

25-6768

No. _____

FILED
JAN 13 2026

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In Re MARK ANTHONY MORRIS – PETITIONER

ON PETITION FOR ORIGINAL WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

Respectfully submitted,

Mark Morris
Mr. Mark Morris, DOC #287768
Elayn Hunt Correctional Center
6925 Highway 74
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QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment prohibit Mark Morris' continued imprisonment after establishing that constitutional violations resulted in his conviction of crimes he did not commit?
2. Whether this Court should exercise its original habeas jurisdiction where the lower-court procedural bars will otherwise prevent any federal adjudication of Mark Morris' actual innocence, contrary to *McQuiggin v. Perkins*, 569 U.S. 383 (2013), *Schlup v. Delo*, 513 U.S. 298 (1995), and the Constitution of the United States.
3. Whether a state-created impediment under 28 U.S.C. §2244(d)(1)(B), which prevented Mark Morris from obtaining and presenting newly discovered evidence of actual innocence, renders the present habeas application not "second or successive" under §2244(b).
4. Whether the Suspension Clause was violated when the lower courts refused to review Mark Morris' claims raised under the exceptions of La. C.Cr.P. Art. 930.8(A)(1), art. 930.8(A)(5) and art. 930.8(A)(6) where he presents compelling new evidence of innocence and concealed witness inducements that were previously unavailable due to State interference.
5. Whether Mark Morris was denied due process of the law in violation of the Fourteenth Amendment when the State concealed information of the time-of-death that conclusively undermine their timeline for the aggravated kidnapping and second degree murder of Jacqueline Purdue?
6. Whether Mark Morris was denied due process of the law in violation of the Fourteenth Amendment when representatives of the government concealed that the possibility of a reward of leniency was being held out to the prosecution's primary witnesses for their favorable testimony against him?

LIST OF PARTIES

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

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

1. Mark Anthony Morris, Pro Se Petitioner
2. Keithe Turner, Warden, Elayn Hunt Correctional Center
3. Hillar Moore, District Attorney
4. Elizabeth Murrill, Attorney General

RELATED CASES

State v. Morris, No. 5-98-59 (19th JDC, July 23, 1999)

State v. Morris, 99-3075 (La. App. 1 Cir. 11/3/00), 770 So.2d 908.

State v. Morris, 00-3293 (La. 10/12/01), 799 So.2d 496.

Morris v. Louisiana, 535 U.S. 934, 122 S.Ct. 1131, 152 L.Ed.2d 220 (2002).

Morris v. State, No. 5-98-59 (19th JDC 5/19/04).

State ex rel. Mark Morris v. State of Louisiana, No. 2004-1735 (La. App. 1 Cir. 9/27/04) (unpublished opinion).

State ex rel. Mark Morris v. State of Louisiana, No. 2005-1899 (La. 3/31/06), 925 So.2d 1252.

Morris v. Cain, No. 06-289-FJR-SCR (M.D. Louisiana 8/17/06).

Morris v. Cain, No. 06-30916, 20008 WL 3876479 (5th Cir. 8/20/08).

Morris v. Cain, No. 06-30916 (5th Cir. 9/29/08).

State v. Morris, 2011-1151 (La. App. 1 Cir. 8/15/11).

State ex rel. Mark Morris v. State of Louisiana, No. 2011-2000 (La. 5/18/12), 89 So.2d 1181

Morris v. Cain, Civil Action No. 09-648-JJB-CN, 2010 WL 4180110 (M.D. Louisiana 10/20/10)

Morris v. Cain, Civil Action No. 09-648-D-M2, 12010 WL 4180748 (M.D. Louisiana 8/26/10).

Morris v. Cain, Civil Action No. 09-648-JJB-CN (M.D. Louisiana 11/9/11).

Morris v. Cain, No. 11-31188 (5th Cir. 8/22/12).

In re Morris, No. 12-30619 (5th Cir. 2012).

Morris v. Cain, Civil Action No. 09-648-JJB-CN, 2010 WL 4180110 (M.D. Louisiana 9/10/12).

Morris v. Cain, No. 06-0289-SDD-SCR, 2013 WL 2451036 (M.D. Louisiana 6/4/13).

Morris v. Cain, No. 13-30727 (5th Cir. 1/9/14).

Morris v. Cain, No. 06-0289-SDD-EWD, 2018 WL 1468587 (M.D. Louisiana 3/26/18).

Morris v. Vannoy, No. 18-30440, 2019 WL 13218257 (5th Cir. 5/1/19).

State v. Morris, No. 5-98-59 (19th JDC, 12/5/23)

State v. Morris, 2024-0589, 2024 WL 4117127 (La. App. 1 Cir. 9/9/24)

State v. Morris, No. 2024-01268 (La. 1/14/25), 398 So.3d 641

Morris v. Hooper, Et Al, No. 25-127-SDD-RLB (USDC, M.D. LA 3/11/25)

In Re Mark Morris, No. 25-30143 (5th Cir. 6/10/25)

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Mr. Mark Anthony Morris prays that a writ of habeas corpus issue.

OPINIONS BELOW

[X] 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 designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix 9 to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[X] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix 6 to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the Louisiana Court of Appeals, First Circuit appears at Appendix 5 to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Courts of Appeals decided my case was June 10, 2025.

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 September 9, 2024. A copy of that decision appears at Appendix 6.

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); 28 U.S.C. § 2241 (original habeas power); 28 U.S.C § 1651 (All Writs Act); United States Constitution, Article III, § 2. *Ex Parte Bollman*, 8 U.S. (4 Cranch) 75 (1807); *Felker v. Turpin*, 518 U.S. 651 (1996) (SCOTUS may entertain original habeas petitions notwithstanding AEDPA).

