

206-5569

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED

FEB 09 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

BENJAMIN GONZALEZ - PETITIONER

VS.

IOWA - RESPONDENTS

IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

ON PETITION FOR A WRIT OF CERTIORARI

THE SUPREME COURT OF IOWA

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BENJAMIN GONZALEZ #6650461

(YOUR NAME)

I. S. P. - P.O. Box 316

(ADDRESS)

Fort Madison, IOWA 52627

(CITY)

(STATE)

(ZIP CODE)

N/A

(PHONE NUMBER)

QUESTION(S) PRESENTED

1. Does an inmate have a constitutional right to take Interlocutory Appeal to the U.S. Supreme Court on Certiorari prior to district court retaking jurisdiction over the case?

2. Do inmates have a constitutional right to expect all clerks and courts to abide within the legal realms of the laws and statutes?

3. Do inmates have a constitutional right to have their timely Reply to State's Resistance considered prior to receiving an adverse ruling?

4. When the clerks and courts go outside the realms of the law against inmate, does that inmate have a constitutional right to appropriate relief?

5. When Medical Examiner fails to comply with mandated guidelines to determine manner of death does inmate have a constitutional right to have case reopened for mandated guideline compliance?

6. When exculpatory evidence is made known to State even if at trial, does inmate have constitutional right to have State stop the proceedings and address exculpatory evidence, even without request?

LIST OF PARTIES

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

RELATED CASES

BENJAMIN BRAVO GONZALEZ vs. STATE OF IOWA, No. 25-1716, ~~1991~~ Supreme Court of Iowa, Judgment entered ~~February~~ December 31, ~~2024~~ 2025.

BENJAMIN BRAVO GONZALEZ vs. STATE OF IOWA, No. 25-1991, Supreme Court of Iowa, Judgment entered December 18, 2025.

BENJAMIN BRAVO GONZALEZ vs. STATE OF IOWA, No. 25-1716, Supreme Court of Iowa, Judgment entered November 13, 2025.

BENJAMIN BRAVO GONZALEZ vs. STATE OF IOWA, No. 25-0903, Supreme Court of Iowa, Judgment entered July 23, 2025.

BENJAMIN BRAVO GONZALEZ vs. STATE OF IOWA, Cerro Gordo County No. PCCV 073501, Iowa District Court, (case still pending)

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RELATED CASES (CONT.)

BENJAMIN BRAVO GONZALEZ vs. STATE OF IOWA, Cento
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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix 1-2 to the petition and is

☐ reported at 9-10; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the Iowa District Court of Cerro Gordo County court appears at Appendix 3-7 to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

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

☐ No petition for rehearing was timely filed in my case.

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 12-18-2025
A copy of that decision appears at Appendix 1-2 11-13-2025
9-10 RULE 12.4

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENTS TO THE UNITED STATES CONSTITUTION

AMENDMENT I

"Congress shall make no law... abridging the freedom of speech, ... and to petition the government for a redress of grievances."

AMENDMENT V

"No person shall be... deprived of life, liberty or property without due process of law..."

AMENDMENT VI

"In all criminal prosecutions, the accused shall enjoy the right... to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

AMENDMENT VIII

"... nor cruel and unusual punishments be inflicted."

AMENDMENT XIV

"... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor to deny to any person within its jurisdiction the equal protection of the laws."

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTION OF THE STATE OF IOWA

ARTICLE I, SEC. 7

"... No law shall be passed to restrain or abridge the liberty of speech..."

ARTICLE I, SEC. 9

"... but no person shall be deprived of life, liberty, or property, without due process of law."

ARTICLE I, SEC. 10

"... to have compulsory process for his witnesses; and, to have the assistance of counsel."

IOWA CODE STATUTES

CHAPTER 822

(SEE APPENDIX 17 and 18)

JUDICIAL BRANCH

(SEE APPENDIX 145 through 157)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

~~II~~ CODE STATUTES (CONT.)

