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IN THE

7

SUPREME COURT OF THE UNITED STATES

8

9 David Lopez Gonzales

No. 25-7186

10

Petitioner

11

-vs-

PETITION FOR REHEARING OF

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Kristin Mayes et al.,

DENIAL OF PETITION FOR CERTIORARI

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Respondents

HONORABLE JUDGE SOTOMAYOR

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26 Respectfully submitted this 23 day of June 2026

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David Lopez Gonzales

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David Lopez Gonzales

RECEIVED

JUN 30 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

1 QUESTION PRESENTED

2 IS IT OF NATION WIDE IMPORTANCE FOR THIS COURT TO
3 ADJUDICATE AND CORRECT THE CONSTITUTIONAL CONFLICT BETWEEN
4 HECK V. HUMPHREY / CULLEN V. PINHOLSTER, WHICH BARS AN
5 INDIVIDUAL FROM OBTAINING DISCLOSURE OF EXCULPATORY
6 EVIDENCE DURING A FEDERAL HABEAS AND A §1983 ACTION,
7 WHEN AS HERE, THE STATE OFFICIALS REFUSE TO DISCLOSE
8 EXCULPATORY EVIDENCE DURING STATE PROCEEDINGS; AND
9 BRADY V. MARYLAND WHICH PLACES A CONTINUOUS CONSTITUTIONAL
10 DUTY ON STATE OFFICIALS TO DISCLOSE EXCULPATORY EVIDENCE?
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LIST OF PARTIES

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

1. Kristin Mayes Arizona Attorney General

2. Eric Knobloch Assistant Attorney General

3. Rachel Mitchell Maricopa County Attorney

4. Amanda Parker Deputy County Attorney

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Appendix A

Order denying writ of Certiorari

TABLE OF AUTHORITY

1		
2	Brady v Maryland 373 US 83 (1963)	ii, 3, 5, 6, 8, 10
3	Canion v Cole, 210 Ariz. 598, 599, P9 (2005)	6
4	Cullen v Pinholster 563 U.S. 170, 181 (2011)	ii, 3, 4, 5, 10
5	Flynn v United States 75 S.Ct 285, 99 LEd 1298 (1995)	2
6	Heck v Humphrey 512 U.S. 477 (1994)	ii, 4, 5, 6, 10
7	Kyles v Whitley 514 U.S. 419 (1995)	6
8	United States v. Argers 427 U.S. 97 (1976)	6
9	United States v. Bagley 473 U.S. 667 (1985)	6
10	United States v. Price, 566 F.3d 900 (9th Cir. 2009)	6
11		
12	Due Process Clause Fifth and Fourteenth Amendments	4, 10
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14	Tina Ross' case out of Benton County Oregon (2025)	6
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17	The Brady Database.	9
18	The Journal of Criminal Law and Criminology	9
19	Reasonable Doubt The Suppression of Evidence and the inference	
20	of innocence	9
21	Timing "Brady" Columbia Law Review	9
22		
23	28 U.S.C. § 1254 (1)	2
24	28 U.S.C. § 1257 (a)	2
25	48 U.S.C. § 1483	ii, 3, 4, 6, 9, 10
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1 IN THE
2 SUPREME COURT OF THE UNITED STATES
3 PETITION FOR REHEARING
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5 Petitioner respectfully prays that a Rehearing is issued
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7 OPINIONS BELOW

8 The denial of my Petition for a Writ of Certiorari
9 appears at Appendix A to the petition and is unpublished.
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JURISDICTION

The date on which the United States Supreme Court denied my case was June 15, 2026, and a copy of the order denying my Petition for a Writ of certiorari appears at Appendix A

The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1254 (1), 1257 (a)

Petition for rehearing of denial of a petition for certiorari was part of appellate procedure authorized by Rules of Supreme Court, subject to requirements of predecessor to Rule 44 on rehearing; right to such consideration was not to be deemed an empty formality as though such petitions would as matter of course be denied; denial of a petition for certiorari should not be treated as definite determination in Supreme Court, subject to all consequences of such an interpretation. *Flynn v United States*, 75 S.Ct. 285, 99 L.Ed. 1298, 1955 U.S. LEXIS 1853 (1995)

STATEMENT OF THE CASE

During my Trial the prosecutor unethically elicited false testimony and relied upon the false testimony to obtain my conviction. The prosecutor's reliance upon false testimony to obtain my conviction was a miscarriage of justice. The state's action of refusing to meet its constitutional duty to disclose the exculpatory evidence which would expose the prosecutor's malfeasance and prove my actual innocence during my post-conviction proceedings, in both State and Federal courts, caused a manifest injustice.

