25-5664

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

In Re Amy Bishop Anderson

Circuit Court of Madison County, AL Case No. CC-2011-001131.62
(Amy Bishop Anderson vs. State of Alabama)

District Court Docket No. 5:25-cv-00210-MHH-SGC

11th Circuit Court of Appeals No. 25-11928-G

Petition for an Extraordinary Writ of Habeas Corpus to the United States Supreme Court

pursuant to 28 USC sections 2241(a) and 2254(a)

Amy Bishop Anderson, pro se, incarcerated, indigent
AIS # 285694, Dorm B-13B
Tutwiler Prison for Women
8966 US Highway 231
Wetumpka, AL 36092

QUESTIONS/CLAIMS (PRESENTED IN REASONS TO GRANT WRIT)

1.) Statement of the Case and exhaustion of claims pursuant to 28USC section 2254(b)(1)(A) as delineated in S.Ct. Rule 20.4(a). Where, in my petition (notarized and submitted into ADOC legal mail on 7/28/25, and stamped received by the Honorable Court on 8/6/25) I addressed my claim of new evidence of steroid psychosis (i.e. prescription steroid induced brain structure changes in regions dealing with rage/fight/flight) which if seen in my brain MRIs (already in possession of the State) would (with my medical history of longterm prescription steroid use) mitigate intent, which is an essential element of my crime. I discuss that I exhausted my claims in state court, and the fact that my habeas on new evidence was adjudicated as successive, eventhough my *first* habeas did not assert steroid psychosis per se, did not have this new evidence, and was adjudicated as procedurally defaulted and out of time, and thus could not get fair adjudication of my habeas corpus at the District Court level and thus have to approach Honorable Court. I will include this as a separate statement to follow, as per S.Ct. Rule 14, as requested by the Honorable Clerk Harris with his 8/7/25 letter, which I received in ADOC legal mail the night of 8/12/25.

2.) Even post AEDPA U.S. Supreme Court has jurisdiction to adjudicate Petition for Writ of Habeas Corpus as original matter as per 28USC section 2241(a), 2254(a) as delineated in Rule 20.4(a) (*Felker v Turpin* 518 US 651, 661-63, 135 LEd 2d 827, 116 S.Ct. 2333 (1996) [OPINION} II.

a.) Supreme Court has jurisdiction to entertain Writ of Habeas Corpus after petitioner has been denied Circuit Court permission to file a second or successive petition with the US District Court, as per *In re Davis* 565 F.3d 810 (11Circ.) [OPINION] II.

b.) Timeliness of submission to the Supreme Court the Petition of Writ of Habeas Corpus

bestows jurisdiction to the Supreme Court.

3.) In order for the US Supreme Court to grant a Petition for Writ of Habeas Corpus, the petition must fulfill S.Ct. Rule 20.4(a) and its included 28 USC rules, all of which my petition fulfills, as I have illustrated throughout this petition.

4.) As per 28 USC 2254 d) Writ of Habeas Corpus will not be granted on any claims adjudicated on the merits unless (d)(1) adjudication was contrary or unreasonable application of federal law, OR (d)(2) adjudication was based on unreasonable determination of the facts in light of the evidence presented in State court proceedings. In the petition I stated that neither this habeas (on my new evidence) nor my first habeas were adjudicated on the merits, but I argued 2254 (d) (1) and (2) to assert merits of my claims.

a.) My capital murder charge (and even lesser included felony murder-not offered at trial) and my attempted murder charges have specific intent as an essential element, which must be proven to convict.

b.) The Habeas claim is of new evidence, for the first time, demonstrating the existence of steroid psychosis for prescription steroids that I asserted as an abrogation of intent

c.) BMJ changes in MRIs establish innocence.

d.) The new evidence discussed above in 4a.-c.., that if proven, that would call into question the guilty verdict, being disregarded with facile procedural argument, is 2254 (d)(2) an adjudication based on an unreasonable determination of the facts in light of the evidence presented in state court.

e.) Denial of raising the question of steroid psychosis at trial, nor holding an evidentiary hearing at any point during my collateral state and federal level, despite my requests, because of the above (4a.-c.), is not harmless, and 2254 (d)(1) renders the adjudication of this claim in violation of Federal and

Constitutional law-which also fulfills section 2241(c)(3) as delineated in 20.4(a)

5.) My claims are not successive according to 28 USC section 2244. As per 28 USC section 2244(b)(2) A claim ...that was not presented in a prior application shall be dismissed unless-(b)(2)B(i) the factual predicate of the claim could not have been discovered previously through the exercise of due diligence; and (b)(2)B(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

a.) 2244 (b)(2)B(i) the factual predicate of the claim could not have been discovered previously through the exercise of due diligence.

b.1) This new evidence of steroid psychosis with prescription steroids claim does not fulfill section 2244 (b)(1)-that a claim raised in a previous habeas petition must be dismissed-because that claim was not adjudicated, per se ,in the *first* habeas petition.

b.2) Also claim in *second* habeas is more developed, and arguably different from *first* habeas claim of no defense.

c.) This new evidence of steroid psychosis with prescription steroids claim does not fulfill section 2244 (b)(1)that a claim raised in a previous habeas petition must be dismissed- because, also, one could argue, the claim was not "ripe" for consideration until this *second* habeas.

d.) As per my new evidence discussed here & (5.e.f.) and above (4.a.-e.), and the holdings of the following post AEDPA case law in regards to second or successive petitions, my claim fulfills 2244 (b)(2)B(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

e.) My new evidence is equal or superior in quality of the the caselaw below, thus requiring an

evidentiary hearing.

f.) As per 2254(d)(2) the adjudication of the court was based on an unreasonable determination of the facts in light of evidence presented in state court proceedings (as discussed in 4. and above in 5.a.-e., of this petition), and as per 2254 (d)(1) the adjudication of the court is in violation of the laws of the Supreme Court and the US Constitution, as discussed here in f. and in 5.a.-e. of this petition.

6.) CONCLUSION: As delineated in 20.4(a) "...To justify granting a writ of habeas corpus, the petitioner must show exceptional circumstances warranting the exercise of the Court's discretionary powers..." As quoted in *Felker v Turpin*, 518 US 651,661-63,135 LEd 2d 827, 116 S.Ct. 2333 (1996)[OPINION]IV.

a.) Certainly, the entirety of this petition illustrates the fulfillment of exceptional circumstances warranting the Honorable Supreme Court to exercise its discretionary power,

b.) For a case, that parallels mine, of intent mitigated by involuntary intoxication, I offered other cases.

c.) An appeal to the Honorable Court in light of my lack of intent, my severe allergies and steroid use before and at time of my crime and my lack oaf adjudication on the merits of my claims of steroid psychosis neither at first habeas nor at second habeas.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page: Amy Bishop Anderson, State of Alabama

RELATED CASES

R 32.1(e) new evidence, Circuit Court of Madison County, AL, Case No. CC-2011-001131.62 (Amy Bishop Anderson vs. State of Alabama)

Petition for Writ of Habeas Corpus, US District Court, Northern District of AL, District Court Docket No. 5:25-cv-00210-MHH-SGC (Amy Bishop Anderson vs. State of Alabama)

Request for permission to file a second or successive habeas petition/request for CoA/NoA, 11th Circuit Court of Appeals, Appeals No. 25-11928-G (In Re Amy Bishop Anderson)

Library printer still not working. Lt printed my doc, but my doc was formatted differently so have to hand print correct pp#s on Table of Contents.

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NOTARIZED PAGE OF UNCORRECTED PETITION SUBMITTED 7/28/25, stamped received by

Honorable Court on 8/6/25.....marked as 3~~8~~6

INDEX TOAPPENDICES (EXHIBITS)

11thCirc.Ct.Rules: Rule 30-1(d.) "A pro se party proceeding in forma pauperis may file only one paper copy of the appendix...except that an incarcerated pro se party is not required to file an appendix." As the Library printer is *still* not working and I have a Lt., who agreed, as a special favor, to print out a copy of *only* my petition to the US S.Ct, as the amount of material I am allowed to print is limited, I have designated documents with doc # where I could and included below the critical exhibits that are the crux of my argument, and the ones required by the Honorable Supreme Court.

Exhibit A: District Court Memorandum Opinion (doc 32-1) w/o adjudication of steroid psychosis per se (except in a footnotes)---asserted claims procedurally defaulted 2/5/21

Exhibit B: District Court Final Order (doc 33-1)---dismissed with prejudice 2/5/21
Exh A& B are adj of *1st* habeas/case # 5:18-cv-00971-MHH-SGCG

Exhibit C: District Court Memorandum Opinion (doc 8-1)--asserted need the Circ Ct. permission for second or successive petition 5/15/25

Exhibit D:District Court Final Order (doc 9-1)--dismissed without prejudice 5/15/25
Exh C&D: are adj of *2nd* habeas/case # 5:25-cv-00210-MHH-SGC

Exhibit E: 11th Circuit Court Court Action (doc 2-2) appeal case # 25-11928--leave to file a successive petition is dismissed in part and denied in part 6/30/25

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

STATUTES AND RULES AND CONSTITUTIONAL AMENDMENTS

S.Ct. Rule 20.4(a) "A petition seeking issuance of writ of habeas corpus shall comply with the requirements of 28 USC sections 2241 and 2242 ... and in particular with the provision in the last paragraph of section 2242 requiring a statement of the 'reasons for not making application to the district court of the district in which the applicant is held.' If the relief sought is from the judgment of a state

Michie's AL Criminal Code section 13A-5-40 (a) (10) " 13A-5-40 (a) (10) Murder where two or more persons are *murdered* by the defendant by one act or pursuant to one scheme or course of conduct." Michie's Al Crim Code defines *murder,* stated above, within the definition of Section 13A-5-40 (a)(10)-capital murder, as: "the terms 'murder' and 'murder by the defendant' as used in the section to define capital offenses means *murder* as defined in Section 13A-6-2(a)(1),but *not* as defined in Section 13A-6-2(a)(2) and (3)." Thus, murder, as defined in the above code (my charge) *IS* "a.) A person commits the crime of murder if he or she does any of the following: 1.) with ***intent*** to cause the death of another person, he or she causes the death of that person or another person." and is *NOT* "2.) Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself and thereby causes the death of another person." (hence is *Not* inferred intent) and is *Not* "3.) He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree..." Killing someone in the course of burglary or other
crime.....p13

Michie's AL Criminal Code section 13A-6-2 Attempted Murder: " Under Alabama Law attempted murder is a specific intent crime." *Warren v Mosley* LEXIS 19765 US Dist. Ct. (1991) OPINION, from Michie's Al Code under Section 13A-6-2 Attempted Murder.....p14

Michie's AL Crim. Code section 13A-5-42 (as stated before 2013, my trial was before 2013) Even if defendant pleads guilty to capital murder, by statute, the State must still prove (in a trial) all essential elements of the crime, one of which is specific intent.....p14

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR AN EXTRAORDINARY WRIT OF HABEAS CORPUS

pursuant to 28 USC sections 2241(a) and 2254(a)

OPINIONS BELOW

The Opinion of the United States 11th Circuit Court of Appeals appears in Exhibit E (permission to file a successive habeas petition denied) dismissed in part and denied in part 6/30/25 and as yet is unpublished.

