

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

AMANDA ELAINE LEWIS — PETITIONER
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES ELEVENTH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

AMANDA ELAINE LEWIS
(Your Name)
LOWELL CORRECTIONAL INSTITUTION-ANNEX
11120 NW GAINESVILLE ROAD
(Address)

OCALA, FLORIDA 34482
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

A. IS A PRO SE PETITIONER RESPONSIBLE FOR THE UNTIMELY FILING OF HER FEDERAL HABEAS DUE TO MISADVICE BY DEPARTMENT OF CORRECTIONS CERTIFIED LAW CLERK?

B. DOES MISADVICE BY A DEPARTMENT OF CORRECTIONS CERTIFIED LAW CLERK COUNT TOWARD EQUITABLE TOLLING?

C. DOES ACTUAL INNOCENCE OVERCOME PROCEDURAL BARRED CONSTITUTIONAL CLAIMS WHICH THE FEDERAL COURT CLAIMS ARE UNTIMELY?

D. IS IT UNCONSTITUTIONAL FOR THE STATE TO USE A KNOWN PERJURER AS A WITNESS AND PRESENT PERJURED TESTIMONY, WHICH IS A BRADY VIOLATION?

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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STATUTES AND RULES

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 B, C 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☒ is unpublished.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 A 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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 MARCH 9, 2018.

☐ 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 _____.
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

SIXTH AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

STATEMENT OF THE CASE

THE PETITIONER WAS INDICTED AND PROSECUTED AND LATER FOUND GUILTY FOR THE MURDER OF HER DAUGHTER ADRIANNA HUTTO. THE PETITIONER TIMELY FILED A POST CONVICTION INACCORDANCE WITH THE FLORIDA RULES OF COURT PROCEDURE, HOWEVER WAS UNTIMELY IN ACCORDANCE WITH THE AEDPA LAW.

MAGISTRATE GARY R. JONES REPORTED IN HIS RECOMMENDATION THAT THE PETITIONER IS UNTIMELY, NOT ENTITLED TO EQUITABLE TOLLING AND ALSO FOUND THAT THERE WAS NO SUBSTANTIAL SHOWING OF A DENIAL OF A CONSTITUTIONAL RIGHT, AND ULTIMATELY DENYING THE PETITIONER'S WRIT OF HABEAS CORPUS.

THE PETITIONER ASSERTS THAT SHE IS ENTITLED TO EQUITABLE TOLLING WHERE SHE DEMONSTRATED THE REQUISITE EXTRAORDINARY CIRCUMSTANCES WHERE SHE CONSTANTLY WROTE REQUEST FORMS TO HER LAW CLERK REQUESTING WHEN HER POST CONVICTION WAS DUE. IT WAS BEYOND HER CONTROL, THE LATE FILING, WHERE THE PETITIONER REASONABLE BELIEVED THAT WHAT THE LAW CLERK TOLD HER TO BE VALID AND TRUE. HAD NOT THE LAW CLERK MISADVISED THE PETITIONER AND PREPARED THE PETITIONER'S POST CONVICTION LATE THE PETITIONER'S TIME FOR FILING HER WRIT OF FEDERAL HABEAS WOULD HAVE BEEN PROPERLY TOLLED.

EVEN OUTSIDE OF THE EQUITABLE TOLLING THE PETITIONER ASSERTED A MERITORIOUS CLAIM OF ACTUAL INNOCENCE, WHICH IS A GATEWAY ALLOWING PROCEDURALLY BARRED CONSTITUTIONAL CLAIM DUE CONSIDERATION.

REASONS FOR GRANTING THE PETITION

A-B: EQUITABLE TOLLING:

