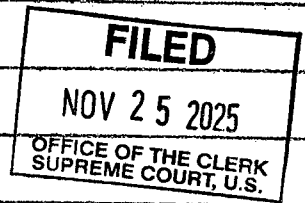


No. 25-6294 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



SHERMAN L FIELDS

v.

UNITED STATES OF AMERICA

Do Petition for a writ of certiorari
to the United States Court of Appeals
for the Fifth Circuit

PETITION FOR A WRIT OF CERTIORARI

Sherman L Fields

#15651-180

USP LEE

P.O. Box 305

Joppsville, VA 24763

QUESTIONS PRESENTED

- 1). Do Actual innocence matter in the context of a wrongful conviction?
- 2). Do the incarceration of the innocent violate the eighth Amendment proscriptions on cruel and unusual punishment,
- 3). Do Actual Innocence have to have a remedy

LIST OF PARTIES

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

DIRECTLY RELATED CASES

Sherman L. Fields v. John Gilley, No. 22-2762

(7th Cir. 11/13/24)

(28 U.S.C. § 2241)

Sherman L. Fields v. United States, No. 6:01-cr-00164

(6/24/25)

(U.S. Dist. Court.)

(RULE 60)

United States v. Sherman L. Fields, No. 25-50368

(5th Cir. 11/6/25)

(C.O.A.)

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PETITION FOR WRIT OF CERTIORARI

Petitioner Sherman Fields respectfully petitions this Court for a writ of certiorari to review the Judgment of the United States Court of Appeals for the Fifth Circuit in this case.

DECISIONS BELOW

The Fifth Circuit's decision is included as Appendix A. The June 24, 2025 Opinion of the United States District Court for the Western District of Texas denying Petitioner's Rule 60 is included as Appendix B.

JURISDICTION

The Fifth Circuit entered Judgment on November 6, 2025. Pet. App. A. A petition for rehearing was filed. This petition is within the 90 days of the November 6, 2025 Judgment. This Court has Jurisdiction under 28 U.S.C. § 1254 (1)

CONSTITUTIONAL PROVISIONS INVOLVED

Article III, section 2 of the U.S. Const. provides in relevant part:

The Judicial power shall extend to all cases, in law and equity, arising under this Constitution, the Laws of the U.S.

- to an cases to which the U.S. shall be a party.

The First Amendment to the U.S. Const. provides in relevant part:

Congress shall make no law prohibiting the free exercise thereof, to petition the government for a redress of grievances.

The Fifth Amend. to the U.S. Const. provides in relevant part:

In all crim. prosecutions, no person shall be deprived of life, liberty, or property, without due process of law.

The Sixth Amend. to the U.S. Const. provides in relevant part:

In all criminal prosecutions, the accused shall have the assistance of counsel for his defense.

The Eighth Amend. to the U.S. Const. provides in relevant part:

Cruel and Unusual Punishments shall not be inflicted.

The Fourteenth Amend. to the U.S. Const. provides in relevant part:

No State shall deprive any person of life, liberty or property without due process of law; nor deny to any person within its Jurisdiction the equal protection of the laws.

INTRODUCTION

There is a nonfrivolous argument that the Constitution's protection against "Cruel and Unusual Punishment" prohibits the incarceration of innocent individuals. See In re Davis.

557 U.S. 952, 953 (2009) (Stevens, J. concurring) (citing Triestman v. United States, 124 F.3d 361, 377-380 (CA2 1997); See also Herrera v. Collins, 506 U.S. 390, 432, n.2 (1993) (Blackmun, J., dissenting) ("It... may violate the Eighth Amendment to imprison someone who is actually innocent"); Robinson v. California, 370 U.S. 660, 667 (1962). In this case, we ask the Court to clarify whether incarcerating the Actually innocent violate the Constitution.

A marked division has arisen between the Circuits on this issue in the context of whether Actual innocence is even cognizable. As it stands today, a defendant's ability to avail himself of Actual Innocence, hinges on his circuit of conviction. Four opinions highlight this stark contrast, with the Seventh, Ninth and Tenth Circuits allowing Actual Innocence claims and the Fifth Circuit drawing opposite conclusions from this Courts precedents in Herrera v. Collins; Supra; In re Davis, Supra; Triestman v. U.S.; Supra; Robinson v. California; Supra; McBurgin v. Perkins, — U.S. —, 133 S.Ct. 1924, 1928, 185 L.ed. 2d 1019 (2013); and Schup v. Delo, 513 U.S. 298, 314-15, 115 S.Ct. 851, 130 L.ed. 2d 808 (1995). Compare Larsen v. Soto, 742 F.3d 1083 (2013); Footenot v. Crowl, 4 F.4th 982 (2021), with, U.S. v. Fields, 761 F.3d 443 (5th Cir. 2014).

Because Circuits fail to agree when Actual Innocence is applicable, a claim that such a conviction is invalid necessarily implicates the United States Constitution's Fifth Amendment Due Process Clause, the Eighth Amendment

Cruel and Unusual Punishment Clause, and the Fourteenth Amendments equal Protection Clause.

The Ninth and Tenth Circuits allow Actual Innocence in context. See Larson v. Seto; Supra, and Fontenot v. Crowl; Supra.

The Fifth Circuit, by contrast, has come to precisely the opposite conclusion, finding that "Actual Innocence is not cognizable" in the Fifth Circuit. See U.S. v. Fields; Supra.