The Opinion of the United States District Court, Northern District, AL appears in Exhibits C & D (habeas adjudicated as successive, even though not a *second* habeas, as my *first* habeas was denied due to procedural default) dismissed without prejudice 5/15/25 and as yet is unpublished

JURISDICTION

Jurisdiction of Honorable Supreme Court to entertain habeas was discussed throughout my petition (notarized and submitted to legal mail 7/28/25, stamped as received by Honorable Court 8/6/24) and is summarized here to comply S.Ct. Rule 14 as per Honorable Clerk Harris in his 8/7/25 letter that I received in ADOC legal mail on the night of 8/12/25.

Exh D: District Court Final Order (doc 9-1)--dismissed (as successive) without prejudice 5/15/25

Exh E: 11th Circuit Court Court Action (doc 2-2) appeal case # 25-11928--leave to file a successive petition is dismissed in part and denied in part 6/30/25.

Pursuant to 28USC section 2244(b)(3)E: Circuit Court denial of permission for a second or successive habeas can *not* be the subject of a rehearing *nor* Writ of Certiorari to the US Supreme Court, so no rehearing was filed, nor was Petition Writ of Certiorari.

Petition for Extraordinary Writ of Habeas Corpus was submitted to the Honorable US Supreme Court (notarized and submitted to legal mail system in a timely manner on 7/28/25, stamped as received by

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Honorable Court on 8/6/25) pursuant to 28 USC sections 2241(a), 2254(a), 1651(a) and now as corrected petition.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Throughout my petition (notarized/submitted to legal mail 7/28/25, stamped as received by Honorable Court on 8/6/25) I discussed the involvement of Constitutional and statutory provisions in my claims, and that affirm my claims, and here below they are summarized in compliance with Rule 14 as per the request of Honorable Clerk Harris in his 8/7/25 letter.

S.Ct. Rule 20.4(a) "A petition seeking issuance of writ of habeas corpus shall comply with the requirements of 28 USC sections 2241 and 2242 ... and in particular with the provision in the last paragraph of section 2242 requiring a statement of the 'reasons for not making application to the district court of the district in which the applicant is held.' If the relief sought is from the judgment of a state court, the petition shall set forth specifically how and werein the petitioner has exhausted available remedies in the state courts or otherwise comes within the provisions of 28 USC section 2254 (b)...To justify granting a writ of habeas corpus, the petitioner must show exceptional circumstances warranting the exercise of the Court's discretionary powers and must show adequate relief can not be obtained in any other form or from any other court." As quoted in *Felker v Turpin*, 518 US 651,661-63,135 LEd 2d 827, 116 S.Ct. 2333 (1996)[OPINION]IV.

28 USC section 1651(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

28USC section 2241(a): US S.Ct. has jurisdiction to adjudicate Petition for Writ of Habeas Corpus as original matter

28USC section 2241(c) :Writ of habeas corpus shall not extend to prisoner unless (3) he is in custody in violation of the Constitution or laws or treaties of the US.

28 USC section 2242: Final paragraph: If the Writ of Habeas Corpus is addressed to the Supreme Court or Circuit Court, the applicant shall state the reasons for not making application to the district court in which the applicant is held.

28USC section 2244(b)(2): A claim presented in a second or successive habeas corpus ...that was not presented in a prior application shall be dismissed unless-(b)(2)B(i) the factual predicate of the claim could not have been discovered previously through the exercise of due diligence; and (b)(2)B(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

28USC section 2244(b)(3)E: Circuit Court denial of permission for a second or successive habeas can *not* be the subject of a rehearing *nor* Writ of Certiorari to the US Supreme Court

USC section 2254 (a): Supreme Court has jurisdiction to adjudicate Petition for Writ of Habeas Corpus on the grounds that the applicant is in custody in violation of the Constitution or laws or treaties of the

U.S.

USC section 2254(b)(1)(A): exhaustion of claims required before approaching federal courts

USC section 2254(d): Writ of Habeas Corpus will not be granted on any claims adjudicated on the merits unless (d)(1) adjudication was contrary or unreasonable application of federal law, OR (d)(2) adjudication was based on unreasonable determination of the facts in light of the evidence presented in State court proceedings (argued this eventhough *neither* habeas was adjudicated on the merits-the *first* as procedurally defaulted and out of time, the *second* as successive).

U.S. Constitutional amendments 5th &14th-Due Process,

U.S. Constitutional amendment 8th-Cruel and Unusual Punishment

U.S. Constitutional amendment 13th-Discrimination

Michie's Alabama Criminal Code section 13A-5-40 (a) (10) " 13A-5-40 (a) (10) Murder where two or more persons are *murdered* by the defendant by one act or pursuant to one scheme or course of conduct." Michie's Al Crim Code defines *murder,* stated above, within the definition of Section 13A-5-40 (a)(10)-capital murder, as: "the terms 'murder' and 'murder by the defendant' as used in the section to define capital offenses means *murder* as defined in Section 13A-6-2(a)(1),but *not* as defined in Section 13A-6-2(a)(2) and (3)." Thus, murder, as defined in the above code (my charge) *IS* "a.) A person commits the crime of murder if he or she does any of the following: 1.) with *intent* to cause the death of another person, he or she causes the death of that person or another person." and is *NOT* "2.) Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself and thereby causes the death of another person." (hence is *Not* inferred intent) and is *Not* "3.) He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree..." Killing someone in the course of burglary or other crime.....p13

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STATEMENT OF THE CASE

Rule 20 Statement

"A petition seeking issuance of writ of habeas corpus shall comply with the requirements of 28 USC

sections 2241 and 2242 … and in particular with the provision in the last paragraph of section 2242 requiring a statement of the 'reasons for not making application to the district court of the district in which the applicant is held.' If the relief sought is from the judgment of a state court, the petition shall set forth specifically how and werein the petitioner has exhausted available remedies in the state courts or otherwise comes within the provisions of 28 USC section 2254 (b)...To justify granting a writ of habeas corpus, the petitioner must show exceptional circumstances warranting the exercise of the Court's discretionary powers and must show adequate relief can not be obtained in any other form or from any other court." S.Ct. Rule 20.4(a) as quoted in *Felker v Turpin*, 518 US 651,661-63,135 LEd 2d 827, 116 S.Ct. 2333 (1996)[OPINION]IV.

In order for the US Supreme Court to grant a Petition for Writ of Habeas Corpus, the petition must fulfill S.Ct. Rule 20.4(a) and its included 28 USC rules, all of which my petition fulfilled, as I illustrated throughout this petition (notarized/submitted to legal mail 7/28/25, stamped as received by Honorable Court on 8/6/26). The requirements of the S.Ct. Rule 20.4(a) summarized in the above quote, are briefly discussed in the titled paragraph below, in compliance with S.Ct. Rule 14 as per request of Honorable Clerk Harris in his 8/7/25 letter.

REASONS FOR NOT MAKING APPLICATION TO THE DISTRICT COURT/ REASONS FOR NOT BEING ABLE TO RECEIVE FAIR ADJUDICATION EXCEPT AT THE US SUPR. COURT

The arguments in my petition (submitted 7/28/25) fulfilled all aspects of 20.4(a), but here in the corrected brief, in compliance with S.Ct. Rule 14, the assertions of Rule 20.4(a): Denied Fair Adjudication in District Court, Honorable Court is Court of Last Resort, and Assertion of Exceptional Circumstances, are included here below, in a separate statement.

After my *first* collateral review (state R32 and *first* federal habeas onward) was complete, on August 31, 2022 on Channel 8, 5PM News, in the Medical Breakthrough segment, anchorwoman Ellis Eskew, announced a finding in the *British Medical Journal Open* (BMJ), cited as van der Meulen M, et al. *BMJ Open*, Aug 30, 2022, download from http://bmjopen.com. The findings are that prescription steroid use has been shown to lead to structural brain changes in brain volume, gray matter volume, white matter integrity and volume, and significant increase in the volume of the caudate / decrease volume of amygdala (the part of the brain responsible for fight or flight response/rage) one or all of which can lead to neuropsychiatric effects, many of which this study found was significantly elevated in systemic prescription steroid users.

Within the 6 month time limit for new evidence claim I filed a R32.1e new evidence stating that in light of the BMJ study (& my medical records of steroid use, psychiatric history and behavior during and post crime) my existing MRIs in possession of the state should be analyzed by steroid psychosis expert to see if steroid-induced brain changes are present, and if so, that would prove that I suffered from steroid psychosis, thus abrogating intent element of capital and attempted murder, thus calling into question the guilty verdict. My R32.1(e) was on 3/13/23 denied and dismissed, as it was adjudicated as successive (averred claims raised in *first* R32). Wrote a 59(e) (in response to the R32.1(e)) which was *apparently* denied by 59.1, without notice nor entering of decision in the State Judicial Information System (SJIS) system, in violation of state rules 59(g), 58(c), and the 2008 amendment for 59.1 -requiring entrance of *any* denial (even by operation of law) in SJIS. So when called clerk (she accessed the SJIS database) she stated no action had been taken. When I was sent a Case Action Summary, still no record of any denial. Appealed to the ACCA which was denied on 10/2/24, rehearing to ACCA denied 10/18/24, and Al S.Ct. denied Cert on 1/10/25.

Submitted a Writ of Habeas Corpus based R32.1e new evidence (*second* habeas) to the District Court (doc 1). After the District Court Magistrate Judge's Report and Recommendations (doc 5) recommended dismissal, as court incorrectly averred steroid psychosis claim raised in *first* habeas, I filed objections to the MJRR (doc 6). The District Court Memorandum Opinion (Exh C doc 8-1), on 5/15/25 averred steroid psychosis claim raised on *first* habeas, and therefore, I needed permission from the 11th Circuit to allow District Court to adjudicate. In the District Court Final Order (Exh D doc 9-1) 5/15/25, dismissed without prejudice. Submitted request for 11th Circuit Court permission/ Notice of Appeal and Application for CoA as one document. On 6/30/25 11th Circuit Court denied in part, and dismissed in part, permission to file a second or successive habeas as court incorrectly averred steroid psychosis claim raised in *first* habeas (Exh E doc 2-2). (doc # are for present case # 5:25-cv-00210-MHH-SGC, dealing with *second* habeas in regards to the R32.1e new evidence).

