

No: 22-5197 **ORIGINAL**

IN THE SUPREME COURT OF THE UNITED STATES

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SUPREME COURT, U.S.

Leonard Noble

Petitioner

v.

State of Arkansas

Respondent

On Petition for Writ of Certiorari,
to the Supreme Court of Arkansas

Leonard Noble #084701, pro se
Ouachita River Correctional Unit
PO Box 1630
Malvern, AR 72104-1630

TABLE OF AUTHORITIES

Cases

Damien Wayne Echols v. State of Arkansas, No. CR-08-1493, Ark. 2010, 417

Fields v. Wharrie, 740 F.3d 1107, 2014

Donnelly v. Dechristoforo, 416 US at 646, 94, S.Ct. 1868, 40 L.Ed.2d, 431 (1974)

Berger v United States, Surpa, 295, US at 88, 55, S.Ct. at 633

People v. Savvides, 1 N.4.2d. 554, 557, 154, N.4.2d 885, 887, 136, N.E. 2d 853, 854-855.

Brady v. Maryland, 373 U.S. 83, S.Ct. 1194, 10 L.Ed.2d. 215 (1963)

STATUES AND RULES

Arkansas Code Annotated § 16-112-202, (10) (B).

Arkansas Code Annotated § 16-112-201-208

Constitution of the United States

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CASE INFORMATION SUPPORTING QUESTIONS PRESENTED

Leonard Noble was never identified by anyone as Misty Webb's attacker. There was one "microscopically similar hair" found on a shirt belonging to Misty Webb. There were other pubic hairs found in the living room that were not similar to Noble or Webb.

A witness identified Noble's car as one he believed he saw on the day of the attack. The witness recalled this car because it had damage to the left front. However this damage, which was visible in an impound yard photo, occurred days after the attack during a high-speed chase that ended in a crash and Noble's arrest. Affidavits support that Noble's car had no body damage after Webb's rape and prior to this crash.

During the rape, the attacker asked Webb, "Does Anthony Drewery live here?" Webb asked "Are you his dad?" The attacker responded "If I tell you who I am, I will break down." In her initial statement to police, Webb stated that she thought her attacker was Anthony Drewery's dad. Webb stated that she and Anthony had known each other all their lives.

Detectives went to the Drewery residence. Anthony's dad, Douglas Drewery, was conveniently out of state with an unknown return date even though he had a local job. Anthony had not been staying at home either. Douglas has never been questioned about his whereabouts at the time of the attack on Webb.

Anthony Drewery later made contact with detectives. He was asked if he knew the name Leonard Noble (the petitioner), Anthony stated he did not. Noble does not know Anthony Drewery either. Webb's attacker *obviously* knew Anthony Drewery. This solid fact, asserted immediately after her rape by the victim herself, supports Noble's innocence and directly links the attacker to someone who knows Anthony Drewery, such as Douglas Drewery.

Leonard Noble has a solid, verifiable alibi. He was at his ex-girlfriend Linda's house at the time of Webb's attack. They were celebrating Linda's son's birthday. That's how Linda can easily recall that

date and Noble's whereabouts. Linda wrote declarations and affidavits concerning Noble's presence at her house that day, but defense counsel never called this alibi witness Linda to testify.

Webb stated her attacker had large arms without tattoos. Noble is a man of small stature at 5 ft 7 inches and weighed 155 lbs who had tattoos on both sides of both arms. Webb also stated that she is taller than most guys and is often asked questions like "how's the weather up there." To Webb, Noble would be one of those guys..

During initial interviews and statements, even at trial, Webb did not know the brand names of the two stereos allegedly taken during her attack. However, the stolen property report is specific to the brand names Koss and Electra.

Leonard Noble dropped out of school after failing the 3rd grade twice. He has been taking school classes for 24 years and has remained unable to pass the GED test.

Not everyone can afford to hire an attorney to process post-conviction proceedings for them. Leonard Noble is one of these people who has worked hard all his life, even in prison, yet he cannot afford an attorney. It is indisputable that post-conviction proceedings drafted by a bar certified attorney have a better chance of success than pleadings filed by a prisoner who is proceeding pro se.

QUESTIONS PRESENTED

- 1) Is Leonard Noble entitled to deoxyribonucleic (DNA) comparison testing using today's much more probative methods, between the one "microscopically similar" hair found on a shirt and samples taken from him.
- 2) Have Leonard Noble's due process rights been violated by the courts refusal to give him an evidentiary hearing or perform DNA comparison testing between one hair from the scene which was microscopically similar to Noble's hair?