Clarification of the scope and proper interpretation of Actual innocence is required to resolve the circuit split over whether Actual innocence matter, and in what context. If, as the Fifth Circuit suggests in Fields, Actual Innocence isn't cognizable then all Supreme Court precedent on this issue is obsolete. If, however, Actual innocence does matter and is cognizable like Supreme Court precedents suggest, then Fields and other Actually innocent Defendants will be able to avail themselves of the Supreme Court precedents no matter what circuit a defendant happens to be in.

This case presents an excellent opportunity to resolve the split. The issue was procedurally presented to both the District and the Fifth Circuit. There are no peripheral issues preventing the Court from squarely addressing, and deciding, this purely legal and constitutional question: Does Actual innocence matter?

For these reasons, and as explained more fully below, this court should grant certiorari and resolve the circuit split. It should conclude then that Actual Innocence does matter (in any context).

and the Eight Amendments Cruel and Unusual Punishments Clause prohibits the incarceration of innocent individuals

STATEMENT OF THE CASE

Petitioner SHERMAN LAMONT FIELDS was convicted in 2004 in the Western District of Texas for escape, conspiracy, using and carrying a firearm causing death, cartacking, using and carrying a firearm during the commission of a crime of violence (escape/ conspiracy), using and carrying a firearm during the commission of a crime of violence (cartacking); and felon in possession of a firearm. He was sentenced to Death, plus a number of years. Mr. Fields have always maintained his innocence.

The 5th circuit affirmed Mr. Fields' conviction and Death Sentence on appeal at *U.S. v. Fields*, 483 F.3d 313 (5th Cir. 2007). The Supreme Court denied cert. at *Fields v. U.S.*, 552 U.S. 1144 (2008).

Counsel for Petitioner filed a § 2255 motion challenging the convictions. However, Counsel failed to address pertinent issues and append critical evidence. Mr. Fields immediately contacted the Court, but the Judge took no action.

The Court denied the § 2255 motion and Mr. Fields filed a timely pro se brief and motions to the 5th circuit. Even though appointed Counsel had yet to file, the 5th circuit refused to consider the timely filed pro se brief and motions and subsequently entered an Order not to accept anything Mr. Fields file pro se.

Petitioner tried to relieve appointed counsel of their duty.

all to no avail. And when Counsel finally did file in the 5th Circuit Mr. Fields "strenuously objected" to what Counsel filed and asked the Court to reconsider his pro se brief and motions, again, all to no avail.

The ~~seventh~~ 5th Circuit ultimately denied a c.o.a. See U.S. v. Fields, 761 F.3d 443 (5th Cir. 2014). And the Supreme Court denied cert. at Fields v. U.S., 135 S. Ct. 2803 (2015).

In October 2016 Mr. Fields filed a writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 in the Southern District of Indiana, at Fields v. Warden, 2:16-cv-00418 (2016).

In 2019 Mr. Fields was appointed new attorneys and in June 2020 those attorneys severed the 924(G) issues from the § 2241 and filed for a successive under U.S. v. Davis, 139 S. Ct. 2319 (2019). See U.S. v. Fields, No. 6:ci-cr-164 (W.D. Tex. June 15, 2020). And through a Joint motion the government and Mr. Fields attorney's agreed the Court should vacate the Death Penalty Count and one other 924(G). See Joint Advisory 5-9, U.S. v. Fields, No. 6:ci-cr-164 (W.D. Tex. Jan. 11, 2021).

On 5/26/21 a motion was filed to continue the § 2241 in the Southern District of Indiana and the Judge ordered further briefing. In the interim the Supreme Court decided Jones v. Hendrix, 599 U.S. — (2023), effectively narrowing § 2241. First the District Court and then the 7th Circuit denied relief on procedural grounds without reaching the merits of the appeal. The § 2241 was concluded at Sherman L. Fields v. John Gilley, No. 22-2762 (7th Cir. 11/13/24).

In January 2025 and without attorney's for the first time

Since the 5th Circuit entered its Order not to accept anything Mr. Fields file pro se (because he had attorney's), Petitioner filed a motion pursuant to RULE 60(b) and/or a motion pursuant to 3 2255(e) in the 5th Circuit noting that the Court had previously refused to accept anything he filed pro se "while he was represented by attorney's."

The 5th Circuit transferred the Petition to the District Court in the Western District of Texas, and on 6/24/25 the District Court denied the petition falsely claiming that "Fields fails to raise any new argument or evidence Justifying consideration", although Mr. Fields presented his Actual innocence issue with fingerprint evidence that no court or Jury have ever considered; Mr. Fields presented new Brady issues; A new issue of passion and prejudice in regards to the vacated counts of conviction; Judicial bias; perjury; and prosecutorial misconduct. And an issue relaying that the AEDPA would be illegal and Unconstitutional if it bar the Court from considering the issues. None of these issues have ever been litigated on the merits and is applicable to RULE 60(b) and or 3 2255 now that Mr. Fields have to, or can proceed pro se.

Mr. Fields appealed to the 5th Circuit, and on 11/6/25 the 5th Circuit denied a C.O.A.; whether the denial is because the 5th Circuit is still refusing to accept anything Mr. Fields file pro se, or because the Court still hold that Actual innocence isn't cognizable wasn't expressed. But either/or is unconstitutional because both reasons violate the Constitution and is contrary to Supreme Court precedent.

REASONS FOR GRANTING THE PETITION

The Court should issue a writ of certiorari because the U.S. Court of Appeals for the 5th Circuit has decided a Federal Question in a way that conflicts with the applicable decisions of this Court.