In fact, this new evidence of steroid psychosis with prescription steroids claim does not fulfill

section 2244 (b)(1)-that a claim raised in a previous habeas petition must be dismissed-because that claim was not adjudicated, per se ,in my *first* habeas petition. On Memorandum Opinion (Exh A doc 32-1 pp2,3) of my *first* habeas,the Court affirmed the Magistrate Judge's Report and Recommendations that my habeas claims were time barred and procedurally defaulted, citing MJRR (doc 26 pp 1-18) and then "For purposes of this opinion" discussed my claims (with *no* discussion of a steroid psychosis claim per se, except as reference that there is no data for steroid psychosis for prescription steroids). The Memorandum Opinion (Exh A doc 32-1, p13) stated "The Court adopts the [MJRR] report and accepts the magistrate judge's recommendation:" that my *first* habeas claims were procedurally defaulted and time barred. (District Court docketing #s here, in this paragraph are for my *first* habeas, from case # 5:18-cv-00971-MHH-SGC.) Thus, because my *first* habeas was adjudicated as time barred and procedurally defaulted, and had not raised steroid psychosis, per se, and was adjudicated *before* BMJ study with the new evidence of steroid psychosis, my *second* habeas is not successive, pursuant to section 2244(b)(1).

As the District Court (present case # 5:25-cv-00210-MHH-SGC, dealing with *second* habeas in regards to the R32.1e new evidence) stated that my steroid psychosis claims had been raised in my *first* habeas, thus requiring 11th Circuit Court permission, which 11th Circuit denied (Exh E doc 2-2), as per section 2244(b)(3)E which states that the Circuit Court denial of permission can *not* be the subject of a rehearing *nor* Writ of Certiorari to the US Supreme Court, my Petition for Writ of Habeas Court to the Honorable US Supreme Court is *the Court of Last Resort*, pursuant to 28 USC section 2242 last paragraph, as delineated in S.Ct. Rule 20.4(a).

This petitioner, all though this collateral process, has been denied a simple evidentiary hearing, to assay if my MRIs (already in possession of the State) have the structural changes in brain areas dealing with fight/flight/rage. If these changes are seen, when taken with medical history of chronic steroid use, and behavior before and during crime, would abrogate specific intent. an essential element

of my crime. This *Sawyer v Whitley* innocence claim (innocence of death qualifying charge) survived AEDPA, as per post-AEDPA case *Calderon v Thompson* 523 US 538, 140LEd 2d 728, 118 S.Ct. 1489 (1998), and, as such, provide *Exceptional Circumstances* as per S.Ct. Rule 20.4(a).

REASONS FOR GRANTING THE WRIT

with CONCLUSION, are the entirety of the petition below (that was notarized/submitted to legal mail 7/28/25 and stamped as received by the Honorable Court on 8/6/25). The petition below already incorporated jurisdiction, Const and statutory provisions involved, statement of case, reasons can't have fair adjudication at district court, exceptional circumstances. In this corrected petition, these underlined categories are *also* each summarized separately, in so titled separate categories (pp 1-7) in compliance with Rule 14, as per the request of Honorable Clerk Harris in his 8/7/25 letter. Below, is the body of my uncorrected petition (submitted 7/28/25) to which I made no modifications except for deletions to cut down repetition, and minor changes to clarify the writing.

1.) Statement of the Case and *exhaustion* of claims pursuant to 28USC section 2254(b)(1)(A) as delineated in S.Ct. Rule 20.4(a).

1.a.) I have had lifelong allergies and mental health problems. During the stress of the University of Alabama at Huntsville (UAH) tenure process and my increased lab work that entailed, my allergies flared (I was allergic to latex and formaldehyde-both instrumental in my work) necessitating huge increase of my already chronic use of prescription steroids. During this time I had blackouts and hallucinations. After one such blackout, I was informed of my crime of February 2010 and charged with capital murder/attempted murder-convicted as multiple counts of one act/one case number. In September 2012, I was sentenced in Madison County Circuit Court to Life Without Parole/consecutive Life With Parole sentences.

1.b.) After an unsuccessful direct appeal to the Alabama Supreme Court, I filed a Rule 32 with the trial court, and presented my claims (one of which was no defense raised at all) on up to the Al.S.Ct. I filed a pro se 2254 habeas corpus (*first* habeas) to the District Court (doc 1). The District Ct Memorandum/Final order (ExhA doc 32-1 & Exh B doc 33-1) on 2/5/21, denied.

On Memorandum Opinion (Exh A doc 32-1 pp2,3) the Court affirmed the Magistrate Judge's Report and Recommendations that my habeas claims were time barred and procedurally defaulted, citing MJRR (doc 26 pp 1-18) and then the Court "For Purposes of this opinion" discussed my claims (with *no* discussion of a steroid psychosis claim per se, except as reference that there is no data for steroid psychosis for prescription steroids). The Memorandum Opinion (Exh A doc 32-1, p13) states "The Court adopts the [MJRR] report and accepts the magistrate judge's recommendation:" that my habeas claims were procedurally defaulted and time barred.

I submitted Dist. Ct. 59(e)/CoA. District Court denied my application for CoA (doc 45-1) on 4/7/21. I sought *CoA* with 11th Circuit Court, which on 8/4/21,denied CoA. I submitted the 11thCirc Ct reconsideration of CoA, which was denied on 10/4/21. My rehearing en banc was denied as successive on 11/1/21 (above for 1.b. District Court docketing numbers in reference to case # 5:18-cv-00971-MHH-SGC-*first* R32 and *first* habeas). Approached this Honorable Court and was denied.

1.c.) After my *first* collateral review (state & federal) was complete, on August 31, 2022 on Channel 8, 5PM News, in the Medical Breakthrough segment, anchorwoman Ellis Eskew, announced a finding in the *British Medical Journal Open* (BMJ), cited as van der Meulen M, et al. *BMJ Open*, Aug 30, 2022, download from http://bmjopen.com. The findings are that prescription steroid use has been shown to lead to structural brain changes in brain volume, gray matter volume, white matter integrity and volume, and significant increase in the volume of the caudate / decrease in amygdala (part of the brain responsible for fight or flight response/rage) one or all of which can lead to neuropsychiatric effects, many of which this study found was significantly elevated in systemic prescription steroid

users.

1.d.) Within the 6 month time limit for new evidence claim I filed a R32.1e new evidence stating that in light of the BMJ study (& my medical records of steroid use, psychiatric history and behavior during/post crime) my existing MRIs in possession of the state should be analyzed by steroid psychosis expert to see if steroid-induced brain changes are present, and if so, that would prove that I suffered from steroid psychosis, thus abrogating intent element of capital and attempted murder, thus calling into question the guilty verdict. My R32.1(e) was on 3/13/23 denied and dismissed, as it was adjudicated as successive (claims raised in *first* R32). Wrote a 59(e) (in response to the R32.1(e)) which was *apparently* denied by 59.1, without notice nor entering of decision in the State Judicial Information System (SJIS) system, in violation of state rules 59(g), 58(c), and in violation of the 2008 amendment for 59.1 --requiring entrance of *any* denial (even by operation of law) in SJIS. So when called clerk (she accessed the SJIS database) she stated no action had been taken. When I was sent a Case Action Summary, still no record of any denial. Appealed to the ACCA which was denied on 10/2/24, rehearing to ACCA denied 10/18/24, and Al S.Ct. denied Cert on 1/10/25. Submitted a Petition for Writ of Habeas Corpus (*second* habeas) to the District Court (doc 1). After the District Court Magistrate Judge's Report and Recommendations(doc 5) recommended dismissal as averred steroid claim raised in *first* habeas, I filed objections to the MJRR (doc 6). The District Court Memorandum Opinion (Exh C doc 8-1), on 5/15/25 averred steroid psychosis claim raised on *first* habeas and as such, needed permission from the 11th Circuit to allow District Court to adjudicate. In the District Court Final Order (Exh D doc 9-1) 5/15/25, dismissed without prejudice. Submitted request for 11th Circuit Court permission/ Notice of Appeal and Application for CoA as one document. On 6/30/25 11th Circuit Court denied in part, and dismissed in part, permission to final a *second* or successive habeas as averred steroid psychosis claim raised in *first* habeas (Exh E doc 2-2). (here in 1.d. doc # are for present case # 5:25-cv-00210-MHH-SGC-*second* habeas in regards to the R32.1e new evidence).

1.e.) As the District Court (see underlined above in d.) stated that my steroid psychosis claims had been raised in my *first* habeas, thus requiring Circuit Court permission, and the 11th Circuit denied permission (Exh E doc 2-2), as per section 2244(b)(3)E (which states that the Circuit Court denial of permission can *not* be the subject of a rehearing *nor* Writ of Certiorari to the US Supreme Court) my Petition for Writ of Habeas Court to the Honorable US Supreme Court is my *Court last resort*, pursuant to 28 USC section 2242 last paragraph, as delineated in S.Ct. Rule 20.4(a).

2.) Even post AEDPA U.S. Supreme Court has *jurisdiction* to adjudicate Petition for Writ of Habeas Corpus as original matter as per 28USC section 2241(a), 2254(a) as delineated in Rule 20.4(a) (*Felker v Turpin* 518 US 651, 661-63, 135 LEd 2d 827, 116 S.Ct. 2333 (1996) [OPINION} II.

2.a.) Supreme Court has *jurisdiction* to entertain Writ of Habeas Corpus after petitioner has been denied Circuit Court permission to file a second or successive petition with the US District Court, as per *In re Davis* 565 F.3d 810 (11Circ.) [OPINION] II where Davis had been denied Circuit Court permission: "In Felker [*Felker v Turpin* 518 US 651,116 S.Ct. 2333,135LEd 2d 827] the Supreme Court recognized that AEDPA prevented the Court from reviewing a Court of Appeals order denying leave to file a second habeas petition [section 2244(b)(3)E]. Felker held, however, that the Supreme Court was not deprived of appellate jurisdiction because AEDPA did not remove the Court's authority to entertain an original petition for habeas corpus."

