

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Edmond McClinton II PETITIONER

VS.

State of Arkansas RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
(NAME THE LAST COURT THAT LAST RULED ON THE MERITS)

PETITION FOR WRIT OF CERTIORARI

NAME Edmond McClinton II

ADDRESS P.O. Box 500 ADE # 107846

CITY STATE ZIP Greedy, Arkansas 71644

PHONE NUMBER (father's phone number)
1-870-535-8224
ask for Edmond McClinton, Sr.

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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:

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☐ is unpublished.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 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☐ is unpublished.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 *See Reason For Granting the petition* N/A

- ☒ reported at *same case* McClinton vs. State 533 S.W.3d 578; or, *McClinton vs. State CV-17-558* (612518 ARSC; 011118 ARSC; 113017 ARSC)
☐ 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☐ is unpublished.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☐ is unpublished.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 December 14, 2017.
A copy of that decision appears at Appendix C (only have formal order)

☒ A timely petition for rehearing was thereafter denied on the following date:
January 25, 2018, and a copy of the order denying rehearing appears at Appendix D (only have formal order)

☐ 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).

(No Associate Justice mentioned on Appendix C formal order.)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A. Constitutional violations of Grand Jury clause, no bind over to Jefferson County Arkansas Circuit Court for trial... Therefore Jefferson County Arkansas Circuit Court lacked jurisdiction for trial. That trial was performed without bindover to conceal appellant's actual innocence.

Violation of U.S. Constitution 5th Amendment and Arkansas Constitution of 1874 Article 2 Section 8 Grand Jury clause for bind over by indictment or with prosecutor by Information.

B. Chain of Custody and Authentication of Evidence violation
*: Arkansas Rules of Evidence, Rule 901, the requirement of authentication (Rule 901-903) (Rule 901 (b) (7))
*: Arkansas Rules of Evidence, Rule 803 (4), (7), (10), (6)

C. Arkansas Code Annotated § 16-112-103 (2) The Procedures for persons who allege actual innocence shall be in accordance with § 16-112-201 et seq.

D. Arkansas Code Annotated § 16-112-201 Writ of Habeas Corpus -- Motions based on Scientific Evidence

QUESTION(S) PRESENTED

The matter at issue, and point in controversy is the actual innocence of the appellant. By which proper procedure, facts and law have been presented to Jefferson County Circuit Court, and to the Arkansas Supreme Court, but has been denied due to judicial error, prejudicial on part by Jefferson County and as well by the Arkansas Supreme Court. The appellant submitted redress of grievances and has been denied due process and consideration.

The Arkansas Supreme Court through Associate Justice Courtney Hudson Goodson denied Motion for leave to add to Addendum of Appeal Brief To Provide Complete Medical Record by dismissing the Appeal. The Medical Record provided to the Court documentary evidence by which to prove actual innocence. These facts was disregarded, and the opinion therefore formed in disregard of the facts, prejudice. This caused prejudicial error, and any judicial error is reversible.

STATEMENT OF THE CASE

I the appellant was convicted of a rape that was shown by Medical report to have took place. There also was no record of the DNA collected in Medical report or Police report used at trial to get conviction. There was no chain of custody nor authentication of this interchangeable object of DNA, which original DNA on State file of appellant was not matched, but other DNA used that was not recorded, nor was the DNA said collected from the alleged victim recorded and authenticated. There was no chain of custody for no evidence used at trial to get conviction. When the medical report shows that there was no sexual intercourse proof, therefore sexual intercourse with mental person classified as rape should have been ruled out. There was no rape, there was no sexual intercourse with mental person. Proof of chain of custody for interchangeable items like drugs or blood needs to be more conclusive than for other items of evidence. *Crisco v. State*, 328 Ark. 388, 943 S.W. 2d 582 (1997), opinion supplemented on reh'g, 945 S.W. 2d 383 (Ark. 1997). There was no DNA collected at hospital, and DNA used at trial was falsified to obtain a conviction. The purpose of establishing the chain of custody is to prevent the introduction of evidence that is not authentic or has been tampered with. *Lawwell v. State*, 2012 Ark. 201, 404 S.W. 3d 818 (2012).

STATEMENT OF THE CASE

"Continued"

There was no bind over, and this evidence was not presented before the Grand Jury nor Preliminary Hearing. This evidence was only brought at trial, by which the Court did not have jurisdiction to trial of the case without bindover by Grand Jury or Magistrate Judge.

