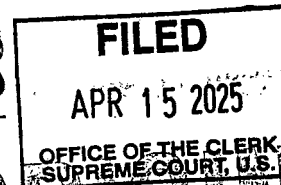


No. **25-5293**



ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FROM

Sixth Circuit (USCA6# 24-3563)

Tyrone Mock — PETITIONER
(Your Name)

VS.

Charmine Bracy — RESPONDENT(S)
- Et al -

ON PETITION FOR A WRIT OF CERTIORARI TO

State v. Mock 2010-Ohio 268 / State v. Mock 2020-Ohio-3667 / Mock v Bracy 2024 U.S. Dist Lexis 92242 — No state courts or federal courts has ruled ~~on~~ the merits. If the material evidence for the nexus and probable cause in all affidavits was fabricated or improperly suppressed per search warrants at all. (NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tyrone Mock 690210
(Your Name)
OHIO State Penitentiary
878 Coitsville Hubbard Rd.
(Address)

Youngstown Ohio 44505-4635
(City, State, Zip Code)

Don't know
(Phone Number)

Questions Presented for review

page

Pg. 1.)

Petitioner ask of this Honorable United States Supreme Court of America, to resolve a conflict "to review the trial courts Judge Timothy McCormick ruling for an abuse of discretion" on (PG. ID# 277) and (PG. ID# 1342) for "the incorrect legal standard of reasonable suspicion" on (PG. ID# 277) and (PG. ID# 1342), "in- stead of the correct legal standard of probable cause", under Franks v. Delaware, 438 U.S. 154 at 155-156, 171 (1978) and United States v. Jones, 565 U.S. 400 at 406-408 (2012), on "denying Pe- titioners motions to suppress" on (PG. ID# 220-224), (PG. ID# 239-242) and (PG. ID# 250-276) of "Dannelle Hamb- ick, (CF# 2 D.H.) material evidence that was probative with apparant, re- levant and vital significance in pa- ragraphs (12) (14) and (15) affidavits for search warrants" on (PG. ID# 744- 752), (PG. ID# 753-759), (PG. ID# 779-793) and (PG. ID# 1433-1445) for probable cause.

The abuse" was not suppressing para- graphs (12) (14) and (15) from Detective Duffy checking "DRE" phone records,

Footnote ① CF# 2 D.H. indicted co-dependant AND accomplice to

from the 2703 (d) court order on (PG. ID # 768) to be "MOCK" in paragraphs (12), the nexus to establish the probable cause from (CA # 2 D.H.) identifying "Tyone Mock" to be "IKE" through a photo line-up in paragraph (15), ^{that} was falsified in bad faith.

Petitioner's proves through attached exhibits (PG. ID # 15) that affiant and lead investigator Detective Craig Witalis, whom sworn out all affidavits for search warrants while under sworn oath to four (4) different Judges on May 7, 2015, June 24, 2015, July 14, 2015 and July 23, 2015, while conspiring with the Cuyahoga County Prosecutors Office and Federal Agents on (PG. ID # 769, 795, 796 and 811) to make Tyone Mock identity, through a nexus, to be "IKE", from the 2703 (d) court order on (PG. ID # 768) issued to Detective Duffy on April 1, 2015 from Judge Rozza was based upon the Cuyahoga County Common Pleas court from the falsified and manufactured affidavits in paragraphs (12) (14) and (15) for establish the nexus and probable cause in affidavits.

Question

Page
Pg. 3.)

search warrants" violating Franks 438 U.S. at 155-156, 171 (1978) "to establish a nexus and 'probable' cause in bad faith with reckless disregard for the truth".

This 2003 (d) court order "was proven for the very first time on record on June 1, 2016 at the Franks suppression hearing on (PG ID# 1837 through 1855), through Detective Witalis and Duffy testimony under sworn oath, that "Ike" phone records led to an address in California and "Ike" phone records was not in Tyrone Mock's name nor address in Cuyahoga County Ohio at 4846 Mowtice 110 Blvd., in Richmond Hts., Ohio 44143".

"These phone records of "Ike" in paragraphs (12), (CIT#2DH) proffer letter in paragraph (14) and (CIT#2DH) photo line-up in paragraph (15) was the sole material evidence in the motions to suppress, in all affidavits for search warrants, and was prejudicial to improperly suppress from Tyrone Mock during

Question

Page
Pg. 4.)

FRANKS suppression hearing, trial courts proceedings, direct appeal review proceedings, criminal Rule (33) proceedings, and habeas corpus proceedings violating Brady v. Maryland 373 U.S. 83 at 87 (1963) therefore, denying Tyrone Mock a fair trial under the due process clause of the 4th, 5th and 14th Amendment to the Constitution of United States of America.

At the FRANKS suppression hearing on June 1, 2016 on (PG. DD# 1839 through 1855) is when

A.) Detective Witalis and Detective Duffy, by way of Erica Burnhill (assistant prosecutor), whom elicited the false material evidence from both detectives by switching the theory of paragraphs (12); that Detective Duffy check "Ike" phone records and "Ike" phone records was leading to Tyrone Mocks address, ~~was~~ manufacturing through testimony under sworn oath, on (PG. DD# 1839 through 1855), to a new theory,

B.) That, Tammy Jordan and

Question

Page
Pg. 5.)

Brandon Faulbro's phone records was leading to Tyrone Mock's address, by way of, Tyrone Mock's second phone.

that both Detectives Witalis and Detective Duffy never confirm in their official investigation if Tyrone Mock owned a second phone or any phone of the matter on (PG. ID# 1839 through 1855) and

(C.) For criminal rule (33) for Tyrone Mock's collateral proceedings when (CI#2 D.H.) attorney of record Mr. Mitchell Yelasky prepared to Tasha Forchione concerning paragraphs (14) and (15), avers in Mr. Yelasky affidavit that (CI#2 D.H.) was never administered a photo line-up by Detective Duffy in paragraphs (15) and Tyrone Mock's name was never mentioned at the meetings on April 7, 2015 nor April 22, 2015 on (PG. ID# 1501).