Supreme Court Rule 10 provides its relevant part:

RULE 10

CONSIDERATIONS GOVERNING REVIEW

ON WRIT OF CERTIORARI

(1). A review of writ of certiorari is not a matter of right but of Judicial discretion. A petition for a writ of cert. will be granted only when there are special and important reasons, therefore. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of reasons that will be considered:

(a) when a U.S. Court of Appeals has rendered a decision in conflict with the decision of another U.S. Court of Appeals on the same matter; or has decided a Federal question in a way that conflict with a State Court of last resort; or has so far departed from the accepted and usual course of Judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision.

(c) when a U.S. Court of Appeals has decided an

important question of federal law which has not been but should be, settled by this court, or has decided a federal question in a way that conflicts with applicable decisions of this court. Id. Sup. Ct. R. 10.1 (a)(7).

I. MR FIELDS IS ACTUALLY INNOCENT

(BACKGROUND)

In November 2001 Mr. Fields walked away from a Federal holding facility in Waco, Texas where he was being held on 'Felon in possession of a firearm' charges. Nine days later on November 15, 2001, a Tammy Edwards claimed that her car was took by "an unknown black male."

A security guard at the hospital where the alleged carjacking supposedly happened ran up to Edwards with a picture of Mr. Fields "out of the newspaper" yelling, "Did you see Sherman Fields"?! "Did you see Sherman Fields"?! (See Tammy Edwards Deposition).

Shortly after this suggestive identification a Waco Police officer pulled up, and in a second suggestive identification the officer showed her a single photo of Fields. Tammy Edwards responded, "That's the same guy the security guard showed me." (See Tammy Edwards Deposition).

Mr. Fields was arrested November 24, 2001 and was subsequently charged as described supra in the Statement of the case.

In January 2004 Mr. Fields went to trial with Edwards

being the sole witness to the alleged carjacking.

At trial the prosecutor called a Detective Steve January to the witness stand with malice aforethought to knowingly and willfully lie, defraud and deceive the Jury. Detective January told the Jury that there was "no fingerprints or nothing", the alleged carjacking vehicle "was clean" (see TT pgs 1325-1326; App. c). However there are fingerprints (see App. d). And these prints, that have never been presented to a Jury, or weighed in any way against the evidence, exonerate Mc Fields. (see App. E).

The fingerprint evidence establishes a "colorable showing of Actual innocence". See *Kuhlman v. Wilson*, 477 U.S. at 454 + n.17, 106 S.Ct. at 2627 + n.17; *Schlup v. Delo*, 513 U.S. 298, 314-16, 130 L.ed.2d 808, 115 S.Ct. 851 (1995). When viewing the evidence objectively the entire case was unconstitutionally tainted from beginning to end. "It is illegal for the police to focus the witness' attention on a particular individual or to pressure the witness into making a particular identification". *Dickerson v. Fogg*, 692 F.2d 238, 245 (2d Cir. 1982). "It is the likelihood of misidentification which violates the defendant's right to due process". *U.S. v. Garen*, 575 F.2d 752, 754 (9th Cir. 1978) (quoting *Neil v. Biggers*, 409 U.S. 188, 198, 93 S.Ct. 375, 34 L.ed.2d 401 (1972)). The Supreme Court repeatedly have held that an "unnecessarily suggestive" photographic display is a due process violation. *U.S. v. Ash*, 413 U.S. 300, 320, 93 S.Ct. 2568, 37 L.ed.2d 619 (1973). Thus from the moment the Security guard, and then the police officer showed Edwards

a single picture of Mr. Fields, Mr. Fields due process rights was violated. Additionally, Tammy Edwards account of what happened is rife with ~~innuma~~ inaccuracies, falsehoods and downright lies and fabrications:

(1). An unknown black male took my car. (Tammy Edwards written statement on the day of the incident).

to

I knew it was Sherman Fields the moment I saw him because there were posters of him up all around the hospital (Tammy Edwards deposition two years later) (Note: The posters of Fields didn't go up until "after" the alleged carjacking; thus the security guard with the picture of Mr. Fields "out of the newspaper").

(2). He shot at me too (Tammy Edwards Deposition)

to

No, she never said you shot at her. (Detective Steve January at trial in 2004)

(3). He had on "a black hat." (Officer Carrizales quoting Tammy Edwards in police report on day of incident)

to

Your hair was shorter than it is now... No I never said you were wearing a hat. (Tammy Edwards trial testimony two years later in 2004)

(4). I was screaming and hollaring for help the whole time
(Tammy Edwards written statement day of incident)

to

I couldn't scream because I was being choked (Tammy Edwards trial testimony in 2004)

(5). I observed that she had band-aids on her right middle finger and right ring finger (Officer Carrizales Police report day of incident)

to

Also I didn't have band-aids on my hand (Tammy Edwards Deposition)

(6). [He] had a "green gun". (Tammy Edwards day of incident)

to

She initially thought the gun was green but now she realize it was black (Police report quoting Tammy Edwards)

to

The gun was green (Tammy Edwards at trial 2004)

(7) Tammy Edwards claimed that the cartacking impacted her in such a negative way she could no longer do her job.
(Tammy Edwards Deposition)

to

Tammy has flourished this year in her work performance. She has filled in during departmental shortages. She has helped in training new associates. Tammy has worked in

cooperation with Supervisor to assure that the needs of the department have been fulfilled. She has performed all task that were not directly related to her Job description... (Tammy Edwards Job report following the alleged carjacking)

Objectively, the evidence shows that a carjacking may have never even occurred. Tammy Edwards was in a relationship at the time with Chris Walker, a guy that was a "material witness" in the governments Capital case against Fields. Walker was later arrested at the same apartment complex where the police claim to have "found" Edwards' car.