Iowa Code 127.2(2)

Code 1897 § 5462 (repealed)

STATEMENT OF THE CASE

The most important element in this case is where the State acknowledged at trial while questioning one of their own witnesses, the Medical Examiner, that the victim placed himself in the path of the bullet that killed him. See App. ²³⁵ ~~235~~, line 23 through App. ²³⁶ ~~236~~, line 20. That is the only way the bullet could have hit him and especially in a downward angle, as Michael Creviston was in the middle of the street and petitioner was standing by the curb and eyewitness testimony vouched that petitioners arm was straight out in front of him. It is also important to note that petitioner was shooting toward the ground and directly across the street where no person was ever located and evidence of this is the bullet holes in the curb across the street.

Further evidence of this will be located at the end of the Reasons For Granting The Petition. Another item of interest is located in Iowa Code Section 127.2(2), where it states, "The County medical Examiner shall conduct a preliminary investigation of the cause and manner of death and shall utilize the protocol outlined in the most current county medical examiners handbook available at the State medical Examiners office."

And, in the Medical Examiners Handbook, it states the following: "Scene arrival and safety; safety first,

STATEMENT OF THE CASE
(cont.)

coordination, scene integrity. Documentation and examination: confirm death scene walk through, comprehensive documentation, body examination, evidence handling and collection: evidence preservation, chain of custody, collaboration, minimizing disturbance, Post scene actions: interviews, body, transport, final documentation.

The next thing that happened is that petitioner's attorney, Gary Oldenberger got petitioner's original PCR in 2023, dismissed for want of prosecution - actually, before that happened Judge Weiland attempted to force petitioner into a hearing on that original application that she had previously deemed constitutionally deficient, then attorney Oldenberger got it dismissed.

That's when petitioner decided to proceed pro se, App. 31-61, which Appendixes clearly demand to proceed pro se, however, also at this time petitioner also filed a motion for an appointed investigator, App. 70-73.

And in spite of petitioner's demand to proceed pro se in App. 31-61, Judge Weiland took it upon herself to appoint another attorney, App. 62-63C.

So, petitioner filed an actual demand to proceed pro se, App. 64-67, so, Judge Weiland removed the attorney she appointed, App. 68-69. However, in spite of

STATEMENT OF THE CASE
(cont.)

petitioners clear directions in App. 31-61, to proceed pro se, as stated earlier, Judge Weiland appointed counsel, App. 62-63C, and later, used that appointment to deny the appointment of investigator, App. 74, in relation to the Request for Investigator, App. 70-73.

Let it be noted that the Request for Investigator was on June 23, 2025, App. 70-73, the demand to proceed pro se was June 15, 2025, App. 31-61, Judge Weiland took it upon herself to remove Oldenberger as counsel on June 27, 2025, App. 63B and at that time Judge Weiland had in her ~~the~~ possession the two aforementioned documents, Investigator and pro se, so, Judge Weiland instead of honoring at that time, the demand to proceed pro se and appointing the investigator after removing Oldenberger as counsel, App. 63B, she turns around and appoints another attorney on that same day, App. 63B, in direct contrast of petitioners expressed wishes and demands. In fact, because of Judge Weiland's actions in constructively blocking the appointment of the investigator, the investigator wasn't able to get appointed until November 3, 2025, App. 93 and the Request for the Investigator, App. 70-73, clearly laid out all the substantive reasons why the investigator's immediate appointment was necessary, especially with a December 4, 2025, postconviction Hearing scheduled. And Judge Weiland's

STATEMENT OF THE CASE
(cont.)

deliberate actions to block the immediate appointment of the investigator, by appointing another counsel that was unwanted, App. 63B, was nothing more than an effort to force petitioner into a December 4, 2025, Hearing with no witnesses and evidence that Judge Weiland had absolutely zero intention of extending the Hearing even after her deliberate delay of appointing the investigator is found under App. 3, paragraph 1 and as soon as Judge Weiland got wind that the Interlocutory Appeal was denied, she jumped right in to rush another Hearing, App. 231-233, without even giving petitioner an opportunity for Further Review or appeal *via certiorari* to this U.S. Supreme Court. And precisely why petitioner Filed App. 184-233.

It shall also be duly noted that Judge Weiland in the District Court and the Justices in the Iowa Supreme Court, whenever the State has filed a Response or Reply (see Table of Contents), petitioner has always filed a Reply to the State's Response or Reply. However, if you observe the dates on either of the courts ORDERS, you will find that neither court ever waited or gave any thought to a petitioner's Reply. They simply go in agreement with whatever the State files, hurried and issues an ORDER before petitioner's Reply can even get to them. This happens every time in spite of petitioner Replying immediately every time.

