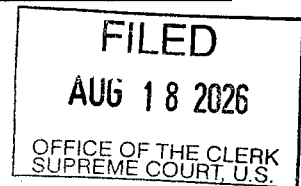


26-5592

ORIGINAL

No. 26- 1468



IN THE
SUPREME COURT OF THE UNITED STATES

RANDY LAVERN LEE, *Petitioner*,

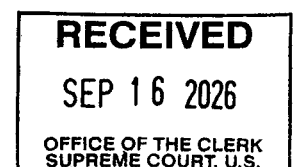
v.

BETH SKINNER, et al., *Respondents*.

On Petition for Writ of Certiorari to
the Eighth Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Randy Lavern Lee, Pro Se
Newton Correctional Facility
307 S. 60th Avenue W
PO Box 218
Newton, Iowa 50208
(641) 792-7552



QUESTION PRESENTED

Whether a certificate of appealability should have issued on the question of whether Randy Lee's state-court conviction was "final" for purposes of 28 U.S.C. § 2244(d)(1)(A) when, although the conviction had become final on direct review in 2021, a state court subsequently vacated the conviction and sentence in June 2024, only for the Iowa Court of Appeals to later reverse that order?

LIST OF PARTIES

Petitioner: Randy Lavern Lee

Respondents: Beth Skinner, Director of the Iowa Department of Corrections
Mark Covey, Director Third District
McKenzie Martin, Parole Officer

TABLE OF CONTENTS

	<u>Page</u>
OPINIONS BELOW	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	1
STATEMENT OF THE CASE.....	2
REASONS FOR GRANTING THE WRIT	3
THE EFFECT OF A STATE COURT'S VACATUR OF RANDY LEE'S CONVICTION AND JUDGMENT ON THE FINALITY REQUIREMENT OF SECTION 2244 PRESENTS AN UNRESOLVED QUESTION OF FIRST IMPRESSION THAT REASONABLE JURISTS COULD DEBATE	3
A. The one-year statute of limitations did not commence until Lee's judgment became "final"	3
B. The Iowa district court's vacatur of Lee's conviction in June 2024 removed any finality to his original judgment.....	4
C. The district court's interpretation of "final" is incorrect	4
CONCLUSION.....	7
CERTIFICATE OF COMPLIANCE	
PROOF OF SERVICE	

INDEX TO APPENDICES

APPENDIX A

Judgment of the United States Court of Appeals for the Eighth Circuit <i>Lee v. Skinner</i> , No. 26-1468 (8th Cir. May 20, 2026)	1a
--	----

APPENDIX B

Decision of the U.S. District Court for the Northern District of Iowa <i>Lee v. Skinner</i> , C25-4061 (N.D. Iowa Feb. 13, 2026).....	4a
--	----

APPENDIX C

Decision of State Supreme Court Denying Further Review
Lee v. State, No. 24-1041 (Iowa Sep. 15, 2025) 13a

APPENDIX D

Decision of State Court of Appeals
Lee v. State, No. 24-1041 (Iowa Ct. App. July 23, 2025) 16a

APPENDIX E

Decision of State Trial Court
Lee v. State, No. PCCV030876 (Iowa Ct. Monona Cty, June 5, 2024) 32a

TABLE OF AUTHORITIES

CASES	PAGE NUMBER
<i>Clay v. United States</i> , 537 U.S. 522 (2003).....	3
<i>Daughenbaugh v. State</i> , 805 N.W.2d 591 (Iowa 2011)	4
<i>Jiminez v. Quarterman</i> , 555 U.S. 113 (2009).....	6
<i>Lee v. State</i> , 2025 Iowa App. LEXIS 639 (Iowa Ct. App. July 23, 2025)	2
<i>Limtiaco v. Camacho</i> , 549 U.S. 483 (2007).....	3
<i>Penry v. Johnson</i> , 532 U.S. 782 (2001).....	5
<i>Penry v. Lynaugh</i> , 492 U.S. 302 (1989).....	5
<i>Slack v. McDaniel</i> , 529 U.S. 473 (2000).....	6
STATUTORY PROVISIONS	
28 U.S.C. § 2244.....	3, 5
Iowa Code § 822.2	4
Iowa Code § 822.7	4

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.¹

OPINIONS BELOW

The panel decision of the court of appeals appears at Appendix A to the petition and is unpublished.