- 3) Did officers violate Misty Webb's rights when they did not question Douglas Drewery even though Misty Webb told investigators that at the time of her attack, she believed the attacker was "Anthony Drewery's dad"? (Douglas Drewery)
- 4) Should Leonard Noble's second grade education, limited comprehension, and *inability to properly present pleadings* be taken into consideration when he has asked for assistance of counsel?
- 5) Should Leonard Noble's petitions be denied without explanation simply because he is proceeding pro se?
- 6) Is it a due process violation or considered falsifying a stolen property report if the detective writes item details into the report "after" he has recovered suspected stolen property?
- 7) Is it lawful for a state official to manipulate reports or other evidence to support their theory?
- 8) When court records show that evidence has been tampered with, as in Question 7, is this justification for a new trial?
- 9) Is it believable that the Detective's report, witness statements, and photographs taken of the stereo removed from Leonard Noble's car make no mention of any name being on Webb's stereo or the stereo taken from Leonard Noble's car, then 1 1/2 years later there appears Misty Webb's name on the top of the stereo collected from Noble's car?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

JURISDICTION

The appellate jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(3).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Noble presents violations of Arkansas Code Annotated § 16-112-201 et seq, and Amendments VI and XIV to the United States Constitution.

STATEMENT OF CASE AND ARGUMENTS MADE

I, Leonard Noble ("Mr. Noble"), filed a petition with the Arkansas Supreme Court on 11/4/21, asking that court to reinvest jurisdiction in the Trial Court, Sebastian County Circuit Court of Arkansas, Greenwood District II, for the purpose of filing a petition requesting a Writ of Error Coram Nobis. See Appendix (A) .

The state responded on 11/12/21, Appendix D, making a point that Mr. Noble was a victim of ineffective assistance of counsel when defense counsel did not renew the motion for directed verdict during trial. In itself, this was a violation of Mr. Noble's rights. Because Arkansas inmates are not informed that they must file a Rule 37 petition within 60 days of the courts mandate, almost every inmate who was subjected to ineffective assistance of counsel misses their one chance to present ineffective assistance of counsel, that being a Rule 37 petition. The state then makes the point that Mr. Noble has previously asked this court to reinvest jurisdiction in Sebastian County Circuit Court so that he can present a Petition for Writ of Error Coram Nobis. Mr. Noble wanted to reply to the

states response. He filed a motion for leave to file a sur-response which the court denied on 2/17/22, the same day they denied Mr. Noble's petition to reinvest jurisdiction in the trial court. Appendix B.

Mr. Noble filed a petition for rehearing, Appendix E, on March 7, 2022. This petition was denied on April 14, 2022. Appendix F.

Mr. Noble is now praying this United States Supreme Court will review his petitions so they can see that Arkansas Courts are erroneously denying Mr. Noble his right to have DNA testing on a "microscopically similar" pubic hair collected from the victim's shirt. The unambiguous language of Arkansas Code Annotated 16-112-201 et seq affords an Arkansas Prisoner the right to have testing using "New Technological Advancements", which were not available at the time of trial, performed on evidence that was tested with outdated methods. Deoxyribonucleic acid (DNA) testing of hair follicles was not available during Mr. Noble's trial and testing is now much more probative than it was in 1999. Mr. Noble is certain he would be eliminated as a match for this hair as he has never been in the home of the victim. This victim also stated during her initial interview, which was within minutes of her rape, that she thought she

knew who her attacker was. She told officers she believed her attacker was Anthony Drewery's dad. But, Anthony Drewery's dad left town and has never been questioned about his whereabouts during the time of this rape. Mr. Noble has a solid alibi. He was with his "Ex" girlfriend, Linda Seamon, during the time of Misty Webb's rape. She remembers Noble's whereabouts at this particular time because they were celebrating her son's birthday. But, defense counsel did not call Linda Seamon, ("Seamon") to testify. Seamon did provide an affidavit, Appendix H, P-1, in which she states