Additionally, Mr. Morris invokes the Court's authority to prevent a miscarriage of justice where no other federal forum is available.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Suspension Clause, Article I, Section 9, of the Constitution:

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.

28 U.S.C. § 1254:

Cases in the courts of appeals may be reviewed by the Supreme Court... (1) By writ of certiorari upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree...

28 U.S.C. § 1651(a):

The Supreme Court ... may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

28 U.S.C. § 2244 (as amended in 1996): See Appendix A reflecting changes effected by P.L. 104-132, Antiterrorism and Effective Death Penalty Act of 1996. A.R.S. §§ 13-4021 to-24. (See Appendix B, to Certiorari Petition.)

STATEMENT OF THE CASE & RULE 20.4(A) STATEMENT

A. The prosecution's Theory and the Constitution

The State's case against Mr. Morris rested on a single, rigid narrative: that the victim was abducted during a robbery at a Winn Dixie Supermarket and later killed, and that Mr. Morris participated in both acts. No forensic evidence placed Mr. Morris at the scene of the homicide. No physical evidence connected him to the victim after the alleged abduction. The prosecution's theory instead depended on two pillars: (1) the assumption that the victim was alive at the time of the supermarket robbery, and (2) the testimony of cooperating witnesses John Green and Johnathan Molden, whom the jury was led to believe testified without inducement, bias, or expectation of leniency. Mr. Morris was convicted on July 23, 1999¹, following a trial in which the State presented its narrative as uncontested fact. That narrative has since collapsed.

B. The Suppressed Forensic Gap: Time of Death

The autopsy report introduced at trial conspicuously omitted a critical forensic determination: an estimated time of death. The coroner recorded the presence of rigor mortis, that is, slight rigor mortis in the upper extremities and full rigor mortis in the lower extremities; however, offered no estimate as to when the death occurred.

At trial, the jury was never told that rigor mortis follows a predictable physiological progression, nor that the condition described in the autopsy is inconsistent with the State's timeline. Had an estimated time of death been determined and presented, it would have shown that the victim likely died more than fifteen hours before the supermarket robbery. This estimated

¹ Mr. Morris was convicted of second degree murder (LSA-R.S. 14:30.1); aggravated kidnapping (LSA-R.S. 14:44); four counts of armed robbery (LSA-R.S. 14:64); and felon possession of a firearm (LSA-R.S. 14:95.1).

time of death makes it physically impossible for Mr. Morris to have abducted the victim. The State left the time of death unresolved, not because it was unknowable, but because resolving it would have destroyed the prosecution's theory.

Years later, once Mr. Morris learned – through independent research rather than State disclosure – how rigor mortis is used to estimate time of death, he sought forensic review under Louisiana law. He filed a motion for examination of evidence requesting that the autopsy findings be evaluated by a qualified forensic expert to determine an estimated time of death. The state court never ruled on the motion, never held a contradictory hearing in accordance with the law, and never permitted expert examination.

Thus, the State's theory remains insulated from scientific scrutiny – not because it is correct, but because the courts refused to allow the question to be asked.

C. The Concealed Inducements to Green and Molden

The prosecution's second pillar – testimony from John Green and Johnathan Molden – was equally compromised.

At trial, the jury was affirmatively misled to believe that Green and Molden testified without promise, hope, or expectation of leniency. In reality, sentencing for both witnesses was deliberately postponed until after Mr. Morris' trial, a fact orchestrated by the prosecution and the trial court to secure their cooperation.

Trial transcripts later revealed the truth. The presiding judge openly acknowledged that sentencing was delayed for the express purpose of obtaining cooperation and that leniency was contingent on testimony against Mr. Morris. This arrangement was never disclosed to the defense or the jury.

Decades later, Green and Molden executed sworn affidavits confirming what the record already implied: that the prosecution and the trial court held out the possibility – and later the reality – of leniency in exchange for testimony implicating Mr. Morris. Their affidavits corroborate what the transcripts independently established: that cooperation was not incidental, but the very condition upon which punishment was mitigated. The State never corrected the false impression left with the jury. It never disclosed that sentencing had been deliberately delayed. It never disclosed that the witnesses understood their freedom depended on their testimony. Instead, the State affirmatively allowed the jury to believe that Green and Molden were disinterested witnesses telling an unvarnished truth.

This suppression violated *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); and *Napue v. Illinois*, 360 U.S. 264 (1959). It also deprived Mr. Morris of the right to confront the witnesses against him with the most powerful impeachment evidence imaginable: proof that their liberty depended on Mr. Morris' conviction.

D. The Absence of Physical Evidence and the Contradictory Record

No forensic evidence ever connected Mr. Morris to the homicide. Scientific testing of his DNA, hair, and fibers from the victim and excluded the victim's biological material from Mr. Morris. No blood evidence corroborated the State's theory of where or how the victim was killed. Scene documentation contradicted the claim that the victim was shot where her body was found, despite testimony that death resulted from massive blood loss.

Eyewitness description of the robbers repeatedly described individuals whose height, build, and appearance did not match Mr. Morris. Law enforcement reports documented these inconsistencies contemporaneously. The jury never heard a coherent explanation for why these

descriptions were ignored. Instead, the prosecution stitched together a narrative that relied on suppressed science, uncorrected false testimony, and cooperating witnesses whose incentives were concealed.

E. Procedural History and the State-Created Barrier to Review

Mr. Morris pursued relief in state and federal courts for more than two decades. Each effort was rejected on procedural grounds, not the merits. Louisiana's post-conviction framework – particularly the rigid enforcement of filing deadlines – has repeatedly barred consideration of claims even where the State itself suppressed the evidence necessary to raise them. Most recently, Louisiana enacted Article 926.2 and Article 926.3 of the Code of Criminal Procedure, ostensibly to provide a mechanism for forensic review. In practice, the statutes have been applied to deny relief without hearings, expert examination, or findings – functioning as yet another procedural gate rather than a pathway to truth.