This above analysis proves paragraphs (12) (14) and (15) is falsified and manufactured in all

Question

Page
Pg. 6.)

affidavits for search warrants.
This is why the trial Judge
had to change the theory of "Dke"
phone records in paragraph (12)
was leading to Tyone Motels
address

to the theory of the ruling
on (PG. ID# 277) and (PG. ID# 1342)
under the incorrect legal standard
of reasonable suspicion instead of
the correct legal standard of a
nexus and probable cause based
around Frank 438 U.S. at 155, 156
and 171 and United States v. Jones
565 U.S. at 406-408.

If the Judge would have
ruled on the material evidence
of both Detectives Witalis and
Detective Duffy testimony on
(PG. ID# 1839 through 1855) of phone
records being falsified and manu-
factured, which the detectives
testimony proves to be falsified
and manufactured in paragraphs
(12), and (C# 2 D.H.) attorney of
record Mr. Yelby affidavits proves
Paragraphs (14) and (15) to be fabri-
cated.

Footnote 1 that's why Judge at the suppression hearing never

Questions

Page

Pg. 7.)

"fied and manufactured", then the Judge ruling in and of itself would have propelled the Judge to have had to suppress all the probative material evidence in paragraphs (12) (14) and (15) contents for (GPS) tracker search that uncovered all subsequent material evidence by way of invalid home search and invalid so-called computer search."

Without, "the (GPS) tracker search warrant and discovering material evidence from the search that was used at trial to convict Petitioner, then the prosecutor would have no case", because "the Judge would have suppressed all material evidence found by way of the invalid searches of (GPS) tracker, home and so-called computer".

It's important to note, "that this error was not even mentioned at the trial courts, appeal courts in the State of Ohio during direct review or collateral reviewed the merits of probable cause at suppression hearing."

proceedings nor the Federal courts (district or Sixth Circuit), proceedings or even uncovered by the courts in their reviews."

This is a conflict of circuit laws below with the special fact finding powers in State courts and Federal courts which has made no rulings on the merits, "if the nexus and probable cause in all affidavits for search warrants contents of the probative material evidence in paragraphs (2) (4) and (5) was in fact 'improperly suppressed at all from Tyrone Mock' or in fact 'was the material evidence even falsified and manufactured to establish a nexus and probable cause'."

"No State courts or Federal courts has made a ruling on the merits, of Petitioner being entitled to the material evidence in paragraphs (2) (4) and (5) for search warrants", causing "a defect in the integrity of the State courts proceedings and the Federal

Question

Page
Pg. 9.)

court's proceedings during habeas corpus reviews.

So there for, the courts below with its special powers has never had the opportunity to examine whether the Judge error or the none disclosure of apparent material evidence to issue search warrants was prejudicial to Petitioner of having a full and fair opportunity to litigate, or for that matter the Judge never had the opportunity to adjudicate the affidavits for search warrants, because the trial prosecutor, post conviction proceeding prosecutor and Attorney General improperly suppressed the nexus and probable cause equations in all affidavits paragraphs (12) (14) and (15) to properly give Petitioner adversarial processing ability to address the merits claims of falsified and manufactured affidavits for search warrants in the original motions to suppress (CF #2 D.H.) material evidence in

Paragraphs (12) (14) and (15)"

The United States Supreme Court, under its Honorable Supreme powers, "should remand to the trial courts for an evidentiary hearing where Petitioner could have a full and fair correct FRANKS hearing to suppress the falsified and proven manufactured (CI #2 D. 4.) material evidence in all affidavits for search warrants suppressed and indictment dismissed," if "the nexus and probable cause evidence is not produced for probable cause"

because "the trial court erred and failed to apply the appropriate test to decide the motions to suppress under the rubric of reasonable suspicion instead of probable cause, from the factual argument in the motions to suppress, which is the correct legal standard." Tyrone Mock

#1090-200

Question #1.) Did the trial courts ~~direct~~ review courts, Criminal Rule

Question

Page

Pg. 11.)

(33) review courts, federal habeas corpus courts, prosecutors and attorney general improperly suppress material exculpatory probative apparent evidence that establish the nexus and probable cause in all affidavits for search warrants for (GPS) tracker search on (PG. ID# 744-752), extension of time for (GPS) tracker search on (PG. ID# 753-759), home search on (PG. ID# 1433-1445) and computer search on (PG. ID# 779-793) from Tyrone Mock during trial, direct review, post-conviction criminal rule (33) review and federal habeas corpus review, denying due process to Mock, a fair trial under 4th, 5th and 14th Amendment of the United States Constitution of America; denying liberty.

Question # 2.) Was Petitioner entitled to this material exculpatory probative apparent evidence that establish the nexus and probable cause in all affidavits for search warrants on the above (PG ID# 15) Both questions are Brady violations.

Question # 3.) Was it an abuse of discre-

Question
Page
Pg. 12.)

tion for the trial courts and/or Sixth Circuit Appeals courts, not directly addressing Petitioners Igone Mock constitutional ~~most~~ claims of Franks v. Delaware 438 U.S. 454 at 155-56, 171 (1978) and Brady v. Maryland 373 U.S. 83 at 87 (1963) for denial of new trial for withholding exculpatory material evidence in all affidavits for search warrants in paragraphs (2) (4) and (5) for the nexus and probable cause equations also violating United States v. Jones 565 U.S. 400 at 406-08 (2012) on the above (PARDth 63)

for all affidavits for search warrants? Violating 4th 5th and 14th Constitutional Rights?

Question #4.) was it prejudicial to Petitioners for the state of Ohio courts at the collateral proceeding (Criminal Rule 33), to deny due process of law under the Brady theory at 373 U.S. 83 at 87 (1963), of improperly suppressing the probative material evidence that was exculpatory in nature from Petitioners that don't exist in

Question
Page
Pg. 13.)

the State courts records and the Federal courts records for the establishment of the nexus and probable cause equations in all affidavits for search warrants contents in paragraphs (12) (14) and (15) and disguising the denial of criminal Rule (33) proceeding (abuse of discretion), as Tyrone Mock not being unavoidably prevented from discovering the predicated material evidence under Brady, 373 U.S. at 87 (1963) for the motion for new trial for leave, that lead investigator Detective Witalis attested to existing in the probative contents in paragraphs (12) (14) and (15) in all affidavits for search warrants 2 and

Question #4 continued; Was it prejudicial to Petitioner (Tyrone Mock) for the Federal district court and Sixth Circuit Appeal courts to deny due process of law under the Brady theory at 373 U.S. at 87 (1963) of the improperly suppressed predicated material probative evidence under 2244 (2) (1) to start the Brady discovery date to toll the statute of lim-

Question
Page
19. 14.)

itations, contradicting and conflicting decisions of *Willis v. Jones* 329 Fed. Appx. 7 at *17 (2009), Sixth Circuit, held, the statute of limitations started running when Michigan disclose the evidence, the district court must consider Willis' habeas claim on the merits.