The district court's order granting the Government's motion to dismiss appears at Appendix B to the petition and is unpublished.

JURISDICTION

The panel of the Eighth Circuit Court of Appeals entered judgment on May 20, 2026.

This Court has jurisdiction under 28 U.S.C. section 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 2244(d)(1):

(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review

¹ This Petition was prepared with the pro bono assistance of counsel, Gary Dickey, of Dickey, Campbell, and Sahag Law Firm, PLC., 301 East Walnut, Suite 1, Des Moines, Iowa.

STATEMENT OF THE CASE

In 2019, the State of Iowa charged Randy Lavern Lee in a trial information with two counts of third-degree sexual abuse in violation of Iowa Code §§ 709.1, 709.4(1)(a),(d). *Lee v. State*, 2025 Iowa App. LEXIS 639 at *5 (Iowa Ct. App. July 23, 2025). Lee pleaded not guilty to both charges, and the case proceeded to jury trial. *Id.* At trial Lee argued the incident was consensual, and his accuser had initiated everything, including the anal and oral penetration. *Id.* He further contended that he only went along with it because he believed his fiancé was in the room with him and the accuser. *Id.* A jury found Lee guilty on both counts, and the court sentenced him to concurrent sentences not to exceed ten years in prison along with a lifetime special sentence of parole. *Id.* The Iowa Court of Appeals affirmed, finding sufficient evidence to support the conviction. *Id.*

Lee then filed an application for postconviction relief pursuant to Iowa Code section 822.2(1), alleging ineffective assistance of trial counsel. *Id.* The postconviction court, after hearing live testimony and reviewing the full record, concluded Lee's trial counsel was constitutionally deficient in three independent respects and the cumulative ineffective assistance prejudiced him. *Id.* The district court "set aside and overturned" Lee's conviction and granted him a new trial. *Id.* The Iowa Court of Appeals reversed, and the Iowa Supreme Court denied further review. *Id.* at *17.

On November 1, 2025, Lee filed a federal petition for habeas corpus pursuant 28 U.S.C. section 2254, asserting ineffective assistance of counsel. On February 13,

2026, the U.S. District Court for Northern District of Iowa issued a Memorandum Opinion and Order granting the Government's motion to dismiss on the basis that Lee's habeas petition was not timely filed pursuant to 28 U.S.C. section 2244(d)(1). (See Appendix B). Lee filed a timely notice of appeal along with an application requesting the Eight Circuit grant a certificate of appealability, which was denied May 20, 2026. (See Appendix A).

REASONS FOR GRANTING THE WRIT

THE EFFECT OF A STATE COURT'S VACATUR OF RANDY LEE'S CONVICTION AND JUDGMENT ON THE FINALITY REQUIREMENT OF SECTION 2244 PRESENTS AN UNRESOLVED QUESTION OF FIRST IMPRESSION THAT REASONABLE JURISTS COULD DEBATE

A. The one-year statute of limitations does not commence until Lee's judgment became "final"

In the Antiterrorism and Effective Death Penalty Act (AEDPA), Pub. L. No. 104-132, 110 Stat. 1214 (1996), Congress provided that a "1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court." 28 U.S.C. § 2244(d)(1). Under section 2244(d)(1)(A), the federal limitations period is measured from the date on which a criminal judgment becomes "final." Ordinarily, the expiration of time to seek an appeal marks the end of the direct review process and establishes the finality of a criminal judgment. *See, e.g., Clay v. United States*, 537 U.S. 522, 527 (2003). However, in some cases, "the actions of a party or a lower court suspend the finality of a judgment and thereby reset" the time for seeking further review. *Limtiaco v. Camacho*, 549 U.S. 483, 487 (2007). This is a case in point.

