

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS LEE ZINK,

Petitioner,

v.

THE STATE OF OHIO,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE TWELFTH DISTRICT COURT OF APPEALS OF OHIO

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QUESTIONS PRESENTED FOR REVIEW

The courts of Ohio have established a line of authority contrary to that of other states. This conflict between Ohio and other states on the same issues should be reconciled where they are crucial to the justice system.

1. Whether the Confrontation Clause of the Sixth Amendment prohibits a trial court from restricting cross-examination regarding a complaining witness's bias, motive to fabricate, and prior false accusations by limiting inquiry to a single question without extrinsic evidence, where the witness's credibility is central to the prosecution and the defense has a good faith basis for the line of questioning.

2. Whether a conviction may stand under the Due Process Clause of the Fourteenth Amendment when the trial court admits opinion testimony on sociological issues of delayed disclosure patterns in child abuse cases under the rubric of "lay" testimony and thereby circumventing the qualification, disclosure, and testing requirements applicable to expert testimony where the testimony's probative force depends entirely on specialized knowledge rather than everyday reasoning.

3. Whether appellate review comports with due process when an appellate court affirms a conviction by relying on the absence of evidence where that absence resulted from the trial court's evidentiary rulings that shaped the record available for closing argument and appellate review.

LIST OF PARTIES

Petitioner: Thomas Lee Zink, defendant-appellant below.

Respondent: State of Ohio, plaintiff-appellee below.

RELATED CASES

2024-CR-00160, Clermont County Court of Common Pleas. *State of Ohio v. Thomas Lee Zink*. Entry on jury verdicts February 28, 2025; sentence March 21, 2025. Pending ruling on post-conviction petition filed July 17, 2026, and subsequent motions and amendments.

CA2025-04-026 and CA2025-06-047, Twelfth District Court of Appeals for Clermont County. *State of Ohio v. Thomas Lee Zink*. Judgment entered March 16, 2026.

2026-0532, Ohio Supreme Court. *State of Ohio v. Thomas Lee Zink*. Order denying jurisdiction entered July 21, 2026.

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Sixth Amendment, U.S. Constitution:

In all criminal prosecutions, the accused shall enjoy the right. to be confronted with the witnesses against him.

Fourteenth Amendment, U.S. Constitution (Due Process Clause):

No State shall. deprive any person of life, liberty, or property, without due process of law.

OPINIONS BELOW

The Opinion of the highest state court to review the merits appears at Appendix A to the petition and is the decision of the Ohio Twelfth District Court of Appeals affirming Mr. Zink's conviction in *State v. Zink*, Clermont App. Nos. CA2025-04-026 and CA2025-06-047, published at 2026-Ohio-868 (March 16, 2026). The trial court's judgment entry is included at Appendix B. The Ohio Supreme Court order denying jurisdiction, *State v. Zink*, Case No. 2026-0532, 2026-Ohio-2745 (July 21, 2026), is included in Appendix C,

STATEMENT OF JURISDICTION

Judgment and sentence was imposed on Thomas Lee Zink by the Court of Common Pleas of Clermont County, Ohio, on March 21, 2025. The judgment of the Ohio Twelfth District Court of Appeals was entered on March 16, 2026. Petitioner timely filed a memorandum in support of jurisdiction in the Ohio Supreme Court on April 29, 2026. The Ohio Supreme Court denied the motion to accept jurisdiction on July 21, 2026.

This Court has jurisdiction under 28 U.S.C. § 1257(a) to review final judgments rendered by the highest state court in which a decision could be had where a right under the Constitution of the United States is specially set up or claimed. This petition is filed within ninety days of the entry of denial of the motion seeking review by the Ohio Supreme Court and within the time permitted by 28 U.S.C. § 2101(d) and Supreme Court Rule 13. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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STATEMENT OF THE CASE

In *United States v. Robinson*, 485 U.S. 25, 32 (1988), this Court held that in determining a defendant's guilt or innocence, "it is important that both the defendant and the prosecutor have the opportunity to meet fairly the evidence and arguments of one another." In *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009), this Court clarified the distinction between the Compulsory Process and Confrontation Clauses of the Sixth Amendment – that Compulsory Process is violated where a defendant is unable to call witnesses in his favor and the Confrontation Clause is violated where a defendant is not confronted with the witnesses against him.