It appears that Edwards false implication of Mr. Fields was money related. She sued the Jail that Mr. Fields walked away from and in the Deposition she was quoted as saying, "I hope I win" ... the lawsuit.

There are two other major factors to consider; The alleged carjacking happened at shift change at a major hospital, with people coming and going, and according to Edwards there was screaming and hollaring, and a "gunshot", yet no one else saw or heard anything; That's impossible!

Also Tammy Edwards have a history of consorting with criminals. Tammy Edwards' husband Darryl Edwards robbed an elderly couple and murdered the wife, he pled guilty to a life sentence to avoid the Death penalty. According to Edwards, she and her son still visit Mr. Edwards regularly.

The evidence as it stand is wholly insufficient to

support the carjacking conviction. Here in Fields the new fingerprint evidence is akin to the evidence in House v. Bell, 547 U.S. at 540-41, 126 S.Ct. 2064 (2006) (exonerating physical evidence); and Schlup, *supra* (where there is no physical evidence tying Fields to the crime). Here in Fields the fingerprint evidence exonerating Mr. Fields presents evidence of innocence so strong that a court cannot reasonably have confidence in the outcome of the trial. *Id.* at 513 U.S. at 316, 115 S.Ct. 851. Schlup's defense was that the State had the wrong man. *Id.* at 303, 115 S.Ct. 851. Fields' defense is that a carjacking never occurred and Tammy Edwards, at the behest of her boyfriend and the governments material witness, Chris Walker used Fields as a means to scam Livigenics with a fake lawsuit. There is no independent evidence to corroborate Tammy Edwards claim that she was carjacked, rendering it untrustworthy and not reliable enough to support Fields' conviction, especially in light of the new fingerprint evidence; The fingerprint evidence advances Fields petition and makes it evident that "no reasonable juror would have convicted him" (quoting Schlup v. Delo 513 U.S. 298, 327, 115 S.Ct. 851 130, 1 ed. 2d 808 (1995)). The impact of the fingerprint evidence is incalculable and would have certainly affected the Jury's Judgment, and it places clear doubt on an already weak case against Mr. Fields. The fingerprint evidence makes this "a case of conclusive

exonerated", House, 547 U.S. at 553, 126 S. Ct. 2064

II. INCARCERATING THE INNOCENT IS ILLEGAL AND IT IS CRUEL AND UNUSUAL PUNISHMENT

The relevance of innocence to postconviction relief, as a matter of statutory policy or constitutional entitlement, has been debated for decades. See, e.g., Henry J. Friendly, Is innocence irrelevant? Collateral attack on criminal judgments, 38 U. Chi. L. Rev. 142, 166-67 (1970) (Arguing that "[s]ufficient demonstration of innocence should itself be basis for relief"); Brandon L. Garrett, Claiming innocence, 92 Minn. L. Rev. 1629, 1699-714 (2008). The thirteenth Amendment posits that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted shall exist within the United States, or any place subject to their Jurisdiction." The operative word here is "Duly." BLACK'S LAW DICTIONARY (FIFTH EDITION) defines "Duly": "In due or proper form or manner;... according to law in both form and substance" when the prosecution put Detective January on the stand to lie and deceive the Jury, the "proper form or manner" is no longer applicable; neither "perjury" nor "suborning perjury" is synonymous with "Duly". Both perjury and suborning perjury is criminal acts no matter who do it. (Accord 18 U.S.C. § 1621 (perjury) and 18 U.S.C. § 1622

(suborning perjury). "The deep-rooted feeling that the police must obey the law while enforcing the law; that is the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves." Arizona v. Fulminante, 499 U.S. 279 (1991) (quoting Spain v. New York, 360 U.S. at 320-321, 79 S.Ct. at 1205-1206 (1959)). With that bit of knowledge in mind, take Mr. Fields out of the equation. Let's say that it is "you", or your mother, your father, your brother, your sister, your child... and Detective January lied and said that you or your loved one carjacked someone and "there are no fingerprints". Now imagine your case, like Fields, where there are fingerprints, and these prints exonerate you. There is no doubt that such a circumstance inherently results in a complete miscarriage of Justice. Davis v. U.S., 417 U.S. 333, 346-347, 94 S.Ct. 2298, 2305, 41 L.ed.2d 109 (1974), and although the word "severitude" has larger meaning than "slavery", and the obvious purpose of the thirteenth Amendment, is to forbid all shades and conditions of African slavery; it also forbids any other kind of slavery." Slaughter-House Cases, 83 U.S. 36, 21 L.ed. 394 (1873); (i.e. incarcerations of the innocent)). There is also a contrivous argument that the Constitution's protection against "cruel and unusual Punishment" prohibits the incarceration of innocent individuals. See In re Davis, 557 U.S. 952, 953 (2009) (Stevens, J. concurring).

