

**25 - 5864**

**ORIGINAL**

IN THE  
**SUPREME COURT OF THE UNITED STATES**

Supreme Court, U.S.  
FILED  
**SEP 28 2025**  
OFFICE OF THE CLERK

**Rodney Barnett - PETITIONER**  
(your name)

vs.

**State of Arkansas - RESPONDENT(S)**

**ON PETITION FOR A WRIT OF CERTIORARI TO**

**Arkansas Supreme Court**  
(Name of Court that last ruled on merits of your case)

**Petition for Writ of Certiorari**

**Rodney Barnett #117904**  
(Your Name)

**P.O. Box 970**  
(Address)

**Marianna, AR 72369**  
(City, State, Zip Code)

**None**  
(phone number)

## **QUESTION(S) PRESENTED**

1. Does the “ends of justice” doctrine warrant abuse of writ defense by state be excused in this Sept. 4, 2025 Arkansas Supreme Court Order?
2. Did State violate Brady and it’s progeny, including defendant’s right to due process in this Sept. 4, 2025 Arkansas Supreme Court Order?
3. Were defendant’s confrontation rights abridged or limited at trial and, in this Sept. 4, 2025 Arkansas Supreme Court Order?
4. Did State’s use and failure to correct it’s witness-Larry Black’s perjury violate Brady and its progeny in this Sept. 4, 2025 Arkansas Supreme Court Order?

## **LIST OF PARTIES**

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

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## **RELATED CASES**

1 - Barnett v. State, Ark 346, 11, 53 S.W.3d (2001)

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

**PETITION FOR WRIT OF CERTIORARI**

**Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.**

**OPINIONS BELOW**

For cases from Federal Courts:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designed for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designed for publication but is not yet reported; or,  
 is unpublished.

For cases from State Courts:

The opinion of the highest state court to review the merits appears at Appendix A \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designed for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designed for publication but is not yet reported; or,  
 is unpublished.

## **JURISDICTION**

For cases from Federal Courts:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A-\_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

For cases from State Courts:

The date on which the highest state court decided my case was Sept. 4, 2025. A copy of that decision appears at Appendix A\_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A-\_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

United States Constitutional Amendments, 6 and 14

## **STATEMENT OF THE CASE**

A Mississippi county jury in June 2000, convicted Rodney Barnett of capital murder, in the death of Lester Frazier. The jury sentenced him to life without parole imprisonment: Barnett appealed, however the Arkansas Supreme Court affirmed. see Barnett v. State, 346 Ark 11, 53 S.W. 3d (2001). Thereafter, he filed unsuccessfully numerous post-conviction petitions. Later, Barnett in 2025 filed a motion for a writ of error coram nobis, arguing Brady errors in the Arkansas Supreme Court, which was dismissed September 2025. Now, he seeks discretionary review of that petition, pointing out errors in Arkansas Court's Brady analysis.

## REASONS FOR GRANTING THE PETITION

In the case at bar, Barnett v. State, CR-00-1384 (Ark. Sept. 2025) defendant, Rodney Barnett seeks discretionary review of the Arkansas Supreme Court's Sept. 4, 2025 order dismissing his petition, writ of error coram nobis. Barnett, argues the court erred. He specifically, points out that the courts analysis of his Brady claim conflicts with other circuit courts. Arkansas Courts recognize only (5) five points of error cognizable for Brady purposes within writ aforementioned. Howard v. State, Ark 2012 supra, Barnett's claim, that , the state withheld material evidence favorable to the defense, at trial, rest amongst the third aspect, cognizable under Arkansas law Brady analysis, in part. The state failed to disclose a hidden agreement it made between itself and state's witness, Larry Black for his false testimony against Barnett, at trial. Brady v. Maryland, 373 U.S. 83 (1963); Napue supra, prior to trial. The state did not disclose this agreement to the defense, Barnett was prejudice therefrom this conduct.