Rinaldi v. Gillis, 248 F. Appx. 371, at 380 (3d Cir. 2007), Third Circuit, held, unpublished opinion, that "AEDPA" one year clock did not begin ticking until the day the petitioner receives the alleged, the Brady material. *Daniels v. Aclitman*, 421 F.3d 490, at 490-91, 492 (7th Cir. 2005), Seventh Circuit, held, that the due diligence period, begins to run for uncovering exculpatory Brady evidence, after, the defendant contacts a witness, who cooperates in revealing the state's wrong doing; [Stated plainly and straight forward of a substantive question of law lurking behind complex questions of procedure, was Tyrone Mock habeas petition under (AEDPA) timely?] []

This abuse of discretion for the writ to not issue to overcome the procedural hurdle of 2244(d)(1)(D) to prove the predicated material evidence was not discoverable, because the State court record on (PG. ID# 1601), when, the Eight District Courts Judge Mary Eileen Kilbane factually prove that the probable cause evidence in paragraphs (14) and (15) proffer letter and photo line-up claiming Tyrone Mock as "Ike" were not entered into evidence at trial, from (CS# 2 D.H.), overcoming cause and prejudice, when, (CS# 2 D.H.) attorney of record Mr. Mitchell J. Yelsky attested that (CS# 2 D.H.) was never administered a photo line up to (CS# 2 D.H.) of Tyrone Mock to identify Tyrone Mock to be "Ike", on (PG. ID# 1510), when, attorney General attested that indicted accomplice/co-defendant (CS# 2 D.H.) material evidence that establish the nexus and probable cause for ground (2) is outside the State court record and Federal court record on (PG. ID# 44), therefore the ground

Question

Page
Pg. 16.)

is procedurally defaulted.

Thereby the State courts and Federal habeas council for Federal courts proves Petitioner Brady, claims overcomes procedural hurdles, and proves Petitioner claims of not disclosing the predicated material evidence at the FRANKS, suppression hearing and inside the contents of all affidavits of paragraphs (12) (14) and (15) for all search warrants, warrant the writ, to should have issued, in ground (1) (2) and (4), under 2244(d)(1)(D) and 2254(d)(1), and 2254(d)(2), because the affidavits for all search warrants are improperly suppressed in paragraphs (12) (14) and (15) in the contents that establish the nexus and probable cause, that was proven from the State courts records and Federal courts records to be falsified and to deny the tolling the writ to issue, under 2244(d)(4)(D) was contrary to the established Federal Law of FRANKS 438 U.S. at 155-156, and at 171, also Brady 373 U.S. at 87

Question

Page
18.17)

and United States v. Jones, 565 U.S. at 406-408, under 2254(d)(1) because the decision was based on unreasonable determinations of the facts in light of the evidence presented in the State courts proceedings in the contents of the paragraphs (12) (14) and (15) affidavits for search warrants to establish the nexus and probable cause equations to make Tyrone Mock to be "PR", under 2254(d)(2).

Question #5) Was Petitioner (Tyrone Mock) precluded from a full and fair opportunity to litigate his 4th Amendment claim in the motions to suppress, at the State trial suppress hearing under Franks, 438 U.S. at 155-156, and at 171 (1978), when the affiant Lead Investigator Craig W. Hatis falsified and manufactured all affidavits for search warrants, and prosecutors and attorney general withheld the probative contents in paragraphs (12) (14) and (15) in all affidavits for search warrants that establish the nexus and probable cause in the Original (CRB) Tracker search warrants that was issued on

Question

Page

19. 18.)

May 7, 2015, extension of time for the original (GPS) tracker search warrant that was issued on June 24, 2015, home search was that was issued on July 14, 2015, and so-called computer search warrant that was issued on July 23, 2015 violating *Stone v. Powell*, 428 U.S. 465, 49 L. Ed. 2d 1067, 94 S. Ct. 3037 (1976), therefore denying Petitioner redress? and by not answering Petitioner merit claims of "IF the affidavits nexus and probable cause equations evidence was improperly suppressed at all?", for the Petitioner to even argue the merit claims of falsified and manufactured affidavits for search warrants Petitioner must be given the material evidence in Paragraphs (12) (14) and (15)?.)

Question #6.) Was it prejudicial for trial Judge Timothy McCormick to ex-parte communicate through jury notes to the jury by answering and swaying the jury towards guilt, without notice to Petitioner of the communications creating prejudice from evidence that the jury notes prove was of substance of the case at a critical stage of trial?, violating *Rushen v. Spain*, 464 U.S. 114 at 117, 104 S. Ct. 453, 78 L. Ed. 2d 267 (1983),

Question
Page
Pg. 19.)

Which no counts has answered the merit
claims of prejudice? See (PG. PD# 1476)
(PG. PD# 1477), (PG. PD# 1478), and (PG. PD#
1479)

None Mock
690-210

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:

MOCK v. Palmer, Warden
USCA 6 # 24-3563

RELATED CASES

State v. Mock 2018-Ohio-268. Direct appeal out of Cuyahoga County. Judgement entered 1/25/18

State v. Mock 2020-Ohio-3667. Criminal Rule 63 proceeding out of Cuyahoga County. Judgement entered 6/6/2018

Mock v. Bracey 2023 U.S. Dist. Lexis 237034 U.S. District Court for the Northern District of Ohio Eastern Division. Judgement entered 5/19/23

Mock v. Palmer 2024 U.S. app. Lexis 20353 U.S. Court of appeals for the Sixth Circuit. Judgement entered 11/7/24

Table of Authorities Cited

Cases	Page Numbers
* Reasoning for granting petition	
Barton v. Warden S. Ohio Correctional Facility, 786 F.3d 450 at 468 (6th Cir. 2015)	9,
Brady v. Maryland, 373 U.S. 83, 83 at 87 S. Ct. 1194, 10 L. Ed 2d 215 (1963)	2, 3, 4, 5,
	6, 9, 10,
	12,
Daniel v. Uchman, 421 F.3d 490 at 490-91, 492 (7th Cir. 2005)	10,
Franks v. Delaware, 438 U.S. 154 at 155-56, 171, 98 S. Ct. 2674, 57 L. Ed. 2d 667 (1978)	2, 3, 4,
	12,
Mock v. Palmer, 2024 U.S. App. Lexis 28353	6, 9,
Rinaldi v. Willis, 248 F. App'x 371 at 380 (3d Cir. 2007)	11,
Starns v. Andrew, 524 F.3d 612 at 614, 619 (5th Cir. 2008)	10,
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United States v. Tavera, 719 F.	