STATEMENT OF THE CASE
(cont.)

And it shall be duly noted that there was a falling out between petitioner and appointed investigator; as they were not seeking the truth and had the grave appearance of being a cohort with Judge Weiland, where in the Request for Investigator petitioner clearly stated that he needed the investigator for the purpose of filing and issuing subpoenas and the investigator wants to wait until the last hour to ask petitioner if he subpoenaed anyone yet and that was one of the things the investigator was clearly to do and the investigator hadn't even located any of the experts requested yet, when he asked petitioner if he subpoenaed anyone yet. That investigator lacked integrity and that is why when still on interlocutory appeal, petitioner submitted a subsequent request to the District Court for the appointment of another investigator and even though at that time the lower court was divested of its jurisdiction to respond due to the interlocutory appeal, it's kind of funny that the lower court though acted prematurely in setting aside the interlocutory appeal, they wasted no time to rush petitioner into another scheduled hearing yet still hasn't responded to the Request for different investigator.

Petitioner has filed complaints against Judge Weiland through the Judicial Commission of whom has no apparent concern to correct her wiley ways.

STATEMENT OF THE CASE
(cont.)

Then we have Iowa Code Section 822.6(1) which states in pertinent part: "within thirty days after the docketing of the application or within any further time the court may fix, the State shall respond by answer or by motion which may be supported by affidavits..."

The District Court, Judge Weiland fixed a time well beyond the initial 30 days but failed to set fixed time within the first or initial 30 day period of which petitioner asserts is illegal in noncompliance with the statute. Petitioner asserts, the verbage, 'any further time', necessarily implies that if the court is to set a date beyond the initial 30 days that that ORDER must be given within the initial 30 day time period. Petitioner asserts that to believe anything to the contrary of this makes a mockery of the statute where it states within the first 30 days the State must respond. (App 88 bottom of para. 1).

And it shall also be duly noted here that the clerk of the court for Cerro Gordo County failed in her duty to promptly provide a copy of petitioner's August 26, 2025, application for postconviction relief to the county attorney and the attorney general as required by Iowa Code Section 822.3.

As we clearly see from App. 99, 99A # 3, it exhibits the clerk's failure to abide by Iowa Code Section 822.6B(1). Please note App. 24, 24A, 24B, 24C, exhibit that the August 26, 2025, Postconviction Application ~~was~~ was filed in 3 sections. ALSO under Judge Colleen Weiland review, since date filed/docketed, App. 24.

REASONS FOR GRANTING THE PETITION

In a postconviction, applicant must prove his case by a preponderance of the evidence, which means only that the fact finder believes that the existence of a fact is more probable than its non-existence.

U.S. v. Asalaft, 615 F.3d 1001 (C.A. 8 Mo 2010);

U.S. v. DeRosier, 501 F.3d 888 (C.A. 8 IA 2007).

(Applicant is currently under a postconviction when the clerk of Cerro Gordo county decided not to fulfill her duties under Iowa Code Section 822.3, which states in pertinent part, "The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general." The clerk failed to give copies to the county attorney and attorney general and they claim they did not get to review it until October 7, 2025. It was Filed on August 26, 2025. (See App. ^{24-24c} ~~24-24c~~); see also (App. 17). And in App. 110, paragraph 3, the Court, Judge Weiland is blaming petitioner for not giving the county attorney a copy. App. 17, clearly identifies that as the clerk's duty to give a copy of the application to the county attorney and attorney general.

Then we have Iowa Code Section 822.6 (i) which states in pertinent part: "Within thirty days after the docketing of the application or within any further time the court may fix, the state shall respond by answer or by motion which may be supported by affidavits..." The district court, Judge Weiland fixed a

REASONS FOR GRANTING THE PETITION

time well beyond the initial 30 days but failed to set fixed time within the initial 30 day period of which petitioner asserts is illegal in noncompliance with the statute, petitioner asserts the verbage, 'any further time', necessarily implies that if the court is to set a date beyond the initial 30 days that that order must be given within the initial 30 day time period, petitioner asserts that to believe anything to the contrary of this makes a mockery of the statute where it states, "within the first thirty days the State must Respond. (App. 88 bottom of paragraph 1) ^{Orders State to Answer}

App.'s 14-30, = App. 14-16 and 24-24C were all filed on August 26, 2025.

