

25-733 ORIGINAL

no.

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

IN RE: SHERMAN LAMONT FIELDS

PETITION FOR A WRIT OF HABEAS CORPUS

SHERMAN FIELDS

#15651-180

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Question Presented

The Fifth Amendment's Due Process Clause and the Eighth Amendment's Cruel and Unusual Punishment Clause prohibits the incarceration of a legally and/or factually innocent person, as we have here; (1) when a prosecutor willfully lead a detective into perjury deliberately defrauding a Jury into believing that "there are no fingerprints," when in fact "there are fingerprints" and those fingerprints exonerate the defendant, do it violate the Constitution's due process Clause?

(2) when the 5th Circuit Court of Appeals refused to accept Mr. Fields' pro se efforts to introduce the fingerprint evidence under his procedurally accurate 28 U.S.C. § 2255 "because Mr. Fields had attorney's," did it violate the Constitution's due process Clause, especially in light of the fact that Mr. Fields informed the Court that he "would dismiss the attorney's, he just wanted his pro se brief and motions heard", but still the Court refused to consider the evidence?

and (3)

In a situation like Mr. Fields case where the evidence conclusively shows that he's actually innocent do the Constitution mandate relief?

LIST OF PARTIES

All parties include: The Solicitor General
of the United States

and

Petitioner Sherman Lamont
Fields.

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PETITION FOR A WRIT OF HABEAS CORPUS

Sherman Lamont Fields respectfully petitions for a writ of habeas corpus.

DECISION BELOW

On November 13, 2024 the Seventh Circuit denied Mr. Fields' 28 U.S.C. § 2241 due to the Supreme Court's ruling in Jones v. Hendrix, 598 U.S. — (2023) at Sherman Lamont Fields v. John Gilley No. 22-2762.

On June 24, 2025 the Western District of Texas (Court of Conviction) denied Mr. Fields Rule 60(b), holding that it was successive, at Sherman Lamont Fields v. United States of America, No. 01-cr-164 (1)-AOA.

On November 6, 2025 the Fifth Circuit denied a (COA) at United States of America v. Sherman Lamont Fields No. 25-50368.

On January 12, 2026 the Supreme Court denied certiorari at Sherman Lamont Fields v. United States, No. 25-6294.

STATEMENT OF JURISDICTION

This Court has Jurisdiction to consider the issues pursuant to its authority to grant original habeas relief Supreme Court Rule 20.4.

SUPREME COURT RULE 20.4 STATEMENT

Rule 20.4 requires an original petition for writ of habeas corpus (1) to "comply with the requirements of 28 U.S.C. §§ 2241 and 2242, and in particular with the provision in the last paragraph of § 2242 which requires a statement of the 'reasons for not making application to the district court of the district in which the applicant is held'"; (2) to "set out specifically how and where the petitioner has exhausted available remedies in the [lower courts]"; (3) to "show that exceptional circumstances warrant the exercise of the Court's discretionary powers"; and (4) to show "that adequate relief cannot be obtained in any other form or from any other court." Petitioner meets these requirements.

(1) Mr. Fields sought relief in the United States District Court for the Southern District of Indiana, where he was held in custody, by filing a habeas petition under § 2241 and alleging that the petition was not successive or subject to § 2244(b). The district court construed the petition as second or successive and transferred the case to the Seventh Circuit. In the interim the Supreme Court ruled in Jones v. Hendrix, and on 11/13/24 the Seventh Circuit denied the petition due to that holding.

(2) Mr. Fields then filed a motion pursuant to Rule 60(b) back in the court of conviction. On 6/24/25 the District Court construed the Rule 60 as second or successive

and denied it. And on 11/6/25 the Fifth Circuit denied a (COA). And on 11/21/26 the Supreme Court denied certiorari. All courts refused to review the merits of the claim under the Antiterrorism and Effective Death Penalty Act (AEDPA), that forecloses such review.

(13) Exceptional circumstances warrant the exercise of this Court's discretionary power to issue a writ of habeas corpus for the reasons set forth infra, in the Statement of Facts and the Reasons for Granting the writ.

(14) "Adequate relief cannot be obtained in any other form or from any other court", as demonstrated supra.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

This petition involves the following provisions of the United States Constitution: Article I, Section 9, Clause 2, of the United States Constitution provides:

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.

THE Fifth Amendment to the United States Constitution provides:

No person shall be deprived of life, liberty, or property, without Due Process of Law.

The Eighth Amendment to the United States Constitution provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The Fourteenth Amendment to the United States Constitution, in pertinent part, provides:

All persons born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States. . . [and shall not be denied] "the equal protection of the laws."