Mr. Morris sought forensic examination of the autopsy findings to determine time of death. The state court dismissed the request without adjudication. Mr. Morris sought access to surveillance evidence. The State refused to acknowledge its existence. Mr. Morris sought review of inducements to cooperating witnesses. The court's treated newly discovered proof as untimely rather than unconstitutional or unsubstantiated. The result is a closed system: the State withholds evidence, then invokes procedural bars when the absence of that evidence delayed discovery.

F. Rule 20.4(a) Statement: Exceptional Circumstances Warranting Original Habeas Relief

This case satisfies Supreme Court Rule 20.4(a) because exceptional circumstances render relief unavailable in any other court.

First, Mr. Morris presents a compelling claim of actual innocence, supported by scientific

evidence undermining the State's timeline and by the absence of any physical evidence tying him to the crime. Second, the State knowingly suppressed exculpatory forensic implications and knowingly allowed false testimony to stand uncorrected, violating core due process principles. Third, the State has erected and enforced procedural barriers that prevent any merits review, even where the State itself caused the delay in discovery. This constitutes a state-created impediment incompatible with the Suspension Clause. Fourth, no other forum can provide relief. State courts refuse to adjudicate the claims. Federal courts defer to state procedural rulings. The result is a constitutional vaccuum in which innocence claims are never heard. Fifth, Mr. Morris' claims passes the narrow "gateway" exceptions permitted by **28 U.S.C. § 2244(b)(2)**. The exception under **28 U.S.C. § 2244(b)(2)(B)(i) and (ii)**, require claims that involve newly discovered facts based upon new evidence that would establish that no reasonable factfinder "would have found the applicant guilty of the underlying offense." The state courts and lower federal courts, however, foreclose review by simply refusing to consider the claims under the guise of untimeliness. This preclusion of habeas corpus review amounts to a violation of the Suspension Clause. U.S. Const., Article I, Sec. 9, Cl. 2.

This Court has long recognized that original habeas relief is appropriate where "the fundamental miscarriage of justice is plain and no other remedy is available."

G. Summary

Mr. Morris stands imprisoned not because the evidence proves guilt, but because the truth was suppressed, science was ignored, witnesses were induced, and procedure was weaponized. The Constitution does not tolerate convictions sustained by concealment and silence.

This Court's intervention is not extraordinary. It is necessary.

REASON FOR GRANTING THE WRIT

Introduction and Summary of the Injustice in Mark Anthony Morris' Convictions

This case presents the extraordinary circumstances in which a man has been imprisoned for well over twenty-five (25) years based on a prosecution theory that collapsed the moment the suppressed forensic evidence and concealed inducements to key witnesses are brought to light. Mark Morris stands convicted not because the evidence proved his guilt, but because the State suppressed evidence that proved his innocence, allowed known false testimony to go uncorrected, and engineered testimony through secret promises of the possibility of leniency to its principle witnesses. The suppressed forensic evidence – especially the rigor mortis findings establishing the true time of death – directly contradicts the prosecution's timeline and the central eyewitness testimony used to convict him. The State relied on false eyewitness identifications, suppressed critical exculpatory evidence, all while presenting scientific unsound theories regarding the victim's ("Jacqueline Purdue's") time of death.

Taken together, the newly presented forensic science, the witness recantations and admission of inducements, the concealed plea arrangements, and the suppressed investigative materials form a unified and overwhelming demonstration of innocence. This Court's intervention is warranted because state courts have refused to hear or consider this evidence, invoking procedural bars that are themselves the product of the State's misconduct.

ARGUMENT

Threshold Argument: State-Created impediment foreclosed further review.

A State-Created Impediment Foreclosed All Lower-Court Review, Satisfying Supreme Court Rule 20.4(a) and Necessitating Original habeas Relief

A. Rule 20.4(a) Requires a Showing That Relief Is Unavailable Elsewhere – Not That Mr. Morris Failed to Seek It

Supreme Court Rule 20.4(a) authorizes original habeas relief where the petitioner demonstrate that “adequate relief cannot be obtained in any other form or from any other court.” The Rule does not require exhaustion in the abstract; it requires a showing that no forum remains capable of adjudicating the federal constitutional claim. *See Ex parte Hawk*, 321 U.S. 114, 118 (1944)(original habeas appropriate where state procedures are “inadequate or unavailable”).

Here, the absence of an available forum is not the results of neglect or procedural default by Mr. Morris. It is the direct consequence of State action that both (1) concealed constitutionally material facts and (2) later foreclosed meaningful review once those facts came to light.

The State may not first obstruct access to material evidence and then invoke procedural barriers erected by its own obstruction to defeat federal review. *See Strickler v. Greene*, 527 U.S. 263, 283-84 (1999).

B. The State Created a Structural Impediment by Withholding and Obscuring Evidence Essential to the Claims

This case presents a textbook state-created impediment:

1. **Critical forensic information** necessary to evaluate time-of-death was left unrecorded and unexplained by the State's own medical evidence, while the prosecution affirmatively relied on a narrative that assumed a contrary timeline.
2. **Material impeachment evidence** – that key witnesses testified under an undisclosed expectation of leniency – was concealed from the defense and the jury, in violation of **Brady v. Maryland**, 373 U.S. 83 (1963), **Giglio v. United States**, 405 U.S. 150 (1972),

and **Napue v. Illinois**, 360 U.S. 264 (1959).

3. The State allowed testimony it knew, or should have known, was misleading to stand uncorrected, thereby corrupting the truth-finding function of the trial itself.

