger seat, and Dominick was in the rear passenger seat behind Bonacci.

Emily heard the Jeep start and travel down the alley to Linden Street. At 6:51 a.m., a University of Scranton surveillance camera filmed Bonacci's vehicle as it crossed nearby railroad tracks and approached the access road for Step Falls.

At 7:18 a.m., Pal called his friend Maribeth Castaldi and asked her to pick him and Dominick up on the berm of Route 81 South in the vicinity of Step Falls.

Dominick and Pal were interviewed by police on July 23, 2013. Afterwards, Dominick attended a rally to initiate a search for Bonacci that his family and friends organized. Pal took part in a number of searches, diverted the searchers when necessary, and even attended Bonacci's funeral.

Police later determined that the bullet that killed Bonacci was fired from a .38 or .357 owned by Pal. At trial, a jailhouse informant testified in exchange for leniency that Dominick admitted guilt to him while they were housed together in the Monroe County Prison.

On May 10, 2014, a jury acquitted Dominick of first degree murder and conspiracy to commit first degree murder. However, they convicted him for third degree murder and conspiracy to commit third degree murder.

Procedural History:

On May 10, 2014 Dominick was convicted of third degree murder and conspiracy to commit third degree

murder. He was sentenced to forty (40) to eighty (80) years on August 1, 2014.

Dominick filed post sentence motions that were denied on December 5, 2014.

Dominick appealed to the Superior Court and was denied on January 5, 2016.

Dominick filed a Petition for Allowance of Appeal to the Supreme Court and was denied allocatur on June 29, 2016. (Justice Wecht noted his dissent).

On May 31, 2017 Dominick filed a *pro se* petition under Pennsylvania's Post-Conviction Relief Act, 42 Pa. C.S. § 9541 et seq. ("PCRA"), alleging multiple ineffective assistance of counsel claims. Counsel was appointed and he amended Dominick's PCRA petition.

On June 7, 2019, the PCRA Court dismissed the PCRA petition.

Petitioner appealed to the Superior Court and was denied on August 27, 2020.

Petitioner filed a timely Notice for Allowance of

Appeal and was denied allocatur on February 17, 2021,

On March 26, 2021, Dominick filed a federal habeas corpus petition, raising multiple allegations he believed would entitle him to relief. On October 11, 2023, the Honorable Judge Conner denied Dominick's writ of habeas corpus. Then, Dominick filed a timely Notice of Appeal accompanied by an application for Certificate of Appealability to the Third Circuit Court of Appeals.

On April 1, 2024, the Third Circuit denied COA. Dominick filed an application for Reargument/Rehearing with the Third Circuit, which was denied on May 10, 2024.

Argument:

1. If Velma and the rest of the Scooby Doo Mystery Inc. Gang would expose junk science presented to the jury in order to preserve the reliability and credibility of forensic science in court rooms; and would determine trial counsel to be ineffective for failing to do the same; then did the lower courts employ an erroneous standard for determining prejudice under *Strickland v. Washington*, 466 U.S. 668, 690-691 (U.S. 1984) when they determined that Dominick's blood pattern expert used for rebuttal *must exonerate* Dominick to a mathematical degree of certainty in order to demonstrate that Dominick's defense was impaired by trial counsel's failure to present a blood pattern expert who on appeal testified that the Commonwealth's blood pattern evidence was neither forensically accurate, nor reliable.

Intro

Velma and the rest of the Scooby Doo Mystery Inc. Gang were dedicated to investigating strange and unusual cases. Often at first look the cases would put forward a particular and obvious offender, but the gang would dig deeper by *accurately investigating the available science.* They would not settle for forensic evidence that was being mischaracterized, instead they would gather information, test hypotheses, and independently confirm their results.

The Gang was considered "meddling" because they were thorough and meticulous when it came to forensics.

If Velma heard from Detectives that the blood evidence left inside a vehicle was able to be used to determine the position of a victim's body at the time he was shot, which would then determine a trajectory of the bullet within the vehicle, which would then determine who the shooter was, she would want to conduct forensic testing to affirm that conclusion. In Dominick's case, forensic testing of the Commonwealth's "mere suppositions" was never conducted.