B. The Iowa district court's vacatur of Lee's conviction in June 2024 removed any finality to his original judgment

Iowa code chapter 822 authorizes a district court to vacate a criminal conviction if it "was in violation of the Constitution of the United States or the Constitution or laws of" the state of Iowa. Iowa Code § 822.2. If that happens, the court must "enter an appropriate order with respect to the conviction or sentence in the former proceedings, and any supplementary orders as to rearraignment, retrial, custody, bail, discharge, correction of sentence, or other matters that may be necessary and proper." *Id.* § 822.7. On June 05, 2024, the Iowa District Court for Monona County vacated Lee's conviction pursuant to its authority under section 822.2. Consistent with its ruling, the court entered an order in Lee's criminal case on the same day setting aside his conviction.

The district court's order vacating Lee's conviction necessarily removed any finality of his criminal judgment. *See Daughenbaugh v. State*, 805 N.W.2d 591, 599 (Iowa 2011) ("the term 'conviction' in the Iowa postconviction statute must be based upon an underlying criminal judgment"). Indeed, it is beyond dispute that on June 6, 2024, Lee was no longer convicted, and his judgment had been set aside. At that point, he had no conviction or judgement – let alone a "final" one. His conviction became final only when the court of appeals reversed the postconviction court ruling and the Iowa Supreme Court declined further review. Accordingly, his petition is not barred by the statute of limitations under section 2244(d)(1).

C. The district court's interpretation of "final" is incorrect

The district court interpreted AEDPA as providing a strict linear period that

starts and ends on specific dates with tolling as the only means to expand the period in between. But, Congress plainly contemplated circumstances in which the limitations period would recommence – i.e. recognition of retroactively applicable constitutional rights or new discovered evidence. 28 U.S.C. § 2244(d)(1)(C)-(D). It is equally clear from the text of the language that when a conviction and judgment is reversed, it is not “final” in any sense, and the limitations periods recommences. As far as diligent research has revealed, no court has ever doubted that when a successful state habeas petition results in a new trial the limitations period starts anew.

Penry v. Johnson, 532 U.S. 782, 790-91 (2001), proves this point. There, the defendant had been convicted of capital murder and petitioned for habeas relief. *Id.* at 786. On certiorari, the Court concluded that his conviction violated the Eighth Amendment because the jury had not been adequately instructed with respect to mitigating evidence. *Penry v. Lynaugh*, 492 U.S. 302 (1989). The Court granted habeas relief, reversed Penry’s judgment in part, and remanded for a new trial. *Id.* at 340. The State of Texas retried Penry, and he was again convicted of capital murder. *Penry*, 532 U.S. at 790. The United States Supreme Court again granted Penry habeas relief, this time under AEDPA, on the basis of a deficient jury instruction. *Id.* at 803-804.

If the district court’s view prevails, *Penry* was wrongfully decided because the Court’s order setting aside his conviction did not restart the clock. Under the court’s interpretation, the statute of limitations would have expired one-year after the

conclusion of his direct review, and the tolling would have ended at the conclusion of the United States Supreme Court's first decision in 1989. That cannot be. From *Penry*, it necessarily follows that an order reversing a criminal defendant's conviction renders his judgment nonfinal for purposes of section 2241(d)(1) and the statute of limitations recommences.

The decision in *Jiminez v. Quarterman*, 555 U.S. 113 (2009), further supports this view. In *Jiminez*, the Texas Court of Appeals dismissed the Petitioner's direct appeal but served notice to the wrong address. The Petitioner sought state habeas relief, and the Texas Court of Criminal Appeals granted him the right to file an out-of-time appeal. *Id.* at 116. Following the conclusion of the out-of-time appeal, the Petitioner sought federal habeas relief, and the district court found his motion was untimely. *Id.* at 116-17. The United States Supreme Court reversed, holding that Petitioner's conviction was no longer final for purposes of section 2244(d)(1)(A) when the state court granted habeas relief to reinstate his appeal. *Id.* at 120-21. The Court rejected the Respondent's argument that permitting courts to reset AEDPA's limitations period would undermine finality. *Id.* What was true in *Jiminez* is also true here – Lee's postconviction relief setting aside his criminal conviction meant that his judgment was no longer final for purposes of section 2244(d)(1)(A).

At a minimum, Lee has demonstrated that "jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). Accordingly, this Court should issue certiorari on the question at issue.

CONCLUSION

For the foregoing reasons, petitioner Randy Lee respectfully requests that the
Petition for a Writ of Certiorari be granted.

Randy Lee