And, in *re Davis*[OPINION] II C "Davis may still petition the United States Supreme Court to hear his claim under its original jurisdiction. The Supreme Court has made clear that the habeas corpus statute, even after the {565 F.3d 827} AEDPA amendments of 1996, continues to allow it [S.Ct.] to grant a writ of habeas corpus filed pursuant to its original jurisdiction. See *Felker*, 518 US at 660, 116 S.Ct. at 2338...*Stewart v Martinez-Villareal*, 523 US 637, 118 S.Ct. 1618, 140 LEd 2d 849 (1998)."

2.b.) Timeliness of submission to the Supreme Court the Petition of Writ of Habeas Corpus bestows

jurisdiction to the Supreme Court. The 11th Circuit Court denied, on 6/30/25, permission to file a second or successive petition (Exh E doc 2-2 under appeal case # 25-11928). I received notice in legal mail 7/9/25 at 9:30PM. I had a 30 day deadline after Court Action, making my deadline 7/30/25 to (as a pro se incarcerated petitioner) notarize/submit into the legal mail system, which I did (pre-corrected petition) on 7/28/25. In *re Davis* 565 F.3d 810 (11th Circ. 2009) III CONCLUSION (after Davis was denied Circ Ct permission to file second habeas) "But because Davis still may file a habeas corpus petition in the Supreme Court...we shall continue the stay of execution for 30 days from the filing of this opinion."

3.) In order for the US Supreme Court to grant a Petition for Writ of Habeas Corpus, the petition must fulfill *S.Ct. Rule 20.4(a)* and its included 28 USC rules, all of which my petition fulfills, as I have illustrated throughout this petition.

"A petition seeking issuance of writ of habeas corpus shall comply with the requirements of 28 USC sections 2241 and 2242 ... and in particular with the provision in the last paragraph of section 2242 requiring a statement of the 'reasons for not making application to the district court of the district in which the applicant is held.' If the relief sought is from the judgment of a state court, the petition shall set forth specifically how and werein the petitioner has exhausted available remedies in the state courts or otherwise comes within the provisions of 28 USC section 2254 (b)...To justify granting a writ of habeas corpus, the petitioner must show exceptional circumstances warranting the exercise of the Court's discretionary powers and must show adequate relief can not be obtained in any other form or from any other court." As quoted in *Felker v Turpin*, 518 US 651,661-63,135 LEd 2d 827, 116 S.Ct. 2333 (1996)[OPINION]IV.

4.) As per 28 USC 2254 d) Writ of Habeas Corpus will not be granted on any claims adjudicated on the merits unless (d)(1) adjudication was contrary or unreasonable application of federal law, OR (d)(2) adjudication was based on unreasonable determination of the facts in light of the evidence presented in State court proceedings.

Note: On Memorandum Opinion (Exh A doc 32-1 pp2,3) of my *first* habeas,the Court affirmed the Magistrate Judge's Report and Recommendations that my habeas claims were time barred and

procedurally defaulted, citing MJRR (doc 26 pp 1-18) and then "For Purposes of this opinion" discussed my claims (with *no* discussion of a steroid psychosis claim per se, except as reference that there is no data for steroid psychosis for prescription steroids). The Memorandum Opinion (Exh A doc 32-1, p13) stated "The Court adopts the [MJRR] report and accepts the magistrate judge's recommendation:" that my habeas claims were procedurally defaulted and time barred (District Court docketing numbers above in this note, are for my *first* habeas, from case # 5:18-cv-00971-MHH-SGC.)

This argument in 4, that will be presented, (note- my *first* habeas claims were adjudicated as time barred and procedurally defaulted) are drawn from my *second* habeas corpus (doc 1) and my Objections to the Magistrate Judge's Report and Recommendations (doc 6). The recommendations of District Court MJRR (doc 5), on *second* habeas, were adopted in the District Court Memorandum Opinion (ExhC doc 8-1)).

My argument is that the District Court MJRR (doc 5) adjudication that my claim was raised on *first* habeas (thus affirming the State's assertion) and the District Court's disregard to the novelty and importance of my claim (although adjudication was that my claim was successive) is 2254(d)(2) based on an unreasonable determination of the facts in light of the evidence presented, and 2254(d)(1) contrary to USCt caselaw and the Constitution. My claim is, that in light of the BMJ study that establishes prescription steroid induced psychosis, and offers steroid-induced brain changes, that if seen in my MRIs, with other evidence of my chronic steroid use (in possession of state) would demonstrate my steroid psychosis, thus mitigating my intent and thereby calling into question the guilty verdict.

4.a.) My capital murder charge (and even lesser included felony murder-not offered at trial) and my attempted murder charges have specific intent as an essential element, which must be proven to convict.

As discussed in R32.1(e) (pp 5,6); habeas (doc 1,pp 16,17) and MJRRobjections (doc 6, pp 11,12) & 11th Circ Application for permission (pp 16,17); *Intent* as illustrated by Michie's Alabama Code: Capital Offense enumerated: " 13A-5-40 (a) (10) Murder where two or more persons are *murdered* by the defendant by one act or pursuant to one scheme or course of conduct." Michie's Al Crim Code defines *murder,* stated above, within the definition of Section 13A-5-40 (a)(10)-capital murder, as: "the terms 'murder' and 'murder by the defendant' as used in the section to define capital offenses means *murder* as defined in Section 13A-6-2(a)(1),but *not* as defined in Section 13A-6-2(a)(2) and (3)." Thus, murder, as defined in the above code (my charge) *IS* "a.) A person commits the crime of murder if he or she does any of the following: 1.) with ***intent*** to cause the death of another person, he or she causes the death of that person or another person." and is *NOT* "2.) Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself and thereby causes the death of another person." (hence is *Not* inferred intent) and is *Not* "3.) He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree..." Killing someone in the course of burglary etc.

Attempted murder, with which I was also charged, is also a specific intent crime as indicated by the caselaw:: " Under Alabama Law attempted murder is a specific intent crime." *Warren v Mosley* LEXIS 19765 US Dist. Ct. (1991) OPINION, from Michie's Al Code under Section 13A-6-2 Attempted Murder.

Even if defendant pleads guilty to capital murder, by statute, the State must still prove (in a trial) all essential elements of the crime, one of which is specific intent. Michie's AL Crim. Code section 13A-5-42 (as stated before 2013, my trial was before 2013)

The DA/Court at my trial, that was held after my plea, stated that this is so: 9/24/12 Trial Transcript p135 ln5 DA: "Procedurally it is like a trial-I mean it is a trial." and p153 ln 14 COURT "A reasonable doubt in the mind of any juror as to *any element* of the offense charged entitles the

Defendant to an acquittal."

Note, here, in the Honorable Judge Hughes Haikala, in her Memorandum Opinion (Exh C doc 8-1, p 3) stated that the State used as evidence of my specific intent my "practicing" at the shooting range, in my allegedly *sole* session, a week before my crime. In fact, I carried the pistol for safety, for when leaving work late, ever since I lived in Boston, and was, *many* times, invited and accompanied to the pistol range by *colleagues*, not for preparation for my crime, but rather as recreation.

4.b.) The Habeas claim is of new evidence, for the first time, demonstrating the existence of steroid psychosis for prescription steroids that I asserted as an abrogation of intent (asserted in R32.1(e) pp2-4; 59(e) pp 5-10; habeas doc 1 pp 2, 11, 12,14,15; MJRR objections doc 6 pp3,4; 11th Circuit application for permission pp 12,13).

On August 31, 2022 on Channel 8, 5PM News, in the Medical Breakthrough segment, anchorwoman Ellis Eskew, announced a finding in the British Medical Journal Open, that prescription steroid use has been shown to lead to structural brain changes in brain (British Medical Journal Open- can download from http:bmjoepen.bmj.com, "Association between use of systemic and inhaled glucocorticoids and changes in brain volume and white matter microstructure: a cross-sectional study using data from the UK Biobank"; authors van der Meulen, Amaya, Dekkers, Meijer).

The *BMJ* study is the *first* study of *prescription* steroid induced *structural* changes in the brain in areas dealing with fight/flight/rage. Specifically, I address the fact, that the BMJ was the *first* study to :1.) include of a *high number* of patients 2.) establish *statistically significant structural changes* 3.) demonstrate statistically significant structural changes to the *caudate and amygdala*-involved in regulation of fight/flight/rage response 4.) demonstrate these changes in *prescription* steroid users with neuropsychiatric symptoms.Thus, this is the *only* study, for the *first time* offering a quantifiable physiological explanation of my asserted steroid psychosis, thereby opening the door to confirmation of my steroid psychosis assertion with my medical records & MRIs already in possession of the state.

Most elucidating are the BMJ findings of significant prescription steroid-induced shrinkage in volume of the amygdala and increased volume of the caudate (BMJ Open-pp1,5,9,10) both of which are involved in cognitive processes and emotional regulation (BMJ Open-p9). These structures participate in the limbic system (emotional regulation) and in particular, fight/flight/rage. This would explain the study's findings that prescription steroid users suffer from significantly higher rates of neuropsychiatric symptoms of restlessness, mania, depression (BMJ Open-pp1,8,11,12). Steroid users also suffer from memory problems (BMJ Open-p11) which would shed light on my blackout, during which I committed my crime (1. statement of the case).

Certainly, I exhibited either steroid induced/exacerbated neuropsychiatric symptoms, records of which need to be analyzed by the steroid psychosis expert. On the day of my crime I "woke up" in a police station not knowing where I was and denying (for 3 hrs) that the crime happened at all (Inspectors Kathy Pierce & Gray; police car video & police interview video--attny Roy W. Miller showed me both and has videos) and have since been diagnosed with schizophrenia by Dr. AlRafai, MD (Madison County Jail psychiatrist); the state's expert (Dr. Doug McKeown Ph.D. Clinical & Forensic Psychology, PO BOX 6216, Dotham AL 36302); the forensic psychologist (Dr. Marianne Rosensweig, Forensic Psychologist, PO BOX 2312, Tuscaloosa, AL 35403)-attnys Miller & Abston have reports. I am being treated for schizophrenia at Tutwiler (Drs Jetty and Young, Tutwiler Mental Health Unit).

In particular, systemic prescription steroid users attempted suicide at a sevenfold higher rate than did non-steroid using controls (BMJ Open-p1.). Suicide is a desperate and violent remedy for overwhelming emotions, and in fact, I did attempt suicide in Madison County Jail (Emergency Room records, Huntsville Hospital; MCJ Medical Records; Dr. AlRafai, MD, MCJ psychiatrist). Also, any change to the amygdala, which is responsible for the fight or flight response, would have direct bearing on "roid rage" in response to pressure or a perceived threat, thereby explaining my crime.

