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IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JAN 28 2025
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ANGEL ANTONIO ROSARIO PETITIONER
(Your Name)

VS.

RICKY DIXON — RESPONDENT

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

PETITION FOR A WRIT OF CERTIORARI

ANGEL ANTONIO ROSARIO
(Your Name)

SRCP. P.O. Box 7171
(Address)

South Bay, Florida 33493
(City, State, Zip Code)

(Phone Number)

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SUPREME COURT, U.S.

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:

RICKY DIXON Florida Department of Corrections.
State Attorney General for the State of
Florida.

Fourth DISTRICT COURT of APPEAL
CIRCUIT COURT Judge.

State ATTORNEY for the State of Florida.

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QUESTION(S) PRESENTED

The Constitutional Question to the Court is that the Petitioner has a Constitutional Right to have the DNA Physical evidence tested to prove his innocence.

under Florida statutes and authority 925.11 Fla stat. The Petitioner Petitioned the Court for Post Sentencing DNA testing the description of Physical evidence is SEMIEN

Substantiating Physical evidence
Readily available for DNA testing are

- (1) White bedsheet.
- (2) Tissue Paper.
- (3) Pillow case.
- (4) White blanket.

Petitioner has a Constitutional Right to have them tested to prove his innocence.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

State v. Sheneke 628 So 2d 1102 (Fla 1994)

STATUTES AND RULES

Florida Rule 3.070 and 3.850

Rule 925.11.

92.525, Florida Stat.

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☐ is unpublished.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 YES to the petition and is

☐ reported at FOURTH DISTRICT COURT OF ARIZONA; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Third District Appeals court appears at Appendix _____ to the petition and id

☐ 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 of 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 9-19-24 A copy of that decision appears at Appendix _____.

☐ A timely petition of rehearing was thereafter denied on the following date: 6-14-2024, and a copy of the order denying rehearing appears at Appendix 608.

☐ An extension of time to file the petition for a writ of certiorari was granted to an 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

Petitioner Petitioned the Lower State Court for a motion for Post-conviction Relief Seeking Post Sentencing Testing on DNA under Florida Rules of Criminal Procedure 3.020 and 3.850 And PURSUANT to §192511 Florida Statute. The motion Argued that the Petitioner was innocent and could Prove his innocence's by DNA Testing. The State of Florida has a Constitutional Right to test for DNA in this case But Refuse to do so even After the Petitioner Requested it under his motion for DNA test. The Petitioner will now Request this Constitutional Court to order the Lower State Court to do the DNA test in this case.

STATEMENT OF CASE AND FACTS

The Petitioner was charged by amended information with one count of Sexual Battery on a Person less than 12 years of age. Count 2- Sexual Battery on a Person less than 12 years of age. The crimes were alleged to have occurred on April 16, 2021 and April 22, 2021.

On August 12, 2022 the Petitioner entered in to a negotiated guilty plea to a lesser charge of two counts of Attempted Sexual Battery on a Person less than 12 years of age. After conducting a plea colloquy the court sentenced the Petitioner as follows. Seventeen years in Prison with credit for 471 days on count one and two concurrent with 471 days time served.

REASON FOR GRANTING PETITION

The Petitioner will request this court to GRANT this Petition base on the testimony on the state one witness that testifies that the DNA find was not that of the Petitioner and she could not and had no idea who the DNA belongs too. See the Deposition of KRISTEN ARCHULETA on Page 18 line 8-10. And the fact that the Petitioner has only requested to have a DNA test done so that he can prove his innocence. But the state of Florida has refuse to do the DNA test. by the testimony by of KRISTEN ARCHULETA only can prove that the Petitioner is innocent of this crime that he is been charge with by the state of Florida.

CONCLUSION

The petition for a writ of certiorari should be granted.

As the court to order an DNA test that will prove the Petitioner's innocence Petitioner is willing to do the test by giving his DNA.

Respectfully Submitted,

/s/ Angel A. Rosario

Name ANGEL ANTONIO ROSARIO

DC# G 41640

Certificate of Mailing

I certify that I, ANGEL A. ROSARIO DC# G41640

placed this petition for a writ of certiorari in the hands of South Bay Correctional

Facility officials for mailing to: 1515 N. FORSTER DR.

Suite 900 Palm Beach Fl. 33401

January on First 2025

/s/ Angel A. Rosario

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South Bay, Florida 33493

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