"On or about 18th or 19th of March of 1998 Mr. Noble came to live with me. On or about the 20th of March Leonard Noble and I went to his sisters house Barbara Polk, to Retrieve two boxes of Leonards property. After taking the boxes to my house, I opened one of the boxes and took from it a small stereo, it was black in color, stereo also had two detachable speakers. I remember setting up the stereo having to set one of the speakers next to the stereo rather than attaching it because it was broken and would not attach properly to the stereo. While setting up the stereo I could clearly see that there was no markings or names engraved on it. At the end of March Leonard and I had a domestic dispute and I asked him to leave the residence. . . During our separation Leonard, on numerous occasions came back to my house in an attempt to restart our Relationship. On my youngest sons birthday which is on July 22nd at about 9:30 am or so, Leonard arrived at my house to wish my son a happy Birthday. Leonard and myself, drank coffee and talked through the morning. At approximately 11:00 am,

Leonard left my house. This was the 22nd of July 1998. I remember because it was my sons birthday."

This, another "mistake" by defense counsel, would have been exculpatory evidence. An evidentiary hearing would establish that Leonard Noble could not have raped Misty Webb on the morning of July 22, 1998.

Leonard Noble has a second grade education after failing the third grade twice and dropping out of school. He has done his very best to present the errors that occurred in his trial to Arkansas Courts. At times he has filed pleadings incorrectly, he's even filed things in the wrong court. He cannot afford counsel, and even though he has wrote over 120 attorney's, the few that have responded state they either have a full pro-bono waiting list or do not perform pro bono assistance. Mr. Noble sent a copy of all the documents he had to the "Innocence Project" in 2013. They "reviewed" these documents until 2019, then notified Noble that they see errors in his case and possible methods of collateral attack. They added him to their waiting list. Noble went for some time without a response to request asking for an update, but 2 months ago a response came stating he is still on their waiting list but that the list is long. The innocence project has advised Mr. Noble, in the past, to keep his case active. That is

an impossible task over a decade, but it is the reason for several of Noble's petitions. With every petition Noble has filed, he has believed he would get relief.

There have been substantial advancements made in technology that would produce more probative results than testing available at trial in 1999. These substantial advancements include the states ability to test the deoxyribonucleic acid (DNA) contained in the follicles of hair samples and use this information for personal identification or elimination. Arkansas Code Annotated (A.C.A.) § 16-112-202(10)(B) states as follows:

(B) There shall be a rebuttable presumption against timeliness for any motion not made within thirty-six (36) months of the date of conviction. The presumption may be rebutted upon a showing:

And at § 16-112-202(10)(B)(iv):

(iv) That a new method of technology that is substantially more probative than prior testing is available; or

In 1999, hair samples could only be compared by looking at them. DNA testing of hair is much more probative than comparison by looking at the hairs. Mr. Noble has diligently requested testing of the DNA contents of the follicles of hair samples collected in 1998-99 since he first learned

of the advancements in technology. The clear wording of A.C.A. § 16-112-202 states Mr. Noble is entitled to a rebuttal against untimeliness because this testing method is new and can be used for personal identification, Noble is praying for this court to order such testing. This test would eliminate Noble as the source of this one hair. Although the state's expert did testify that microscopically similar hairs cannot be used as personal identification, the expert also said she had never encountered a hair that was similar to her own. She then stated that a pubic hair recovered from the victim's shirt was similar to a hair submitted by Mr. Noble. The jury heard this information which suggest that Mr. Noble had been in the presence of the victim at some time and had shed a pubic hair on the victim's shirt. The jury was not composed of hair experts that would understand the frequency of hair being microscopically similar. What the jury heard was a pubic hair found on the victim's shirt was similar to a pubic hair sample given by Leonard Noble. Also that it is rare for hairs to be similar to each other unless they are from the same source. With the volume of hair samples the expert testified she has looked at, and the fact that she testified she has not found a hair from a source other than

herself that was similar to hers, Mr. Noble was prejudiced in that the average person would assume the hair on the victim's shirt had to come from Mr. Noble. Hair Follicle DNA Testing would disprove this.

In 2005, The General Assembly approved Act 2250, amending the Arkansas DNA testing statutes. Act 2250 of 2005 and Act 9609 of 2005 are codified at A.C.A. 16-112-201 - 208. The changes relevant to this appeal are as follows: Section 16-112-202, the provision pertaining to motion for DNA testing was amended to permit testing where "the proposed testing of the specified evidence may produce new material evidence that would raise a reasonable probability that the person making a motion under this section did not commit the offense." See *Damien Wayne Echols v. State of Arkansas*, No CR-08-1493, Ark. 2010 417.