These were not minor evidentiary omissions. They went to identity, timing, credibility, and guilt – the core of the prosecution's case.

So long as these facts remained concealed or unintelligible to a lay defendant, no meaningful constitutional claim could be raised. Federal limitations periods and successive-petition bars do not run against a prisoner who is “blamelessly ignorant” of the factual predicate of his claims because of State concealment. *See Banks v. Dretke*, 540 U.S. 668, 695-96 (2004).

C. When the Impediment Lifted, the State Courts Declined to Adjudicate the Claims on the Merits

Once the factual basis of these claims became knowable, Mr. Morris promptly sought relief in state court, including requests for forensic examination and adjudication of newly discovered evidence. The State courts, however, declined to rule on the merits, dismissing the claims on procedural grounds without resolving the constitutional violations alleged.

That refusal is dispositive under Rule 20.4(a). This Court has long recognized that original habeas is appropriate where state courts “refuse to adjudicate” federal claims or where state procedure operates as a “trap” rather than a remedy. *See Ex parte Royall*, 117 U.S. 241, 252 (1886); *Moore v. Dempsey*, 261 U.S. 86, 91-92 (1923).

A system that bars review precisely because the State succeeded in delaying discovery of the truth is not an “adequate” system within the meaning of Rule 20.

D. Federal Statutory Habeas Review is Likewise Unavailable

Federal district court review under **28 U.S.C. § 2254** is unavailable because statutory gatekeeping provisions bar consideration of claims that could not have been discovered earlier due to State concealment and that the courts of appeals have declined to authorize for successive review.

Rule 20.4(a), however, does not require the petitioner to accept a jurisdictional dead end as “adjudicate relief.” To the contrary, this Court has repeatedly exercised original habeas jurisdiction where statutory frameworks proved incapable of correcting a fundamental miscarriage of justice. *See, e.g., Ex parte Yerger*, 75 U.S. (8Wall.) 85, 102-03 (1868).

Where Congress has limited lower-court jurisdiction, but the Constitution demands a remedy, this Court's original habeas power remains intact.

E. The Suspension Clause Independently Compels Review

The Suspension Clause, U.S. Const. Article I, § 9, cl. 2, guarantees that the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion. A procedural regime that permanently bars a prisoner from presenting a credible claim of constitutional innocence – especially where the bar arises from State misconduct – functions as a de facto suspension.

This Court has made clear that habeas must remain “a meaningful and effective remedy.” *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). When no court will hear a claim that the State secured a conviction through suppressed evidence and false testimony, habeas is no longer meaningful unless this Court intervenes.

F. This Case Falls Squarely Within the Narrow but Vital Core of Original Habeas Jurisdiction

This petition does not ask the Court to function as a court of error. It asks the Court to

perform its historic role: ensuring that no person remains imprisoned under a conviction obtained through fundamentally unfair procedures where no other court will hear the claim.

Rule 20.4(a) was written for cases like this one, because:

- the State created the impediment;
- the impediment foreclosed timely litigation;
- state courts declined merits review once the truth emerged;
- and continued custody rests on a constitutionally tainted conviction.

Original habeas relief is not merely appropriate – it is necessary.

G. This Case May Also Proceed Through The Actual Innocence Gateway

This case satisfy the test of actual innocence established by this Court as the gateway for consideration of a federal petition for writ of habeas corpus. *House v. Bell*, 547 U.S. 518, 126 S.Ct. 2064 (2006); *Schlup v. Delo*, 513 U.S. 298 (1995).

This Court held that “actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar, as it was in *House v. Bell*, 547 U.S. 518, 126 S.Ct. 2064 (2006) and *Schlup v. Delo*, 513 U.S. 298 (1995), or ... expiration of the statute of limitation.” *McQuiggin v. Perkins*, 569 U.S. 383, 133 S.Ct. 1924 (2013). This Court explained that “tenable actual-innocence gateway pleas are rare: “a petitioner does not meet the threshold requirement unless he persuades the district court that, in light of the new evidence, no juror, acting reasonably, would have voted to find him guilty beyond a reasonable doubt.” *McQuiggin v. Perkins*, 569 U.S. 383, 133 S.Ct. 1924, 1928 (2013) (quoting *Schlup*, 513 U.S. at 329, 115 S.Ct. at 868). Under this gateway standard, “the newly presented evidence may call into question the credibility of the witnesses presented at trial. In such a case, the habeas court may have to make some credibility assessments.” *Schlup*, 513 U.S. at 330, 115 S.Ct. at 868. A credible gateway claim requires “new reliable evidence – whether it be exculpatory

scientific evidence, trustworthy eyewitness accounts, or critical physical evidence – that was not presented at trial. 547 U.S. at 537, 126 S.Ct. at 2077 (513 U.S. at 324, 115 S.Ct. at 865)

In this case, the State suppressed the time-of-death, an omission that resulted in Mr. Morris being convicted of crimes he did not commit. Mr. Morris, however, learned that “rigor works its way down in the large muscles from head to toe, and reverses in the same order in which it begins.” Exhibit 2, Pathology (1-4222-0033-7) (Jan. 2005). He also learned that rigor mortis typically develops within 1-2 hours after death and remains for approximately 12 hours before dissipating. Postmortem Changes study by Rutwik Shedge, Medal Krishna, Varsha Carrier, and Tanuj Kachan (Exhibit 3). The study emphasizes that the onset and progression of rigor mortis follows a specific pattern: “it is observed in the eyelids, followed by the neck, lower jaw, chest, upper limbs, abdomen, lower limbs, and then finally in the fingers and toes.”

Factoring in the predictable pattern of rigor mortis, Mrs. Purdue's death occurred early in the night or early morning, not at 6:00 a.m. during the January 22, 1998, robbery window that was presented by the prosecution.