The instant case presents violations of Mr. Zink' rights to Due Process, Compulsory Process, and Confrontation. Shoddy police work required the State of Ohio with the acquiescence of the trial court to stand the burden of proof on its head, requiring Zink to prove his innocence. It was based on lies and innuendo in violation of the Constitution.

A. TRIAL COURT PROCEEDINGS

Thomas Lee Zink was indicted in Clermont County, Ohio, on thirty counts arising from allegations by his two stepsisters that he had sexually abused them between 2016 and 2018. The younger sister alleged that when she was eight to ten years old, Zink invited her into his bedroom on multiple occasions, had her sit on his lap and "grind" on him, and touched her breasts, buttocks, and vagina. The older sister alleged that Zink communicated with her via Snapchat, provided her with marijuana, and engaged in digital penetration, oral sex, and vaginal intercourse with her on ten to fifteen occasions beginning when she was fifteen years old. The sisters did not disclose the alleged abuse until March 2021, five years after the beginning of the events they described. The disclosure occurred at a time when the girls' father and Zink's mother were preparing to move the family into a new residence. No physical evidence linked Zink to the alleged offenses, and the prosecution's case rested entirely on the credibility of the two alleged victims.

Thomas Lee Zink was indicted February 29, 2024, and charged with twelve counts of sexual imposition, twelve counts of unlawful sexual conduct with a minor, two counts of disseminating matter harmful to juveniles, two counts of endangering children, and two counts of corrupting another with drugs. Zink bonded out pending trial with no violations.

Jury trial was conducted February 24 to February 27, 2025. The two girls testified; the defense sought to cross-examine the older girl regarding a prior false abuse allegation she had made against her biological father. Defense counsel possessed a transcript from a domestic relations proceeding in which the father made

statements appearing to refer to such a prior false accusation. The trial court ruled that the transcript could not be used and limited the defense to asking a single question—whether the girl had ever made a false abuse claim against her father—with no extrinsic evidence permitted; she answered "no."

In addition to the two girls and two investigating officers, the prosecution called a social worker and forensic interviewer from the Mayerson Center for Safe and Healthy Children at Cincinnati Children's Hospital Medical Center, as an expert witness. She had provided an expert report and was formally tendered and declared to be an expert. The social worker testified generally about reasons for delayed disclosure in child abuse cases, including threats, lack of opportunity, and fear of consequences. On cross-examination, however, she admitted that none of the typical reasons for delayed disclosure fit the circumstances of this case. She stated that it was not her purpose or objective to determine the veracity of the allegations and that she did not determine whether abuse had actually occurred.

After sitting through the social worker's testimony, the State's designated representative, Clermont County Sheriff's Office Detective Jason Swallen, testified as the final prosecution witness. He testified to his experience as being:

So, prior to entering law enforcement I was in the United States military. My specialty or my MLS, I went through various trainings where it dealt with interview and interrogation techniques. That helped me prepare for law enforcement. I went in 2007, I started with the Hamilton County Sheriff's Office, and I went as a corrections officer, down at the Justice Center. I went to the Corrections Academy. While being a corrections officer I then went to the Ohio Peace Officer Training Administration Academy where I was, became a certified peace officer and worked at various stages of the court systems in Hamilton County before transferring out to Clermont County and working in criminal operations and then criminal investigations is where I currently am.

Without having been declared as an expert and with minimal experience,¹ Det.

Swallen interrupted a routine question about his investigation to volunteer that "over seventy percent of child victims are going to disclose usually five years or later in life or after the event happened." Defense counsel objected, but the trial court overruled the objection on the grounds that Det. Swallen could testify based on his "experience."

The prosecutor then questioned Det. Swallen in detail about the implications of this unsupported lay theory, eliciting testimony that victims "like to disassociate with the situation" and dispose of evidence, that "Snapchat is a big one" among perpetrators, and that the average disclosure occurs "about five years" after a sexual assault.

The defense case presented evidence from Mr. Zink's mother and himself. Zink's mother testified that after the March 2021 abuse allegations she felt unsafe in the home and had moved out. She confirmed the older girl's testimony that Zink was not living in the home at the time the allegations were made, that the family had a very close quarters living situation and she never suspected anything sexual was going on. As to the allegations against her son, she testified that she has known the girls since 2013 and that her opinion is that neither was a credible person. On cross-examination, Ms. Richmond admitted that she had not told the police that the girls were not credible, and that while the girls lied to her, her son also did as a child, "but

¹ Post-conviction litigation has shown that a number of these statements are false, that Swallen had concealed a drunk driving conviction while working as a corrections officer and been suspended for misconduct, and that afterwards he had worked mostly as a patrol officer. This information was not disclosed to the defense; instead, the state's disclosure of witnesses listed him as having no known criminal record.

not major things.”