Each time Mr. Noble has asked the State of Arkansas to order DNA testing, the state has denied him. Mr. Noble was not identified by the victim Misty Webb (Webb), or anyone else. In fact, the victim in her initial statement said that at the time of her attack, she believed the attacker was Anthony Drewery's dad. Anthony was a friend of the victim and it was later learned that Anthony had not been staying at home. The attacker

asked Webb "Does Anthony Drewery live here?" Webb asked the attacker "Are you his dad?" The attacker said "If I tell you who I am I'll break down." It stands to reason that if the attacker believed if he revealed his identity, Webb would know "who" he was. Identity such as "Anthony's dad". Anthony was a teenage boy and he likely had spoke with his dad about his friend Webb. This would be a reason for Douglas Drewery, Anthony's dad, to break down. Douglas may have already felt bad that he was raping his sons friend. See Appendix (A) page 59, lines 31-46 which state:

MISTY WEBB IS TESTIFYING

31 HE ASKED ME IF UH. .

32 ANTHONY DREWEY LIVED THERE AND I TURNED TO HIM AND I GO,
WHO?

33 AND HE DIDN'T ANSWER ME. AND I GO, DID YOU SAY ANTHONY
DREWRY?

34 AND HE DIDN'T ANSWER ME. AND I GO, ARE . . (ANTHONY'S DAD)

35 AND HE GOES, NO. . IF I TELL YOU WHO I AM ILL BREAK DOWN. SO . . .

36 Q: DID YOU UNDERSTAND THAT STATEMENT?

37 A: NO. NO, I DID NOT.

38 A: WHAT THAT MEANT?

39 B: NO, I DID NOT.

40 A: WHO IS ANTHONY?

41 Q: ANTHONY DREWRY IS . . HE'S A FRIEND OF MINE. BUT, HE.. WE
HANG OUT,

42 NOT TOGETHER.. WE NEVER HANG OUT TOGETHER. BUT, I MEAN, WE
NEVER FOUGHT.

43 WE HAVE NOTHING AGAINST EACH OTHER. I MEAN, WE'RE COOL WITH EACH OTHER.

44 BUT, I MEAN,.. WE NEVER TALK TO EACH OTHER OR ANYTHING. HE HANGS

45 OUT OTHER FRIENDS OF MINE AND UH. . HE'S ... JUST . . I MEAN, I'VE
46 KNOWN HIM ALL MY LIFE TOO. AND I THOUGHT THAT THIS WAS HIS DAD.

47 BUT, IT'S NOT. BECAUSE WHY WOULD HIS DAD ASK ME IF HE LIVED THERE.

48 I MEAN, IT'S HIS DAD YA KNOW. AND THEN. . I WALKED BACK TO WHERE I WAS,

Detectives later went to Anthony Drewery's residence to question him. That is when they learned Anthony had not been staying at home. Ironically, Anthony's dad Douglas Drewery was conveniently out of state for an unknown period of time even though he worked locally. Anthony later contacted the detective and when questioned about Leonard Noble, whose name was apparently pulled from a hat, Anthony stated he had never heard the name Leonard Noble. Leonard Noble does not know Anthony either. However, Webb's attacker obviously did. *Emphasis Added.*

In their response to Leonard Noble's petition to reinvest jurisdiction in the Sebastian County Circuit Court, the Arkansas Supreme Court stated in their opinion that the hair comparison did not link Noble to the crime scene. See Appendix (c), the Ark. Sup. Ct. opinion, Page 4. However, the

jury heard the prosecuting attorney and state's expert testify that a pubic hair found on Webb's shirt was similar to Leonard Noble's pubic hair. The jurors decision was certainly influenced by this testimony, believing the hair found on the victim's shirt belonged to Leonard Noble.

The state's expert witness stated: "I have never found anybody's hair that is microscopically similar to my own hair." and goes on to answer the states questions.

- 1: MICROSCOPE. I HAVE NEVER FOUND ANYBODY'S HAIR THAT IS
- 2: MICROSCOPICALLY SIMILAR TO MY OWN HAIR
- 3Q: AND AGAIN, THE HAIR FOUND ON MISTYS T-SHIRT WAS
- 4: MICROSCOPICALLY SIMILAR TO K-6.
- 5A: THAT IS CORRECT.
- 6Q: AND K-6 CAME FROM WHERE?
- 7A: LEONARD NOBLE

See Appendix (A) page 2.

