

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STEVE MONTRELL WILLIAMS — PETITIONER
(Your Name)

vs.

LORIE DAVIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT - WESTERN DISTRICT - WACO
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEVE MONTRELL WILLIAMS
(Your Name)

59 DARRINGTON ROAD
(Address)

ROSHARON, TX 77583
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

THIS IS A CASE IN WHICH PETITIONER WILLIAMS PRESENTED THE LOWER STATE COURTS AND THE LOWER FEDERAL COURTS WITH AN AFFIDAVIT FROM HIS CO-DEFENDANT THAT EXONERATED WILLIAMS (APPENDIX F). BUT NO COURT HAS AFFORDED WILLIAMS A HEARING OR A MEANINGFUL FORUM IN WHICH TO PRESENT THIS AFFIDAVIT OR LIVE WITNESS TESTIMONY TO ESTABLISH HIS ACTUAL INNOCENCE.

WHEN A DEFENDANT MAKES A SUBSTANTIAL SHOWING THAT HE IS ACTUALLY INNOCENT, HAS THAT SUBSTANTIAL SHOWING OF ACTUAL INNOCENCE ALSO DEMONSTRATED THAT JURISTS OF REASON COULD DISAGREE WITH THE DISTRICT COURT'S RESOLUTION OF HIS CLAIMS OR DEMONSTRATED THAT JURISTS COULD CONCLUDE THE ISSUES PRESENTED ARE ADEQUATE TO DESERVE ENCOURAGEMENT TO PROCEED FURTHER?

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:

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TABLE OF AUTHORITIES CITED

CASES

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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 E 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☒ is unpublished.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☐ is unpublished.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 _____; 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☐ is unpublished.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 07-31-2017.

☐ 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: 8-5-2017, and a copy of the order denying rehearing appears at Appendix E.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE LIBERTY OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS. (UNITED STATES CONSTITUTION, FOURTEENTH AMENDMENT)

STATEMENT OF THE CASE

Williams was charged with aggravated robbery. He pled ^{not} guilty, but was convicted by a jury. The conviction was affirmed on appeal, and review was denied. Williams obtained an affidavit from his codefendant, Arrick Mathews (Appendix F). Mathews admitted that he lied about Williams' involvement in the robbery, and that Williams is actually innocent. Williams filed a state habeas application. He was provided no hearing or meaningful forum in which to plead his case. The state habeas application was denied. Williams filed a federal habeas action. No hearing was provided, and his habeas action was dismissed.

REASONS FOR GRANTING THE PETITION

THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH RELEVANT DECISIONS OF THE UNITED STATES SUPREME COURT.

THE ROBBERY VICTIM IN WILLIAMS' CASE DID NOT IDENTIFY WILLIAMS AS THE ROBBER, BUT IDENTIFIED HIS CO-DEFENDANT, MATHews. WILLIAMS' CONVICTION WAS OBTAINED THROUGH THE TESTIMONY OF MATHews. MATHews HAS SINCE RECANTED HIS TESTIMONY, CLAIMED GOVERNMENTAL COERCION, AND AFFIRMED WILLIAMS' INNOCENCE. BUT WILLIAMS STILL REMAINS INCARCERATED.

A MISCARriage OF JUSTICE OCCURS WHEN THE COURTS FAIL TO HEAR THE CLAIM OF A PETITIONER WHO IS ACTUALLY INNOCENT MURRAY v. CARRIER, 106 SCT 2639, 2649 (1986); SAWYER v. WHITLEY, 112 SCT 2514, 2518 (1992).

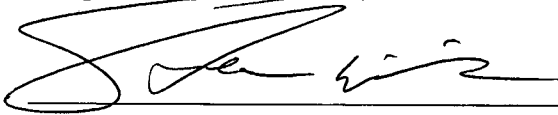
WILLIAMS' SUBSTANTIAL SHOWING THAT HE IS ACTUALLY INNOCENT DEMONSTRATES THAT JURISTS OF REASON COULD DISAGREE WITH THE DISTRICT COURT'S RESOLUTION ON HIS CLAIMS OR DEMONSTRATES THAT JURISTS COULD CONCLUDE THE ISSUES PRESENTED ARE ADEQUATE TO DESERVE ENCOURAGEMENT TO PROCEED FURTHER. THE COURT OF APPEALS HELD THAT ACTUAL INNOCENCE DOES NOT INHERENTLY DEMONSTRATE THE ABOVE. AND THAT IS A REAL PROBLEM THAT THIS COURT SHOULD ADDRESS. OTHERWISE, AN

INNOCENT MAN WILL REMAIN INCARCERATED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "John W. [unclear]", written over a horizontal line.

Date: DECEMBER 1, 2017