3d 705 at 711 6th Cir. 2013) ... 9,
Stone v. Powell, 438 U.S. 465 at
492 n. 37, 96 S. Ct. 3037 (1976). 1-2,

Statutes and Rules

2244(d)(1)(A) 4, 11,

2244(d)(1)(B) 5, 7, 10, 11,

2244(d)(2) 11,

(AEDPA) 13,

Fourth Amendment 1, 4, 11,

Fifth Amendment 4, 5, 11,

Fourteenth Amendment 4, 5,

** Statements of the case

Franks, 438 U.S. at 155-56, 171-17, 22, 23,

Brady, 303 U.S. at 87 17, 22, 23,

United States v. Jones, 565 U.S.

at 406-08 17, 23

*** Questions presented for review.

Brady v. Maryland, 303 U.S. 83

at 87 (1963). 4, 11, 12,

. 13, 14, 16,

. 17,

Daniel v. Uchitman, 421 F.3d

490 at 490-91, 492 6th Cir.

2005) 14,

Franks v. Delaware, 438 U.S.

154 at 155-56, 171 1, 3, 4,

.....	6, 10,
.....	12, 16,
.....	17,
Rinaldi v. Gillis, 248 F App'x 371, at 380 (3d Cir. 2007).....	14,
Rushen v. Spain, 464 U.S. 114 at 117, 104 S. Ct. 453, 78 L. Ed. 2d 267 (1983).....	18,
Stone v. Powell, 429 U.S. 465, 49 L. Ed. 2d 1067, 94 S. Ct. 3031 (1976).....	18,
United States v. Jones, 565 U.S. 400 at 406-08.....	1, 4, 12, 17,
Willis v. Jones, 329 Fed. App'x 7 at 17. (AEDPA).....	14, 14,
2244(d)(1).....	16, 17,
2244(d)(2).....	16, 17,
2244(d)(1)(B).....	13, 15, 16,
Fourth amendment.....	17,
Fourth, Fifth and Fourteenth Amendment of the Constitu- tion of United States of America.....	4,

Page

Pg 1 -

Federal Courts Appendices of Index

Mock v. Palmer, 2024 U.S. App. Lexis 28353 (6th Cir. Nov. 7, 2024) Decision of the United States Court of Appeals - case # 24-3563.

- Appendix A -

Mock v. Bracy, 2024 U.S. Dist Lexis 92262 (May 22, 2024), Decision of the United States District Court.

- Appendix B -

Mock v. Bracy, 2023 U.S. Dist Lexis 237834 (May 19, 2023), Decision of the United States Magistrate Judge.

- Appendix C -

~~#1~~
Mock v. Palmer, 2025 U.S. App. Lexis 152 (6th Cir. Jan. 3, 2025) Rehearing denied.

- Appendix D -

Mock v. Palmer, 2025 U.S. App. Lexis

Page
Pg 2.)

1877 (6th Cir. Jan 27, 2025) Re-
hearing denied by En Banc.
- Appendix E -

State Courts
Appendices
of Index

State v. Mock, 2018-Ohio-268 (Ohio
Ct. App., Cuyahoga County, Jan. 25,
2018), Decision of State Courts of ap-
peals for Eight District. (Direct appeal)
- Appendix F -

State of Ohio, Court of Common Pleas
Cuyahoga County, case # CR-15-597
540-A (Aug. 31, 2016) Decision of
State trial court.
- Appendix G -

State v. Mock, 152 Ohio St. 3d 1490,
2018-Ohio-2155, (June 6, 2018),
Decision of State Supreme Court
denying review
- Appendix H -

State v. Mock, 2020-Ohio-3667,

Page
Pg. 3.)

(Ohio Ct. App., Cuyahoga County, July 9, 2020), Decision reached on appeal from Eight District from motion to leave to file delayed motion for a new trial. (Criminal Rule 33)

— Appendix I —

State v. Mock, 163 Ohio St. 3d 1441, 2021-Ohio-1896 (June 8, 2021) Decision reached by State Supreme Court denying review for motion to leave to file delayed motion for new trial.

— Appendix J —

Court of Appeals of Ohio, Eight District, Appelle COA No. 108837. Lower court No. CR-15-597566-A. Appellant motion No. 540064, rehearing denied by En Banc consideration (Feb. 24, 2021) on (PB. ID# 1698), but not publish to be view on lexis nexus for what ever reason.

— Appendix K —

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 2024 U.S. App. Lexis 28353; 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 B to the petition and is

- ☐ reported at 2024 U.S. Dist. Lexis 92262; 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 F to the petition and is (Direct appeal)

- ☐ reported at 2018-Ohio-208; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the motion for delayed motion for leave to
File motion for new trial 2020-Ohio-3667 court
appears at Appendix I to the petition and is

- ☐ reported at 2020-Ohio-3667; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

1.

Rehearing En banc for
criminal Rule (35) was de-
nied. Appelle COA No.
108837 Lower court No.
CR-15-547566-A. COPY
Attached . . .

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was NOV. 7, 2024.

☐ 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: JAN 27, 2025, ENBANC, and a copy of the order denying rehearing appears at Appendix E. JAN. 8, 2025 rehearing Appendix D

☐ 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).

This court receive petition on April 21, 2025, post marked April 15, 2025. Mr. Scott S. Harris, clerk return papers and gave me till, 60 days of the date of the letter which was ~~4th~~ June 20, 2025.