Section 2244(b), Title 28 of the U.S. Code, enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), provides in relevant part:

(2) A claim presented in a second or successive habeas corpus application under section 2255 that was not presented in a prior application shall be dismissed unless -

(A) the applicant shows that the claim relies on a new rule of constitutional law made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(e). The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

[3 2244(b)].
 application satisfies the requirements of makes a prima facie showing that the only if it determines that the application filing of a second or successive application (3)(c) The court of appeals may authorize the

(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the appellant guilty of the underlying offense.

(b)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

A. STATEMENT OF FACTS

Partitioner SHERMAN LAMONT FIELDS was convicted in the Western District of Texas (Waco Division) for escape, conspiracy, using and carrying a firearm causing death, carjacking, 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 (carjacking); and Felon in possession of a firearm. In April 2004 he was sentenced to Death plus a number of years. Mr. Fields have always maintained his innocence.

After the 5th circuit Court of Appeals affirmed Mr. Fields conviction and death sentence at United States v. Fields, 483 F.3d 313 (5th Cir. 2007), and the Supreme Court denied certiorari at Fields v. United States, 552 U.S. 1144 (2008), Counsel for Mr. Fields filed a § 2255 motion challenging the conviction. However Counsel failed to address pertinent issues and / or append critical evidence (e.g. fingerprint evidence and other forensic reports))

As soon as Mr. Fields received a copy of the § 2255 motion he immediately told the Judge of the Western District of Texas (Llatter Smith Jr.), that the motion was incomplete. Id. The Court did not respond. Subsequently Judge Smith denied the "incomplete" motion and also informed Mr. Fields that he will not be allowed to proceed pro se.

Diligently Mr Fields filed a timely pro se brief and motions to the 5th Circuit per Supreme Court precedent. The brief and motions was filed well in advance of appointed Counsel's filing. However the 5th Circuit refused to consider Mr Fields brief and motions "because Mr Fields [had] attorney's

Mr Fields informed the 5th Circuit that he will "relieve counsel of their duty", he Just want his brief and motions to be heard. But again the 5th Circuit refused to allow Fields to proceed pro se. Id.

Counsel eventually filed a brief to the 5th Circuit and subsequently sent Petitioner a copy.

As soon as Mr Fields saw what Counsel filed Petitioner petitioned the 5th Circuit to "reconsider his pro se brief and motions" stating that he "strenuously object" to the brief that Counsel filed. Again the 5th Circuit refused to allow Fields' pro se brief and motions. Id.

Diligently Mr Fields kept trying to file his pro se brief and motions until the 5th Circuit entered an Order not to accept anything Mr Fields file pro se. Id.

The 5th Circuit ultimately denied the brief that Counsel filed due to an unreasonable application of the facts and the law stating that Actual innocence

is not cognizable in the 5th Circuit. U.S. v. Fields, 761

F.3d 443 (5th Cir. 2014)

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

Shortly thereafter § 2255 Counsel was removed from Mr. Fields case and replaced with Florence Italia Patti and Jean Giles of the Indiana Federal Community Defenders office.

The § 2241 was stayed and in June (2020) Mr. Fields' new counsel severed the 924(c) issues from the § 2241 and filed a successive in the Court of conviction.

See United States v. Fields, No. 6:01-cr-164 (W.D. Tex. June 15, 2020). And through a Joint motion the government and Fields attorney's agreed the Court should vacate the Death Penalty count and one other 924(c) count. See Joint Advisory 5-9, United States v. Fields, No. 6:01-cr-164 (W.D. Tex. Jan 11, 2021)

On April 8, 2021 the District Judge "unraveled the package" and took the existing carjacking conviction from 9½ years to 15 years. And took the remaining 924(c) from 25 years to life. See Judgment, United States v. Fields, No. 6:01-cr-164 (W.D. Tex. April 8, 2021)

On May 26, 2021 a motion was filed to lift the stay on the 32241 in the Southern District of Indiana and the Judge ordered further briefing. In the interim the Supreme Court decided *Jones v. Hendrix*, 598 U.S. (2023). First the District Court and then the 7th Circuit denied relief on procedural grounds without reaching the merits of the 32241, concluding at *Sherman Lament Fields v. John Gilley*, No. 22-2762 (7th Cir. 11/31/24).

For the first time since the 5th Circuit entered an Order "not to accept anything Mr. Fields file pro se because he [had] attorneys", Mr. Fields was without attorneys. He filed a Rule 60(b) in the District of incarceration. The Court erroneously held: "To the extent Fields reasserts the arguments raised in his previous Motion to Vacate, set aside or correct sentence, his motion must be regarded as a successive motion and dismissed." *Sherman Lament Fields v. United States of America*, No. 01-08-164 (11)-ADA (6/24/25).