(citing *Triestman v. U.S.*, 124 F.3d 361, 377-380 (CA7 1997)); see also *Herrera v. Collins*, 506 U.S. 390, 432, n.2 (1993) (Blackmun J., dissenting) ("It... may violate the eighth Amendment to imprison someone who is actually innocent"); *Robison v. California*, 370 U.S. 660, 667 (1962). It is never just to punish an innocent man or woman. *Kleider v. Thieret*, 932 F.2d 626, 631 (7th Cir. 1991), cert. denied, 507 U.S. 1036, (1992). And throughout history "actual innocence" have been the dominating factor; *Brecht v. Abrahamson*, 507 U.S. 619, 652 (1993); *Jacobs v. Scott*, 513 U.S. 1067, 1067-70 (1995); *Schlup v. Delo*, *Supra*; *Schiro v. Summerlin*, 124 S.Ct. 2519, 2578 (2004); *Bousley v. U.S.*, 523 U.S. 614, 620 (1998) (collecting cases) "when a person's liberty is at stake" as we have here, "there surely is no justification for the creation of needless procedural hurdles. *Rose v. Lundy*, 455 U.S. 509 (1982). When you incarcerate an innocent person as we have here, the consequence is the detention of Mr. Fields for the duration of his life; the risk is too significant to ignore. *Boumediene v. Bush*, Id. at 128 S.Ct. 2270 (2009) (cleaned up). The fingerprint evidence remarks to show that the sentence is wholly illegal and the court could not lawfully pronounce the sentence imposed; a conviction of this nature invokes the eighth Amendment.

The Eighth Amendment, which is applicable to states through the Fourteenth Amendment, forbids cruel and unusual punishment. See U.S. Const. Amend. VIII; *Bass v. Perini*, 170 F.3d 1312, 1316 (11th Cir. 1999). The cruel and

unusual punishment standard applies to incarcerating the innocent. Specifically, the eighth Amendment prohibits punishments "which are incompatible with the evolving standards of decency that mark the progress of a maturing society," or "which involve the unnecessary and wanton infliction of pain."

Estelle v. Gamble, 429 U.S. 97, 102-103, 97 S. Ct. 285, 290, 50

L. ed. 2d 251 (1976). See also Graham v. Florida, 176 L. ed. 2d

825, 130 S. Ct. 2011 (2010). BLACK'S LAW DICTIONARY (FIFTH

EDITION) defines cruelty: "The intentional and malicious infliction of physical or mental suffering upon living creatures, particularly human beings." As applied to human beings, "the wanton, malicious, and unnecessary infliction of pain upon the body, or the feelings and emotions; abusive treatment, inhumanity; outrage" when a defendant can prove innocence, as Mr. Fields have here, any continued incarceration

is a wanton and malicious infliction of pain on the "feelings and emotions", evoking "outrage" in Mr. Fields and the community at large. In Glover v. U.S., 531 U.S. 188 (2001) the

Court held that "any additional time in Jail demonstrates prejudice". And in Sibron v. New York, the court held

that "a wrongful conviction has continued collateral consequences". Id at 392 U.S. 40, 55-56, 20 L. ed. 2d 917, 88,

S. Ct. 1899 (1968). Both "prejudice" nor "wrongful conviction" is synonymous with the thirteenth Amendment's

"Duly" component.

The Constitution's prescription on "cruel and unusual punishments" protects at its heart, human dignity. Kennedy

v. Louisiana, 554 U.S. 407, 420 (2008); Trop v. Dulles, 356 U.S. 86, 100 (1958) (plurality opinion). There is no dignity in the man that's actually innocent and incarcerated, thus the right to be free is of such a character that it cannot be denied without violating those 'fundamental principles of liberty and Justice which lie at the base of all our civil and political institutions (Habeas v. State of Louisiana, 272 U.S. 312, 316, 47 S.Ct. 103, 104, 71 L.ed. 270, 48 A.L.R. 1102). There should be no doubt that incarcerating the innocent violates the United States Constitution.

III. ACTUAL INNOCENCE MUST

HAVE A REMEDY

Fields case proves that the Courts have yet to achieve the optimal balance when it comes to the issue of Actual innocence. The evidence depicts a troubling scenario. One cannot read the facts of this case without developing the nagging truth that the wrong man have been convicted of cartacking in a western District of Texas Courtroom. Mr. Fields was convicted on the strength of the prosecution leading Detective January into fraud, claiming that there are "no fingerprints or nothing" and the car "was clean". Id. Mr. Fields was forced to proceed pro se at trial after telling the Judge "Your Honor, I can't do this, I'm not learned in the law". (SEE App E.). Since his trial and imprisonment Fields realized that "there are fingerprints

proving his innocence. A layperson or impartial Jurist would have little trouble concluding that Mr. Fields should have never been convicted of the crime that he's imprisoned for and should be released. However, Mr. Fields' attempts at exoneration have been thwarted every step of the way;

1). He tried to present the fingerprint evidence in a timely § 2255 motion and the Court rejected it "because Fields [had] attorneys". Mr. Fields offered to relieve appointed counsel of their duty so his fingerprint and other evidence would be examined, and in an unprecedented move the 5th Circuit entered an order "not to accept anything Mr. Fields file pro se".

2). Mr. Fields filed a writ of habeas corpus pursuant to § 2241. That petition was denied without the examination of the fingerprint evidence because Jones v. Hendrix was decided, effectively closing off that avenue for Mr. Fields.

3). In 2025, the first time without counsel since trial in 2004, Mr. Fields filed a motion pursuant to RULE 60(b) pro se. The District Court denied the petition claiming that the issues had been litigated. Id.

4). Mr. Fields appealed to the 5th Circuit and the 5th Circuit denied it without reason. This effectively leaves Mr. Fields without a remedy.