☐ For cases from state courts:

The date on which the highest state court decided my case was June 6, 2018 and A copy of that decision appears at Appendix H AND J June 8, 2021

☐ A timely petition for rehearing was thereafter denied on the following date: FEB. 26, 2021, and a copy of the order denying rehearing appears at Appendix K.

☐ 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).

I think I'm filling the paper out right for jurisdiction

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Violation of 4th amendment, 5th amendment
and 14th amendment.

Violations of 2244 (c) (4) (A), 2244 (c) (4) (D)
and 2244 (c) (4)

Violations of (FEDPA) of 1976 110. Stat.
1214

Violations of ~~28~~ U.S.C. 2254 (a),
2254 (c) (2), 2254 (c) (2) and 2254
(c) (2) (A) (i) (ii)

Violation of Article I Section
14 of Ohio Constitution

Statements of the case and facts

On March 2, 2015: Detective William Duffy of Lyndhurst Police Department in Lyndhurst, Ohio receive from David Boss of Penna Lift Business, "that Danielle Hambrick was cashing fraudulent checks with a male name "Ike" on (PG.ID# 747) in paragraphs (1) in all affidavits for search warrants".

On March 9, 2015: Detective Duffy "receive Danielle Hambrick phone number (214) 551-7973 on (PG.ID# 1827 lines 5-24)".

On March 11, 2015: Detective Duffy "ask Judge Bozza of Lyndhurst Municipal Court for a court order under 2703 (d) for Danielle Hambrick (CI#2 D.H.) phone records and MMS/SMS text messages on (PG.ID# 747)".

On March 27, 2015: (CI#2 D.H.) accompanied by her attorney of record Mr. Mitchell Yelasky, "participated in a DVD interview and was ^{not} administered a photo lineup by Detective Duffy ~~and~~ did not include Tyrone Mock's name on photo at this DVD interview, see, on (PG.ID# 778) and (PG.ID# 1510)".

At this DVD interview (CI#2 D.H.) gave Detective Duffy "Ike" phone number (214) 246-9357 and a vague descrip-

tion of "Ike" her accomplice of crimes on February 27, 28 and March 1, 2015 as being brown skin black male, bald w/glasses" on (PG-ID# 778) and (PG-ID# 795) for the truth of the matter in the official police reports.

On April 1, 2015: Detective Duffy ask Judge Bozza of Lyndhurst Municipal Court for a court order under 2703 @ for "Ike" phone records and MMS/SMS text messages on (PG-ID# 768)".

For April of 2015: Detective Graig (Witalis) of the Rocky River Police Department in Rocky River Ohio attested under sworn oath in all affidavits for search warrants in paragraph (12) on (PG-ID# 747), (PG-ID# 762) and (PG-ID# 1438) and inside Detective Witalis police report on (PG-ID# 795) on April 14, 2015 for the truth of the matters that was proven on June 1, 2016 to be falsified and manufactured in bad faith that "Detective Duffy in April of 2015, obtained and check phone records for "Ike", and "Ike" phone records led to Tyrone Moulds address at 4846 Monticello Blvd., in Richmond Hts, Ohio Cuyahoga County and found

Tyrone Mock's white Aurora parked in the driveway" on (PG ID# 747) in the May 7, 2015 original (GPS) tracker affidavit for search warrant in paragraphs (12); and on (PG ID# 782) in the July 23, 2015 computer affidavit for search warrant in paragraphs (12); and on (PG ID# 1438) in the July 14, 2015 home affidavit for search warrant in paragraphs (12).

These phone records of "Ike" and (CA-#2 D.H.) was never disclosed to Tyrone Mock (Petitioner) during trial, State Courts reviews, nor federal habeas corpus reviews."

To the contrary, on (PG ID# 1839-1855) at the June 1, 2016 suppression hearing "Detective Duffy and Whalis while under oath, both testified that "Ike" phone records led to an address in California and Tyrone Mock name was not attached to "Ike" phone records" for the truth of the matters of "Ike" phone records.

"Proving paragraph (12) is falsified and manufactured documents, for the truth of the matters in bad faith, to obtain all search warrants, violating

Grady v. Maryland, 373 U.S. 83 at 87 (1963) and Franks v. Delaware, 438 U.S. 154 at 155-56, 171 (1978) and United States v. Jones, 565 U.S. 400 at 406-08 (2012).

Because, on (PG ID# 769), "Detective Witalis receive "Ike" phone records and (CI# 2 D.H.) phone records on December 10, 2013 on CD's containing phone records, of "Ike" and (CI# 3 D.H.)."

And therefore, "Detective Witalis already knew that, "Ike" phone records led to an address in California in December of 2013 and not Tyrone Mock's address in Campbell County from (PG ID# 769), the CD's that containing phone records of "Ike" phone number (214) 246-9357 and (CI# 2 D.H.) phone number (214) 551-7973."

On April 14, 2015, on (PG ID# 795), the police report of Detective Witalis official investigation, when Detective Witalis attested to under sworn oath, that "Detective Duffy check phone records for "Ike" and although the phone was anonymous drop phone, it contained numerous calls to and from Tyrone Mock and his girlfriend."

Tammy Jordan and Mock lists the physical description of "Ike", the vague description from (PG ID# 778), the police report of Detective Duffy interview on March 27, 2015."

"Detective Witals already knew, before he sworn out these police reports, on April 14, 2015 that his official police report, on (PG ID# 795) (PG ID# 796), that "his official police reports were falsified and manufactured on (PG ID# 795-96) because his official police report on (PG ID# ~~799~~) in December 10, 2013 was proven facts that Detective Knew before Detective Duffy knew, that "Ike" phone records led to California and Tyrone Mock's name was not attached to "Ike" phone records." From also, both detectives testimony on (PG ID# 1839-1855) at the suppression hearing on June 1, 2014 to suppress paragraphs (12) (14) and (15), concerning "Ike" phone records.