When, as here, State officials refuse to meet their affirmative duty to disclose exculpatory evidence, innocent individuals may spend the rest of their lives in prison because they cannot obtain the exculpatory evidence to prove their innocence. And even if they discovered, post trial, that the state withheld exculpatory evidence during their trial, there isn't any provision in the law that allows an individual to obtain exculpatory evidence when the state refuses to disclose.

During my federal habeas the state argued even if the Court were to grant my discovery request *Cullen v Pinholster* would bar the District Court from considering the exculpatory evidence my discovery request would produce. To add insult to injury the state argued that my Brady claim was based on mere speculation of what the undisclosed evidence produced. The Court agreed and I lost another opportunity to obtain and present the exculpatory evidence which would prove my innocence and establish my Brady claim.

In my 1983 action on review to the Ninth Circuit Court of Appeals the state officials argued: because the evidence was not disclosed,

1 the undisclosed evidence was exculpatory, and if disclosed the
2 undisclosed exculpatory would necessarily overturn my conviction Heck
3 v. Humphrey bars me from obtaining the exculpatory evidence in a
4 §1983 complaint.

5 In contrast, I argued that even though the evidence was exculpatory
6 and once disclosed I would use the exculpatory evidence in another
7 action to prove my innocence and my Constitutional Rights to Due
8 Process of Law and a Fair Trial were violated; in this action the only
9 thing I would obtain if successful is access to evidence nothing more.

10 In both instances the state officials admitted the evidence is
11 exculpatory and was not disclosed. Nevertheless, they used Pinholster
12 and Heck as a means to actively conceal the exculpatory evidence.

13 The Ninth circuit agreed with the respondents and held:

14 The district court properly dismissed Gonzalez's action as
15 barred by Heck v Humphrey, 512 U.S. 477 (1994) because
16 success on Gonzalez's claim would necessarily imply the
17 invalidity of his conviction, and Gonzalez has not
18 demonstrated that his conviction has been invalidated. ...

19 Thereby, placing me in a catch 22, I cannot obtain the evidence
20 which would prove my innocence and invalidate my conviction until
21 the state meets its affirmative duty to disclose. And because
22 there is not a provision put in place for an individual to
23 obtain exculpatory evidence, when as here the exculpatory
24 evidence was in the direct possession of the prosecutor
25 during trial and was not disclosed; the state just simply
26 refuses to disclose.

27 I filed a petition for Certiorari and it was placed on
28 the docket. This court sent me a Notice form and Waiver

1 so I could inform the respondents that my petition was filed on
2 March 6, 2026; placed on the docket April 14, 2026; and a Brief in
3 opposition was due on Thursday, May 14, 2026. I mistakenly took
4 this to mean that this court ordered the respondents to respond
5 by May 14, 2026. When I did not receive a brief in opposition
6 I sent the respondents a courteous letter informing them that
7 they missed their deadline to respond and I would not oppose
8 a motion for an extension of time for them to respond.
9 To give the respondents a fair opportunity to respond I
10 filed an Application for order to show cause. When I filed
11 the Application, I was not trying to do anything but give the
12 respondents a fair opportunity to respond. If I was wrong in
13 doing this I Apologize. Soon after this court denied my writ of
14 Certiorari.

15
16 Because the issue I am presenting is of Nation wide
17 importance (The Constitutional conflict Between Brady and
18 Pinholster/Heck) I am respectfully requesting in the interest
19 of justice for this court to reconsider its decision and adjudicate
20 my case on the merit.