ISSUE I: The Real Timeline of Death was Hidden from the Jury – A Timeline that Conclusively Undermines the State's Case

The critical time of death evidence is a window into the truth. The most significant piece of forensic evidence that was suppressed in the case against Mr. Mark Anthony Morris revolves around the critical issue of the time of death, which directly contradicts the testimony of key witnesses. This evidence, when fully understood and properly presented, is key to unraveling the falsehoods woven into the prosecution's case. This evidence establish a timeline of events.

The rigor mortis findings directly impact the legal analysis of this case by: 1) refuting the State's timeline; 2) undermining the State's witnesses regarding the time they last saw the

decedent alive; and 3) determines the likely time of the incident which exonerates Mr. Morris. The determination of the time of death is a crucial element in forensic investigations and legal proceedings that assist in assessing liability, corroborating witness statements, and establishing the sequence of events.

A. The Autopsy Findings that the Prosecution Never Explained

The autopsy conducted by Dr. Juanito Y. Lim recorded a crucial observation: rigor mortis had already begun to resolve in the upper extremities while remaining full in the lower extremities. Exhibit 1. Though Dr. Lim did not record a time of death, his observation placed the body in a late-rigor or early-resolution stage. *Id.* Any trained forensic pathologist knows this finding indicates the victim had been deceased for many hours before the autopsy.

At trial, no forensic expert was presented, no explanation of rigor mortis was given, and no estimated time of death was offered to the jury. The State omitted it entirely. Only now, after Mr. Morris educated himself in forensic science, do the implications become clear.

B. Modern Forensic Science Confirms the Autopsy Means Mrs. Purdue Died Hours Earlier than the State Claimed

Forensic pathology authorities obtained after trial –Exhibits 2 and 3– establish the following:

1. Rigor mortis begins in the small muscles of the face and jaw and progresses downward. It then recedes in the same direction – top to bottom.
2. Rigor mortis generally:
 - appears within 1-2 hours after death;
 - becomes complete at roughly 12 hours;
 - remains stable for the next 12 hours;

- and then gradually disappear over the next 12 hours.

3. At the stage Dr. Lim observed – rigor weakening in upper body but still full in lower limbs – the victim had likely been deceased well over 12 hours.

Exhibit 2, from Pathology (1-4222-0033-7) (Jan. 2005), provides a critical explanation of the progression of rigor mortis: “Rigor works its way down in the large muscles from head to toe, and reverses in the same order in which it begins.” Furthermore, the Postmortem Changes study by Rutwik Shedge, Medal Krishna, Varsha Carrier, and Tanuj Kachan (Exhibit 3) explains how rigor mortis typically develops within 1-2 hours after death and remains for approximately 12 hours before dissipating. The study emphasizes that the onset and progression of rigor mortis follows a specific pattern: “it is observed in the eyelids, followed by the neck, lower jaw, chest, upper limbs, abdomen, lower limbs, and then finally in the fingers and toes.”

Factoring in the predictable pattern of rigor mortis, Mrs. Purdue's death occurred early in the night or early morning, not at 6:00 a.m. during the January 22, 1998, robbery window that was presented by the prosecution.

C. This Forensic Timeline Makes the State's Eyewitness Story Physically Impossible

The prosecution's theory depended entirely on the following timeline:

- Mr. Purdue testified his wife left home around 5:55 a.m.
- Mrs. Joylyn Wright testified she saw Mrs. Purdue arrive at the store just before the robbery ended.

The autopsy evidence, however, shows Mrs. Purdue was already deceased hours before 6:00 a.m.

Thus, both statements could not be true.

There is middle ground.

The body tells the truth: Mrs. Purdue could not have been alive that morning, and she

certainly was not driving into the parking lot at the moment of the robbery. The prosecution's entire timeline collapses once the suppressed forensic truth is known.

D. By Suppressing the Forensic Time-of-Death Evidence, the State Presented a Physically Impossible Narrative

The prosecution did not merely fail to present the science – they affirmatively used witness testimony they knew or should have known was impossible.

It is constitutional error of the highest order where:

- the State suppressed the scientific truth,
- presented eyewitness testimony that is contradicted by biology,
- and failed to correct false testimony.

This is a clear violation of *Napue v. Illinois*, 360 U.S. 264, 271 (1959); *Giglio v. United States*, 405 U.S. 150, 154 (1972); and *Brady v. Maryland*, 373 U.S. 83, 87 (1963).

In the present case, the observation that rigor mortis is only slightly present in the upper extremities but fully developed in the lower extremities is consistent with the dissipation phase of rigor mortis, which typically begins around 24 hours postmortem. Had the body been deceased for only 12 hours, rigor mortis would be uniformly present in all muscle groups. Conversely, had the body been deceased for over 48 hours, rigor mortis would be largely gone, replaced by signs of decomposition. Therefore, the forensic evidence strongly supports a 24-hour postmortem interval.

Legal standard for establishing time of death

Courts routinely rely on forensic pathology to estimate the time of death in criminal and civil cases. Expert testimony on rigor mortis is admissible under the *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) standard, which requires that scientific evidence be

based on reliable principles and methods. Rigor mortis is one such scientifically accepted method. In *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923), the court stated that forensic pathology regarding rigor mortis is widely accepted within the scientific community. Courts routinely admit expert testimony on postmortem interval estimation, and jurors rely on this information to establish the sequence of events surrounding a death.