So therefore, "Detective Witals Knew before he sworn out under oath all affidavits for search warrants that paragraph (2) was falsified and

manufactured on May 7, 2015, June 24, 2015, July 14, 2015 and July 23, 2015, then time stamped these fraudulent documents at the Cayuga County Clerk of Courts on May 7, 2015, June 24, 2015 and July 23, 2015 and at the Summit County Clerk of Courts on January 15, 2016, concerning "Re" phone records. For April 7, 2015: Detective Witalis attested under sworn oath, in all affidavits for search warrants in paragraphs (14) on (PG.ID# 747), (PG.ID# 783) and (PG.ID# 1458) for the truth of the matter, that "(CT#2 D.H.) signed a proffer letter at the U.S. Secret Service office in Independence, that was witnessed by Secret Service Agent Ben Tyrael, Attorney for (CT#2 D.H.) Mitchell Jefferson and Detective Witalis that was interviewed on April 7, 2015 by Detective Duffy, on (PG.ID# 747) in the May 7, 2015 original (GPS) tracker affidavit for search warrant in paragraph (14); and on (PG.ID# 783) in the July 23, 2015 computer affidavit for

search warrant in paragraph (14); and on (PG. ID# 1438) in the July 14, 2015 home affidavit for search warrant in paragraph (14).

For April 22, 2015: Detective Witalis attested under sworn oath in all affidavits for search warrants in paragraphs (15) on (PG. ID# 747), (PG. ID# 783) and (PG. ID# 1438-39) for the truth of the matter that (CS# 2 D.H.) positively identified Tyrone Mock out of a photo line up as "IRe", that was administered by Detective Duffy at the U.S. Secret Service Office in Independence, that was witnessed by Secret Service Agent Ben Tyrod attorney for (CS# 2 D.H.) Michelle Yeleski and Detective Witalis, that was administered by Detective Duffy on (PG. ID# 747) in the May 7, 2015 original (GPS) tracking affidavit for search warrant in paragraph (15); and on (PG. ID# 783) in the July 23, 2015 computer affidavit for search warrant in paragraph (15); and on (PG. ID# 1438-39) in the July 14, 2015 home affidavit for search war-

rant in paragraph (15).

"These affidavits for search warrants contents in paragraphs (13) (14) and (15), was never disclosed to Tyrone Mock (Petitioner) during trial, State courts review, nor federal courts habeas corpus reviews".

To the contrary on (PG. ID# 1510) (CF# 2 D.H.) attorney of record Mr. Mitchell Yelsky was present when Detective Witai's attested, was present when Detective Duffly administered the photo line up to (CF# 2 D.H.) "under sworn oath, for paragraph (15) but to the contrary "Mr. Yelsky professed to Tasha Forcione on (PG. ID# 1510) that his client (CF# 2 D.H.) was never administered or shown a photo line up on March 27, 2015 nor was (CF# 2 D.H.) shown a photo line up on April 22, 2015 and Tyrone Mock name was never mentioned at none of the meeting between the detectives and his client (CF# 2 D.H.) for Tyrone Mock's criminal Rule (33) proceedings on June 11, 2019".

Also to the contrary on (PG. ID#

1601) Eight District Courts Judge
Rilbine attested on Nov. 20, 2019
that the proffer letter nor the
photo line up of (CE#2 D.H.) positively
"identifying Tyrone Mock as 'IRo'"
was not entered into evidence at
trial".

To the contrary again, on (PG. -
FD# 64) Attorney General attested
that indicted accomplice/co-defen-
dant (CE#2 D.H.) material exculpatory
evidence in Tyrone Mock's ground (2)"
for release "relies on outside the
record evidence", therefore the claims
has been procedurally defaulted.

"(PG. FD# 1601) and (PG. FD# 64) proves
by the record in the State Courts
and Federal courts, shows the nexus
and probable cause equations in para-
graphs (12) (14) and (15) for a procedu-
ral bar to be placed on Tyrone Mock,
is fundamentally at odds" with
Brady 373 U.S. at 87.

Proving paragraphs (12) (14) and (15)
is falsified and manufactured with
reckless disregard for the truth
in bad faith ~~Frank~~ supra.

On May 7, 2015: Detective Witalis under sworn oath, submitted a affidavit in support of a search warrant on (PG. ID # 744-752) to install and monitor a battery operated (GPS) tracking device on Tyrone Moch's vehicle to obtain personal information to obtain a conviction, after consulting with the Cayuga County prosecuting office on (PG. ID # 703) in paragraph (8) knowing that the nexus in paragraph (2), and probable cause in paragraphs (14) and (15) was falsified and manufactured by affiant (Detective Witalis) whom executed all warrants with reckless disregard for the truth in bad faith violating FRANKS 438 U.S. at 155-56, 171 United States v. Jones, 565 U.S. at 406-08 and Brady v. Maryland 373 U.S. at 87 for prosecutor improper suppressing the paragraphs (2) (14) and (15) contents during suppression hearing trial, state reviews and federal habeas corpus reviews.

On June 24, 2015: Detective Witalis under sworn oath, submitted again in bad faith, the affidavit in support of

a search warrant for the extension of time for 45 days of prolong surveillance on (PG. ID # 753-59) for the original (GPS) tracking device for Tyrone Mock vehicle, after responding to the Cuyahoga County prosecuting office again, on (PG. ID # 787) in paragraph (34), knowing that the nexus and probable cause equation for the original (GPS) tracker warrant in paragraphs (12) (14) and (15) contents in affidavit for the nexus and probable cause equation is falsified and manufactured with evidence to obtain an extension warrant. On July 15, 2015: Tyrone Mock was arrested and residence searched at 4846 Martello Blvd., in Richmond Hts., Ohio Cuyahoga County, as a result of the previous falsified and manufactured search warrant by affiant who executed the search in bad faith, and this subsequent request on July 14, 2015 on (PG. ID # 1435-1445) — which is not marked as part of the record but just to show is the same nexus and probable cause in paragraphs (12) (14) and (15) — was unreasonable.

and unconstitutional search by affiant was intentional deliberative indifference to Tyone Mock Constitutional Rights under the Fourth Amendment.

On July 23, 2015: Detective Witalis under sworn oath, submitted another affidavit for search warrant with the same falsified and manufactured nexus and probable cause equations in paragraphs (2) (4) and (5) was extraordinary under these circumstances and unreasonable with exceptional reasons to grant the writ of certiorari to issue. Because this search discovered a so-called computer that was used against Tyone Mock at trial but was taken to Summit County Ohio to execute the search on January 15, 2016 with the same nexus and probable cause equations from the first, second and third search warrants affidavits in paragraphs (2) (4) and (5) on PG. ID# 729-793).