REASON WHY THIS COURT SHOULD GRANT MY PETITION

It is of Nationwide importance for this Court to adjudicate and correct the Constitutional conflict between *Heck v. Humphrey* / *Cullen v. Pinholster*, which bars an individual from obtaining disclosure of exculpatory evidence during federal habeas and a § 1983 action, when as here, the state officials refuse to disclose exculpatory evidence during state proceedings and *Brady v. Maryland* which places a continuous constitutional duty on state officials to disclose exculpatory evidence.

Because Constitutionally required disclosure is designed to insure that defendant's Right to Due Process, Effective Assistance of Counsel, Confrontation, and Compulsory Process are honored and fulfilled under the mandate of both Federal and state constitutions, the issue presented is of Nationwide importance. See *Brady v. Maryland* 373 US 83, 87 (1963); *United States v. Argers* 427 US 97 (1976); *United States v. Bagley* 473 US 667 (1985); *Kyles v. Whitley* 514 US 419 (1995); *United States v. Price* 566 F.3d 900 (4th Cir. 2009); *Canion v. Cole*, 210 Ariz. 598, 599, P 9 (2005)

In a number of cases all over the Nation there are stories about the prosecutor actively concealing exculpatory and impeachment evidence.

To illustrate the detrimental harm it caused to an individual when, as here, the prosecutor conceals exculpatory evidence we just have to look at the case that came out of Benton County Oregon. In that case because she was packing to leave him Tina Ross' boyfriend tried to kill her, by brutally beating her to death. In fear for her life and to stop the brutal beating Mrs. Ross shot her boyfriend in the stomach. Once the brutal beating stopped and before he

1 could start again Mrs. Ross ran for her life. However, as Mrs. Ross
2 fled in terror her boyfriend shot her several times. When Mrs. Ross
3 finally made it to her car, bruised and covered in blood, she drove off
4 in desperation. As soon as Mrs. Ross escaped the horrific ordeal of
5 being beaten within an inch of her life and shot; her boyfriend called
6 the police and informed them that Mrs. Ross shot him. The police
7 helicopter found Mrs. Ross and soon after the police surrounded
8 her car and ordered her to get out. When Mrs. Ross exited her car
9 she was bleeding extensively took a couple of steps and
10 collapsed. If the police would not have found her, Mrs. Ross
11 would have surely died.

12 During her interview with the police Mrs. Ross informed the
13 detective that she was just trying to protect herself from the
14 brutal beating her boyfriend was inflicting she was afraid for her
15 life and she just wanted the beating to stop. Nevertheless, the
16 prosecutor pressed charges against her for attempted murder. The
17 physical and emotional harm this caused Mrs. Ross is unimaginable.
18 It was only by accident - during Mrs. Ross' trial on cross
19 examination of the detective who interviewed the boyfriend -
20 that her counsel discovered the existence of the undisclosed
21 body camera footage of the statements made by the boy-
22 friend. In the body camera footage Mrs. Ross' boyfriend
23 admitted just before he was shot he was brutally beating Mrs.
24 Ross because she was going to leave him. This evidence proved
25 Mrs. Ross acted in self defense. It also proved that the
26 boyfriend and detective gave perjured testimony. Moreover, it
27 established that the prosecutor and detective committed
28 misconduct for trying to conceal the body camera footage.

1 Because of the detective and prosecutor's malfeasance the Judge
2 ended the trial and acquitted Mrs. Ross of all the charges. (Mrs. Ross'
3 story was on the news and can be googled)

4 This is just one of many accounts of the prosecutor with-
5 holding exculpatory evidence which would prove an individual's innocence.
6 If Mrs. Ross' Counsel would not have accidentally discovered the
7 existence of the body camera footage, the prosecutor would have
8 gotten away with his malfeasance, and an innocent woman would
9 be spending the rest of her life in prison because the prosecutor
10 actively concealed the exculpatory evidence which would prove
11 her innocence.

12

13 This goes to show the substantial need for this Court to
14 adjudicate this issue and allow us to obtain disclosure of
15 exculpatory evidence in a writ of habeas corpus and § 1983
16 action when, as here, the state refuses to meet its affirmative
17 constitutional duty to disclose.