Analysis of my MRIs, in light of the new BMJ findings, is imperative, to see if the structural

brain changes in regions dealing with fight/flight/rage are present. And, if so, this evidence needs to be taken in light of my records (already in possession of the state) of lifelong allergies, necessitating steroid use, leading to blackouts/mental health symptoms [South Shore Hospital Emergency, Weymouth, MA; Drs Joshua Boyce & Richard Horan, Brookline Allergy Associates, Brookline, MA; UNUM Disability Insurance; Harvard Disability attny Curtin, Harvard University; Drs Laura Dyer & Zaheer Khan, Aging Center, Memorial Drive, Huntsville AL; Dr. Rebecca Raby, allergist, Huntsville, AL-reccrds in possession of attnys Miller & J. Barry Abston, Huntsville, AL]. Right before my crime, I found out from an industrial allergist that I was allergic to latex, formaldehyde, both instrumental to my work (Dr. Rebecca Raby, allergist, Huntsville, AL) and was going to leave science for other positions, but it was far too late. My symptoms: asthma/anaphylaxis, extreme eczema, feeling like *my brain was on fire*, were at their very worst I had ever suffered. I was on multiple steroid prescriptions and multiple steroid prescriptions were found in my bag at the Madison police station.

4.c.) BMJ changes in MRIs establish innocence. Confirmation in my MRIs (already in possession of State) of steroid-induced structural changes, when taken with my medical records of longterm steroid use, along with police video indicating that I was delusional (also in possession of the State), would prove that I did suffer from steroid psychosis which would abrogate specific intent (essential element of my capital charge/att murder) thereby abrogating a guilty verdict-in fact, even according to AEDPA standards-that claims, to be successful, are ones "that call into question the accuracy of a guilty verdict." *Tyler* 533 US at 661-63 [*Tyler v Cain*, 533 US at 661-63, 121 S.Ct. 150 LEd 2d (2001)] *In re Hill* 715 F 3d 284 (11th Circ. 2013) [OPINION} II Discussion C.

4d.) Thus the new evidence (that if proven, that would call into question the guilty verdict) being disregarded with facile procedural argument, is 2254 (d)(2) an adjudication based on an unreasonable determination of the facts in light of the evidence presented in state court-as discussed above in 4a.-c.: (R32.1e pp6-8, 12-14; habeas doc 1 pp 2, 11,12,14,15.;11 Circ perm. pp 12,13,16,17)

4e.) Denial of raising the question of steroid psychosis at trial, nor holding an evidentiary hearing at any point during my collateral state and federal level, despite my requests, in light of the above (4a.-c.), is not harmless, and 2254 (d)(1) renders the adjudication of this claim in violation of Federal and Constitutional law-which also fulfills section 2241(c)(3) as delineated in 20.4(a): (R 32.1(e)pp 6,13,14; habeas doc1 pp 14-16,23,24; MJRRobjections doc6 pp 9-11,12-14; 11th Circ permission pp 15,16,18,19) . My requests for an evidentiary hearing on my claims, all through state proceedings, as illustrated in the quote (59(e) p9): "As in Sallahdin likewise in my case, remediation is required-an evidentiary hearing is required to have a steroid expert undertake this analysis in light of the BMJ findings." were raised all through through my R32.1e up through this habeas and now.

In Sallahdin [*Sallahdin v Gibson* 275, F.3d 1211, 1220, 1239 (10th Circ. 2003)] (as in my case) he asserted that he committed his crime under the influence steroids, however, his were anabolic (athletic enhancement) *not* prescription steroids, and asserted that if this influence was proven, it would mitigate his sentence. He had asked for but had been denied evidentiary hearing on this matter. The denial of an evidentiary hearing was subsequently adjudicated as non harmless error and was reversed and remanded for evidentiary hearing. The same should be done in my case.[note: Tutwiler LEXIS does not have other circuits, other circuits can only be garnered from our >20 yr old law books or when discussed in other cases-also Tutwiler LEXIS only updated every 6 months]

Disregarding the above new evidence and its impact on my innocence claim through unfair AEDPA assertion of successiveness/procedure (to be discussed in 5. in this petition-which I also raised on habeas and objections to the MJRR) and refusal of raising the *possibility* of steroid psychosis with appropriate expert at trial, are in violation of the 5th &14 Const. am.(Const. Viol. raised in State collateral review, habeas (doc 1), obj to MJRR(doc 6)). Also, the denial of evidentiary hearing in light of the new evidence, is contrary to Due Process (5th & 14th am). Thus: "Although States are under no obligation to provide mechanisms for ...postconviction relief, when they choose to do so the procedures

they employ must comport with the demands of the Due Process Clause. See *Evitts v Lucey*, 469 US 387, 393, 105 S.Ct. 830, Led 2d 821 (1985), by providing litigants with fair opportunity to...assert their state-created rights." *DA's Office for the 3rd Judicial District, et al., v William G Osborne*, 557 US 52; 129 S.Ct. 2308; 174 L Ed 2d 38;2009.

5.) My claims are not successive according to 28 USC section 2244. As per 28 USC section 2244(b)(2) A claim ...that was not presented in a prior application shall be dismissed unless-(b)(2)B(i) the factual predicate of the claim could not have been discovered previously through the exercise of due diligence; and (b)(2)B(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense. (non successiveness/innocence asserted in R32.1e pp 12-14; habeas (doc 1)pp11-13 and new evidence establishing innocence pp 2,11,12,14,15; obj to MJRR (doc 6) non succ/innocence pp 2,3,11,12; 11th Circ. perm. pp 3-6, and new evidence establishing innocence pp 4,7,12,13,16,17; thereby fulfilling 2244 (b)(2)(B)(ii).

This argument 5.) is drawn from my *second* habeas corpus (doc 1) and my Objections to the Magistrate Judge's Report and Recommendations (doc 6). The District Court MJRR (doc 5) dismissed my claim as successive (specifically, that my claims have been raised on *first* habeas). The recommendations of the MJRR (doc 5) were adopted in the District Court Memorandum Opinion (Exh C doc 8-1). I argued in the habeas (doc1), and my objections to MJRR (doc6) that the new evidence presented in the British Medical Journal (that came out *after* my first habeas process, and thus fulfills 2244(b)(2)(B)(i)), is comprehensive, and, for the *first time*, proves the existence of *prescription* steroid psychosis, evidence of which, if proven, would be sufficient to call into question the accuracy of the guilty verdict, thus fulfilling section 2244(b)(2)(B)(ii), and that the adjudication of this claim as successive, as per 2244, *is*

2254(d)(2) unreasonable determination of the facts in light of the evidence presented in state court proceedings and is 2254(d)(1) contrary to case law of the Honorable U.S. Supreme Court, and the U.S. Constitution.

5a.) 2244 (b)(2)B(i) the factual predicate of the claim could not have been discovered previously through the exercise of due diligence. The new evidence claim in my habeas(doc 1) and my MJRRobj(doc6) establishing, for the first time, steroid psychosis with prescription steroids rather than solely anabolic steroids, was released in a study by the British Medical Journal (*British Medical Journal Open*-can download from http:bmjoepen.bmj.com, "Association between use of systemic and inhaled glucocorticoids and changes in brain volume and white matter microstructure: a cross-sectional study using data from the UK Biobank; authors van der Meulen, Amaya, Dekkers, Meijer) published in August 30, 2022, and thus this data was unavailable for my *first* habeas, as per 2244(b)(2)(B)(i). My habeas (doc 1) [also discussed in MJRRobj (doc 6)] new evidence claim, the BMJ study that establishes, for the *first time*, the existence of steroid psychosis in prescription steroids, and yields quantifiable/easily assayed proof of such (brain structural changes in regions dealing with fight/flight/rage that can be seen in an MRI) with concomitant cognitive/psychological changes, is thus not successive.

5b.1) This new evidence of steroid psychosis with prescription steroids claim does not fulfill section 2244 (b)(1)-that a claim raised in a previous habeas petition must be dismissed-because that claim was not adjudicated, per se ,in the *first* habeas petition. On Memorandum Opinion (Exh A doc 32-1 pp2,3) of my *first* habeas, the Court affirmed the Magistrate Judge's Report and Recommendations that my *first* habeas claims were time barred and procedurally defaulted, citing MJRR (doc 26 pp 1-18) and then "For purposes of this opinion" discussed my claims (with *no* discussion of a steroid psychosis claim per se, except stating there is no data for steroid psychosis for prescription steroids). The Memorandum Opinion (Exh A doc 32-1, p13) stated "The Court adopts the [MJRR] report and accepts

the magistrate judge's recommendation:" that my *first* habeas claims were procedurally defaulted and time barred. (District Court docketing #s here, in the above first paragraph under 5.b. are for my *first* habeas, from case # 5:18-cv-00971-MHH-SGC.) Thus, because my *first* habeas was adjudicated as time barred and procedurally defaulted, my *second* habeas is not successive, pursuant to section 2244(b)(1).

5b.2) Also claim in *second* habeas is more developed, and arguably different from *first* habeas claim of no defense. The Court Order denying my R 32.1e (*second* R32), on up to the District Court Memorandum Opinion (Exh C doc 8-1) & Final Order (Exh D doc 9-1) in regards to my *second* habeas (doc 1-present case # 5:25-cv-00210-MHH-SGC), and the 11 Circ. denial of permission to file a *2nd* habeas (Exh E doc 2-2) held as a reason for denial, that I raised the steroid psychosis claim in my *first* habeas. However, my *first* habeas(No.18-00971-MHH-SGC : doc 1-1) raised, among other claims, lack of *any* defense (I only briefly raised appropriate expert to investigate the *possibility* of steroid psychosis) although, at the time there were no quantifiable markers of steroid psychosis.

The District Court Memorandum (in re: *1st* habeas: case # 5:18-cv-00971-MHH-SGC--doc# 32-1-Exh A) denying my *first* habeas as procedurally defaulted and time barred, also, stated "For purposed of this opinion" discussed my claims. However, the Court did *not* address the steroid psychosis claim in the main text, per se, and only mentioned it in p4, footnote 2 (steroid psychosis not really a quantifiable syndrome-could be other factors) & p9 footnote 5 (nationally only 2 cases of steroid defense, easily defeated because can not prove). Again, my no defense claim was raised, at the time *before* the *British Medical Journal* (BMJ) study (cited as van der Meulen M, et al. *BMJ Open*, Aug 30, 2022, download from http://bmjopen.com) so the data in the study, establishing and offering targets for confirmation of the presence of prescription steroid psychosis had not come out during *first* habeas.