The jurors discretion and opinions are influenced by "all testimony". The jurors would have thought that the hair found on victim's shirt was Mr. Noble's hair, because no other hair could be similar to his hair.

The Arkansas Supreme Court (Ark. Sup. Ct.) Opinion states the hair did not link Mr. Noble to the crime scene. See Appendix (c), this opinion at page 4. If this is the case, what linked Noble to the crime scene? The victim did not identify him. She could not identify him. States witness Mr.

Boyster testified that he got a good look at the driver of a car he saw on the day of Webb's attack. Then Boyster stated that he has not seen that person since that day. Leonard Noble was in the court room, but Boyster did not identify him. See Appendix (A) pages 55, and 60 - 61.

The victim's grandfather, Richard Foote, who is the owner of the home where this crime occurred, testified 3 times in a row during Noble's trial that there was only one stereo in the Foote home prior to the crime. See Appendix A, pg 47-48 - Mr. Foote testimony:

23Q: so do you know how many stereos were taken?

24A: One.

25Q: One or two?

1A: I believe there was one.

2Q: Are you sure?

3A: Well, that's all I knew that she had at the time.

4Q: If, if, I told you that she said that two were taken

5: Would you agree with that?

6A: Well, if she said so, but I don't know anything about

7: them. You know. I don't know how to turn one on or anything,

8: but I know she had --

9Q: But you found your guns, right?

(Notice how the examiner blocks Foote from saying one again.

The stereo in states Exhibit 8 accounts for this one stereo. A teenager might claim a stereo, or two, was stolen during a burglary in hopes of getting a replacement by insurance.

The victims stereo was never stolen, because the detective took a picture of it at the crime scene. States Exhibit 8. See Appendix (A) page 44. Therefore the stereo found in Leonard Noble's trunk cannot link him to the crime scene. Mr. Noble's ex-girlfriend wrote an affidavit stating that Noble had recently moved out of her house and in the belongings he took was a stereo with detachable speakers. See Appendix H, pg 1, which states "a small stereo, it was black in color, stereo also had two detachable speakers".

When Mr. Noble was arrested and his car was searched, the officer found a small stereo with detachable speakers but made no mention of the name Misty Webb being painted on the top of the radio. If the victim's name would have been on the top of the stereo, surely the officer would have photographed this. During the victim's initial interview, she could not remember the brand name of her stereos. If her name had been on the top of her stereo, she would have informed the detective.

The stolen property report ,Appendix A page 51 dated 7/22/1998, states two brand names of stereos. The victim could not provide brand names. It's obvious the brand names were added to the stolen property form *after* Noble's arrest and the seizure of his personal small stereo with detachable speakers from his trunk. It has to be illegal to alter a stolen property report so that it matches the description of property after said property is collected. Detective Young added a second brand name of a stereo to the stolen property report. With the stereo in the crime scene photo, a brand name of a 3rd stereo and the stereo found in Noble's trunk, the record now reflects 3 stereos, but Mr. Richards, the owner of the home, testified that there was only one stereo in his house prior to the day of Webb's rape.

The Ark. Sup. Ct. opinion delivered 2/17/2022 states: "Before the court can determine whether a Brady violation has occurred, the petitioner must first establish that the material was available to the state before trial, and that the defense did not have it." See Appendix (c) of opinion page 3. The hearing on pretrial motion is showing prosecutor letter the defense

look at some laboratory report, if state had the laboratory report, then state would have the submission sheet too. See Appendix (A) page 29.

The state's testimony establishes that material was available to the state before trial, but not provided to the defense. See where the state says "I've got copies." Appendix (A) page 35. The defense was not provided with these extra submission sheets, defense had to ask the state for a copy of them. Defense counsel requested this copy, counsel approached the bench, but never did get the copy. The state was most likely hiding the fact that carpet samples were not collected until 14 days after the crime, even though the victim stated in her initial interview that her attacker had wiped semen from her stomach into the floor. If this evidence had been collected sooner, Mr. Noble would not be in prison because there could not be semen in the victim's house that matches Leonard Noble. He has never been in that house.

The state did not provide the results of the victim's physical examination. A rape kit was processed, but the results were not provided to the defense. The victim claimed she was a virgin. Evidence supporting this claim or refuting it would be part of a sexual assault examination.