In *State v. Hatfield*, 2013-0813, p. 19 (La. App. 4 Cir. 7/2/14), 155 So.3d 572, 586, Dr. James Traylor explained that “one can usually detect rigor mortis within an hour or two after death and that rigor becomes fully formed in the twelve hours after death, and in the next twelve hours it begins to lessen.” Likewise, in *State v. Brown*, 594 So.2d 372 (La. 1 Cir. 9/23/91) Dr. Alfredo Suarez reded that “[T]he body becomes flaccid after first being rigid. Rigor mortis means rigidity after death. Rigor Mortis generally develops within two to three hours after death and lasts about thirty to forty hours.” Conversely, a person whose body's conditions is in the postmortum stage of full rigor mortis before becoming flaccid are estimated as being deceased for six to twelve hours. *State v. Charles*, 2015-518 (La. App. 3 Cir. 11/25/15), 178 So.3d 1157 (“for full rigor mortis to occur it would take six to twelve hours.”).

The Discrepancy with Witness Testimonies

In the instant matter, the victim's body was observed to be in the process of becoming flaccid. The Necropsy (Autopsy) Protocol clearly documented the condition of Jacqueline Purdue's body at the time of the autopsy. Dr. Lim noted that rigor mortis was present in the lower extremities of the victim but had already begun to lessen in the upper extremities. While Dr. Lim did not record the time of death in the autopsy report, the presence of rigor mortis offer an invaluable clue as to the time frame of the victim's death.

The state's star witnesses, Mrs. Joylyn Wright and Mr. Purdue, both testified about the timing of events surrounding Mrs. Purdue's death. Mr. Purdue stated that Mrs. Purdue left home at approximately 5:55 A.M. to go to the store. Mrs. Wright, in turn, identified Mrs. Purdue as the person she allegedly saw pull into the parking lot just before the robbery concluded. Yet, when we apply the forensic understanding of rigor mortis, it becomes clear that these statements could not possibly be true.

The time of death, based on the rigor mortis evidence, contradicts the witnesses' claims. If rigor mortis had already begun to dissipate in the upper extremities by the time of the autopsy, this means that Jacqueline Purdue likely died several hours before the time the witnesses described. This places the time of death well before Mrs. Wright could have seen Mrs. Purdue in the parking lot. The prosecution knew or should have known of this discrepancy but failed to present the rigorous forensic evidence that undermines the eyewitnesses' testimonies.

The state, by withholding this critical forensic analysis, allowed these false statements to stand unchallenged. They failed to present evidence that could have easily disproven the timeline offered by the witnesses, allowing the jury to believe the fabricated story. In doing so, the state deprived Mr. Mark Anthony Morris of the ability to mount a full defense and present the most compelling evidence that could have exonerated him.

The State's Suppression of the Time-of Death Evidence

Perhaps the most disturbing aspect of the suppression of the time-of-death evidence is that the prosecution, fully aware of its importance, chose not to disclose it. Had the rigor mortis findings been properly introduced, the jury would have learned that Mrs. Purdue could not have been in the store's parking lot at the time the witnesses claimed, as it would have been physically

impossible for her body to have moved as was described by Mrs. Wright.

This suppression was not an accident. The prosecution actively chose not to present this evidence, despite its clear exculpatory nature. Had they done so, it would have shattered the prosecution's entire narrative, forcing them to abandon their key witnesses' testimonies and reconsider the timeline of the crime.

The State's constitutional violations of suppressing scientific truth, presenting eyewitness testimony that is contradict by biology, and failing to correct false testimony violated Mr. Morris rights to due process resulting in Mr. Morris being convicted of crimes he did not commit.

Additional Suppressed Evidence Showed That Mr. Morris Did Not Match The Perpetrator

The State also withheld or ignored several other items of evidence that have been itemized and explained below.

Inconsistent Descriptions and Eyewitness Errors

In addition to the time of death issue, multiple inconsistencies in eyewitness testimonies call into question the validity of the identification made during the investigation. Deputy Gerald Painter's follow-up report revealed that key witnesses, including Mr. Wright and Mrs. Wright, were not even in nor at the store during the robbery, contrary to their testimonies. Exhibit 5 & 6. This crucial detail was documented but never used to challenge their identifications, despite Mrs. Wright claimed to have seen Mrs. Purdue in the parking lot just before the robbery ended.

Moreover, the descriptions of the alleged robbers provided by witnesses consistently failed to match Mr. Morris. Deputy Opperman's daily radio log and other officers' reports described the suspects as being 6'1" to 6'2" tall, light complexion, and of a much slimmer build than Mr. Morris. Exhibit 41. Yet, Mr. Morris, who stood at 6'4" with a very large build, was still

identified as one of the perpetrators. Exhibit 7; Tr. p. 1788. Moreover, the Bureau of Criminal Identification's records shows that Mr. Morris has been 6'4" tall since August 23, 1994. Ex. 42. A glaring discrepancy that went unaddressed during trial.

The surveillance footage from the Winn Dixie Supermarket on the day of the robbery further discredits the prosecution's case. The footage clearly show that neither Mark Morris nor Mrs. Purdue were present in the parking lot at the time claimed by the witnesses. This evidence, which Mr. Morris requested multiple times from the district attorney's office and the district court, was never disclosed. Despite Mr. Morris' repeated attempts to acquire it, the footage was kept hidden, and its existence was ignored.

The State also concealed Deputy Ronnie Washington's report that indicates that he did not observe Mrs. Wright, Mrs. Purdue, nor a third robbery suspect in the parking lot when he arrived on the scene. Ex. 8. Deputy Washington's report is corroborated by Deputy Boatner's testimony and Deputy Painter's observation when they arrived on the scene. Deputy Boatner testified that he only observed the getaway car when he arrived on the scene which he made clear that he scanned the parking lot as he approached the store. Tr. 1741-1743.