Thomas Zink testified in his own defense that he never had sexual contact with either of the girls, that he did not flee as the prosecution alleged but went to the police station and spoke with someone and told of situation, then went on vacation to Florida the following week. He subsequently spoke with police at his grandmother’s house when he was served with a protection order. On cross-examination, Zink testified that he was not aware of any desire by the police to speak with him otherwise.

In closing argument, the prosecutor argued that if Zink were innocent, the defense would have produced phone records and that police would have obtained Zink's cell phone. The trial court overruled defense objections to these arguments. The prosecutor also made what the trial court characterized as personal attacks on defense counsel and Zink's mother, though the court overruled the objections after cautioning that the argument was "a little more personal maybe than it needs to be."

At the conclusion of the evidence, a Rule 29 motion was made by defense counsel without argument. The state conceded that it had presented no evidence as to counts 3, 25, 28, 30, and the trial court dismissed Count 3 for lack of testimony or evidence, held there was no evidence of obscenity as to Counts 25 & 28, and no evidence to support Counts 29 & 30 as there was no evidence of marijuana.

Jury verdicts were returned February 28, 2025, finding Zink guilty of gross sexual imposition (counts 1-2 and 4-12), unlawful sexual contact with a minor (counts 13-18), and corrupting another with drugs (count 27). The jury hung on six counts of unlawful sexual conduct with a minor (counts 19-24), and endangering children (count

29) (Sentencing Transcript, T.p. 23). Sentencing was conducted March 20, 2025; the trial court sentenced Thomas Lee Zink to 216 months (18 years).

B. APPELLATE PROCEEDINGS

Zink appealed to the Ohio Court of Appeals, Twelfth Appellate District, raising three assignments of error: (1) the trial court erred in overruling the defense objection to Detective Swallen's opinion testimony; (2) the trial court erred in limiting cross-examination of the older girl regarding a prior false abuse claim; and (3) the trial court allowed the prosecution far too much leeway in closing argument. The Court of Appeals affirmed. The court held that Detective Swallen's testimony constituted permissible lay opinion testimony under Ohio Evidence Rule 701 because it was "based on his training and experience" and "helped the jury understand why" the alleged victims would delay disclosure. The court rejected Zink's argument that the testimony functionally constituted expert testimony requiring compliance with Ohio Evidence Rule 702. As to the restriction on cross-examination, the Court of Appeals held that the trial court did not abuse its discretion because impeachment with extrinsic evidence would have been improper under Ohio Evidence Rule 608(B). The court further held that Ohio Evidence Rule 616(A), which permits extrinsic evidence of bias, was inapplicable because Zink failed to show that the alleged prior false accusation against the girls' father was relevant to bias, prejudice, interest, or motive to fabricate in the present case. The Court of Appeals also held that the prosecutor's closing arguments were proper responses to defense counsel's arguments and were not improper or prejudicial. Zink filed a memorandum in support of jurisdiction in the

Ohio Supreme Court on April 29, 2026, presenting four propositions of law. The Ohio Supreme Court denied the motion for jurisdiction on July 21, 2026.

C. REASONS FOR GRANTING THE PETITION

By granting certiorari, this Court can resolve Due Process problems which arose where the decisions by Ohio state courts conflict with decisions of this Court or other courts on important questions, and important questions of law that should be settled by this Court. Sup. Ct. R. 10. The decision below conflicts with this Court's Confrontation Clause precedents and creates or deepens circuit splits on cross-examination restrictions, the admissibility of specialized opinion testimony as though it were lay opinion, and the due process requirements of record-based appellate review. The cumulative effect of these errors violated Petitioner's Sixth and Fourteenth Amendment rights to a fair trial.

1. The Ohio Court of Appeals' Decision Conflicts with This Court's Confrontation Clause Precedents and Creates a National Split on the Scope of Cross-Examination Regarding Bias and Prior False Accusations.

