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H.R.

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.

FILED

JAN 28 2025

OFFICE OF THE CLERK

ANGEL ANTONIO Rosalco 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 Rosalco
(Your Name)

SACF. P.O Box 7171
(Address)

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

(Phone Number)

RECEIVED

FEB - 4 2025

OFFICE OF THE CLERK
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 Plaintiff 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 Apprise his innocence.

under Petitioner's Statutes and authority 925.11 P.L. Stat. The Petitioner Petitioned the Court for Post Sentence DNA testing the description of Physical evidence is SEmen

Substantiations Physical evidence
Readily Available for DNA testing are
(1) White bed sheet.
(2) Tissue Hand.
(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. Shenece 628 So 2d 1102 (Fla 1994)

STATUTES AND RULES

Florida Stat 3.020 and 3.850

Reg 995.11.

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[] is unpublished.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[] is unpublished.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 Appeal; 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 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 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 _____.

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: 6-14-2021, and a copy of the order denying rehearing appears at Appendix 405.

[] 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

Pettiford Petitioned the lower state court for a motion for Post-conviction Relief Seeking Post Sentence testing on DNA under Florida Rule of Criminal Procedure 3.070 and 3.850 and Pursuant to § 975.11 Florida Statute. The motion argued that the Pettiford 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 before to do so even after the Pettiford requested it under his motion for DNA test. The Pettiford will now leave this Constitutional Court to order the lower state court to do the DNA test in this case.

STATEMENT OF CASE AND FACTS

The Petition was filed by Plaintiff information with one count(s) 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 Petition 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 Petition 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 8th one witness that testifies that the DNA found was not that of the Defendant 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 Defendant has only requested to have a DNA test done so that he can prove his innocence. But the state of Florida has failed to do the DNA test by the testimony by of Kristen Archuleta only can prove that the Defendant is innocence at this time that he is been charge with by the state of Florida.

CONCLUSION

The petition for a writ of certiorari should be granted.

On the date to come as DNA test
that will Prove the Petitioners innocence
Petitioner is willing to do the test by
giving his DNA.

Respectfully Submitted,

Is/ Angelo Rosario

Name ANGEL ANTONIO ROSARIO

DC# 641640

Certificate of Mailing

I certify that I, ANGEL A. ROSARIO DC# 641640

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

Facility officials for mailing to: 1515 N. Folsom St.

Scrf 900 Palm Beach Plz. 33401

January on First 2025

Is/ Angelo Rosario

Name ANGEL ANTONIO ROSARIO

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P.O. Box 7171
South Bay, Florida 33493

DC # 641640