Deputy Painter was the first unit to arrive on the scene. Ex. 5, p. I. He indicated that he parked his unit then approached the front entrance of the store with caution – with his gun drawn. Ibid. Deputy Painter did not mention observing a robbery suspect, Mrs. Wright, or Mrs. Purdue in the store's parking lot. Id. Deputy Washington's observation when he arrived on the scene was critical to Mr. Morris' defense because Green and Molden alleged that Mr. Morris came out of the store as they were pulling out of the store's parking lot. Tr. 1638, 1686. The fact that no law enforcement officer observed a robbery suspect, Mrs. Wright, or Mrs. Purdue in the store's

parking lot in these critical moments indicates that not only Green and Molden lied but also Mrs. Wright lied to the jury. This evidence was favorable and material to Mr. Morris' defense.

DNA Evidence and the Lack of Physical Connection

The forensic evidence from the Louisiana State Police Crime Laboratory (Exhibits 16-36) further undermines the case against Mr. Morris. The laboratory's analysis confirmed that no trace of Mr. Morris' DNA, hair, or fibers were found on Jacqueline Purdue's clothing or personal effects, and vice versa. This finding casts significant doubt on any physical connection between Mr. Morris and Mrs. Purdue and the crime scene.

Additionally, Detective Brent Callender's report stated that no blood was found in Mrs. Purdue's vehicle, despite the insinuation that she had been shot in the car. Ex. 38. This finding is crucial because it contradicts the theory that she was shot while inside the vehicle, which was central to the prosecution's narrative. Moreover, crime scene diagrams from the Office of State Police Laboratory (Exhibits 39-40) show there was no blood found at the location where Mrs. Purdue's body was discovered, further undermining the prosecution's case. If she had been shot at either location, as the prosecution claimed, there should have been significant blood evidence present, particularly given the cause of death was massive blood loss, as testified by Dr. Lim.

ISSUE II & III: The Prosecution Also Suppressed Evidence Of Inducements And Leveraged Leniency To Secure False Testimony Against Mr. Morris

New evidence reveals that the state-concealed witness inducements and judicial participation in securing false testimony.²

Under *Brady v. Maryland*, 373 U.S. 83 (1963) the State violates due process when it suppresses evidence favorable to the accused that is material to guilt or punishment.

² Mr. Morris raised this claim pursuant to Article 930.8(A)(1).

Impeachment evidence revealing witness bias, inducement, or expectation of leniency falls squarely within *Brady's* scope.

Here, the prosecution failed to disclose evidence showing that key witnesses testified under the shadow of potential leniency. Such information is quinessential impeachment material. Its suppression deprived the defense of the opportunity to expose the witnesses' motives and deprived the jury of the ability to make an informed credibility determination.

The State Knowingly Permitted False and Misleading Testimony to Go Uncorrected

A conviction obtained through the knowing use of false testimony violates due process under *Napue v. Illinois*, 360 U.S. 264 (1959) and *Giglio v. United States*, 405 U.S. 150 (1972). This prohibition extends not only to outright falsehoods but also testimony that creates a materially misleading impression.

When witnesses testify without disclosure of inducements or expectations of benefit, their testimony falsely conveys neutrality. Allowing such testimony to stand uncorrected constitutes constitutional error, regardless of whether the prosecution explicitly solicited the false impression.

1. Newly Discovered Evidence – December 6, 2022 Affidavits

On December 6, 2022, witnesses John Green and Johnathan Molden executed affidavits admitting that they testified falsely at Mr. Morris' trial, and that their testimony was induced jointly by the prosecutor and trial judge holding out the possibility of a reward of leniency. These affidavits were first obtained by Mr. Morris on about December 8, 2022, constituting newly discovered evidence under 28 U.S.C. § 2244(b)(2)(B) and 2241(c)(3).

A. Green and Moldens' Affidavits Reveal the State's Inducements

Exhibit 50 and 51 contain declarations from John Green, III and Johnathan Molden stating that:

- Assistant District Attorney Kurt Wall,
- Judge Tony Clayton, and
- Judge Donald Johnson

held out the possibility of a reward of leniency to secure their testimonies against Mr. Morris.

This was not disclosed to the jury.

B. The Boykin Transcripts (Exhibit 52) and Sentencing Transcript Confirm the Scheme

The transcripts show:

- Assistant District Attorney Wall explicitly delay Green and Moldens' sentence until after Mr. Morris's trial.
- Judge Clayton postponed their sentencing for the purpose of obtaining cooperation.
- Judge Johnson later stated on the record:

“I recognized that Mr. Wall was counting on your testimony which is why this sentence was not done shortly after the plea. It was delayed for the purpose of accomplishing the objective, which was to get your cooperation.”

This is an implicit *Giglio* violation.

C. The Jury was Deprived of the One of the Most Important Impeachment Evidence

Had the jury known:

- that Green and Molden were testifying solely to secure leniency,
- that the State deliberately manipulated sentencing to extract cooperation, and
- that Green and Moldens' testimony aligned suspiciously with the false time-of-death narrative,

the prosecution's case would have collapsed.

This concealed deal was the State's method of manufacturing corroboration where none existed.

2. Record Evidence Corroborating the Inducements

These affidavits are not speculative, they are directly corroborated by the sentence transcript itself, proving the inducements were concealed from the defense and the jury.

Judge Donald Johnson explicitly acknowledged the inducements on the record.

- Sentencing was delayed specifically “for the purpose of accomplishing the objective, which was to get your cooperation.” (Tr. 1998).
- After receiving Green's and Molden's cooperation at Morris' trial, Judge Johnson then imposed their sentences, stating:

“Now that you have cooperated, I sentence you to ten years.” (Tr. 1998).
- Green received almost identical treatment – nine (9) years. (Tr. 1995).

