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Lower Case No. 19-CF-8240

ORIGINAL

FILED

DEC 18 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

RECO A. JOHNSON

— PETITIONER

(Your Name)

vs.

THE STATE OF FLORIDA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE DISTRICT OF APPEAL OF

THE STATE OF FLORIDA SECOND DISTRICT

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

PETITION FOR WRIT OF CERTIORARI

RECO A. JOHNSON

(Your Name)

Taylor Correctional Institution
8501 Hampton Spring Road

(Address)

Perry, Florida 32348

(City, State, Zip Code)

N/A

(Phone Number)

RECEIVED

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

First, question come now the alleged defendant asserts that this case implicates important question about the standards for the collection, analysis, and interpretation of DNA material-question of the non-vagina DNA.

The alleged defendant argues that FOLE (TBROC) Tampa Bay regional center, the DNA analysis, reporting a likelihood ratio generated by STRmix probabilistic genotyping software, is unreliable statistical estimate because the program's code relies upon information that is subjective and can vary to an impermissible degree depending on the individual analyst and laboratory. Furthermore, the evidence does not meet accepted standards for use of this program. The submission of these results to a jury would be unfairly prejudicial because the LR created by STRmix in this case is unreliable regarding the possibility that some of the DNA material found in the genital swabs (vagina, anogenital, and external genital) did not match or was not tested, how was it that they came up with statistical results, when Tamara Dizdarevic senior crime laboratory analyst, FOLE stated: and testified she obtained a complete Y-STR DNA profile from the alleged defendant's buccal swab. DNA test did not confirm that the alleged victim was raped. The results of this first-reported DNA dragnet did not identify alleged defendant as the rapist.

Question(s) presented

Secondly, Come now the question is how can the state rely on the alleged defendant defense statement to help them cover up elements of non-vagina DNA, aiding and assisting covering up the wrong doing and acts of the alleged victim, giving help to her need of sympathy. When the totality of circumstance was insufficient and which undermined the state evidence with the undermining events of the alleged victim trial testimony statements and statement of affidavit which was inconsistent with her out-of-court statements, along with the state expert medical examiner who testified that there was "no" redness, ripping or any scratching, the medical examiner stated: You just can not tell if she had sex or not. The first DNA test result taken came back insufficient quantity of male DNA, this is why they did a Y-STR and still could not come up with nothing.

Thirdly, Come now question, Where an out-of-court statement made by an state attorney and DNA expert excited utterance, admission of said statement was erroneous, as such violated the alleged defendant's (Sixth 6) Fifth(5) and (14th) Amend.

Question(s) presented

Seventh, The question of the alleged defendant been sleep and both the alleged victim and her mother stated it, then they both changed their story when the alleged defendant was sleeping on the couch / sofa. This undermined the law, Fla statutes 794.011 (1)(e).

Eighth, Appellant Counsel made an error into the initial brief that was not in the indictment information. See page (7) Line (9) at the end in the initial brief.

Ninth, The State put in a notice of intent to seek enhanced sentence, in which they enhanced the alleged defendant sentence to: (a) Habitual Felony offender, (1) Pursuant to the provisions of Section 775.004, Fla, Statutes: Which is very much illegal, if not done by jury; given alleged defendant the maximum sentence, in which the alleged defendant is actually innocence of the alleged charges against him.

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:

Reco A JOHNSON

v.

THE STATE OF FLORIDA

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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 _____ to the petition and is

☒ reported at Reco A. Johnson v. State, 2024 Fla. App. LEXIS 7113 ^{September 13, 2024.}; 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 _____.

☐ 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 October 16, 2024.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: October 31, 2024, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

This denied the defendant his U.S. and State Constitutional right to Fair Trial and or Due Process.