Leonard Noble has been trying to get the results of the rape kit and the report by the physician performed the exam of Misty Webb since he came to prison. This "rape kit" most likely had foreign pubic hair which could not be Leonard Noble's.

The state withholding evidence, that being submission sheets and physical examination reports is a violation of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10.L.Ed.2d. 215 (1963). This material evidence would have been favorable to the accused in that it would be exculpatory and impeaching. The courts records show the prosecution withheld this evidence willfully.

Deoxyribonucleic testing (DNA testing) has improved by leaps and bounds since Mr. Noble's trial. Ted Health Talks that Mr. Noble has listened to state that great improvements have been made in the states ability to collect DNA from evidence collected decades ago. Leonard Noble has asked the court to have the Arkansas Crime Lab process the carpet samples using today's technology. Mr. Nobles DNA cannot be found in these samples because stated again, Leonard Noble has never been in Misty Webb's residence.

Mr. Noble cannot state for a fact that Misty Webb was not sexually assaulted. He can state as a fact that he did not sexually assault Webb. There were so many violations of Leonard Noble's rights that he has at timed questioned whether an assault even took place. At one point during her testimony, Webb was asked if her attacker said anything about keeping a souvenir, like panties. Appendix A, pg 50. Webb responded "I have not heard that part but okay". As if her other testimony was coerced, except the part about a souvenir.

Properly collected evidence, that being within hours of the crime and not weeks, would have been exculpatory evidence as far as Leonard Noble is concerned. The state withheld the second submission sheets because they show that Detective Young went back to the crime scene on August 5th, 1998, and this would have raised questions as to why he went back to the crime scene 14 days after Misty Webb stated her assailant ejaculated on her and wiped it off in the living room floor. Even though Webb stated the attacker wiped semen from her stomach with a shirt or something, no evidence collected had Mr. Noble's DNA.

See Appendix (A) page 43. The victim told Detective Young on July 22, 1998, the morning of the crime, about these semen stains. The detective waited 14 days to collect valuable, exculpatory evidence.

The testimony by officers of the court is impeachable because they gave false testimony about the true date of the collection of evidence and the second submission sheets. See Appendix (A) pgs. 39-40.

The fact that the state's prosecuting attorney and Detective Young concealed the true date of some submission sheets is prosecutorial misconduct.

Mr. Noble believes Detective Young returned to the crime scene on August 5th to collect the small stereo from the crime scene photos, and it's brand name which Young put on the stolen property report. Days after this report was completed and signed. This would have been a good time for Misty Webb to put her name on top of Mr. Noble's stereo confiscated from his trunk, the trunk that ex-girlfriend Linda Seamon saw Leonard Noble put his small stereo with detachable speakers in when he was moving out of her home. There is obviously more than one small stereo with detachable speakers in Arkansas. Officer Hollenbeck stated that he

took the stereo collected from Leonard Noble's trunk to the victim's residence for identification. If this stereo would have already had the name Misty Webb on it, certainly the officer would have noted this.

The victim lies about one of the stereos belonging to her grandfather, Mr. Foote. Mr. Foote testified in open court that he does not even know how to turn a stereo on. Appendix A, pgs 47-48.

Detective Young falsified information on the stolen property report. Appendix J. This violates policy, procedure, and Mr. Noble's right to due process. See *Fields v. Wharrie*, 740 F.3d. 1107 (2014) "that the use of falsified evidence or perjured testimony at trial violates the defendants due-process right to a fair trial and is grounds for habeas or other post-conviction relief. See Napue 300 U.S. at 269, 79 S.Ct. 1173. Pyle 317 U.S. at 215-16, 63, S.Ct. 177; Mooney 294 U.S. at 112-13, 55 S.Ct. 340.

In this case the state prosecutor Ms. Wendy Johnson, and Detective Tom Young manipulated the state's exhibit 20. See Appendix (A) pages 14 thru 17 and 45.

The United States Supreme Court has long condemned "egregious prosecutorial misconduct" such as "manipulation of the evidence."

Donnelly v. DeChristoforo, 416 U.S. at 646, 94 S.Ct. 1868, 40 L.Ed.2d. 431 (1974)

The states affidavit for warrant of arrest, on August 5th 1998, was obtained with false information. See Appendix (A) page 57.