This evidence was framed by the Jefferson County Prosecuting Attorney's Office to obtain a conviction, and never presented before trial to the Court for examination for bindover. At preliminary stage, there was no evidence that amounted probable cause for trial nor arrest. Without probable cause for trial there can be no bind over, and there was no First Appearance Order to bind case to Circuit Court for trial. Therefore Court without jurisdiction and Habeas Corpus should have been granted.

Appellant was convicted due to malicious prosecution.

REASONS FOR GRANTING THE PETITION

Appellant herein present with accuracy, brevity, and clarity that which is essential to ready and adequate understand the points requiring consideration. Therefore sufficient reason for the Court to grant petition exist.

Petitioner and appellant presents a certified record of Edmond McClinton v. State of Arkansas Case # CV-17-558, the Supreme Court of Arkansas could not provide a certified copy of the Supreme Court of Arkansas opinion and briefs filed and Motion for stay of mandate along with rehearing motion. Instead the Enclosed Appendix B, the Certified Record from the Jefferson County Circuit Court to Arkansas Supreme Court is what the Arkansas Supreme Court presented, and was not able to provide the Certified Record of the case # CV-17-558 Habeas Corpus Appeal (by which the prosecuting attorney did not respond to the Habeas corpus, but court ruled on behalf of prosecuting attorney as the prosecutor's advocate). The Arkansas Supreme Court clearly do not have a record of the Ark. Supreme Court's opinion, but the Habeas was dismissed and denied by the Court. see McClinton v. State 533 S.W. 3d 578; additional cites to the same

case # CV-17-558

*. McClinton v. State 012518 ARSC

*. McClinton v. State 011118 ARSC

* McClinton v. State 113017 ARSC

But Supreme Court of Arkansas was unable to provide me with a certified copy of the Appeal Brief, Reply Brief and Response Brief along with other motion filed on Appeal. But submitted the trial court's record instead of Appeal's court record, clear error by the Ark. Supreme Court. The Arkansas Supreme Court has no appeal record for the appeal, but has denied the appeal.

Clear Prejudicial Errors that are reversible errors.

Judicial Errors which are reversible errors, and a miscarriage of Justice.

Therefore petitioner a subject and patriot of the United States ask that Writ be granted.

Edmond McClinton
P.O. Box 500
ADC #107846
Grady, Ark.
71644

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Edmond McQuinton

Date: March 21, 2018
April 6, 2018

Under Penalty of Perjury I declare the
Context of this writ to be true, by
the best of my ability.

Edmond McQuinton

FORMAL ORDER

STATE OF ARKANSAS,)
) **SCT.**
SUPREME COURT)

BE IT REMEMBERED, THAT A SESSION OF THE SUPREME COURT
BEGUN AND HELD IN THE CITY OF LITTLE ROCK, ON DECEMBER 14, 2017,
AMONGST OTHERS WERE THE FOLLOWING PROCEEDINGS, TO-WIT:

SUPREME COURT CASE NO. CV-17-558

EDMOND MCCLINTON

APPELLANT

V. APPEAL FROM JEFFERSON COUNTY CIRCUIT COURT - 35CV-17-198

STATE OF ARKANSAS

APPELLEE

APPELLANT’S PRO SE MOTION FOR LEAVE TO ADD TO ADDENDUM OF
APPEAL BRIEF TO PROVIDE COMPLETE MEDICAL RECORD. APPEAL DISMISSED;
MOTION MOOT. SEE **OPINION** THIS DATE.

IN TESTIMONY, THAT THE ABOVE IS A TRUE COPY OF THE ORDER OF SAID SUPREME COURT, RENDERED IN THE CASE HEREIN STATED, I, STACEY PECTOL, CLERK OF SAID SUPREME COURT, HEREUNTO SET MY HAND AND AFFIX THE SEAL OF SAID SUPREME COURT, AT MY OFFICE IN THE CITY OF LITTLE ROCK, THIS 14TH DAY OF DECEMBER, 2017.

James Pector CLERK

BY: _____

DEPUTY CLERK

ORIGINAL TO CLERK (W/COPY OF OPINION)

CC/ENCL: EDMOND MCCLINTON
CHRISTIAN HARRIS, ASSISTANT ATTORNEY GENERAL
HONORABLE JODI RAINES DENNIS, CIRCUIT JUDGE

Appendix C