In re Hill 715 F 3d 284 (11th Circ. 2013), Hill raised in his *second* federal habeas that the

experts who at first, asserted he was not retarded and hence eligible for death penalty, had since recanted their testimony and now asserted that he is retarded, and hence ineligible for execution. The 11 Circuit denied permission for Hill to file a *second* or successive habeas, because 11th Circuit stated that Hill already had raised mental retardation on his *first* habeas.

In re Hill [Opinion]II Discussion B "The Court [*Felder v McVicar*, 113 F.3d. 696 (7th Circ. 1997)] reasoned that ... '[a] newly discovered factual basis' for a claim may permit filing a successive petition {2013 U.S. App. LEXIS 26} raising a new claim..." This applies to my claim, in that, for the *first* habeas I raised no defense at all (only alleging the possibility of steroid psychosis) and then for my *second* habeas, I raised a new evidence claim: the *new* BMJ study confirming the existence of steroid psychosis, and offering targets for analysis to establish its existence in a patient, and asked for an evidentiary hearing to determine if my brain MRIs, in possession of the state, demonstrate the prescription steroid induced structural changes, which would confirm the presence of steroid psychosis during the period of my crime, and thus would abrogate intent (as was done for the 2013 Jefferson County Circuit Court involuntary intoxication case of Terry Greer--to be discussed in 6. of this brief).

However, the above holding, in the case of *In re Hill* [Opinion]II Discussion B, " '[a] newly discovered factual basis' for a claim may permit filing a successive petition raising a *new* claim..." must be subject to common sense. For example: Hill raised mental retardation claims for his *first* habeas, and then his experts, who *initially* shot down his mental retardation claim, recanted, so Hill sought permission to raise the recanted expert testimony in a *second* habeas (and to fulfill AEDPA) as a *new* claim. Hill's new claim, would obviously be dealing with the recanted expert testimony on his mental retardation and not a wholly new claim, such as "the zebra did it". The question for the majority, who denied permission, stating that Hill's claim was raised on his *first* habeas, is: How *new* does a claim have to be to overcome AEDPA, and, does the claim need to be so *new* that the asserted new supporting evidence is rendered irrelevant to the new claim?

This unfairness of the majority's assertion that Hill has to have a totally *new* claim in which to

assert his new evidence, recanted expert testimony that establishes his retardation thus barring him from execution, is illustrated in *In re Hill* [Dissent] 1 {715 3d. 302}

"...the majority...take the position that a federal court cannot consider Hill's newly discovered and compelling evidence because Congress's gate keeping rules under AEDPA precludes us from allowing a mentally retarded person to vindicate his constitutional right to never be put to death...When Hill has proffered uncontroverted evidence of his mental retardation, I {2013 US App LEXIS 71} cannot agree that we have no choice but to execute him anyway because his claim does 'not fit neatly into the narrow procedural confines delimitd by AEDPA,' In re Davis, 565 F.3d. 810,827 (11th Circ. 2009) (Dissenting). The idea that the courts are not permitted to acknowledge a mistake has been made...is quite incredible for a country that not only prides itself on having the quintessential system of justice but attempts to expert it to the world as a model of fairness."

5c.) This new evidence of steroid psychosis with prescription steroids claim does not fulfill section 2244 (b)(1) that a claim raised in a previous habeas petition must be dismissed- because, also, one could argue, the claim was not "ripe" for consideration until this *second* habeas. The District Court, for my *first* habeas, after denying as procedural defaulted and time barred, "For the purposes of this opinion", discussed my claims, but not steroid psychosis, per se, again, except as two footnotes: p4 footnote 2, p9 footnote 5 (District Court Memorandum in re: *1st* habeas: case # 5:18-cv-00971-MHH-SGC--doc# 32-1-Exh A). Note, at the time of my *1st* R32 on up to *1st* habeas , "roid rage" had been established *only* for anabolic (athletic enhancement) steroid use-and only *symptomatically*-rage symptoms correlating with anabolic use. The lack of medical evidence of *prescription* steroid induced psychosis is reflected in the District Court Memorandum (in re: *1st* habeas: case # 5:18-cv-00971-MHH-SGC--doc# 32-1 Exh A) where, in support of the assertion that there is no real syndrome as steroid psychosis, in footnote 2, Honorable Judge Haikala cites a DSMMD definition of medication induced psychosis, in which steroid (probably anabolic) psychosis is discussed briefly, as an apocryphal disorder that can not be documented in a quantifiable manner, and that the psychosis may be induced by mechanisms *unrelated* to the steroids themselves. In footnote 5 the Honorable Judge Haikala cited that there is *no* caselaw asserting *prescription* steroid psychosis in the 11th Circuit. In footnote 5, in other Circuits, nationally, her Honor found one assertion of *prescription* steroid psychosis

that failed, as the court held that it was unclear that the psychosis was not due to elevated blood sugar or other mechanisms *unrelated* to the steroids, and thus, the District Court held that it was fairly rejected as a defense: i.e. no data = no defense.

For the above reasons, this *second* habeas (doc 1) is not successive, as *first* habeas claim of lack of defense (no investigation of *possibility* of steroid psych) was "unripe." Even though my *first* R32 through to my *first* habeas doc 1(case # 5:18-cv-00971-MHH-SGC) I raised steroid psychosis, *only* in the context of total lack of defense at trial (in violation of 5th and 14th) one could say that in the *first* habeas that *any* claim of steroid psychosis was "unripe", in that there were no studies at the time demonstrating steroid psychosis with *prescription* steroids, and no studies verifying *quantifiable* and *statistically significant* steroid-induced changes in brain structures dealing with fight/flight/rage.

Now, for my *second* habeas (doc 1-present case # 5:25-cv-00210-MHH-SGC) with the BMJ study, the steroid psychosis claim is "ripe", in that this study demonstrates steroid psychosis with *prescription* steroids, and offers statistically significant structural changes in the brain dealing with fight/flight/rage that can be easily assayed with my MRIs (already in possession of state) and if the structural changes in the brain regions dealing with fight/flight/rage are seen, then this positive marker for steroid induced brain changes could be taken with my medical records of chronic steroid use, already in the possession of the state, and police video of my delusional, blacked out behavior, and prove that during and before the crime I was in the throws of steroid psychosis, and thus had no intent and am therefore innocent of the intent based charges of capital murder, or attempted murder (discussed in detail in 4 a.-c. of this petition).

This mirrors the case, *Stewart v Martinez-Villareal*, 523 US, at 644-645, 118 S.Ct. 1618, 140 L.Ed. 2d 849 (1998) where the death row petitioner raised the claim, in his *first* habeas petition, that he could not be executed as he was insane. Then petitioner raised it again in a *second* habeas, after State issued execution warrant. This Honorable Court adjudicated his *second* petition as *not* successive as his *first* petition was filed before the execution warrant issued, and thus had not been "ripe" for

consideration. In *Stewart vs Matinez-Villareal* [OPINION][523 US 645] for his first habeas it was determined that "...his competency to be executed could not be determined at that time." (before his execution warrant had been issued) and thus his *second* habeas was not successive. Likewise, in my case, the presence of steroid psychosis in my case "could not be determined at that time" (during my *first* habeas-before the BMJ study) and thus my *second* habeas should not be successive.

And thus, it has been held that a claim that is "ripe" for a *second* habeas, after being "unripe" for the *first* habeas, " 'should be treated in the same manner as the claim of a petitioner who returns to a federal habeas court after exhausting state remedies,' that is, characterizing it as not 'second or successive.' " quoting (") *Burton v Stewart* 549 US 147, 127 S.Ct. 793, 166 LEd 2d 628 (2007) [OPINION] 1.d. {549 US 155} quoting (') *Martinez-Villareal* 523 US at 664, 118 S.Ct., 1618, 140 L.Ed. 2d 849.

In *re Hill* [715 F 3d 284 (11th Circ. 2013)] {Dissent] 7 {715 F.3d 306} the 11 Circ. Ct. held that Hills claim, that he was mentally retarded and thus could not be executed, was "unripe" at his first habeas, and upon the recant testimony of the experts, who now asserted that Hill was retarded, Hill's claim was now "ripe" for consideration, and compared his case to *Martinez-Villareal.* " Eventhough the Court acknowledged that this was the second time the petitioner had asked for relief pursuant to Ford, it did not treat the present claim as a second application for relief...The Court instead concluded that because the Ford claim was now ripe for adjudication...28USC section 2244 (b) did not bar review of the claim. *Martinez-Villareal* 523 US at 640." *In re Hill* [Dissent] 7 continued with "The importance of the Great Writ...along with congressional efforts to harmonize the new statue [AEDPA] with prior law, counsels hesitancy before interpreting AEDPA's statutory silence as indicating a congressional{2013 US App LEXIS 85} intent to close courthouse doors that a strong equitable claim would ordinarily keep open." This final quote applies to claims and their permutations of compliance with the above 2244 (b)(2)B(i) as well as to claims and their permutations of compliance with the below 2244 (b)(2)B(ii).

5.d.) As per my new evidence discussed here & in 5.e.f., and above (4.a.-e.), and the holdings of the following post AEDPA case law in regards to second or successive petitions, my claim fulfills 2244 (b)(2)B(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense. The new evidence claim, establishing, for the first time, steroid psychosis with prescription steroids rather than solely anabolic steroids, released in a study by the British Medical Journal, offers, for the first time, an actual target for proving the presence of steroid psychosis-structural changes to the caudate /amygdala that regulate fight or flight/rage, that can be readily assayed on my MRIs (in possession of the State), in an evidentiary hearing with a steroid psychosis expert.

If the prescription steroid-induced brain structural changes are seen, then, when taken in light of the evidence as a whole: my longterm use of prescription steroids, my diagnosis of schizophrenia, and my blackouts, particularly during my crime (discussed in 4.b. & c. of this brief), would confirm the existence of steroid psychosis before and during my crime, and thus abrogate specific intent, an essential element of my crime (capital murder/att murder) which would call into question my guilty verdict, discussed in this brief 4.a.& c.. As no lesser included charges were offered, then I would have been acquitted, and thus this claim would fulfill 2244(b)(2)B(ii) as my argument in 4 a.-c. in this petition elucidates.

In re Hill 715 F 3d 284 (11th Circ. 2013) [OPINION] II Discussion C."...because the purpose of AEDPA is to greatly restrict the power of federal courts to entertain second or successive petitions, the Supreme Court has made clear that this is a 'narrow exception' for claims' that call into question the accuracy of a guilty verdict.' *Tyler* 533 US at 661-62. [*Tyler v Cain*, 533 US at 661-63, 121 S.Ct. 150 LEd 2d (2001)]" Certainly, in my case, the above allegations of 5th & 14th am Constitutional Violations at trial and in the postconviction process, (discussed in here & in 5.f. and 4e.) and in light of

the strong and conclusive new evidence (4a-c; 5b&c), that if proven, in light of the evidence as a whole would 'call into question the accuracy of the guilty verdict' and thus fulfilling 2244 (b)(2)B(ii).