I, Leonard Noble, was prejudiced by states officers of the court, their misconduct denied me of a fair trial and took away the due process of law, depriving me of life and liberty.

In *Donnelly v. DeChristoforo*, as this court has noted, "Prosecutor duty is as much to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." *Berger v. United States*, supra 295 U.S. at 88, 55 S.Ct. at 63.

I, Leonard Noble, had never saw Misty Webb until trial. I had never heard her voice until I was returned to Arkansas jail. The night I arrived in Arkansas, another inmate handed me a "kite" with Misty Webb's name and phone number. They told me to call collect. There is proof that I in fact did call Misty Webb that night. In the beginning of the phone call, which had clicking sounds and an echo as if it there was a third party online, after a couple minutes, Webb stated that she was sorry and that

the police officers had given her my name and told her they needed to get me off the street. Prior to this one sex charge, I was a career burglar. I was a 10 time loser and had been sent to prison multiple times with short sentences and early parole. Detective Young wanted me off the street. See Appendix I, an email by Detective Young where Young states "We got a burglar off the street." He did not refer to Noble as a rapist.

Arkansas Judges have turned a blind eye to the facts of this case. They have denied Mr. Noble DNA testing, discovery, due process of law and have violated Noble's rights afforded to him by the Constitution of the United States, Amendments IV, VI, and XIV.

The principle that a state may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, implicit in any concept of ordered liberty, does not cease to apply merely because the false testimony goes only to the credibility of the witness. The jury's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence, and it is upon such subtle factors as the possible interest of the witness in testifying falsely that a defendant's life or liberty may depend. As stated by the New York Court of Appeals,

People v. Sawides, 1 N.Y. 2d. 554, 557, 154 N.Y.2d. 885, 887, 135 N.E. 2d. 853, 854-855.

This statement was taken from *Henry Napue v. People of the State of Illinois*, 79 S.Ct. 1173.

In the case at bar, the state's prosecution and Detective Young knew some of their evidence was altered and/or false, yet they gave testimony to it. The court records reflect this.

In a dissenting opinion by Justice Josephine Linker Hart, Arkansas Supreme Court, Appendix G, Justice Hart stated: "There is no waiver of Noble's speedy-trial right in this case before us;" And in her view, "it behooves this court to follow either the Supreme Court of the Arkansas Constitution - preferably both."

The evidence presented in the above case No: CV-74, showed the Circuit Court violating the Interstate Agreement Detainers Act. See *U.S. v Mauro*, 436 U.S. 340, 98 S.Ct. 56 L.Ed. 2d 329, denying Mr. Noble of a speedy trial under I.A.D.A. Noble's motion for speedy trial was pursuant to the I.A.D.A. which deemed his motion to be his waiver of extradition,

causing the state to lose jurisdiction of the case. A sentenced ordered by a court which does not have jurisdiction is an invalid, illegal sentence.

The Honorable Justice Josephine Linker Hart saw this evidence. That is why she stated: "We should have addressed Mr. Noble's argument on the merits."

Considering the questions presented and the facts displayed above, Mr. Noble prays this Supreme Court of the United States will grant him the following relief: 1) Order comparison testing of hair evidence Q12 and K6 using the latest hair follicle test comparing the deoxyribonucleic content of these two hairs; 2) Order a "first" evidentiary hearing during which Mr. Noble can present the facts stated above; Or 3) In the alternative, grant Mr. Noble a new trial due to the fact evidence was tampered with, evidence was withheld from the defense, and that exculpatory testimony of by an alibi witness was not presented due to ineffective assistance of counsel, a violation of the fourth, fifth, six and fourteenth amendments to the United States Constitution.

Mr. Noble prays for any other relief the court believes he is entitled to.

I swear under penalty of perjury, (18 U.S.C. § 1621), that the foregoing is true and correct, written by me on this 9th day of July, 2022.

Respectfully submitted,

Leonard Noble
Leonard Noble #084701
pro se

CERTIFICATE OF SERVICE

**This is to certify that a copy of the foregoing petition was served on the Respondent,
by placing it in the ORCU Legal Mail System on the 9
day of July, 2022, addressed to:**

**Arkansas Attorney General
323 Center St., Suite 1100
Little Rock, AR 72201-2610
and
United States Supreme Court Clerk
One 1st St. NE
Washington, DC 20543**

Leonard Noble
Leonard Noble #084701