See; U.S.C.A. Const. Amend. 5, 6, 14;

Fla. Const. Art. 1 § 2, 9, 16(a)

(1), Sixth Amendment, U.S. Constitution

STATEMENT OF THE CASE

Defendant was charged by information with one count of lewd and lascivious molestation of a victim 12-15 years of age, in violation of § 800.04(5)(a)(c)2, Florida Statutes [Count 1]; and two counts of sexual battery by a person older than 18 upon a victim 12 to 18 years of age, in violation of § 794.011(5)(a), Florida Statutes. [Count 2 and 3]. (R. 45-49).

The incidents allegedly occurred on April 6, 2019.

Prior to trial, Defendant asserted his right to represent himself. (R. 200-201; R. 467-472). During pre-trial proceeding and at trial, Defendant reiterated his right to represent himself. (R. 1295; R. 1319; R. 1381; R. 1390-1391; R. 1397-1408; R. 1411; R. 1613; R. 1740-1749; R. 1908).

REASONS FOR GRANTING THE PETITION

Counsel failed to provide the full case discovery prior to trial within 10 days of trial.

Counsel provided / turned over FDLE DNA analysis that was exculpatory in nature only one day prior to trial. This deficient performance by prior Counsel prejudiced the Defendant, whom represented himself at trial by impairing and or preventing the defendant's ability to prepare and present an adequate meaningful, and full defense to the charges against him. The non-Vaginal DNA and the medical examiner, which is the State on expert testimony about the alleged victim. She could not tell if the alleged victim had sex, which the DNA was not there to convict the alleged defendant of the alleged charges. The medical examiner stated there was "no" redness, scratches, ripping and the State use alleged defendant events, which undermined the alleged sexual assault and the alleged victim's testimony statement to her events of the story, which was far inconsistent to the totality of the circumstance and evidence of the case where there was no evidence, and the State did not prove the case beyond a reasonable doubt.

1). The Sexual assault examination; the State own medical expert found no physical evidence of any forced or non-vaginal DNA.

2). The victim testimony was totally inconsistent with the evidence at the crime scene:

3). Had the actual events took place as the alleged victim stated in her statement to the police in the probable cause arrest affidavit and testimony at trial:

4). The following things should've been present at the initial crime scene:

5). If the alleged defendant was in fact actually the aggressor as the victim stated:

6). Then the following evidence should've been present:

7). The alleged defendant Semen should've been on the Dress, of the alleged victim and on the Sheets and on Both the outside and the inside of the alleged victim vagina:

8). Also the alleged victim thighs, the floor going to and from the door also the alleged victim Phone and door knob:

9). If the alleged defendant was the Actual Aggressor Based on the facts, The alleged defendant DNA should've been in multiple places on the alleged victim bed and sheets:

10). How ever being that the alleged victim was supposedly raped as she stated:

11.) The alleged victim never stated that she Braced, ~~TIGHTEN~~ or call and closed her legs to resist her attacker:

12). Which this is a natural defense mechanism of any woman or man body to Guard a sexual attack and to keep from being violated:

13). And if the alleged victim was actually raped all of these things should've been present:

14). And again the scientific evidence was not only insufficient to support that the alleged defendant was the alleged victim attacker:

15). The evidence in the case at Bar clearly support the alleged defendant version of events, defense that the alleged defendant stated from the beginning That:

16). The alleged defendant woke up and the alleged victim was on top of him playing with her self with his penis after she zipped down his pants while he was sleep, Pushing, slipping his penis inside of her vagina;

17). Which this clearly shows why the alleged defendant sperm or DNA wasn't:

18). Why it wasn't present at these pacific places
at the crime scene;

19). Base on the far going undisputed facts
The alleged victim version of events is
physical impossible Highly incredible;

The nature of the relief sought

Asking that you issue an order granting relief on the basis that the state undermined and vindictiveness prejudiced the alleged defendant.

Requesting that all and any relief be granted or a new trial, where the state never proved beyond a reasonable doubt its case.

CONCLUSION

Wherefore, based on the foregoing arguments, laws and Rule, the alleged defendant requests that this Honorable Court grant and accept:

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Rene L. Johnson

Date: December 18, 2024