EQUITABLE TOLLING IS PERMISSIBLE BY A REQUISITE SHOWING OF EXTRAORDINARY CIRCUMSTANCES OCCURS EXTERNAL A PETITIONER NOT ATTRIBUTABLE TO THEIR ACTIONS AND DUE DILIGENCE IS DEMONSTRATED. THE PETITIONER CONTENDS SHE IS ENTITLED TO EQUITABLE TOLLING WHERE SHE WAS DILIGENT IN ASKING THE LAW CLERK THROUGH INMATE REQUEST FORMS WHEN HER POST CONVICTION WOULD FILE¹. THE PETITIONER ASSERTS THAT INMATE REQUEST FORMS ARE THE SAME AS A NOTICE OF INQUIRY TO THE COURTS, OR A LETTER TO AN ATTORNEY AND SHOULD BE ACCEPTED BY THIS COURT AS SUCH. IN THIS CASE THE PETITIONER BELIEVED IN GOOD FAITH THAT HER POST CONVICTION WAS TIMELY FILED, AND DID EFFECTIVELY TOLL HER TIME FOR FILING HER FEDERAL HABEAS. THE PETITIONER WAS TOLD SHE WAS STILL TIMELY, THAT THE LAW CLERK HAD MORE THAN ONE PERSON'S LEGAL WORK TO WORK ON, AND THAT SHE NEEDED TO BE PATIENT. THE PETITIONER IS A LAYMAN, NOT KNOWLEDGEABLE OF THE LAW, HAVING NO INTELLIGENT MEANS, UNDERSTANDING, OR FUNCTION IN ANY CAPACITY TO DRAFT OR FILE ANY TYPE OF MOTION. THE PETITIONER IS CONSIDERED ILLITERATE BY THE T.A.B.E. STANDARDS WHERE HER TEST RANGE IS 9.6. THE PETITIONER COULD NOT POSSIBLY UNDERSTAND NOR COMPREHEND ON A 9TH GRADE LEVEL, LET ALONE READ, UNDERSTAND, DRAFT AND MEET ANY DEADLINE ON HER OWN UNLESS IT WAS A HUGELY INSUFFICIENT ONE. THE PETITIONER'S IGNORANCE OF LAW NOT ONLY STOOD IN THE WAY OF HER FILING, BUT ALSO THE INCORRECT INFORMATION FROM HER LAW CLERK. THE PETITIONER IS UNINTELLIGENT AND DOES NOT UNDERSTAND THE LANGUAGE OF THE LAW, AND IT DID HINDER HER FROM DOING ANYTHING EXCEPT DEPEND ON HER LAW CLERK.

EQUITABLE TOLLING APPLIES IN THIS INSTANCE WHERE OTHER CIRCUMSTANCES EXTERNAL TO THE PETITIONER OCCURRED NOT ATTRIBUTABLE TO HER ACTIONS, WHICH WERE RESPONSIBLE FOR THE DELAY. ALTHOUGH THE INVOCATION OF EQUITY TO RELIEVE THE STRICT APPLICATION OF THE STATUTE OF LIMITATIONS MUST BE GUARDED AND INFREQUENT, THE HARDSHIP MUST BE INDIVIDUALIZED, JIHAD V. HUASS, 267 F. 3D 803 (8TH CIR. 2001); HARRIS V. HUTCHINSON, 209 F. 3D 325,

¹ See exhibits "A"- "P" filed in her Objections to the Magistrate's Report

330 (4TH CIR. 2000). HOWEVER, THE INDIVIDUALIZED CIRCUMSTANCES MAY BE TOLLED WHEN CIRCUMSTANCES OVER WHICH A PRISONER HAS NO CONTROL MAKES IT IMPOSSIBLE TO FILE A TIMELY PETITION.

IN REGARDS TO NO SHOWING OF A CONSTITUTIONAL VIOLATION, THE NORTHERN DISTRICT COURT DENIED THE PETITIONER A CERTIFICATE OF APPEALABILITY. THE PETITIONER URGES THIS HONORABLE COURT TO ALLOW HER CASE TO BE GIVEN PROPER REVIEW WHERE SHE HAS EVIDENCE OF PREJUDICE THAT GIVES RISE TO FACTUAL INNOCENCE.