In *Calderon v Thompson* 523 US 538, 140LEd 2d 728, 118 S.Ct. 1489 (1998) the petitioner, Thompson, submitted multiple federal habeas and then filed a Rule 60(b) in 1997. The District Court adjudicated the 60(b) as successive under AEDPA, 28 USC section 2244. In *Calderon* [OPINIION] III C [13] the Court held that, under AEDPA successiveness doctrine, that the petitioner must show " 'it is more likely than not that no reasonable juror would have convicted him in light of the new evidence' presented in his habeas petition. Id [*Schlup v Delo* 513 US 298...] at 327, 130LEd. 2d 808,115S.Ct. 851." And also, in *Mize v Hall,* 532 F.3d 1184 (11Circ.2008) [Opinion] V The Court held that petitioner has to demonstrate that "'it is more likely than not that no reasonable juror would have found petitioner guilty beyond a reasonable doubt.'*Schlup v Delo*, 513 US 298, 327, 115 S.Ct. 851,867, 130 LEd. 2d. 808 (1995)."

In *Calderon v Thompson* [SEPARATE OPINION] Dissent [523 US 573] "... as the Court realizes, our standard dealing with innocence of an underlying offense [AEDPA successiveness] requires no clear and convincing proof, *ante* at 560,140 L.Ed. 2d at 749, see *Schlup v Delo*, 513 US 298, 327, 130 L.Ed. 2d 808, 115 S.Ct. 851 (1995), and the Court would be satisfied with a demonstration of innocence by evidence 'not presented at trial,' *ante*, at 559, 140 L.Ed. 2d at 748."

Thus, with the new BMJ study, for the first time, establishing steroid psychosis with prescription steroids, and offering relevant, quantifiable, easily assayed structural changes in regions of the brain dealing with fight/flight/ rage, that if seen in my MRIs would abrogate intent, I would fulfill the standard of "it is more likely than not that no reasonable juror would have convicted him in light of the new evidence" if it had been available and presented at trial.

Continued in *Calderon v Thompson* {Opinion] III C[13] is the holding, when "a capital petitioner challenges his death sentence...he must show 'by clear and convincing evidence ' that no reasonable juror would have found him eligible for the death penalty in light of the new evidence.

Sawyer, supra [505US] at 348, 120 L.Ed. 2d, 269, 112 S.Ct. 2514." Discussion in the post-AEDPA caselaw of Calderon, of the Sawyer innocence standard (innocence of death qualifying offense) demonstrates Sawyer innocence standard has survived AEDPA, thus applies to my capital conviction.

Also, *In re Hill* [Dissent] 7 {715 F.3d 307} "Contrary to ...the majority's view that Hill's claim [that he is ineligible for the death penalty due to mental retardation] cannot he heard because the statute only addresses guilt of the 'underlying offense', I do not believe that we must 'interpret [] AEDPA's statutory silence' regarding claims that an offender is categorically barred from receiving a sentence of death 'as indicating a congressional intent to close courthouse doors that a strong equitable claim would ordinarily keep open.' *Holland* [*Holland v Florida* 130 S.Ct. 2549, 2560, 177 L.Ed. 2d. 130 (2010)] 130 S.Ct. at 2562."

Thus, where I raise in argument 4a.) that my capital charge and attempted murder charges are intent based, and that even with a plea a trial must be held to prove all elements of my changes, one of which is specific intent, then *Sawyer* innocence standard applies. With the new evidence, and the 5th &14th Const. Viol. (at trial-no defense/no inv. of *possibility* of steroid psych) I fulfill the *Sawyer* standard for innocence, where the new evidence would render me ineligible for a capital conviction. 5e.) My new evidence is equal or superior in quality of the the caselaw below, thus requiring an evidentiary hearing. My new evidence is equal or superior in quality to that in *Buck v Davis*, 580 US, 100;137 S.Ct. 758, 197 L.Ed. 2d 1 (2017) where the petitioner discovered the racist content of his expert's trial report that *probably* resulted in his excessive sentence. He filed a *second* R32, and *second* habeas on this issue and his case was *reversed and remanded* at the Honorable U.S. S.Ct. (discussed in 59(e) p11 citing R32.1e, p11; *2nd* habeas (doc 1); 11th Circ perm p13,14). The U.S.SCt. did not ask the petitioner to prove *beyond a reasonable doubt* that the racist content impacted sentencing, but rather prove that it *probably* changed the outcome of the sentencing hearing. And his claim was not dismissed as successive.

My evidence is certainly superior to that in *In re Boshears,* 110 F.3d 1538 (11th Circ. 1997). Boshears asserted in his *second* habeas that the expert, D. Morris' statement, was exculpatory evidence that proves Boshears innocence of rape; when in fact, Dr. Morris' statement in the police report could be interpreted as penetration by sex organ or other item, and in fact is additive to the evidence of Boshear's guilt, and Dr. Morris' statement was available during Boshears *first* habeas. In addition, Boshears, in his *second* habeas, cites what he asserts as perjurious statements, which were available in his *first* habeas, and could not be confirmed as perjurious.

And, most important to my case is the post AEDPA case of Sallahdin. In Sallahdin [*Sallahdin v Gibson* 275, F.3d 1211, 1220, 1239 (10th Circ. 2003)] (as in my case) he asserted that he committed his crime under the influence steroids, however, his were anabolic (athletic enhancement) *not* prescription steroids, and asserted that if this influence was proven, it would mitigate his sentence. He had asked for but had been denied evidentiary hearing on this matter. The denial of an evidentiary hearing was adjudicated as non harmless error and was reversed and remanded for evidentiary hearing. The same should have been done in my case. (All caselaw cited as pertinent to my non successiveness argument are *post* AEDPA.)

5.f.) As per 2254(d)(2) the adjudication of the court was based on an unreasonable determination of the facts in light of evidence presented in state court proceedings (as discussed in 4. and above in 5.a.-e., of this petition), and, as per 2254 (d)(1) the adjudication of the court is in violation of the laws of the Supreme Court and the US Constitution, as discussed here in 5.f. and in 5.a.-e. of this petition. Denial of the overwhelming evidence, refusal, in violation of 5th &14th Const. am., of raising the *possibility* of steroid psychosis with appropriate expert at trial [claim raised as no defense at all in *1st* habeas, and *1st* habeas was adjudicated as time barred and procedurally defaulted-see 5b.)] and certainly the denial of evidentiary hearing in light of the *new* evidence, is contrary to Due Process (5th & 14th am) and Federal Law. "Although States are under no obligation to provide mechanisms for ...postconviction

relief, when they choose to do so the procedures they employ must comport with the demands of the Due Process Clause. See *Evitts v Lucey*, 469 US 387, 393, 105 S.Ct. 830, Led 2d 821 (1985), by providing litigants with fair opportunity to...assert their state-created rights." *DA's Office for the 3rd Judicial District, et al., v William G Osborne*, 557 US 52; 129 S.Ct. 2308; 174 L Ed 2d 38;2009. (discussed in R32.1e pp 6,10,14; habeas (doc 1) pp 2,10,16,23; 11th Circ. perm. pp 3,15,16,19).

CONCLUSION

6.) As delineated in 20.4(a) "...To justify granting a writ of habeas corpus, the petitioner must show *exceptional circumstances warranting the exercise of the Court's discretionary powers...*" As quoted in *Felker v Turpin*, 518 US 651,661-63,135 LEd 2d 827, 116 S.Ct. 2333 (1996)[OPINION]IV.

6.a.) Certainly, the entirety of this petition illustrates the fulfillment of *exceptional circumstances warranting the Honorable Supreme Court to exercise its discretionary power*, and I pray for favorable adjudication of this habeas presented to the Honorable US Supreme Court by this pro se, indigent, incarcerated petitioner who, thus far, has been buried by AEDPA. "Thus we have consistently rejected interpretations of the habeas corpus statute that would suffocate the writ in stifling formalisms or hobble its effectiveness with the manacles of arcane and scholastic procedural requirements.'" *Murray v Carrier* 477 US 478, 91 LEd 2d, 397, 106 S.Ct. 2639 (1986) [Opinion].

"... we have never held pro se prisoners to the standards of counseled litigants." *Gonzalez v. Crosby* 545 US 524, 162 L.Ed. 2d 480, 125 S.Ct. 2641 (2005) [Dissent] [545 US 544].

6.b.) For cases of intent mitigated by involuntary intoxication, or unknown other factors, I offer two cases. In my R32.1(e), 59(e), habeas (doc 1-p24)) I discussed the case of Terry Greer, from Gardendale, AL who shot his wife twice, killing her, then chased and shot his daughter twice (she was grievously injured). His 2013 charges of murder/attempted murder (Jefferson County Circuit Court) were

mitigated by his involuntary intoxication (averred as a bad reaction to his new medication) and he was found not guilty of those charges. After being in custody of a mental health institution, he was moved to a halfway house and then home. The AL Courts, to which I presented this Greer claim, dismissed it as irrelevant. I ask, why was involuntary intoxication (bad reaction to my medication) not taken into account in my case, or for my R32.1e on up to habeas (doc 1)-especially in light of 4a.-c. & 5b-d.?

Where my crime was unfairly imbued with intent, I offer now, as a sharp contrast, the case of Vincent Harmon of Huntsville, Alabama who took his pistol, pointed it and shot and killed my son, Seth Bishop Anderson. Harmon, despite my protest letters to Judge Pate (Madison Circuit Court, AL) and Attorney General of AL., Steve Marshall, received less than one year incarceration, after which, without notice to me or my family, was granted parole. My subsequent protests to the AL parole board were ignored. Use of a gun in the commission of any AL crime is *supposed to* result in a 20 year minimum sentence. Although, I was not pushing for capital, or a Life Without Parole sentence, or even Life, I, at least, wanted Harmon to receive some finite straight-time in prison. Obviously, in his case, despite the fact that he pointed the pistol and fired, and murdered, his intent was totally waived, and he is at home. Despite my heart break over the loss of my son, I have to step back and ask why was Harmon's intent waived and the 20 year minimum sentence for use of a pistol in commission of a crime also waived?