In conjunction, Barnett argued the state's use of perjury and failure to correct, the false evidence given by Larry Black, to corroborate Donnietha Bradford's story, linking Barnett to victim, Lester Frazier's, death, supposedly. However, this confession is shown today, by the state's witness recant affidavit to be false. see Daniels v. Uchitman, 421, F3d 490 (7 cir. 2005). see - Larry Black's affidavit, at appendix B,D,H to show when Barnett obtained this information, such information; (i.e. perjury use) came "to light after trial, res-judicatas does not bar claim. U.S. v. Camacho-Bordes, 94 F3d 1168 (8 cir. 1996)

When assessing Brady, the Arkansas Court does not factor "these aspects properly. Abuse of the writ is argued, rather than the interest of justice sought. Brady and its progeny, is not given full force as applied to Barnett's claim in the Arkansas courts. First, the prosecutions use of false testimony to obtain conviction is a violation of due process. Napue, 360 U.S. at 269. Larry Black, state's witness at trial, admits in aforementioned affidavit, that he lied and there was an agreement of leniency between state and him, regarding his present charges. The state knew or should have known Black was lying, who petitioner's cell-mate was. One inference of this fact is there were no jail records pertaining to housing, in show, Barnett confessed to Black regarding part in Lester Frazier's death. Barnett, from the outset, has denied making such, (appendix B, D, E, F, C, H confession. When false testimony arises during the course of trial, the duty to correct

the false testimony is, on the prosecutor, and that duty arises when the false evidence appears. Prosecutor argued he submit the allegation in '2000' Larry Black testified he told the state in '1994'.

Here the only reasonable conclusion to be drawn from the differences in the prosecutor's statement at hearing and Larry Black's testimony at trial is that one of them was perjuring himself. see appendix D. see also U.S. v. Foster 874 F2d 491, 495; U.S. Const. Amid 6,14. The state in this case did not correct Black's testimony, nor disclose it's agreement with him. Barnett alleges he would have been able to use this evidence to substantially undermine Larry Black's testimony and the state's case by impeaching Black on grounds of interest, bias, veracity for truth and other. U.S. Const. Amd. 6; see appendix (B; and D) Davis v. Alaska, *supra* (1974). Barnett's writ of error coram nobis makes a *prima facie* showing his claims warrant fuller exploration and, a new trial. The "gist" of why Arkansas courts in error, dismiss Barnett's claim, is because of the court's reliance of its Brady analysis. There basically, is no remedy for a use of perjury to obtain a conviction or failure correct false evidence claim cognizable under Brady in Arkansas. see Howard v. State, 2012 Ark. In other words, whether or not, petitioner, as in Barnett's case raises, point (3) three, state withheld material evidence, intertwined with a use or failure to correct perjury claim, the Arkansas' court, first defense is cognizably or abuse of the writ. The same set of facts detail Barnett's claims and ties them together. Neither claim should be dismissed for this cause or Barnett's proof.

Lester Frazier's death reportedly occurred on or about May 31, 2000. His body was found floating in the Mississippi river, near Osecola, Arkansas on June 4, 2000. Donnithea Bradford was subsequently arrested in this death. Later she implicated Barnett as person, who assisted her in killing Mr. Frazier. see, Arkansas Supreme Court case - Bradford v. State, 325, 278, (1996). Bradford gave three different statements, regarding Frazier's death. The state sought other independent corroborations of Bradford's statements. This is where Larry Black, came into case, more or less, Black approached, the state in some controverted meeting alleging Barnett confessed to him. This persuasive tactic, shows "shady conduct and the case is constitutionally infirm. There is no overwhelming evidence of guilt, 'against Barnett. Moreover, the fundamental concept is whether, Barnett received a fair trial-verdict worthy of confidence. U.S. const. 14 amd. Barnett didn't know Bradford's intentions to kill Frazier.

One important factor is that Barnett's claims evolved and became more prominent as new evidence surface. The state overlooks fairness in this process. Instead, state argues it could convict even without Larry Black's testimony. That point is belied by the fact "corroboration" independent of Donnietha Bradford's testimony was needed. see Barnett v. State, 346 Ark 11, 53 S.W. 3d (2002). Such corroboration was sought by the state through Larry Black, who testified at T.R. 405 - 408. That while him and Barnett were housed in the Mississippi County jail - Barnett confessed to him (Black) details of his part in Mr. Frazier's death. Error warranting reversal exist here.

One other intervening factor in this case, is fact, Larry Black, Frank Melton - (Bradford's boyfriend), Floyd Riley and Donnietha Bradford were a circle of friends and cousin, see append IX, C,H,I, J, Barnett argued this point as failure to disclose a familia relationship. Barnett alleges, that there is a reasonable likelihood that this error, the withholding in both instances and perjury or use, failure to correct perjury contributed to his conviction or punishment. Giglio v. United States, 405 U.S. 150, 153 (1972). The state obtained Barnett's conviction by using false evidence through Larry Black. Miller v. Pate, 386 U.S. 1 (1967). When considered in its entirety, clearly Larry Black's testimony mislead the jury. The state never afforded the jury opportunity to weigh his self-serving interest, nor truth of the matter, he testified to bias, was at play also, because Black was Bradford's cousin. Davis v. Alaska, 415 U.S. 308 (1974). The court, cannot reasonably say, Barnett, under these circumstances was able to prepare or present a full and complete defense. The state's unconstitutional conduct - (i.e. withholding material evidence) is "cause" of Barnett's inability to discover or raise sooner his claims. see Pickens v. Lockhart, 4 F3d 1446, 1450 (8 cir 1993).