If Velma was at Dominick's trial as a juror and did not hear any testimony that refuted or rebutted the Commonwealth's representation of the blood evidence, would she not relinquish any reasonable doubt regarding what the Commonwealth was portraying as forensic certainty?

If Velma then heard later that on appeal Dominick obtained a blood pattern expert named Stuart James who

has over forty years of experience and said that the Commonwealth's representation of the blood evidence is unreliable, unscientific, and downright false, would she not be stunned and dismayed that Dominick's attorney did not present Stuart James during trial?

If even Velma and the Scooby Doo Mystery Inc. Gang would have deemed Stuart James' rebuttal necessary for their deliberations, then Dominick's trial counsel should have deemed it necessary to provide this crucial rebuttal witness.

The lower courts disagree, and they claimed that Dominick could only establish prejudice if Stuart James could "state with certainty" that the blood evidence fully exonerated Dominick, and that rebuttal of the Commonwealth's scientific methodology was not enough.

The United States cannot be a country where a cartoon detective has greater scruples regarding false science than the actual justice system. But in Dominick's situation, that is the case.

Erroneous Standard in the Lower Courts

In his application for COA, Dominick's second claim stressed that he was denied effective assistance of counsel when his trial counsel failed to retain a blood pattern expert in order to combat the Commonwealth's core case which used blood "evidence" to implicate Dominick specifically as the shooter.

In their opinion, the Third Circuit chose to comment only on Dominick's second claim regarding the failure to retain a blood pattern expert. By adopting the District Court's opinion they stated,

> Reasonable jurists would agree, without debate, that Appellant failed to establish that he was prejudiced by the fact that his trial counsel did not retain and present a blood stain expert. See Strickland v. Washington, 466 U.S. 668, 687-88, 694 (1984). Furthermore, for substantially the reasons provided by the District Court, reasonable jurists would not debate the District Courts denial of the other claims on which Appellant seeks a COA.

(See Appendix B).

The Third Circuit court distinguished Dominick's

second claim from the rest, and stated that Dominick's claim had failed to meet the prejudice prong of *Strickland.* By clearly reaching the prejudice prong, the lower courts confirm that Dominick met the performance prong.

Regarding the claim of counsel's failure to call an expert witness the District Court stated,

> The superior court denied this claim on the merits, finding that Dominick had not established prejudice from counsel's failure to call an expert witness. Dominick, 2020 WL 5057034, at *8. The court noted that the expert witness was unable to *state with certainty* during the PCRA evidentiary hearing that Dominick was not the shooter.

(See Appendix A – at 12)[emphasis added].

The lower courts have raised the bar to establish prejudice to too high. They required of Dominick's expert to come to a mathematical degree of certainty that Dominick was not the shooter in order to establish prejudice under *Strickland.*

Actual Standard

In order to establish prejudice, a defendant must

show "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland.*

A "reasonable probability" is low hanging fruit compared to the "state with certainty" standard that the lower courts held Dominick up against.

Instead of altering *Strickland's* standard of prejudice, the lower courts should have considered what the jury would have done with the information that Dominick's expert brought to the table, and whether there was a reasonable probability that had Blood Pattern Expert Stuart James' testimony been presented the result of the proceeding would have been different.

Dominick's Expert

For example, would the jury have wanted to hear James' determination that the scientific methodology used by the Commonwealth to manufacture their theory was improper? NT 11/1/18, 36. That he called the Commonwealth's expert's conclusions "non-scientific,"

especially the conclusion about how the victim was sitting and the position his head was in when he was shot? NT 11/1/18, 37-38. That James labeled the Commonwealth's experts' conclusions mere "suppositions" because they never confirmed their findings through experimentation, a necessary element in any scientific approach to problem solving? NT 11/1/18, 28. That based on the evidence it is possible that Mr. Bonacci did not have his back leaning against the seat when the shot was fired and, as Dominick testified, Bonacci could have gone immediately to his left after being shot? NT 11/1/18, 30. That no bloodstain pattern evidence contradicted the defense theory regarding the positioning of the head and body of the victim in the seat? That the bloodstain pattern evidence did, however, raise doubts about the Commonwealth's theory? NT 11/1/18, 39. That bloodstain pattern evidence did not conflict in any way with Dominick's testimony that Neil Pal was the shooter? NT 11/1/18, 30, 39. That Det. Fueshko's use of invalid terminology "goes against the