C: ACTUAL INNOCENCE:

THE PETITIONER ASSERTS SHE IS ACTUALLY INNOCENT AND DESERVES TO HAVE HER CLAIMS ADDRESSED ON THEIR MERITS WHERE NO COURT HAS ADDRESSED ANY OF HER CLAIMS, THEIR CONSTITUTIONAL CONTENT, OR THEIR CONSTITUTIONAL VIOLATION. THE NORTHERN DISTRICT COURT ERRED WHEN IT DENIED HER A CERTIFICATE OF APPEALABILITY WHERE HABEAS CORPUS § 118-CLAIM OF ACTUAL INNOCENCE-DEFAULT UNDER STATE LAW-FEDERAL REVIEW-NEW EVIDENCE STATES: AN ACCUSED, WHOM A STATE TRIAL COURT HAD CONVICTED OF MURDER AND SENTENCED TO DEATH, MADE AN ACTUAL-INNOCENCE CLAIM SUFFICIENT TO OVERCOME THE GENERAL RULE THAT FEDERAL HABEAS CORPUS COURTS WERE CLOSED TO CLAIMS THAT STATE COURTS WOULD CONSIDER DEFAULTED-AND THUS, THE ACCUSED WAS ENTITLED TO PROCEED WITH HIS PETITION FOR FEDERAL HABEAS CORPUS RELIEF THAT WAS BASED ON FEDERAL CONSTITUTIONAL CLAIMS THAT HAD BEEN DETERMINED BY THE STATE'S HIGHEST COURT TO BE PROCEDURALLY BARRED UNDER STATE LAW, HOUSE V. BELL, 547 US 518, 126 S CT 2064, 165 L ED 2D 1 (2006).

THE SUPREME COURT HAS ALLOWED THE EXCEPTION OF ACTUAL INNOCENCE TO BE USED AS A GATEWAY FOR ALLOWING DUE CONSIDERATION FOR PROCEDURALLY BARRED CONSTITUTIONAL CLAIMS, SCHLUP V. DELO, 513 U.S. 298, 319-322, 115 S. CT. 851, 130 L. ED. 2D 808 (1995).

IN THE INSTANT CASE THE PETITIONER'S INNOCENCE IS NOT A LEGAL INNOCENCE BUT A FACTUAL INNOCENCE. THE PETITIONER IS CHARGED WITH FIRST DEGREE MURDER OF HER DAUGHTER ADRIANNA HUTTO (AH).

IN AUGUST 2006 THE FLORIDA MEDICAL EXAMINER COMMISSION RECOMMENDED THAT MEDICAL EXAMINER DR. SIEBERT BE PLACED ON SUPERVISED PROBATION FOR THE REMAINING 10 MONTHS OF HIS CONTRACT IN BAY COUNTY. A PANEL OF COMMISSION MEMBERS REVIEWED APPROXIMATELY 700 AUTOPSIES AND FOUND THAT DR. SIEBERT HAD SOMETIMES FAILED TO PERFORM THE DUTIES REQUIRED OF A MEDICAL EXAMINER².

THE FLORIDA MEDICAL EXAMINERS COMMISSION RECOMMENDED BY A UNANIMOUS VOTE ON JUNE 12, 2007 THAT DR. SIEBERT BE REMOVED FROM HIS POSITION AS MEDICAL EXAMINER. DR. SIEBERT'S WAS HOWEVER RE-APPOINTED AND DID PERFORM THE AUTOPSY ON PETITIONER'S DAUGHTER ON AUGUST 10, 2007 AT 10:00 AM, BUT BECAUSE OF HIS REMOVAL WAS NOT AVAILABLE TO TESTIFY AT THE PETITIONER'S TRIAL. DR. SIEBERT'S ASSISTANT LISA RUCKMAN WAS CALLED TO TESTIFY AT PETITIONER'S TRIAL TO PRESENT COLLABORATING TESTIMONY OF DR. SIEBERT'S AUTOPSY FINDINGS.

THE PETITIONER WAS NOT AWARE THAT THE ASSISTANT TESTIFYING IN HER TRIAL WAS A CONVICTED FELON NOR PREVIOUSLY PRODUCED PERJURED TESTIMONY FOR TRIAL UNTIL THE PETITIONER RECEIVED A LETTER³ CONCERNING LISA FOREHAND A.K.A. LISA DETRICK, A.K.A. LISA RUCKMAN⁴.