Habeas Corpus is an "adaptable remedy", and the "precise application and scope" of the review it guarantees may change "depending upon the circumstances". Beaudesire v. Bush, 553 U.S. 723, 779 (2008); See also id., at 813 (Roberts, C.J.,

dissenting). One of the "principal functions of habeas Corpus [is] to assure that no man has been incarcerated under a procedure which creates an impermissibly large risk that the innocent will be convicted." Desist v. U.S., 394 U.S. 244, 267, 89 S.Ct. 1030, 1040-1041, 22 L.ed.2d 248 (1969). The writ of habeas Corpus serves as a "bulwark against convictions that violate fundamental fairness." Engle v. Isaac, 456 U.S. 107, 126, 102 S.Ct. 1558, 71 L.ed.2d 783 (1982) (quotation omitted), by providing "an additional safeguard against compelling an innocent man to suffer an unconstitutional loss of liberty." Stone v. Powell, 428 U.S. 465, 491 n. 31, 96 S.Ct. 3037, 49 L.ed.2d 1067 (1976). It is both illegal and unconstitutional to deny an innocent man a remedy to correct a wrong, as we have here. Mr. Fields have tried everything to diligently get his actual innocence claim heard, now he's just sitting in perpetual limbo. Again objectivity is the key. Prisoners have no Constitutional right to Counsel in post conviction proceedings, Pennsylvania v. Foley, 481 U.S. 551, 555-56 (1987); Bess v. Moffitt, 417 U.S. 600, 614-19 (1974), and there is no "general obligation of the courts, state or federal, to appoint counsel for prisoners who indicate, without more, that they wish to seek post-conviction relief," Johnson v. Avery, 393 U.S. 483, 488 (1969). But here in Mr. Fields case the courts forced post conviction counsel on Fields during the 32255 when Fields stated that he wanted his fingerprint evidence heard and that he

would "relieve counsel of their duty" to get his fingerprint evidence heard. In addition to that Mr. Fields had a Constitutional right to file his own pro se briefs and motions yet the 5th Circuit rejected Fields' timely pro se brief and motions and forced him to accept the incomplete brief and motions that the Counsel that was forced upon him later filed.

In Price v. Johnson, 334 U.S. 766, 68 S.Ct. 1049, 92 L.ed. 1356 (1948), the Court held that "a prisoner has no absolute right to argue his own appeal or even to be present at the proceedings in an appellate court" foreclosed any right of a pro se defendant to act pro se. But this did not foreclose any right of a ~~criminal~~ defendant to present a "pro se brief." In light of this the Court argued that, whether at trial or on appeal, a defendant should not be required to have counsel forced upon him. In Chamberlain v. Erickson, 744 F.2d 628, 630 (8th Cir. 1984), cert. denied, 470 U.S. 1008, 84 L.ed.2d 387, 105 S.Ct. 1368 (1985), the Chamberlain Court, quoting the above styled language from Price v. Johnson, found that a criminal defendant does have the right under the Constitution to present pro se briefs or motions on appeal.

Four years after the 5th Circuit held that they would not accept anything Mr. Fields file and forced attorneys upon him the Supreme Court decided Meloy v. Louisiana, 138 S.Ct. 1500 (2018) clarifying the fact that a defendant "is in control of his own autonomy." Stating that

"the Sixth Amendment speaks of the 'assistance' of counsel, and an assistant, however expert, is still an assistant."

Faretta v. California, 422 U.S. at 819-820, 95 S.Ct. 7525

(1975); See Barnett Co. v. DeLasquale, 443 U.S. 368, 382, 100

99 S.Ct. 7898, 61 L.ed.2d 608 (1979) (the Sixth Amendment

"contemplates] a norm in which the [convicted] and not a lawyer, is master of his own defense"). Mr Fields didn't

have a problem with "having a lawyer", the issue was

constitutionally simple; if the lawyer would have properly

did his job it wouldn't have been an issue. Having said

that, the attorney did file 'Actual innocence', but as

Fields relayed to the court(s) the petition was "incomplete"

because Counsel failed to append the fingerprint reports.

In our legal system "a claim without evidence to establish it is speculation and unenforceable." In re Doney,

590 B.R. 706 (Aug. 17, 2018) (footnote). Mr. Fields tried to

present these critical factual legal documents but the

district court and then the 5th circuit refused to allow

Mr Fields to present the documents [and other evidence]

because "Fields [had] attorney's." Then the court denied

the innocence claim, holding that Actual innocence is not

cognizable in the 5th circuit.

Constitutional guarantees of due process and equal protection both call for procedures in criminal trials which

allow no invidious discriminations between persons

and different groups of persons. Griffin v. Illinois,

351 U.S. 12 (1956). Both equal protection and due process

emphasize the central aim of Judicial system that all people charged with crime must stand on an equality before the bar of Justice. Mr. Fields did not stand on "equality before the bar of Justice". As noted *Supra*, when Fields knew nothing about the law, the Judge forced him to proceed to trial pro se. Ten years later, after Fields had learned the law to a sufficient degree the Court forced counsel upon him when in fact Counsel isn't forced upon no other post conviction defendant.

In Griffin v. Illinois, *Supra*, the Court held, "To allow an appeal, but with some difference among convicted persons as to term upon which appeal is exercised, does not deny due process but may present a question of equal Protection", per Mr Justice Burton, Mr Justice Minton, Mr Justice Reed, and Mr Justice Harlan.