App. 17-18, Postconviction Procedure for Iowa, App. 19-23, the Motion to Clarify, clearly asserts troubles petitioner was having immediately after the troubles he had trying to proceed pro se and getting an Ink investigator.

App. 25-30, the State's Response to the postconvictions filed by applicant, Applicant had not previously replied to this, due to this Interlocutory Appeal. However, petitioner will briefly reply here; the 2023 filings were without adequate help from inmates and attorneys. This is also the filings that Judge Weiland deemed constitutionally deficient, yet attempted to force petitioner into a hearing on those very same filings.

REASONS FOR GRANTING THE PETITION

App. 27-30, paragraphs 1-12, are all based on false assertions - this U.S. Supreme Court need only to order the record below from the pro se filings on August 26, 2025 and petitioner truly believes the Justices of this Supreme Court will clearly see the injustices.

And the State wrongfully limits Iowa Code 822.8 and forgoes all other sections of 822 in their response, like 822.7, which includes a hearing and oral testimony. The State also ignores the fact that at the time petitioner was in the Iowa Supreme Court with appointed appellate counsel, the Iowa Supreme Court barred any pro se filings when represented by counsel. We were forced to go with whatever counsel filed.

App. 31-93, App. 31-61, clearly reflect the demand to proceed pro se, along with Judge Weiland problems. App. 62-63C, clearly demonstrates that in spite of petitioners demands to proceed pro se App. 31-61, Judge Weiland appointed counsel anyway and done so, just so she could reject and delay the appointment of investigator of which request was before her at that time. Forcing petitioner to file App. 64-67, to receive App. 68-69, the withdraw of the attorney Weiland appointed.

App. 70-73, is the Request for Investigator that was before Judge Weiland at the time she appointed counsel against petitioners demands. App. 31-61.

REASONS FOR GRANTING THE PETITION

App. 74-76, demonstrates in the first paragraph about the investigator that she (Welland) couldn't appoint an investigator due to being represented by counsel, counsel she appointed to block the appointment of investigator.

App. 77-89, all has to do with the investigator and although in App. 88, it shows the investigator appointed on October 14, 2025, you can clearly see the investigator was unaware until November 3, 2025, (see App. 93)

App. 90-92, clearly illustrates difficulties with Judge Welland and this petitioner.

App. 94-112, are primarily based on the Motion For Summary judgment which is based on Judge Welland violating Iowa Code Section 822.6(1).

App. 113-122, Interlocutory Appeal based on the same violations under the aforementioned Summary Judgment. These are all part of the same appeal. Petitioner simply utilizing all available remedies.

App. 123-126, App. 123+124 clearly reflect the clerk lying to petitioner where App. 125 and 126 clearly reflect the opposite of the clerks letter, especially where App. 125, sentences 3 and 4 clearly states that App. 126 is and was Jury Instruction 19 used at trial and which wrongly applies the law by using the word, 'either'. Demonstrating further trial prejudice.

REASONS FOR GRANTING THE PETITION

App. 127-142, is a Certificate also fully endorsed in the Summary Judgment and Interlocutory Appeal as stated to the Iowa Supreme Court and district court.

App. 143-151, endorse the multiple request to have Judge Weiland recuse herself with Judicial Rules and laws that Judges are required to comply with and petitioner has circled all areas that stood out to him that he believes Judge Weiland has violated.

App. 158-171, initial request for further review in the Iowa Supreme Court.

App. 172-179, Letter to Iowa Supreme Court with attachments further demonstrating Judge Weiland's bias toward petitioner.

App. 180-183B, Petitioners second request for Further Review.

App. 184-243, This, "Petition To Correct The Facts Of This Case Pursuant To Court Orders", correctly states the laws and jurisdiction of the timely filed Request For Further Review (App. 180-183B).

App. 234-252, shows the evidence that petitioner did not deliberately shoot and kill Michael Crewston.