ON NOVEMBER 23, 2016 THE PETITIONER RECEIVED AN ANONYMOUS LETTER CONCERNING LISA RUCKMAN WHO ENTERED A NO-CONTEST PLEA, AND IS A CONVICTED FELON OF PERJURED TESTIMONY UNDER THE NAME OF LISA MARCHELLE DETRICK ON CASE #94-4671CTMA, WELL BEFORE PETITIONER'S 2007 CASE (SEE EXHIBIT "Q"). THIS IS NEWLY DISCOVERED EVIDENCE TO WHICH THE PETITIONER HAD NO WAY OF KNOWING ABOUT; WAS NOT PRIVY TO, WHICH IS A RELEVANT FACT THAT COULD NOT HAVE BEEN ASCERTAINED UNTIL THE TIME SHE RECEIVED THE LETTER. THE LETTER WAS SENT IN ANONYMOUSLY IS FACTUAL EVIDENCE AND GIVES CAUSE TO PETITIONER'S ACTUAL INNOCENCE. THIS LETTER GIVES RISE TO A FUNDAMENTAL ERROR AND GOES TO THE VERY HEART AND VALIDITY OF THE TRIAL ITSELF WHERE THE TESTIFYING WITNESS'S HAND PRINT MATCHED THE BRUISES AND TESTIFIED TO SUCH, SPECIFICALLY WHERE THE

² See Exhibits "W" & "X" filed in her Objections to the Magistrate's Report.

³ The Petitioner received the anonymous letter via Institutional mail well after the filing of her Petition for Writ of Habeas Corpus. See exhibit "R" envelope.

⁴ See exhibit "Q" filed in her Objections to the Magistrate's Report

PETITIONER'S HAND PRINT DID NOT.

LISA RUCKMAN, A.K.A. LISA DETRICK, A.K.A. LISA FOREHAND TESTIFIED AT THE PETITIONER'S TRIAL, WAS EMPLOYED WITH THE MEDICAL EXAMINER'S OFFICE AS DR. SIEBERT'S ASSISTANT FOR SIX AND A HALF (6 ½) YEARS AND WORKED AS DIRECTOR OF INVESTIGATIONS. HER DUTIES CONSISTED OF SCENE INVESTIGATIONS, DEATH INVESTIGATIONS IN THE OFFICE, FORENSIC PHOTOGRAPHY, FINGERPRINTING, ASSISTING IN IDENTIFICATION, ASSISTING IN AUTOPSIES, REVIEWING MEDICAL RECORDS, WORKING WITH FAMILIES, (SEE EXHIBIT "U"). RUCKMAN TESTIFIED THAT THE BRUISES ON AH LOOKED CONSISTENT TO BE THAT OF A LEFT HAND PRINT. TO TEST HER NOT DR. SIEBERT'S ORIGINAL HYPOTHESIS OF IT BEING A HAND PRINT, RUCKMAN PLACED HER LEFT HAND OVER THE BRUISES AND '**AS YOU CAN SEE IT LINED UP PERFECTLY**' (SEE T.T. PG. 490 EXHIBIT "U"). RUCKMAN DID NOT PHOTOGRAPH THIS HAND PRINT TEST, WAS NOT A MEDICAL DOCTOR, HAD NO MEDICAL TRAINING, NEVER WENT TO EMT SCHOOL, AND DID NOT EVEN HAVE A COLLEGE DEGREE. THE PETITIONER'S LEFT HAND AND RUCKMAN'S LEFT HAND WERE NOT THE SAME SIZE; IN FACT THE PETITIONER IS NOT LEFT HANDED, BUT RIGHT HANDED WHERE RUCKMAN IS ACTUALLY LEFT HANDED. HOWEVER, RUCKMAN'S PRODUCTION OF THE LEFT HAND PRINT WAS AN IDENTICAL FIT, GIVING CAUSE TO RUCKMAN PUTTING THE BRUISES THERE POST-MORTEM DUE TO ROUGH HANDLING OR STORAGE OF THE BODY, AND ATTEMPTED TO HIDE THE "SHODDY" AND "SLOPPY" AUTOPSY BY DR. SIEBERT. THIS WOULD FURTHER EXPLAIN THE BRUISING AT THE SIDES AND BACK OF AH'S HEAD, LEAVING ONLY THE CONTUSION FROM THE ACCIDENTAL FALL. THE PETITIONER'S COUNSEL EVEN QUESTIONED RUCKMAN AS TO HER MEDICAL TUTELAGE AND HER PERFECTLY MATCHING HAND PRINT (SEE T.T. PG. 492-495 EXHIBIT "U").