Irrespective of how we get to this point, Mr. Fields must have a remedy to correct this wrongful conviction. There is no way any procedural hurdle, even AEDPA's bars to filing a second or successive habeas application can be constitutionally enforced when doing so will exorcise the Constitutionally protected right that [an innocent man cannot be incarcerated]. In re Hill, 715 F.3d 284 (2013). It is a general and indisputable rule, that where there is a legal right, there is also a legal remedy, by suit or action at law, whenever that right is invaded. (BLACKSTONE, at *109 ["For it is a settled and invariable principle [...] that every

right when withheld must have a remedy, and every injury its proper redress); see also *id.* at *55-56 ("[I]n vain would rights be declared, in vain directed to be observed, if there were no method of recovering and asserting these rights, when wrongfully withheld or invaded. This is what we mean properly, when we speak of the protection of the law."); EDWARD COKE, THE SECOND PART OF THE INSTITUTES OF THE LAWS OF ENGLAND 55-56 (London, Fletcher and Young 1642) ("[E]very subject of this realme, for injury done to him in bonis, in terris, vel persona, by any other subject... may take his remedy by the course of the law, and have Justice, and right for the injury done to him, freely without sale, fully without any denial, and speedily without delay.") There is no greater injury than the incarceration of the innocent. Alexander Hamilton stressed that the courts were "to guard the Constitution and the rights of individuals." The Federalist No. 78, at 469 (Alexander Hamilton) (Clinton Rossiter ed., 1961). And that without a Judicial check "the reservations of particular rights or privileges would amount to nothing." *Id.* at 466. See *Pushant* at 423 & n.145. The Judicial remedy created for prisoners under the AEDPA is unconstitutional, not only because it violates the Suspension Clause, but because it leaves innocent people that are unlawfully detained, without a remedy. See <http://www.innocenceproject.org/content/cameron>. Todd Williamson Posthumous Pardon Filing Documents.

php.

The inadequate procedures afforded to Mr. Fields on his innocence claim violated Constitutional due process and renders his sentence cruel and unusual Punishment. He has asserted that the proceedings by design did not provide him a meaningful opportunity to establish his claims. "Under constitutionally adequate procedures Mr. Fields would have prevailed on his claims. Mr. Fields must have a remedy to correct this injustice. See Marbury v. Madison, 5 U.S. (1 Cranch) 137, 163 (1803) (cleaned up)

IV. THE CIRCUIT SPLIT WILL ONLY CONTINUE TO GROW

As established, the Fifth Circuit is directly at odds with most circuits over whether Actual innocence is even cognizable. As of this Filing, the Fifth Circuit have been responsible for one State sanctioned murder. (See <http://www.innocenceproject.org/content/Cameron-Todd-Williamingham-Posthumous-Pardon-Filing-Documents.php>.) And now the unconstitutional deprivation of Mr. Fields' liberty, let to mention the numerous other cases where DNA and other physical evidence proved a defendant innocent and the Fifth Circuit refused to hear it. Unless this Court intervene the Circuit split between the Fifth Circuit and other circuits will only deepen on this issue.

As it currently stands, petitions based on Schlup

and other Actual innocence precedent is treated differently depending on the circuit a defendant finds himself in. In the Second, Sixth, Seventh and Ninth Circuit actual innocence claims in context. See Rivas v. Fischer, 687 F.3d 514, 543 (2d cir. 2012); Satter v. Jones, 395 F.3d 577, 595 n.9 (6th cir. 2005); Gomez v. Tainet, 350 F.3d 673, 679-80 (7th cir. 2003); and Griffin v. Johnson, 350 F.3d 956, 962-63 (9th cir. 2003).

However, the cases that have been addressed overwhelmingly deal with Actual innocence in the context of Schlup v. Delo. See Reeves v. Fayette SCR, 897 F.3d 154, 161 (3d cir. 2018); Forrest v. Crow, 4 F.4th 982 (2021). The Fifth Circuit, on the other hand, makes its own rules, denying any Actual innocence claim "whenever they want to"; Just as they've done here in Fields. But the Fifth Circuit is known for ignoring the law:

1). Harvey Rice, 5th Circuit Court Rules in its own way;

Its decisions have a history of defying the Supreme Court, Houston CHRONICLE, Dec. 5, 2004, at 1

2). In 2003 the Supreme Court lambasted the 5th Circuit for rejecting an appeal in THOMAS MILLER-EL. In defiance the 5th Circuit came back with a new opinion in the Miller-El case that ignored a majority ruling spelling out how the 5th Circuit should rule,

3). IMMEDIATEMAN, a professor at Columbia University law school said "The 5th Circuit adopts the attitude, "we are not going to look at these cases clearly and it's going to take a tuba-by-four to the head before we

are going to overturn these cases."

4). The Supreme Court's rebukes of the 5th Circuit began in 2001 with its second decision in the case of JOHN PAUL PENNY.

The Supreme Court ruled 6-3 that the 5th circuit failed to enforce the spirit of a 1989 Supreme Court decision in the Penny case, requiring Juries to consider evidence that could lead to a life sentence rather than death.

5). In February 2004 in the case of DELMAR BANKS JR. the Supreme Court chastised the 5th Circuit again. In a 7-2 ruling, the Court said the prosecutor allowed two key witnesses to lie and did not inform the defense that one witness was a paid police informant and the other a two-time felon who testified in exchange for having an arson charge against him dropped.

6). In June 2004, voting 6-3 in the case of ROBERT TESHARD, the Supreme Court rejected a policy the 5th Circuit had developed in reaction to the Penny decision. The Supreme Court said the policy "has no foundation in the decisions of this court."

7). NEEL SIEGEL calls the 5th circuit an "activist" Court. "It's a refusal to be bound by the law when it's clear," he said. "If that's not activism, I don't know what it is." He goes on to say, "Since the Supreme Court hears very few 5th Circuit decisions it's clear the appeals court is ignoring the high courts instructions in many other cases because the decisions probably won't be reviewed."