Mr. Fields appealed to the 5th Circuit Court of Appeals pointing out that the District Court erred because (1), the *Alibi* fingerprint evidence establishes his innocence clearly and convincingly, as required by § 2255(h)(1); (2) The new petition contains both "new and old issues" as established in *Schupp v. Dale*, 513 U.S. 298, 314-15, 115 S.Ct. 851, 130

led, 2d 808 (1995); (3) Not failure to entertain the issues

would render the ABDA illegal and unconstitutional.

On 11/6/75 the 5th Circuit Court of Appeals denied a

(C.D.A.) Id at United States of America v. Sherman

Lamont Fields, No 25-50368.

Mr. Fields petitioned the Supreme Court a writ of

certiorari posing three questions: (1) De Actual innocence

matter in the context of a wrongful conviction? (2) Do

the incarceration of the innocent violate the eighth

Amendment proscription on cruel and unusual punishment?

And (3) Do Actual innocence have to have a remedy?

On 11/2/76 the Supreme Court denied cert at

Sherman Lamont Fields v. United States, No 25-6294.

B. THE FACTS DEMONSTRATE THAT MR. FIELDS

IS ACTUALLY INNOCENT AND THE FIFTH

AND EIGHTH AMENDMENT FORBIDS HIS

INCARCERATION.

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? *Colliateral*

attack on Criminal Judgments, 38 U. Chi. L. Rev. 142,

166-67 (1970) (Arguing that [I], sufficient demonstration

of innocence should itself be basis for relief).

Brandon L. Barrett, claiming innocence, 92 Minn. L. Rev. 1629, 1699-714 (2008). There is also 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 *Irishman v. U.S.*,
 124 F.3d 361, 377-380 (CA2 1997); see also *Herrera v.*
Collins, 506 U.S. 390, 432, n.2 (1993) (Blackman, 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. *Wilder v. Thieret*, 932
 F.2d 626, 631 (7th Cir. 1991), cert. denied, 502 U.S. 1036, (1992).
 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. *Boonemiller v. Bush*, Id. at 128
 S.Ct. 2270 (2008) (cleaned up). When Mr. Fields brought
 his innocence claim under procedurally accurate
 timeliness, the 5th Circuit held that Actual innocence
 isn't cognizable. See *U.S. v. Fields*, 761 F.3d 443 (2014).
 Also when the District Court claim that Fields
 "reiterates his original claims of actual innocence," Id.
 at *Sherman Lowmott Fields v. U.S.*, 11-01-CR-164 (I) - ADA
 (6/24/25), the 5th Circuit agreed. at *U.S. v. Sherman*
Lowmott Fields, 110.25, 50368 (Nov. 6, 2025) even though
 Mr. Fields have "fingerprint evidence showing that

he is innocent of the alleged carjacking. And no court have ever reached the merits of this innocence claim or weighed the fingerprint evidence against any other evidence that supposedly prove guilt.

FACTS

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 19, 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?!" (Tammy Edwards Deposition).

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

Mr. Fields was arrested November 24, 2001 and was subsequently charged and convicted.

As trial in January 2004 and with Tammy Edwards

being the sole witness the prosecutor called a Detective Steve January to the witness stand to knowingly and willfully lie, deceive and defraud the Jury; Detective January told the Jury that there was "no fingerprints or nothing", the alleged carjacking vehicle "was clean" (see Trial Transcripts pgs. 1325-26)

However there are fingerprints (see App. A). And those fingerprints exonerate Mr. Fields (see App. B).

The fingerprint evidence establishes a "colorable showing of actual innocence" 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).

Objectively, the evidence shows that a carjacking may have never even occurred. Tammy Edwards was in a romantic relationship at the time with Chris Walker, a guy that claimed to be a "material witness" in the governments capital case against Mr. 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 ultimately sued the Jail that Mr. Fields walked away from and in her Deposition she said, "I hope I win" ... the lawsuit.

The evidence as it stands is wholly insufficient to support the carjacking conviction. Here in Fields case the new fingerprint evidence is akin to the evidence in Hease v. Bell, 547 U.S. at 540-41, 126 S.Ct. 2064

(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 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. Mr. Fields defense is that a carjacking never even occurred and Tammy Edwards and Chris Walker used Fields as a means to scam Cingular via 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 Mr. Fields Actual innocence claim and makes it evident that "no reasonable juror would have convicted him." (quoting Schlup v. Dale, 513 U.S. 298, 327, 115 S.Ct. 851, 130 L.ed. 2d 808 (1995)). That, combined with Tammy Edwards forever exalving testimony; (e.g) "He had on "a black hat." (Officer Carrizales quoting 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),

makes the impact of the fingerprint evidence incalculable and it would have certainly affected the Jury's Judgment, and places clear doubt on an already weak case against Fields.