IT WAS NEVER DETERMINED BY ANY DOCTOR OR MEDICAL EXPERT WHAT COULD HAVE CAUSED OR DID CAUSE THE MARKINGS, BUT A LAY PERSON WHO HAD NO MEDICAL TRAINING, OR EMT TRAINING, KNEW AND DID ASSERT DURING PETITIONER'S TRIAL AS TO EXACTLY WHERE THE MARKINGS CAME FROM, AND THAT HER HAND PRINT WAS AN EXACT MATCH. ANY REASONABLE JURIST WOULD FIND DEBATABLE THAT THIS LETTER CONSTITUTES NEWLY DISCOVERED EVIDENCE TO WHICH CONSTITUTES EXTRAORDINARY CIRCUMSTANCE THAT RESULTS IN A CONSTITUTIONAL VIOLATION AND ILLEGAL CONVICTION GIVING RISE TO THE PETITIONER'S ACTUAL INNOCENCE.

ACTUAL INNOCENCE IN SOME CASES DOES EXCUSE OR OBTAIN CERTAIN PROCEDURAL OBSTACLES TO THE CONSIDERATION OF PETITIONS FOR HABEAS CORPUS ON THEIR MERIT, FLANDERS V. GRAVES, 299 F 3D 974 (8TH CIR. 2007). ALTHOUGH A PETITIONER WHO CAN SHOW ACTUAL INNOCENCE CAN GET HIS CONSTITUTIONAL CLAIMS CONSIDERED ON THEIR MERITS EVEN IF HE CANNOT SHOW CAUSE AND PREJUDICE MURRAY V. CARRIER, 977 U.S. 478, 106 S. CT. 2639 (1986).

THE PETITIONER ASSERTS THAT ANY COURT'S DECLINE TO ADDRESS THIS ACTUAL INNOCENCE IS A VIOLATION OF HER CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW AND ANY REASONABLE JURIST WOULD DEBATE SUCH. AND EVEN THOUGH ACTUAL INNOCENCE IS NOT CONSIDERED A SUBSTANTIVE CLAIM IT DOES SERVE AS AN EXCEPTION IN EXTRAORDINARY CASES WHERE A CONSTITUTIONAL VIOLATION HAS RESULTED IN A CONVICTION OF SOMEONE ACTUALLY INNOCENT, HENDERSON V. CAMPBELL, 353 F. 3D 880 (11TH CIR. 2003); HOUSE V. BELL, 547 US 518, 126 S CT 2064, 165 L ED 2D 1 (2006); SCHLUP V. DELO, 513 U.S. 298, 319-322, 115 S. CT. 851, 130 L. ED. 2D 808 (1995).

THE PETITIONER ASSERTS THAT ANY REASONABLE JURIST WOULD DEBATE THAT HAD THE JURORS KNOWN THAT LISA RUCKMAN PREVIOUSLY PERJURED HER TESTIMONY IN A TRIAL AND THAT SHE WAS CONVICTED OF SUCH, NO REASONABLE JUROR WOULD HAVE CONVICTED THE PETITIONER, BUT FOUND HER NOT GUILTY WHERE THE MARKINGS NOW HAD BEEN EXPLAINED, HAD A VALID MATCH, AND RUCKMAN'S RELIANCE ON A DOCTOR'S FINDINGS WHO WAS TAKEN OUT OF HIS POSITION AS A MEDICAL EXAMINER WAS ILLOGICAL AND INVALID. WITHOUT RUCKMAN'S CONVICTION BEING BROUGHT OUT, THE JURORS WERE LEFT TO BELIEVE THE PETITIONER'S HAND PRINT WAS A POSSIBLE MATCH AND THAT SHE HAD INDEED CAUSED THE BRUISING. THIS PREJUDICE IS NOT A LEGAL INSUFFICIENCY WHERE COUNSEL ERRED, BUT A FACTUAL INNOCENCE, WHERE RUCKMAN TWISTED AND TAINTED THE MINDS OF THE JURORS WITH NON FACTS THAT COULD NOT BE PROVEN AND ANY REASONABLE JURIST WOULD DEBATE SUCH.