In both Alabama cases, Terry Greer, and Vincent Harmon (twenty-something, ineligble for youthful offender status because of crime and age), the perpetrators were white men, from wealthy families, and I am neither. I am not even from the South. I humbly submit, that my demographics are a factor in the Alabama State differential punitive action: conviction of capital murder and attempted murders, sentences of Life Without Parole with *consecutive* Life With Parole sentences, followed by procedural non-adjudication of my most important claim in my *state* appellate/postconviction processes, which I pray has not, through arcane codes of state court deference, and AEDPA "catch 22" provisions, closed the door to the federal courts---in violation of the 13th am.

6.c.) The fact remains, that I had severe allergies, eczema, asthma, anaphylaxis, that were exacerbated by my increased labwork and stress as a result of the year long preparation for tenure at University of Alabama at Hunstville (UAH) and the year long contract with UAH after tenure denial, during which I was seeking other positions. *My skin and brain were on fire!*

As non-steroidals such as *Dupixen* (as seen on TV adverts), had not yet been invented at the time of my pre-tenure and post-tenure year, the only treatment was steroids. I've had a lifetime of allergies medicated by steroids, however, during this period, when my allergies were exacerbated, my steroid dosage increased. As I was, for my family, the breadwinner and provider of medical insurance, I had to soldier through my suffering and continue to work. After tenure was denied, I continued to soldier through my symptoms in order to garner my next position and because I had to diligently fulfill my remaining one year contract with UAH. Again, as I was the breadwinner and med insurance provider for my husband and children, I could not just quit and stay home until my next position was open.

My brain was on fire! I, for those couple of years, had blackouts and hallucinations. I had stopped driving because if this, but I felt I *had to* continue working, while gobbling steroids--the only medicine that could keep my severe allergies under control. I had no idea that I was suffering from steroid psychosis and *possibly* eosinophilia psychosis (when immune cells involved in allergies act on the brain).

On a night, soon before that faithful day, I asked my husband to drive me to Crestwood Hospital Emergency so I could get help. In the parking lot of Crestwood, Jim and I talked. I came to the conclusion (this was the year 2009-2010-before the activism of NAMI) that if I went *into* the Emergency Room, with *my* symptoms, I could catch a diagnosis of schizophrenia (or some other serious mental health diagnosis), possibly be committed and hence, *instantly,* lose my job, salary and medical insurance for my husband and children. Also, after *any* kind of severe mental health diagnosis,

high level lab jobs (many requiring security clearance) or teaching positions would be closed to me. My husband and I drove home.

During the pretrial period my attorneys Roy W. Miller and J. Barry Abston, after hearing my story (which was brief, as I did not remember the crime or much of the day of the crime) and after finding steroids in my carryall bag, suggested steroid psychosis. As the steroid expert wanted 10K up front, and after EJI tried unsuccessfully to garner that up front funding [*Ex parte Anderson* (*In re: State of Alabama vs Anderson*) 112 So. 3d 31 (Al.S.Ct. 2012)] the expert was dropped, as was *any* defense. In violation of Due Process (5th & 14th am.) the attorneys raised no defense at all, at my trial. A trial was required (pre 2013 amendment) for all capital defendants, even after a plea, to prove (in an adversarial process) all elements of the crime- intent.

I was convicted and sentenced to Life Without Parole and attempted murder *consecutive*, for a crime where I had no intent-I was in a blackout before and during, and in the throws of steroid psychosis. And with the added the fact that in the last few years Tutwiler Prison has turned into a zoo of favoritism, violence, drugs, understaffing...the list goes on...I humbly hold that now more than ever, that spending the rest of my life in Tutwiler violates the 8th am.

One could argue "a life for a life" no matter if there is a *total absence* of intent-and I understand and sympathize with that argument. My crime was horrible, tragic and , although this helps no one, I regret it everyday. And I realize that some would say I should be grateful that I did not receive the death penalty, however, I would rather receive a fatal gunshot to the head than spend the rest of my life and grow old in Tutwiler. Although I am heartbroken by my crime, and wish it had never happened, and some would, understandably, call for my blood, my argument rests on American jurisprudence and New Testament mercy.

6.d.) <u>My steroid psychosis claim has never been adjudicated and no evidentiary hearing has ever been held, despite years of my petitioning the courts.</u> I've asked for an evidentiary hearing to assay my MRIs

for the existence of BMJ structural changes in brain areas dealing with fight/flight/rage, and yet my *second* habeas with my BMJ steroid psychosis claim was adjudicated as successive, and my *first* habeas with a pre-BMJ permutation of this claim, was adjudicated as time barred and procedurally defaulted, and so my claim has *never* been adjudicated and no evidentiary hearing has *ever* been held. Since my *second* habeas was adjudicated as successive, permission to file at the District Court was denied by the 11th Circuit Court, and this denial can not be the subject of a rehearing nor Writ of Certiorari.

An evidentiary hearing is needed to determine if BMJ-elucidated prescription steroid-induced brain structural changes are present in my MRIs and if so, when taken with evidence of my chronic steroid use, and delusional behavior (police videos, medical records etc.) would demonstrate steroid psychosis and mitigate intent, calling into question my guilty verdict. For years, in light of the BMJ study, I have been diligently pursuing this simple goal (evidentiary hearing), that would take a steroid psychosis expert 10 minutes with my MRIs to achieve.

Thus, my Petition for Writ of Habeas Corpus to the Honorable US Supreme Court is my *last resort* and I pray that the Honorable Court *exercises its discretionary power* in the above *exceptional circumstances*. Thank you.

Certificate of Compliance: The form of the petition complies with S.Ct. Rule 33.1b, 12 pt type, >¾ inch margins on all sides, double spaced, could not find the font described so used this font, and as per S.Ct. Rule 33.2: regular paper, stapled at upper left hand corner. As per FRAP Rule 24(a)(3) I was granted *in forma pauperis* status at the District Court level, and proceeded with *in forma pauperis* status to the 11th Circuit Court--I have included, for the US S.Ct., a complete Motion for Leave to Proceed *in forma pauperis* using a Form 4, as I have not received legal mail from the US S.Ct. with the *in forma pauperis* form (Tutwiler legal mail is not passed out until it accumulates so there are delays-and it is spotty). Rules of Supreme Court Rule 12(2) last line "An inmate, confined in an institution, if

proceeding in forma pauperis and not represented by counsel, need file only an original petition and motion."

As per FRAP Rule 24(c) indigent (in forma pauperis status) may cite the original record without having to reproduce it. Also, 11thCirc.Ct.Rules: Rule 30-1(d.) "A pro se party proceeding in forma pauperis may file only one paper copy of the appendix...except that an incarcerated pro se party is not required to file an appendix." Because the library printer *still* has not been replaced yet, and is the only printer available to inmates, I *still* have to rely on an ADOC Lieutenant to print from her printer from library jumpdrive. The Lt. will *only* printout my petition, so my *1st* habeas, *2nd* habeas, and other documents described in this Petition will have District Court document # for access by the Honorable Court. The *critical* Court decisions have been xeroxed and are included as Exhibits.

As per S.Ct. Rule 29.2 Document submitted by an inmate is timely when deposited in the institution internal mail system, notarized, on or before last day for filing. I received the June 30, 2025 11th Circuit Court Action in legal mail, from Officer Mahone in the Tutwiler Shift Office, on July 9th, 2025 at 9:30PM. There was a 30 day from Court Action deadline to submit the Petition for Writ of Habeas Corpus to the US Supreme Court, making *my deadline July 30,2025*. I notarized and submitted my previous, *pre-corrected* Petition into the legal mail system on July 28th, before the June 30th deadline date so it was timely. I will include, *after* this *corrected* petition, the notarized page of my *pre-corrected* petition sent on 7/28/25.

I submitted the *pre-corrected* petition on 7/28/25, it was stamped as received by the Honorable Court on 8/6/25. The Honorable Clerk Harris, in his 8/7/25 letter (which I received in legal mail on the night of 8/12/25) informed me of my need to comply S.Ct. Rule 14 as required by S.Ct. Rule 20.2, and supply a separate S.Ct. Rule 20.4 (a) statement, as per S.Ct. Rule 14, and I did so. Thank you Honorable Clerk Harris and Honorable Court for giving me the opportunity to make the corrections. This, the *corrected* petition , with in forma pauperis motion, and exhibits will be re-sent in a timely fashion as per Rule S.Ct. 29.2 (as per mailbox rule for incarcerated petitioner, date notarized and

submitted into legal mail) well before the 60 day deadline for returning corrected briefs as per S.Ct. Rule 14.5. In fact, I will return *corrected* petition *ASAP*, see notary below.

Certificate of Service: I previously served parties in a timely fashion (7/28/25) and now will serve *corrected* petition on same parties as per Rule 29.2 -as per mailbox rule for incarcerated petitioner, date notarized and date submitted into legal mail is filing date-see notary below. As per S.Ct. Rule 12.2 last line, where an incarcerated, pro se, indigent petitioner need only file one copy of petition and motion (motion for leave to proceed in forma pauperis) each of the parties will be served one copy of *corrected* petition, motion for leave to proceed informa pauperis, exhibits. The parties are as follows:

Honorable Clerk Scott S. Harris, Supreme Court of the United States, 1 First St., N.E., Washington D.C., 20543-0001;

Attorneys General, Office of the Attorney General, 501 Washington Ave., Montgomery, AL 36130

I declare under penalty of perjury that the above is true and correct.
Respectfully submitted on this date 8/19/25

Amy Bishop Anderson

Amy Bishop Anderson
Dorm B, AIS# 285694 , Tutwiler Prison for Women,
8966 US Highway 231, Wetumpka, AL 36092

SWORN TO AND SUBSCRIBED BEFORE ME THIS
19th DAY OF August 2025
Jacqueline Ruiz
NOTARY PUBLIC OF ALABAMA
MY COMMISSION EXPIRES 06-28-29

from the USS.Ct. with whether I have been granted extension of time (Tutwiler holds legal mail until it accumulates-so delays in mail), so *I will* proceed *as if I have no* extension of time and, therefore, I have notarized and submitted my Petition into the legal mail system on or before the June 30th deadline date so that it is timely-see notary.

Certificate of Service: to the Clerk's Office, Supreme Court of the United States, 1 First St.,N.E., Washington D.C. 20543-0001; and to Attorneys General, Office of the Attorney General, 501 Washington Ave., Montgomery, AL 36130.

Respectfully submitted on this date 7/28/25

Amy Bishop Anderson

Amy Bishop Anderson
Dorm B, AIS# 285694 , Tutwiler Prison for Women.
8966 US Highway 231, Wetumpka, AL 36092

Jacqueline Ruiz
NOTARY PUBLIC

06-28-2029
DATE COMMISSION EXPIRES

Table of Authorities & Constitutional & Statutory Provisions Cited