values of SWGSTAIN and blood stain pattern analysis period." NT 11/1/18, 38. And Det. Fueshko's testimony claiming that the "shot has to come from the back. It has to[,]" James testified, "That is totally a non scientific conclusion." NT 11/1/18, 38.

The jury heard none of this.

Purpose of Rebuttal Experts

Dominick's expert dismantled the Commonwealth's core evidence and significantly weakened the Commonwealth's theory that Dominick was the shooter. James' thorough rebuttal demonstrated that Dominick was convicted of murder and sentenced to 40-80 years of incarceration based off of uncontested junk science.

The lower courts' ruling requiring the rebuttal expert to exonerate Dominick in order to establish prejudice undercuts the purpose of a rebuttal expert in its entirety, and would force litigating parties to retain rebuttal experts only if they could state with absolute certainty that a defendant is exonerated by rebuttal

testimony – forcing them to forego the valuable and necessary expert witnesses that lay bare the invalidity of opposing expert testimony.

Isn't the important and significant role of rebuttal experts during trial proceedings to, in fact, rebut? Can't rebuttal evidence be crucial and effective enough to cause reasonable doubt in the mind of a juror *without* coming to the "state with certainty" standard the lower courts held Dominick to? Rebuttal is defined as an "In-court contradiction of an adverse party's evidence." (Black's Law Dictionary 4th Pocket Edition). Also, "The proper function and purpose of rebuttal testimony is to explain, repel, counteract, or disprove the evidence of the adverse party." *U.S. v. Mallis*, 467 F.2d 567, (3d Cir. 1972).

Dominick's expert could not have rebutted the Commonwealth's junk science any more effectively. James unequivocally demonstrated that the Commonwealth had tricked the jury into believing that science was on their side. The problem is that Dominick's

jury will never know that the Commonwealth's science was more fictional than Scooby Doo.

The Commonwealth's Experts

What the jury heard was determined by James to be testimony that could be fatal to the reliability and credibility of using forensic science in court rooms.

What could be more prejudicial than not having an expert at trial to dispute the following comments that James in fact disproved?

Det. Fueshko made inaccurate and prejudicial statements like: **(1)** "I determined that the body was seated in the front passenger seat leaned back against the seat slightly canted to the left inward of the car, if you would, towards the driver. We came to that conclusion because with our blood pattern analysis, we came to the point of origin." (NT 5/5/14, 174); **(2)** "...[the trajectory of the fatal shot] has to come from the back – it has to." (NT 5/5/14, 177); **(3)** "The evidence matches – the bloodstain evidence matches a position slightly to the left with his

arm on the center console." (NT 5/5/14, 216-217); and **(4)** "It's the conclusion I came up with the evidence I have in front of me." (NT 5/5/14, 174).

Dr. Ross made inaccurate and prejudicial statements like: **(1)** "So in terms of blood flow patterns in the context of this case with a gunshot the flow patterns would be immediate, and those flow patterns tell you the origin of the blood and where the particular body was positioned in this case where the neck and [head] were positioned at the time of the shot." (NT 5/7/14, 232); **(2)** "I can see the flow patterns here. I can see where the blood is dropping. It has to be there. Now, so that's why I put the position – that's why I put the head there and I can state that to a reasonable degree of medical certainty." (NT 5/7/14, 245); **(3)** "Well, it's my opinion that the shot was fired from the back seat passenger area, and my opinion is based upon the science of the blood stain evidence." (NT 5/7/14, 257); **(4)** "The blood stain evidence is consistent with only one reasonable possibility and that is his head and neck

complex has to be in this area. It has to. It has to be there. And the science cannot be denied." (NT 5/7/14, 258); and **(5)** "Yes. That is my opinion based upon the science of the blood stain as well as the gunshot wound path. It has to come from behind." (NT 5/7/14, 271).