In April ~~20~~ 2015: In the investigative stages on PG. ID# 796) Detective Witalis

participated with the Cuyahoga County prosecutors office on April 22, 2015⁽²⁾ before the nexus and probable cause was established by "sharing their case file information in a conspiracy with detectives, William Duffy, AUSA's Klump, and McDonough, USSS Agent Tyrrel, prosecutor Oleksiak and Barone, US Postal Inspectors Adams and Cajuste, Huntington Bank Investigator Rosewell, along with Detective Witalin the affiant in all affidavits and executor of all warrants (PG ID# 796). On July 15, 2015: on (PG ID# 1511) with the same prosecutors Oleksiak, and Barone and Detective Duffy and Bank Investigator Rosewell and affiant Detective Witalin executed the home search warrant at Tyrone Mock's residence at 4846 Monticello Blvd in Richmond HTS Ohio.

On January 25, 2010 Tyrone Mock was indicted (CR-15-597546-A)

On August 24, 2014, Tyrone Mock was found guilty and August 31, 2014 sentence to 13 years of confinement, denying liberty.

Footnote: The date (PG ID# 1511) attorney proffered on (PG ID# 1511) that (PG ID# 1511) was never shown a photo line up...

RGP
Pg. 1.)

Reasoning FOR Granting Petition

This Honorable Court of the United States of America should grant certiorari and exercise the Courts discretion jurisdiction, because Petitioner (Tyronne Mock) was deprived and precluded from utilizing the corrective mechanism through a State procedural corrective process of a motion to suppress in the State of Ohio, for the purpose to redress his Fourth Amendment violation meritorious claims, of suppressing material evidence obtained in an unreasonable and unconstitutional search and seizure of his property that was introduced at his trial to obtain a conviction.

The reason Tyronne Mock was denied the opportunity to litigate his Fourth Amendment violation meritorious claims, through a motion to suppress the evidence from the unreasonable and unconstitutional search and seizure, is because Petitioner was precluded a full and fair opportunity to litigate, under Stone v. Powell, 438 U.S. 465 at 492

ROP
Pg 2.)

n. 37,96 S. Ct. 3037, (1976), at the suppression hearing held June 1, 2014 because, State trial prosecutor improperly suppressed the material exculpatory evidence that was apparent and relevant in nature of exculpatory value under Brady v. Maryland, 373 U.S. 83 at 87 S. Ct. 1194, 10 L. Ed 2d 215 (1963) and this improper suppression was prejudicial to Petitioner bringing the claim of falsified affidavits for search warrants, challenging paragraphs (12) (14) and (15) contents, in the motions to suppress, Franks, 438 U.S. at 171 (1978)

This suppression by State trial prosecutor of the nexus and probable cause equations, that was external impediment, establish in the contents of paragraphs (12) (14) and (15) in all affidavits for search warrants, by affiant attesting to the truth of the matters in paragraphs (12) (14) and (15), whole under oath, propelled the Judges to issue on May 7, 2015, the original (2PS) tracker search warrant on PR. FD#

744-752), on June 24, 2015, the extension of time for the original GPS tracker search warrant, on PG-ID# 753-759), on July 14, 2015, the home search warrant, that's not marked on the record in state courts or Federal courts, but the PG-ID# 1433-1445 Petitioner marked himself just to show all affidavits has the same contents in paragraphs (12) (14) and (15) and on July 23, 2015, the so-called computer search warrant on (PG-ID# 779-793), violating United States v. Jones, 565 U.S. 400 at 406-~~08~~ 132 S.Ct. 945 181 L. Ed 2d 911, (2012).

This improper suppression by the state trial prosecutor of the nexus and probable cause equation in paragraphs (12) (14) and (15) affidavits for search warrants, was an unconscionable breakdown in the underlying process of Brady, 373 U.S. at 87 in a suppression hearing to prove and provide rational violations of Brady, 373 U.S. at 87 and Franks, 438 U.S.

RGP
Pg 4.)

at 155-56, 171 and United States v Jones, 565 U.S. at 406-07, by not producing the nexus and probable cause equation to defense to litigate, falsified affidavits by affiant with reckless disregard for the truth, in all motions to suppress was an external impediment by prosecutor, thereby denying due process of law, under the Fourth, Fifth and Fourteenth Amendment FOR Petitioner to inquire and prove violations of federal law held in Franks, Brady and United States v. Jones, supra.

Relevant to Petitioner's arguments in the habeas petition that in question for granting certiorari for grounds (1) (2) and (4) for Constitutional violations.

There is now conflicting precedent within the Sixth Circuit courts own decisions in the past on Brady, violations, Franks, violations, and United States v. Jones, violations that conflicts with other circuit courts on Brady, violations

(the main point)^① and to what extent and how Brady evidence must be discovered under 2244 (b) (1) (B) when the State courts has not disclosed the material evidence that affiant testified to, attested to getting inside the contents of all affidavits for search warrants paragraphs (12) (14) and (15) whole under oath, because affiant use this material evidence in paragraphs (12) (14) and (15) in all affidavits and this material evidence in all affidavits paragraphs (12) (14) and (15) was attested by affiant to all Judges to be granted by all Judges for the issuance of all search warrants, but to the contrary de hors the State courts records and Federal courts records creating prejudice to Petitioner's due process rights under Fourth, Fifth, and Fourteenth Amendments.

And no courts, State courts or Federal courts has answered the merit claims^② if the material

Footnote ② ① to prove ~~frank~~ and United States v. Jones, supra

evidence was falsified or improperly suppressed from Tyrone Mock during trial, direct review, criminal rule (33) proceedings or federal habeas corpus proceedings, in all affidavits for search warrants in paragraphs (12) (14) and (15)."

This conflicting precedent with in the Sixth Circuit in Mock v. Palmer, 2024 U.S. App. Lexis 28353, concerning Tyrone Mock Brady 373 U.S. 83 claims of State trial prosecutor improperly suppressing the material exculpatory evidence that establish the nexus and probable cause equations in the contents of paragraphs (12) (14) and (15) when Sixth Circuit courts has well establish Brady precedent in the past 40 over come procedural hurdles.