The Confrontation Clause of the Sixth Amendment guarantees a criminal defendant the right to be confronted with the witnesses against him. In *Crawford v. Washington*, 541 U.S. 36 (2004), this Court reversed the defendant's conviction based on the right to confrontation. In *Delaware v. Van Arsdall*, 475 U.S. 673 (1976), this Court established that "a criminal defendant states a violation of the Confrontation Clause by showing that he was prohibited from engaging in otherwise appropriate cross-examination designed to show a prototypical form of

bias on the part of the witness" The Court held that "the constitutionally improper denial of a defendant's opportunity to impeach a witness for bias, like other Confrontation Clause errors, is subject to Chapman harmless-error analysis" 475 U.S. at 684.

This Court held that this bedrock procedural guarantee includes the right to conduct reasonable and meaningful cross-examination to expose a witness's motivation in testifying in *Olden v. Kentucky*, 488 U.S. 227 (1988). It held that while state court trial judges retain broad discretion to impose reasonable limits on cross-examination to prevent harassment, prejudice, confusion of issues, or repetitive questioning, courts may not foreclose effective cross-examination on material points. That situation presents itself in the instant case where Thomas Zink's defense counsel was limited only to asking the older of the two girls accusing him whether she had ever made a false sexual allegation against her father. This prevented effective examination, resulting in Zink's conviction.

Here the trial court limited the defense to asking the older child a single question—"have you ever made a false abuse claim against your father?"—and prohibited any extrinsic evidence or further inquiry after she denied having done so. The Court of Appeals affirmed, holding that extrinsic evidence would have been improper under Ohio Evidence Rule 608(B), Specific Instances of Conduct, and that the prior false accusation was not relevant to bias, prejudice, or motive to misrepresent under Ohio Evidence Rule 616(A), Methods of Impeachment - Bias. This ruling is in direct tension with this Court's ruling in *Olden v. Kentucky*, that

exclusion of evidence concerning the prosecution witness's motive to lie violated defendant's Sixth Amendment right to confrontation. This Court rejected the state court's reliance on possible prejudice to justify exclusion, holding that the exclusion of evidence relevant to the victim's potential motive to fabricate her testimony was not justified by concern over possible prejudice.

The Court of Appeals' holding that Ohio Evidence Rule 608(B) categorically prohibits extrinsic evidence of prior false accusations subordinates the federal constitutional right to state evidentiary rules in a manner this Court has repeatedly rejected. The restriction prevented Thomas Zink from developing a record on a topic bearing directly on truthfulness and motive to fabricate in a case turning entirely on believability, and the decision of the Ohio courts permits trial courts to foreclose entire lines of cross-examination on bias and motive to fabricate through categorical application of state evidentiary rules, even where the witness's credibility is dispositive and the defense has a good faith basis for the inquiry. This conflict warrants this Court's review.

2. The Decision Below Deepens a National Split on the Admissibility of Specialized Opinion Testimony as Lay Opinion and Presents a Question of Substantial National Importance Regarding the Evasion of Expert-Testimony Safeguards.

The Ohio court decision at issue here permits the prosecution to introduce specialized behavioral-science testimony—here, a numerical statistic that "over

seventy percent of child victims" delay disclosure for "usually five years or later" — as lay opinion testimony, thereby circumventing the qualification, disclosure, and reliability requirements applicable to expert testimony. This holding conflicts with national evidentiary principles and raises a question of substantial national importance: whether the Due Process Clause of the Fourteenth Amendment permits the admission of opinion testimony whose probative force depends on specialized knowledge under the rubric of lay testimony, avoiding the procedural safeguards designed to ensure reliability.

Det. Swallen's testimony was not a description of what he personally perceived or everyday reasoning familiar to laypersons. It was a generalized behavioral-science assertion about child-victim disclosure patterns, offered with numerical precision ("over seventy percent") and a specific timeframe ("usually five years or later"). The detective expressly attributed this knowledge to his "training and experience." The prosecutor reinforced the theme through additional questioning tailored to the case, eliciting testimony that victims "like to disassociate with the situation," that "Snapchat is a big one" among perpetrators, and that the supposed lack of evidence resulted from victims disposing of reminders. The Ohio Court of Appeals affirmed the admission of this testimony as permissible lay opinion under Ohio Evidence Rule 701, Opinion Testimony by Lay Witnesses, reasoning that it was "based on his training and experience" and "helped the jury understand" delayed disclosure. The court rejected Petitioner's argument that the testimony required expert qualification under Ohio Evidence Rule 702, Testimony

by Experts.