8). GEORGE KENDALL, a New York lawyer who represented

Deima Banks, said the 5th circuit rejected "scores of appeals" that should have been accepted according to the Supreme Court's decisions.

- 9) In a 2003 Capital case that never reached the Supreme Court, 5th Circuit Judge HAROLD R. DEMOSS Jr. dissenting from a ruling by the entire 18-Judge Court stating: "I am amazed that our en banc Court would have the audacity to turn around and reach the same result the Supreme Court Just vacated"

The 5th circuit's rulings often affect the fairness, integrity and public reputation of Judicial proceedings and according to the above the public have noticed, and it runs the risk of undermining the public's confidence in the Judicial process Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 863-64 (1988)).

It is highly likely that the split will continue to grow as other circuits continue to abide by Supreme Court Precedent, and the Fifth Circuit continue to not recognize Actual innocence cases because the government has a higher incentive to assert a claim of waiver to avoid an unfavorable ruling on the substantive issue.

The resolution of this question(s) in this case is vitally important to Mr. Fields, and illustrates exactly why it is so important to many others. As noted above, the split directly impacts the public's confidence in the Judicial process and have led to the unconstitutional execution

of at least one person. Without proper resolution of this split and clarification of this Court's opinions on Actual innocence, scores of defendants will continue to be thwarted in the Fifth Circuit, and in Death Penalty cases, more innocent people will be murdered by the State and government. Depending on what Circuit they were convicted in, some will have their cases heard on the merits, while others will see their petitions for post conviction relief denied out of hand. When a defendant's access to relief on Actual innocence depends on his location, courts are undermining confidence in the Justice System and disregarding "the need to obey the United States Constitution". *Id.* Potentially even more troubling is the idea that myriad defendants could be sitting in prison for crimes that they did not do. Two defendants, identical in every way, may end up with drastically different outcomes in different circuits, simply because of the way courts view Actual innocence issues. Guidance from this Court will provide not only clarity, but uniformity.

V. THIS CASE IS AN EXCELLENT VEHICLE FOR RESOLUTION OF THIS IMPORTANT ISSUE.

This case represents an ideal vehicle for review for several reasons. First, and most important, Mr. Fields is actually innocent. The issue was fully presented and before the Fifth Circuit. The Fifth Circuit, clearly, by its denial maintains that Actual innocence isn't cognizable in the Fifth Circuit.

In doing so, the Fifth Circuit created a direct split with the other circuits, *Supra*. There are no alternative holdings or additional explanations from the Fifth Circuit that would impede this Court's ability to squarely address and answer the questions presented. The issues are before this Court on a clean and well-defined circuit split.

Second, there is no chance that the case will become moot. If this Court remands this case to the Fifth Circuit, the Court will be forced to confront the question(s) of whether Actual innocence is cognizable, in what context, and do Actual innocence claims must always have a remedy. As noted, many Courts agree that innocence is cognizable, and there must always be a remedy. Thus, resolution of this case will likely provide substantial relief for Mr. Fields, giving him back his liberty after 24-years incarceration.

Third, the issues here are purely legal and Constitutional questions. Whether Actual innocence is cognizable and violates the eighth Amendment does not turn on the particularities of any case, but rather on the Circuit that the defendant happens to be in. The issue is worthy of resolution, as the Fifth and other Circuits are pointing to the same Actual innocence precedent, and the same United States Constitution in support of their diametrically opposed conclusions.

VI RESOLUTION OF THIS CASE IS NECESSARY BECAUSE
MR. FIELDS IS SERVING A SENTENCE ON THE BASIS
OF AN UNCONSTITUTIONAL CONVICTION

Because the Fifth Circuit do not hold that Actual innocence is cognizable, it did not address the merits of his petition.

However Actual innocence, in all its glory should supersede every issue because it's the unconstitutional deprivation of

liberty. The injury to Mr. Fields are both "real and

immediate" *Goldes v. Zwickler*, 394 U.S. 103, 109-110, 89

S.Ct. 956, 960, 22 L.ed. 2d 113 (1969); *Maryland v. Casualty*

Co. v. Pacific Coal & oil co., 312 U.S. 270, 273, 61 S.Ct. 510,

512, 85 L.ed. 826 (1941); *United Public Workers v. Mitchell*,

330 U.S. 75, 89-91, 67 S.Ct. 556, 564-565, 91 L.ed. 754 (1947).

This petition involves questions of exceptional importance.

It is illustrated by the unusual fact that Fields is being denied any remedy. The lower court ruling

will cause irreparable harm if left in tact because

there is no other remedy for Mr. Fields to have his

Actual innocence claim addressed. For an actual innocence

issue to be heard a defendant need only to present

new evidence that was "not presented to the fact-finder during the trial"; (i.e.) newly presented evidence.

See *Reeves v. Fayette SCT*, 897 F.3d 154, 161 (3d Cir. 2018)

(quoting *Schub v. Delo*, 513 U.S. 298, 314-15, 115 S.Ct. 851,

130 L.ed. 2d 808 (1995). Mr. Fields have presented

fingerprint evidence exonerating him that has never been

presented to the fact-finder. This new evidence collapses
the governments case against Mr. Fields. He is thus
Actually innocent of the crime of carjacking and the
accompanying 924(c)

CONCLUSION

For the foregoing reasons, the Court should grant the
petition for a writ of certiorari.

Respectfully Submitted

November 24, 2025

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