ADA Talerico cited the inaccurate and prejudicial bloodstain "science" during his summation: **(1)** "[Dr. Gary Ross'] conclusion is the shot came from behind the victim. It's unchallenged. It was unchallenged. The shot came from behind the victim." (NT 5/8/14, 48); (2) "[Detective Fueshko's] conclusion based on the blood evidence and the angle of the shot the rear passenger has to be the person who fired the gun." (NT 5/8/14, 51); **(3)** "Mr. Kapelsohn testified [for the defense], he is not a bloodstain expert, he is not a pathologist, he is a firearms person." (NT 5/8/14, 52); **(4)** "[Dr. Wayne Ross'] conclusion is it's fired from the rear passenger area and that the blood stain evidence indicates an angle of incident or a point of origin." (NT 5/8/14, 56); and **(5)** "Look at the

blood flow. All of the blood is concentrated in one place, we just have to follow the science." (NT 5/8/14, 63).

It is not an exaggeration to say that there are multiple days of this kind of testimony that appear in the trial record.

During Dominick's trial the jury was clearly brainwashed with the idea that the blood evidence was on the Commonwealth's side and completely condemned Dominick. While James might not "state with certainty" that the evidence exonerates Dominick, James does state with certainty that every single comment listed above was unscientific, unsupported, and most critical – the Commonwealth should not for the sake of forensic credibility have used this unreliable testimony in a courtroom.

Previous Holdings

In *Hinton v. Alabama*, 571 US 263, (US 2014), this Court held,

> Prosecution experts, of course, can sometimes make mistakes. Indeed, we have recognized the threat to fair

> criminal trials posed by the potential for incompetent or fraudulent prosecution forensic experts, noting that "[s]erious deficiencies have been found in the forensic evidence used in criminal trials... 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." Melendez-Diaz v. Massachusetts, 557 U.S. 305, 129 S. Ct. 2527, 174 L.ed 2d 314 (2009)(citing Garet & Neufeld, Invalid Forensic Science Testimony and Wrongful Convictions, 95 Va. L. Rev. 1, 14 (2009)). This threat is minimized when the defense retains a competent expert to counter the testimony of the prosecution's expert witnesses; it is maximized when the defense instead fails to understand the resources available to it by law.

Furthermore, the erroneous standard Dominick was held against is inconsistent with previous holdings in the lower courts. In *Showers v. Beard*, 586 F.Supp.2d 310 (M.D.Pa. 2008) Mrs. Showers was charged with her husband's death. At trial the state presented expert testimony that her husband was not a suicide risk. The lower courts overturned her conviction because prejudice

was found when her attorney failed to present rebuttal expert testimony indicating that her husband was potentially suicidal. The rebuttal would have been enough to cause reasonable doubt. Showers' rebuttal expert testimony did not outright exonerate her. But *Showers* did demonstrate that a rebuttal only requires the refutation of a theory, it does not mandate the proof beyond a reasonable doubt of another. In other words, James' ability to prove the Commonwealth wrong was enough to make him crucial; he did not need to go the extra mile of proving Dominick right to boot. While he could not opine to a reasonable degree of scientific certainty that Neil Pal shot Bonacci from the driver's seat, Stuart James did testify that Dominick's story was believable and fit with the available blood stain pattern evidence. See NT 11/1/18, 29-30.

Also, the lower courts ignored current Pennsylvania holdings that establish the purpose of a rebuttal expert. In *Commonwealth v. Clino*, 277 A.3d 1153, (PA 2022), the

court states:

> Our Supreme Court has acknowledged that, to prevail on a claim of ineffectiveness for failing to call an expert witness, a PCRA petitioner must prove that: (1) an expert witness was willing and available to testify on the subject of the proposed testimony at trial; (2) counsel knew of or should have known about the witness; and (3) the defendant was prejudiced by the absence of the proposed testimony. Commonwealth v. Williams, 636 Pa. 105, 141 A.3d 440, 460 (Pa. 2016); see also Commonwealth v. Chmiel, 612 Pa. 333, 30 A.3d 1111, 1143 (Pa. 2011) ("The mere failure to obtain an expert rebuttal witness is not ineffectiveness. Appellant must demonstrate that an expert witness was available who would have **offered testimony designed to advance appellant's cause.**")

Clino, [emphasis added].