C. DENIAL OF A REMEDY VIOLATES THE SUSPENSION CLAUSE

The Suspension Clause is "[t]he most important human rights provision in the Constitution" (Zechariah Chafee, Jr. The Most Important Human Right in the Constitution, 32 B.U.L.Rev. 143, 143 (1952)). The

Suspension Clause permanently requires a right to habeas corpus, with a certain minimum content.

Bennett v. Bush, 128 S.Ct. 2270 (2008). And now

that the Courts have interpreted AEDPA to bar Mr. Fields innocence claims from Judicial Review

serious Constitutional concerns have arisen. Triestman v. U.S., 124 F.3d 316, 377-380 (CA 2 (1997)). Mr. Fields

have not been provided an adequate opportunity to secure release by challenging the lawfulness of his detention, especially with regard to issues of fact. Justice Jackson, concurring in Judgment in

Bowie v. U.S., 607 U.S. — (2026) is a visionary in regards to foresight. In her concurring opinion she iterated... "Consider a panel that completely

ignores [the] statutes specified gatekeeping requirements when making the authorization determination"... "or maybe the panel automatically and arbitrarily denies all requests for authorization, refusing to evaluate whether the prisoner has satisfied the relevant statutory criteria. It would be exceedingly strange for [the Supreme Court] to conclude that Congress meant to insulate a rogue panel's actions from further review..." Here in Fields even if the 5th Circuit had not refused to consider Mr. Fields' procedurally correct innocence claim, Mr. Fields' case surely falls under Section 2244(b), so to deny him Judicial review as the Courts have done is in essence a Suspension of the writ of Habeas Corpus in violation of Article I, Section 9, Clause 2, of the United States Constitution.

I. REASONS FOR GRANTING THE WRIT

This case presents several exceptional circumstances. First, Mr. Fields' evidence of Actual innocence is substantial and largely undisputed. As set forth in the Statement of Facts Mr. Fields have tried to present his fingerprint evidence to the Courts through the procedurally accurate course of the proceedings and beyond, yet have been thwarted every step of the way.

Second, Mr. Fields's claim of Actual Innocence and accompanied with the fingerprint evidence have never been adjudicated by any court, as set forth above.

Third Mr. Fields's continued incarceration presents an exigent circumstance requiring this Court's intervention, without which Mr. Fields will remain incarcerated contrary to the Fifth and Eighth Amendments.

Fourth, in Felker v. Turpin, 518 U.S. 651, 661-62 (1996), this Court held that the availability of original habeas Jurisdiction in this Court preserves Article III's grant of appellate Jurisdiction over the lower federal Courts. This petition asks the Court to consider whether a prisoner's Actual innocence matter in today's "lock them up and throw away the key" political and Judicial culture, and thus, whether the denial of Judicial review violate the Suspension Clause. More importantly, this Court cannot reach the question by certiorari or appeal. The exercise of Original habeas Jurisdiction would aid the Court in exercising the appellate authority provided to it by Article III, § 2 with respect to this critical question.

II. THIS COURT SHOULD RESOLVE THE
CIRCUIT SPLIT AND ESTABLISH
THAT ACTUAL INNOCENCE IS
ALWAYS COGNIZABLE.

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-Willingham-Posthumous-Pardon-Filing-Documents.php>.) And now the unconstitutional deprivation
of Mr. Fields' liberty. Not to mention the
numerous other cases where DNA and other
physical evidence proved a defendant innocent
and the Fifth Circuit refused to honor 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 Schup

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 allow 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. Tamez, 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 Schup v. Delo. See Reeves v. Fayette Sci., 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). IRATIEBMAN, 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 two-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 RAY PERRY.

The Supreme Court ruled 6-3 that the 5th circuit failed to enforce the spirit of a 1989 Supreme Court decision in the Perry 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 TENDLER, the Supreme Court rejected a policy the 5th Circuit had developed in reaction to the Perry decision. The Supreme Court said the policy "has no foundation in the decisions of this court."

7). ALVIN 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 bears very few 5th Circuit decisions it's clear the appeals court is ignoring the high court's instructions in many other cases because the decisions probably won't be reviewed."

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

Nelma 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 B. DEMOSS Jr., dissenting from a ruling by the entire 18-Judge Court stating: "I am amazed that our so basic Court would have the audacity to turn around and reach the same result the Supreme Court Just vacated."

The 5th circuit rulings also 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 happen 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 did 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". *Golden v. Zwickler*, 394 U.S. 103, 109-110, 89

S.Ct. 956, 960, 122 L.ed. 2d 113 (1969); *Maryland v. Casualty*

Co. v. Pacific Coal & oil co., 312 U.S. 270, 773, 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* S.Ct., 897 F.3d 154, 161 (3d Cir. 2018)

(quoting *Schlup 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 reason(s), this Court should
grant this writ of Habeas Corpus.

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Respectfully Submitted

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