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19 In my case the prosecutor's malfeasance was not discovered
20 at trial. During my post-conviction proceedings - in both state
21 and Federal Courts - the state actively concealed the exculpatory
22 evidence I needed to prove my innocence, my trial was fundamentally
23 unfair, and my Brady claim.

24 As a matter of fact Rachel Mitchel, Amanda Packer
25 (Maricopa County Attorney and Deputy County Attorney)
26 Kristin Mayes and Eric Knobloch (Arizona Attorney General
27 and Assistant Attorney General) admit

28 1. They have a constitutional duty to disclose exculpatory

1 and impeachment evidence.

2 2. the evidence I requested was exculpatory

3 3. the exculpatory evidence was not disclosed

4 4. if disclosed the exculpatory evidence would necessarily overturn
5 my conviction.

6 Nevertheless, they still refuse to meet their Constitutional duty
7 to disclose.

8 One of the reasons the prosecutor unethically withholds exculpatory
9 evidence is because it is rare that an individual would discover the
10 malfeasance, and even if they do there is no provision in the law
11 that would allow them to obtain the exculpatory evidence if the
12 state refuses to disclose.

13 A second would be because there are no sanctions placed on a
14 prosecutor when it is discovered he/she violated his/her Constitutional
15 duty to disclose exculpatory evidence, even when his/her misconduct
16 caused an innocent individual to spend decades in prison.

17 See the Brady Database, Brandon L. Garrett, Adam M. Gershowitz,
18 Jennifer Teitcher The Journal of Criminal Law and Criminology
19 (1973), vol 114, No. 2 (spring 2024); Journal Article, Timing "Brady"
20 Miriam H. Baer Columbia Law Review, Vol. 115 No 1 (January 2018);
21 Journal Article A Reason To Doubt: The Suppression of Evidence
22 and the Inference of Innocence Cynthia E. Jones The Journal
23 of Criminal Law and Criminology (1973), vol
24

25 Another reason that is relevant to this case is because
26 Picholster and Heck places an explicit bar on obtaining
27 exculpatory evidence in a federal writ of habeas corpus and
28 §1983 action when the state refuses to disclose.

CONCLUSION

Because it is of Nationwide importance for this Court to protect individuals rights to Due Process of Law and a fair trial this Court must adjudicate the Constitutional conflict between Brady v Maryland and its progeny; which places a continuous constitutional duty on the state to disclose exculpatory and impeachment evidence; and Heck v Humphrey / Cullen v Pinholster which places an explicit bar from obtaining exculpatory evidence in a §1983 action and Federal Writ of Habeas Corpus when as here state officials actively conceals the exculpatory evidence in state proceedings.

It would cause a great injustice and would bring the integrity and public confidence of the judiciary into question if this Court were to allow a state official, in a position of authority and trust as an administrator of justice, to benefit from his/her erroneous misconduct of withholding and actively concealing exculpatory evidence.

For the above stated reasons I pray this court will reconsider its decision and adjudicate the Constitutional conflict between the Brady lines of cases and Pinholster / Heck.

RELIEF REQUESTED

- 23° To allow individuals to obtain disclosure of exculpatory evidence in a Federal writ of Habeas Corpus and a §1983 complaint.
- 24° Order the state to disclose
- 25° Any other relief this Court may determine is appropriate.
- 26° Grant my Writ of Habeas Corpus

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3 P.O. Box 3500

4 Florence, Arizona 85132

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IN THE

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SUPREME COURT OF THE UNITED STATES

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9 David Lopez Gonzales No. 25-7186

10 Petitioner

11 -vs-

CERTIFICATION OF A PARTY UNREPRESENTED

12 Kristin Mayes et al, BY COUNSEL

13 Respondents

14 This petition is restricted to the grounds specified in Rule 44
15 (2). (Intervening circumstances of a substantial or controlling effect
16 or to other substantial grounds not previously presented). In addition
17 it is presented in good faith and not for delay.

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24 Respectfully submitted this 23 day of June 2026.

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David Lopez Gonzales

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David Lopez Gonzales

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