REASONS FOR GRANTING THE PETITION

App. 234-237, these are pages showing the State admitted while questioning their own witness, the medical Examiner, that Michael Creviston hears a noise, got startled, bends down, you can have a downward... angle for trajectory entrance.

App. 238-242, is testimony from Sara Ramon who was Michael Creviston's girlfriend at that time.

App. 238A, lines 5-11, clearly shows that Sara and Mike were standing on the corner by the streetlight just prior to Mike turning and running toward petitioner (see App. 246 where petitioner's location is circled and that of Sara and Mike. Mike was coming toward applicant in virtually a straight line until he tried to stop and caused himself to fall forward.

You can also see the bullet holes in the curb across the street (App. 246) → you can see petitioner was clearly shooting to the right of Mike.

App. 240, lines 3-9, clearly shows that neither of them Sara or Mike even realized that he got hit by a bullet when he fell forward.

App. 243-245, elaborates further on this scene and trial counsel's failure's. Powell v. Alabama, 287 U.S. 45, 69 (1932) and United States v. Gray, 878 F.2d 702, 711 (1989).

REASONS FOR GRANTING THE PETITION

App. 247, from Medical Examiner, see I., D. Direction: front to back, left to right and downward. Now if you go back to App. 246, where it says Creviston's hat, is the point where he tried to stop and fell forward and you can see he (mike) was at a higher elevation in the street and Sara Ramon testified that my arm was always straight out in front of me, I was not aiming at him nor trying to hit him.

App. 249, paragraph 1 + 2, clearly reflects that Sara Ramon lied to the police - compare with App. 240, lines 3-9

App. 250-252, letters from the Department of Health and Human Services whom at first wanted to help and would like to know who they spoke with to change their minds. Especially where the evidence sought was easily accessible through the internet. (see bottom of page 6 and top of page 7, statement of the case).

THIS NEXT SECTION SUPPORTS THE LAW OF
THE CASE

Prosecutor's impropriety referring to shooting incident as murder or deliberate killing was never cured where defense counsel failed to properly object, jury was never instructed to disregard such

REASONS FOR GRANTING THE PETITION

References and evidence clearly demonstrates it was neither murder, nor deliberate and trial court should have declared a mistrial (*sua sponte*) for the prosecutor's improprieties. *State v. Isaiyah*, 874 S.W.2d 429 (App. W.D. 1994).

New evidence for actual innocence purposes is defined as evidence including both newly discovered as well as exculpatory evidence, as in the case at bar, that defense counsel failed to discover or present at trial. *Wallace v. Superintendent Mahoney* S.C.I., 2 F. 4th 133, 152 (3rd. Cir. 2021); Additionally, if petitioner is also asserting ineffective assistance of counsel, evidence that counsel failed to discover or present to the fact-finder the very exculpatory evidence demonstrating his actual innocence... Constitutes new evidence for purposes of the Schlup actual innocence gateway. *Schlup v. Delo*, 513 U.S. 298, 324 (1995).

Criminal Law k Diligence on part of accused;
availability of information

Prosecutor's obligation under Brady to turn over evidence in first instance stands independent of defendant's knowledge, and fact that defense counsel knew or should have known about pertinent

REASONS FOR GRANTING THE PETITION

information is irrelevant to whether prosecution had obligation to disclose that information.

Evidence favorable to the defense encompasses exculpatory evidence, which tends to establish a criminal defendant's innocence. Exculpatory evidence, Black's Law Dictionary (11th ed. 2019). It also encompasses impeachment evidence, used to undermine a witness's credibility for, "if disclosed and used effectively," such evidence may make the difference between conviction and acquittal, *United States v. Bagley*, 473 U.S. 667, 676, 105 S.Ct. 3375, 87 L.Ed. 2d 481 (1985). Impeachment evidence merits the same constitutional treatment as exculpatory evidence. *Bower*, 799 F.2d at 610.

Criminal Law k Misconduct of Counsel for Prosecution

Convicted party is entitled to new trial if he proves State intentionally or inadvertently failed to correct materially false testimony relevant to credibility of a key State's witness. (Please see record below of prose filings of August 26, 2025).