Clino, while unprecedented and an unpublished opinion in the Pennsylvania Superior Court, properly cited the purpose of a rebuttal expert witnesses in PA, which is to "advance the appellant's cause."

James' testimony advanced Dominick's cause by

not only demonstrating that the Commonwealth's reliance on blood evidence was completely unscientific, but James also asserted that the blood evidence does not in any way conflict with Dominick's testimony during trial, thereby bolstering the defense in the jury's eyes.

Conclusion

The lower courts ignored the impact James' testimony would have had on the jury regarding the Commonwealth's core evidence, they ignored how close this case was - Dominick was found not guilty of first degree murder charges, ignored that the jury came to an impasse twice during deliberations, ignored that the jury deliberated for over three entire days, and ignored the jury members' own statement after trial expressing their confusion over who the shooter was.

Instead, the lower courts determined that Dominick could only prove that he was prejudiced if, and only if, James could "state with certainty" that Dominick was not the shooter based on the blood evidence.

This is a botched application of the *Strickland* standard.

"The United States Supreme Court has noted that there are '[c]riminal cases... where the only reasonable and available defense strategy requires consultation with experts or introduction of expert evidence, whether pretrial, at trial, or both.'" *Miller v. Beard*, 214 F. Supp 3d 304, 337 (E.D. Pa. 2016) citing *Harrington v. Richter*, 131 S.Ct. at 788 (US 2011).

Petitioner has a constitutional right to effective assistance of counsel under the Sixth Amendment. He was denied this protection when trial counsel failed to retain a blood pattern expert in order to rebut the Commonwealth's junk science testimony.

To prevail on a Sixth Amendment claim alleging ineffective assistance of counsel, a defendant must show that his counsel's performance was deficient and that his counsel's deficient performance prejudice him. *Strickland v. Washington*, 466 U.S. 668, (U.S. 1984). To show

deficiency, a defendant must show that "counsel's representation fell below an objective standard of reasonableness." *Strickland.* And to establish prejudice, a defendant must show "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different."

Had the jury heard James' testimony which exposed the Commonwealth's reliance on unreliable evidence as junk science, they would not have believed the Commonwealth experts when they told the jury "the science cannot be denied." (NT 5/7/14, 258).

Reasons for Granting the Writ:

Petitioner is requesting this court to accept his case for certiorari in order to determine whether the decision made by the lower courts is contrary to, or is misapplying the holdings in *Strickland v. Washington*, 466 U.S. 668, (U.S. 1984), or is creating a botched standard by elevating the burden which requires rebuttal experts to "state with certainty" that their testimony exonerates an accused in

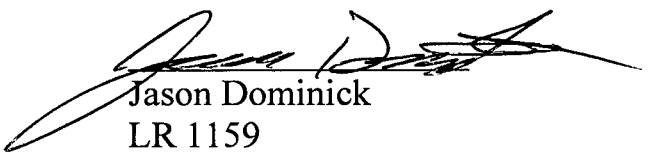
order to demonstrate prejudice under *Strickland.*

Petitioner suggests that if the lower courts are left uncorrected then the they will continue to hold habeas petitioner's to erroneous versions of *Strickland's* prejudice prong.

Conclusion

Petitioner requests that this court accept his case and grant the writ of certiorari.

Respectfully Submitted,



Jason Dominick
LR 1159
S.C.I. Fayette
50 Overlook Drive
LaBelle, PA 15450

CERTIFICATE OF COMPLIANCE

No._____

JASON DOMINICK,
Petitioner

vs.

SUPERINTENDENT FAYETTE SCI *et al*,
Respondent(s)

As required by Supreme Court Rule 33.1(h), I certify that the petition for writ of certiorari contains 4024 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 6, 2024

Jason Dominick