This holding permits an end-run around expert-testimony safeguards. By labeling specialized knowledge "lay" opinion when offered by a law enforcement officer, the decision below allows the prosecution to introduce behavioral-science testimony without disclosing the basis for the opinion, without subjecting it to pretrial reliability scrutiny, and without affording the defense a meaningful opportunity to test it through cross-examination or rebuttal expert testimony.

The decision conflicts with the principle that lay opinion testimony results from a process of reasoning familiar in everyday life, while expert opinion testimony results from a process of reasoning that only specialists in the field can master. Detective Swallen's "seventy percent" statistic and "five years or later" timeframe do not result from reasoning familiar in everyday life, even for police officers. Statistics rest on specialized knowledge of child-victim behavior patterns—knowledge the average officer, lawyer, judge, and juror do not possess and cannot evaluate without expert assistance.

The Ohio decisions deviate from the national rule that no lay witness may give an opinion based upon facts that the witness did not personally observe. For example, the Court of Appeals of Alaska held that there was no error in admitting an officer's testimony that in interviewing nine-year old children, they are "sometimes a little difficult to understand?" and that he would not be "surprised to see a sexual assault case in which there was no medical evidence." *Kosbruk v. State*, 820 P.2d 1082, 1085 (Alaska Ct. App. 1991). No such statistical fact-based evidence

as here was offered, merely a perception developed over time about the difficulty in understanding and existence of evidence. In Arizona, the rule is that an expert witness may testify about the general characteristics and behavior of sex offenders and victims so long as the expert does not "quantify nor express an opinion about the veracity of a particular witness or type of witness." *State v. Ortiz*, 238 Ariz. 329, 334, 360 P.3d 125, 130 (Ct. App. 2015). Quantification is exactly what the State did in Thomas Zink's case.

The Supreme Court of California once provided an extensive discussion of the meaning of "perception" allowing lay witness testimony based upon what types of events they had witnessed. In *People v. McAlpin*, 53 Cal. 3d 1289, 1299, 283 Cal. Rptr. 382, 393, 812 P.2d 563 (1991), the court held that the trial court did not err in allowing expert testimony by an officer with hundreds of hours of specialized training (compared to Det. Swallen's 16 hours here), that a parent might not report a known child molestation and that there is no profile of a typical child molester.

The rule in Colorado is that "a police officer's testimony must be based on experience common to ordinary citizens, not experience unique to the witness's role as a police officer." *People v. Douglas*, 412 P.3d 785, 792-93 (Colo. App.). It upheld the conviction in that case because it did not amount to plain error and counsel did not object, in contrast to the present case where Mr. Zink's trial counsel did so.

3. The Decision Below Conflicts with This Court's Due Process Precedents on Record-Based Appellate Review and Presents a Recurring Question of Law.

The decision below affirms Petitioner's conviction by relying on the absence of evidence where that absence resulted from the trial court's evidentiary rulings that shaped the record available for closing argument and appellate review. This holding conflicts with basic due process principles governing the integrity of record-based appellate review and presents a recurring question of American law.

The trial court's ruling admitting Det. Swallen's delayed-disclosure testimony allowed the prosecution to fill a gap left by the expert witness's inability to explain the delay in this case. The trial court's restriction on cross-examination regarding the older girl's alleged prior false accusation prevented the defense from developing a record on bias and motive to fabricate. And the trial court's rulings in closing argument permitted the prosecutor to argue that the absence of phone records and cell phone evidence demonstrated consciousness of guilt, even though the defense had been unable to elicit testimony or introduce evidence on these points. The prosecutor capitalized on this evidentiary posture, arguing in closing that "if they were so innocent you better believe his mom would have had those records" and "you'd better believe the police would have had his cell phone." The trial court overruled defense objections to these arguments. In effect, the State converted evidentiary rulings that restricted the defense into substantive proof of guilt.

Due process requires that a conviction rest on evidence admitted through procedures that ensure reliability and fairness. When a trial court's evidentiary rulings shape the record, and the prosecution then uses the resulting gaps as affirmative evidence of guilt, the conviction cannot be said to rest on a record

produced through fair procedures. This case presents that scenario in stark form.