The accused is entitled to an acquittal if he shows grounds for a reasonable doubt that his act was willful. *State v. Porter*, 34 Iowa 131 (1872). In the case at bar, a clear, convincing, and actual doubt has

REASONS FOR GRANTING THE PETITION

been established throughout the August 26, 2025 Filings below that prove as herein, that there was no willful act on the part of petitioner as stated by the State themselves when questioning their own witness, the Medical Examiner,

In criminal prosecution, where evidence is so lacking in affirmative value that it fails to generate a belief of probable guilt, conviction should be reversed and new trial ordered. *State v. Walters*, 160 N.W. 821, 178 Iowa 1108 (1917).

A doubt as to the competency of evidence should be resolved in defendant's favor. *State v. Sigman*, 220 Iowa 146, 261 N.W. 538 (1935); *State v. Walker*, 192 Iowa 823, 185 N.W. 619 (1935).

The United States Supreme Court has held that it is a violation of due process for the prosecution to suppress evidence favorable to an accused if that evidence is material to guilt or punishment. *Brady v. Maryland*, 373 U.S. 83, 87, 83 S.Ct. 1194, 1196-97, 10 L.Ed. 2d 215, 218 (1963); in the case at bar, petitioner believes where the State knew that Michael Creviston placed himself into the path of the bullet that killed him, that the State suppressed that evidence by continuing with a First Degree Murder Trial.

REASONS FOR GRANTING THE PETITION

A reversal and retrial inevitably follows a holding by the Supreme Court that a First Degree Murder verdict is unwarranted by the evidence. Code 1897 § 5462 (repealed) authorizing the Supreme Court on appeal to modify the judgment or to render such judgment on the record as the law demands, or to reduce the punishment. *State v O'Donnell*, 157 N.W. 870, 176 Iowa 337 (1916).

Since state postconvictions are comparable with that of a State Habeas, it is tantamount to make such comparison here. The best illustration in supporting the case at bar, is to direct you to read, *Fontenot v. Crow*, 4 F. 4th 982 (2021); pages 1029-1034, law paragraphs 30-42, case Westlaw pages 39-41. As in that case, there was a misapplication of facts in this case at bar, that literally divides guilt and innocence and that case clearly reflects that the U.S. Supreme Court may opt to adopt a more appropriate standard of review than that of the abiding circuit courts, the case falls in. *Crow* at 1031-1032, law paragraphs 37-39.

While a gateway innocence claim requires new reliable evidence to be credible, the habeas courts analysis is not limited to such evidence. *House*, 547 U.S. at 537, 126 S.Ct. 2064. Rather, the habeas court must consider all

REASONS FOR GRANTING TAG PETITION

the evidence, old and new, incriminating and exculpatory, and thereby base its probabilistic determination about what reasonable, properly instructed jurors would do on the total record. Id. at 538, 126 S.Ct. 2064 (quoting Schulp, 513 U.S. at 328, 329, 115 S.Ct. 851),

CONCLUSION

The petition for a writ of Certiorari should be granted.

Respectfully Submitted,

Benjamin Gonzalez

Date: June 17, 2026

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BENJAMIN GONZALEZ - PETITIONER

VS.

IOWA - RESPONDENTS
IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

PROOF OF SERVICE

I, Benjamin Gonzalez, do swear or declare that on this date, June 17, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's Counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party Commercial Carrier for delivery within 3 calendar days.

(Continued on next page)

The names and addresses of those served are as follows:

Clerk, U.S. Supreme Court
UNITED STATES SUPREME COURT
1 First Street N.E.
Washington, D.C. 20543

Governor of Iowa - KIM REYNOLDS
Iowa State Capitol
1007 E. Grand Ave. #101
Des Moines, IA 50319

Attorney General of Iowa - BRENNAN BIRD
Hoover State Office Bldg. 2nd Floor
1305 E. Walnut Street
Des Moines, IA 50319

Iowa District Court for Cerro Gordo County
Cerro Gordo County Attorney - CARLYLE DALEN
220 North Washington Ave.
Mason City, IA 50401

Service shall be as required by Rule 29,
except that when an adverse party is a State,
service shall be made on both the Governor
and the Attorney General of that State.

RULE 17.3

RULE 12.4

(Continued on next page)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on June 17, 2026

Benjamin Gonzalez