Barnett alleges he suffers a miscarriage of justice under these circumstances, Wearry v.Carn, 136 S. Ct. 1002, 1006 (2016). Brady and it's progeny cases alluded to by Barnett in argument of his Brad claims supports such argument that injustice of using or failing to correct perjury is manifest. It is true, federal court or , this United States Supreme Court does not intervene in state cases, unless jurisdiction demand so. There can be, no clearer moment, than that present by, the Arkansas Supreme Court analysis of Brady claims, that which conflict with other circuits. One point of the claim cannot be evaluated and another left un-addressed as had in Barnett's case, requesting review. Arkansas' Brady analysis rest on a slim view of Brady and its progeny. Appendix B,D. This does not absolve the state of it's duties however, fabricating evidence - can

harm a person charged with a crime, “before and not just during the trial, where it’s used to help indict him or leads to a nontrivial period of pretrial detention, as is here. see Julian v. Hanna, 732 F3d 842 (7 cir. 2013) Black fabricated the confession story.

The introduction of Larry Black’s testimony, in form attest clearly was capable of leading the jury to a result it otherwise might not have reached. Brown v. U.S. 411 U.S. 223 (1973). Barnett never confessed to Black any facts of Lester Frazier’s death, nor were they housed together in Mississippi County jail in 1994. In the ninth circuit Johnson v. Lumpskin, 769, F2d 630, 637 (9 Cir. 1985) abuse of the writ was alleged. Court decided that Government’s misconduct contribute to “cause” of piece-meal claim, and should be excuse; Including as a matter of law, Fay v. Noia, 372 U.S. 391, 83 S.Ct. 822, 9 L.Ed. 2d 837 (1963) applies and would serve ends of justice - to review. Johnson v. Wainwright, 702 F2d 909 (11 cir. 1983) Barnett’s claims the crucial point, in the state’s case is, Barnett’s presence at Frazier’s home, prior to death. “Presence”, alone is not enough - nor an element of the offense charged. see Pruett v. State, 287 Ark 124 S.W. (1988)

Appendix - I Nodia Barnes; Bradford left Barnett at Larry groc. store and Frazier was still alive. Bradford after her arrest, told three different stories, then she implicated Barnett in Frazier’s death. The state disbelieving Bradford’s accounts sought further corroboration - this is point where Larry Black came into case. Davis v. Alaska *supra*, 415 U.S. 308 (1974). Had Barnett the evidence of a hidden agreement perjury or the familia relationship and set forth evidence at trial, the jury reasonably might have rejected Black’s testimony. With this discredit or, weakness of the state’s case, its reasonably shown, the render of the judgment would have been different. Howard, *supra*. In the terms of the prejudicial aspect impacting case. First Barnett points to the excessiveness of his sentence. Second, he argues his confrontation right were erroneously limited and third, he was deprived of a complete defense and fundamentally fair trial all arising from the state’s misconduct - in the evidentiary matter at hand.

## CONCLUSION

The state makes conclusory allegations, in each of its responses to Barnett's writ. That, the affidavits of Larry Black or Carl Johnson do not "create a reasonable probability" Barnett's claims have merit. First, the affidavits fall is the categorically phrase of new discovered evidence. All of the information referenced in the affidavits is, extrinsic to the record. Howard v. State Ark. Supra., (2012); appendix B,C,D,H,I. The thrust of Barnett's claim is the hidden agreement with Black, then, the State's use and failure to correct perjury - just now found and establish through state's own witness - Larry Black. It's not conceivable, noting Black, Bradford, Riley and Melton's, familia relationship, Black gathered his confession claims against Barnett through them: appendix C,H,I,J. Donnelly v. DeCristoforo, 416 U.S. 637 (1974). This occurrence infect the trial with unfairness, Barnett diligently raised claims soon as he learned of them. see appendix A,B,C,D,E,F,G,H,I,J. The information of a hidden agreement or perjury use was unknown at trial, thus it is extrinsic and Barnett's claims have merit. For any or all of the argued reasons, certiorari should be granted.

Respectfully submitted,



Date: 9/28/25

(5 Arg)