Further, Assistant District Attorney Kurt Wall arranged the inducements:

- On the day Green and Molden entered their pleas, Wall informed Judge Tony Clayton that Morris's trial date had been moved to January 11, and he requested that Green's and Molden's sentencing be set after that date. (Ex. 52, at p. 13).
- Judge Clayton understood that this would create a strong incentive for Green and Molden to cooperate, and Judge Clayton adjusted the sentencing dates accordingly.

These intentional delays were part of a concealed quid-pro-quo: testimony against Mark Morris in exchange for favorable sentencing.

3. Constitutional Violations – *Brady, Napue, and Giglio*

This evidence reveals three distinct constitutional violations:

(A) *Brady v. Maryland* (1963) – Suppression of Impeachment Evidence

- The plea agreement
- The inducements
- The delay of sentencing tied to cooperation
- The involvement of ADA Kurt Wall, Judge Clayton, and Judge Johnson.

None of this was disclosed to defense counsel, despite the prosecution assuring counsel that “no

evidence with impeachment value" existed. (Ex. 10-13).

(B) *Napue v. Illinois* (1959) – Use of False Testimony

The witnesses testified falsely when they denied:

- Any expectation of leniency
- Any reward for testifying
- Any coordination with prosecutors.

State v. Morris, 99-3075 (La. App. 1 Cir. 11/3/00), 770 So.2d 908, 927-30.

The State had an affirmative duty to correct this falsehood. Instead, the State allowed it and relied upon it.

(C) *Giglio v. United States* (1972) – Failure to Disclose Promises or Understandings

The inducements – especially the sentencing delay "to accomplish the objective" of cooperation – constitute precisely the type of information *Giglio* requires prosecutors to disclose.

This *Giglio* material was knowingly withheld.

4. Jury Was Deceived – Invalidating the Verdict

The jury was told:

- Green and Molden were testifying freely.
- They had no bias, interest, or motive to lie.

In truth:

- Their freedom depended on securing a conviction of Mark Morris.
- They had every motive to testify falsely.
- The prosecutor, trial court, and plea judge all coordinated to conceal this fact.

This violates every fundamental requirement of due process, and where the State knowingly presents or allows false testimony, the conviction must be set aside.

5. This New Evidence Meets AEDPA Requirements for Successive Habeas

Under **28 U.S.C. § 2244(b)(2)(B)**, Mr. Morris must show:

- The evidence could not have been discovered earlier through due diligence.
- The inducement was concealed by both the prosecutor and the judge.
- The sentencing delay was misrepresented as routine.
- Mr. Morris had no access until Green and Moldens' affidavits in December 2022.

The evidence shows that no reasonable juror would have convicted Mr. Morris.

- Rigor-mortis science excludes Mr. Morris entirely.
- Key eyewitness testimony is now proven false and induced.
- The State's entire theory collapses.

6. State-Created Impediment Under 28 U.S.C. § 2244(d)(1)(B)

Louisiana's concealment of:

- inducements,
- sentencing manipulation,
- trial-court involvement, and
- impeachment material.

Constitutes a textbook state-created impediment.

It prevented Mr. Morris from filing these claims at any earlier time.

7. Interaction With the Rigor-Mortis / Time-of-Death

These newly discovered inducements affidavits interlock with the time-of-death evidence:

- The scientific time-of-death evidence exonerates Mr. Morris.
- The only remaining incriminating evidence was from Green and Molden.
- Their testimony is now proven false and induced.

The combined effect is overwhelming actual innocence.

John Green, III and Johnathan Molden were key witnesses for the prosecution. In their affidavits, both Green and Molden admitted that government officials held out the possibility of a reward of leniency in exchange for their testimony against Mr. Morris. The records from the

Boykin hearing in *State v. Green and Molden* (Exhibit 52) confirm that Assistant District Attorney Kurt Wall, along with Judge Tony Clayton orchestrated a scheme to hold out the possibility of a reduced sentence for Green and Molden in exchange for their cooperation. Judge Donald Johnson closed the deal.

This converted scheme, however, deprived Mr. Mark Anthony Morris of his right to a fair trial under the Due Process Clause of the 14th Amendment.

CONCLUSION

A Web of Coercion and False Testimony

This concealment of the time-of-death evidence must be understood in the context of the broader prosecutorial misconduct throughout the case, which also involved the manipulation of witnesses like John Green, III and Johnathan Molden. Both Green and Molden testified in hopes of receiving the reward of leniency that had been held out to them in exchange for their testimonies against Mr. Morris (Exhibits 50 & 51), creating an environment in which their statements were not only false but motivated by personal gain.

The time-of-death evidence is not merely a piece of forensic trivia, it is the cornerstone of the truth in this case. When viewed in conjunction with the other suppressed and ignored evidence, it becomes clear that Mark Morris was wrongfully convicted based upon false testimony, manipulated witnesses, and a failure to present exonerating evidence. The forensic analysis of rigor mortis, which was not disclosed, should have been a pivotal factor in determining the true timeline of events. The time-of-death evidence, if presented, would have dismantled the prosecution's entire case, leaving no doubt about Mark Morris' innocence.

This suppression, along with the manipulative tactics employed to secure false testimony from witnesses in exchange for leniency, paints a picture of a case built on lies. The prosecution's failure to disclose the rigor mortis findings is not just a matter of withholding evidence; it is a reflection of a broader pattern of deceit and manipulation designed to secure a conviction at all costs. The suppression of this critical forensic evidence, alongside the possibility of a reward of leniency to key witnesses, shows a deliberate and calculated effort to deprive Mr. Mark Anthony Morris of a fair trial.

It is time for justice to be served. The case against Mr. Mark Anthony Morris was not just flawed – it was corrupted from the start. The time has come for the truth to be recognized, and for Mark Morris to be freed from the injustice that has kept him incarcerated for far too long.

Respectfully submitted,

Mark Morris

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