THIS PREJUDICE CAN NOT BE OVERLOOKED, NOR MISAPPREHENDED, IT DESERVES JUST REVIEW ON THE MERITS, WHERE PETITIONER HAS PRESENTED A VALID SHOWING OF ACTUAL INNOCENCE ALONG WITH NEWLY DISCOVERED EVIDENCE, AND THAT SHE DESERVES

RECONSIDERATION IN THIS A GRAVE MISCARRIAGE OF JUSTICE.

D: CONSTITUTIONAL RIGHT:

THE NORTHERN DISTRICT ALSO ASSERTED THAT OUTSIDE OF THE REQUISITE FAILURE TO SHOW BOTH EXTRAORDINARY CIRCUMSTANCES AND DUE DILIGENCE, THERE WAS NO SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL RIGHT. THE PETITIONER'S ENTIRE TRIAL WAS UNFAIR DENYING HER CONSTITUTIONAL RIGHT OF DUE PROCESS OF LAW AS GUARANTEED BY THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION TO A FAIR AND IMPARTIAL TRIAL AND TO PROPERLY CONFRONT WITNESSES.

THE REVIEW OF THE DENIAL OF A CERTIFICATE OF APPEALABILITY IS A RETROSPECTIVE INQUIRY INTO WHETHER THE MOVANT'S CLAIMS, AS LITIGATED IN THE DISTRICT COURT, WARRANT FURTHER PROCEEDINGS-NOT WHETHER THERE IS ANY CONCEIVABLE BASIS UPON WHICH THE MOVANT COULD PREVAIL. COURTS MUST ASK WHETHER "REASONABLE JURISTS WOULD FIND THE DISTRICT COURT'S ASSESSMENT OF THE CONSTITUTIONAL CLAIMS DEBATABLE OR WRONG", SLACK V. MCDANIEL, 529 U.S. 473, 484, 120 S. CT. 1595, 146 L. ED. 2D 542 (2000) (EMPHASIS ADDED). "THEY ARE TO LOOK TO THE DISTRICT COURT'S APPLICATION OF (AEDPA) TO PETITIONER'S CONSTITUTIONAL CLAIMS AND ASK WHETHER THAT RESOLUTION WAS DEBATABLE", MILLER-EL, 336, 123 S. CT. 1029, 154 L. ED. 2D 931; WELCH V. UNITED STATES, 194 L ED 2D 387, 2016 US LEXIS 2451.

IN THIS CASE ANY REASONABLE JURIST COULD DEBATE THAT THE PETITIONER'S PETITION AND CERTIFICATE OF APPEALABILITY SHOULD HAVE BEEN RESOLVED IN A DIFFERENT MANNER WHERE THERE IS PROOF OF ACTUAL INNOCENCE. THERE IS PROOF THAT LISA RUCKMAN DID PERJURE HER TESTIMONY AND WITH THAT PERJURED TESTIMONY DID CHANGE THE ENTIRE COURSE OF PETITIONER'S TRIAL WITH THE BLATANT LIES. THERE IS PROOF THAT LISA RUCKMAN WAS KNOWN FOR PERJURING TESTIMONY, AND THIS PROOF COULD BE FOUND BY LOOKING UP LISA RUCKMAN A.K.A. DETRICK A.K.A. FOREHAND. IN THIS CASE REASONABLE JURISTS WOULD FIND THE DISTRICT COURT'S ASSESSMENT OF THE CONSTITUTIONAL CLAIMS DEBATABLE OR WRONG. THE NORTHERN DISTRICT FAILED TO TEST WHETHER THERE IS ANY CONCEIVABLE BASIS UPON WHICH THE PETITIONER COULD PREVAIL. THE NORTHERN DISTRICT ALSO FAILED TO LOOK TO THE APPLICATION OF PETITIONER'S CONSTITUTIONAL CLAIMS AND ASK WHETHER THAT RESOLUTION

WAS DEBATABLE. IN FAILING TO DO ANY OF THESE THINGS, ITS DECISION TO DENY PETITIONER'S CERTIFICATE OF APPEALABILITY WAS ERROR.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Lewis', written over a horizontal line.

AMANDA E. LEWIS DC#Q21185

Date: MAY 29, 2018