The question is one of substantial national importance because it recurs in criminal trials nationwide and implicates the integrity of appellate review.

Appellate courts review convictions based on the record made at trial. When that record reflects not the evidence the parties chose to present, but the evidence the trial court permitted them to present, and the prosecution exploits those restrictions in closing argument, the appellate court's review cannot detect the constitutional violation. The decision below perpetuates this structural problem. The question is also of public or great general interest because it concerns the interplay between trial-court evidentiary rulings, closing argument, and the scope of appellate review—issues that arise in virtually every criminal appeal. The decision below holds that a conviction may stand even when the trial court's evidential rulings foreclosed lines of inquiry and the prosecutor then argued that the absence of evidence on those lines demonstrated guilt. That holding cannot be reconciled with due process.

4. The Cumulative Effect of the Errors Below Violated Petitioner's Right to a Fair Trial and Presents a Substantial Question.

In *Glossip v. Oklahoma*, 604 U.S. 226, 251, 145 S. Ct. 612, 221 L. Ed. 2d 90 (2025), this Court held that a prejudice analysis requires a cumulative evaluation of all the evidence, whether or not that evidence is before the Court in the form of an independent claim for relief. The prosecution's failure to correct false testimony

violates this Court's decision in *Napue v. Illinois*, 360 U. S. 264, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959), which held that prosecutors have a constitutional obligation to correct false testimony. Even where individual errors may not independently warrant reversal, the cumulative effect of multiple errors can deprive a defendant of a fair trial in violation of due process.

The decision below implicates this principle in a credibility-driven prosecution where three constitutional errors combined to skew the jury's assessment of witness credibility. First, the trial court admitted Detective Swallen's specialized testimony as lay opinion, allowing the prosecution to present a numerical statistic and behavioral-science theory that appeared to explain and validate the five-year delay without subjecting the testimony to expert-qualification procedures. Second, the trial court restricted cross-examination on the older girl's alleged prior false accusation, preventing the defense from exploring a line of inquiry directly probative of bias and motive to fabricate. Third, the prosecutor argued in closing that the absence of phone records and cell phone evidence demonstrated guilt, exploiting the evidentiary record shaped by the court's rulings. Each ruling reinforced the others.

The detective's testimony, especially where post-conviction litigation has demonstrated that the defendant was not provided with the impeachment evidence that he lied to the jury as to his military record, criminal conviction, and discipline for failure to notice the Corrections Department of his criminal conviction provided the prosecution with a seemingly authoritative explanation for delayed disclosure,

compensating for the social worker's expert testimony that she could not do so.

The restriction on cross-examination prevented the defense from developing a record on bias and motive. And the closing argument converted the resulting evidentiary gaps into affirmative proof of guilt. The cumulative effect was to deprive Petitioner of a fair opportunity to challenge the credibility of the prosecution's only witnesses in a case resting entirely on their testimony.

The Ohio Court of Appeals acknowledged Petitioner's cumulative-error argument but rejected it without analyzing the combined effect of the rulings. The court held that the detective's testimony was permissible lay opinion, that the cross-examination restriction was proper, and that the closing arguments were not improper or prejudicial. By treating each ruling in isolation, the court failed to consider whether the cumulative effect deprived Thomas Zink of a fair trial.

This case presents a substantial question because it involves the interaction of evidentiary rulings, constitutional protections, and the integrity of credibility determinations in criminal trials. Where a prosecution rests entirely on witness credibility, the Constitution requires procedures that ensure the jury's assessment is based on evidence admitted under proper rules, tested through meaningful adversarial process, and evaluated on a complete record.

The decision below permits a conviction to stand even where each of these requirements was compromised. The question is also one of public or great general interest because credibility-driven prosecutions are common, particularly in cases involving allegations of sexual abuse where physical evidence is often absent. The

decision below holds that trial courts may admit specialized opinion testimony as lay opinion, restrict cross-examination on bias and prior false accusations, and permit closing arguments that exploit the resulting evidentiary gaps—all without violating the defendant's constitutional rights. That holding undermines the structural protections the Constitution affords defendants in credibility-driven cases and warrants this Court's review.

CONCLUSION

Counsel respectfully submits that this Honorable Court should accept jurisdiction and hold that Mr. Zink' right to a fair and honest trial was violated.

Respectfully submitted,

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