Sixth Circuit held in Mock v. Palmer, unreasonably at [*3], that reasonable jurist would not debate that district court determinations that grounds (1) through (4) are uniformly under 2244(d) (2) (A) and Mock is not entitled to statutory tolling during

RGD
Pg. 7.)

the pendency of his delayed motion for a new trial, because the trial court denied the motion for a new trial, leave, as untimely for being unavoidably prevented from discovering newly discovered evidence within 120 days after trial.

And at *4, Sixth Circuit claim Tyrone Mock is not entitled to a later start date under 2244 (1) (1) (1), because Mock knew of the relevant factual predicate in 2018 pertaining to the motion for leave to file motion for new trial.

But to the contrary, "the improperly suppressed evidence in the pre-Battle contents in paragraphs (12) (14) and (15) which is the predicated material evidence that has not been disclosed to Tyrone Mock," that Tyrone Mock argued in ground (1) and (2) in habeas corpus petition, causing external impediment and prejudice from the non-disclosure, because this exculpatory evidence is still to this day improperly suppressed in June of 2025 for grounds (1) (2)

RGP
Pg. 8.)

and (4) to be proven by Tyrone Mock in the State Courts and Federal Courts habeas corpus petition.

Federal courts and ~~Ohio~~ courts reasoning is this, "Tyrone Mock did not use 'due diligence' pertaining to evidence that is not to this day disclosed to Tyrone Mock and denors the State court record and Federal courts record during State review and Federal reviews", is "unreasonable".

State courts and Federal courts keep using procedural hurdles to deny Tyrone Mock merit claims of "If the material evidence in paragraphs (12) (14) and (15) affidavits for search warrants for the nexus and probable cause equations was in fact 'improperly suppressed at all' or 'was Tyrone Mock entitled to this evidence from indicted co-defendant (CF#2 Danielle Hambrick) who was an accomplice to crimes in paragraphs (14)'".

"This position from the Sixth Circuit courts is in conflict from Sixth Circuits own precedent and

RGP
199)

fundamentally at odds with Brady U.S. at 87 and 'due diligence' of when and what extent to discover improperly suppressed evidence by the State."

See, United States v. Tavera, 719 F.3d 705 at 711 (6th Cir. 2013) ("This 'due diligence' defense places the burden of discovering exculpatory information on the defendant and releases the prosecutor from the duty to disclose").

See also, Barton v. Warden, S. Ohio Corr. Facility, 786 F.3d 450, at 468 (6th Cir. 2015) (to reiterate: Brady requires the State to turn over all material exculpatory and impeachment evidence to the defense. It does not require State simply to turn over some evidence on the assumption that defense counsel will find the cookie from a trail of crumbs) (emphasis in original).

This ruling from Sixth Circuit decision in Moore v. Palmer, also conflicts with other Circuit courts

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under 2244 (d) (1) (D) and their own precedent under 2244 (d) (1) (D).

See, Willis v. Jones, 329 Fed App'x 7 at 17 ("The limitations period did not begin to run until Michigan disclosed the evidence, the district court must consider Willis habeas claims on the merits").

Other Circuits, in Starns v. Andrews, 524 F.3d 612, at 614, 619 (5th Cir. 2008) held, ("that the habeas petitioner's due diligence time period did not begin to run until he / Starns actually discovered the witnesses testimony, even though the petitioner's attorney declined to follow up on the little he learned from the State before trial").

See, also, Daniels v. Uchtmann, 421 F.3d 490, at 490-91, 492 (7th Cir. 2005), held, ("the due diligence period begins to run for uncovering exculpatory Brady evidence after the defendant contacts a witness who ~~co~~operates in revealing the State's wrong doing").

See, also, *Rinaldi v. Gillis* 248 F. App'x 371, at 380 (3d Cir. 2007), an unpublished opinion, held, ("AEDPA's one year clock did not begin ticking until the day the petitioner received the alleged Brady material").

But to the contrary "Tyronne Mock has never received the nexus and probable cause evidence that was material and probative / predicted in paragraphs (12) (14) and (15) affidavits for all search warrants".

This improper suppression by the State trial prosecutor was prejudicial and a miscarriage of justice and a violation of Tyronne Mock Fourth Fifth and Fourteenth Amendment Constitutional Rights in United States of America, due process of a fair trial.

Petitioner (Tyronne Mock) is saying that my statute of limitations did not start to run under 2244 (b)(1)(A), 2244 (b)(1)(B), and 2244 (b)(2) to procedural bar my review of merit claims "If the material evidence was improperly suppressed in paragraphs

R.G.P.
Pg 12.)

(12) (14) and (15) affidavits for search warrants, in habeas corpus petition "until the nexus and probable cause evidence is disclosed to Tyone Mock."

This petition for certiorari is of great interest to the national public, because detective/affiant falsified and manufactured search warrants affidavits with reckless disregard for the truth of the matters in bad faith, violating FRANKS, 438 U.S. 155-56, 671 and prosecutor improperly suppressed this nexus and probable cause evidence in the affidavits for search warrants violating Brady, 373 U.S. at 87, and this material evidence in contents paragraphs (12) (14) and (15) for the nexus and probable cause was used to issuance of a (GPS) tracker search, extension of time for (GPS) tracker search, home search, and computer search violating United States v. Jones, 565 U.S. at 406-07 privacy rights, and "if the courts allow detectives and prosecutors to violate Tyone Mock rights unreasonably, then the detectives

R.G.P.
Pg. 13)

and prosecutor ~~can~~ do this violation to all citizens in the United States of America in the future, unreasonable."

This petition rises to the level of exceptional and extraordinary circumstances, and deserves equitable tolling to overcome the procedural bar Sixth Circuit placed on Tyrone Moore under (AEDPA's) one year clock, because "the improper suppression precluded the opportunity of Tyrone Moore to litigate the merit claims of falsified and manufactured affidavits for search warrants at the suppression hearing through the corrective mechanism of motions to suppress paragraphs (12) (14) and (5) for search warrants", and "this conflict deserves resolving the conflict from the Circuit Courts." Tyrone Moore
690 260

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Tyrone Mock

Date: June 10, 2025