

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Michael Tarvin — PETITIONER
(Your Name)

vs.

Jody Bradley — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Tarvin 13584 — PETITIONER(S)
(Your Name) PETITIONER(S)

P.O. Box 1889
(Address)

Woodville, MS 39669 (City, State, Zip Code) (NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Introduction Of The Mississippi Crime Lab,
Chart Of DNA Results That Confirmed
Inconclusive Results In The Questioned
Sample S5G- Female "Rectal Swab" And
Serological Examination That Tested Negative
Results For The Presence Of Semen On The
Oral, Ulnar, And Vaginal Swabs Absolutely
Prove's Petitioner Innocence And False
Imprisonment Claim.

LIST OF PARTIES

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

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

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28 U.S.C. § 2254

STATUTES AND RULES

OTHER

OTHER

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 B 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 is unpublished.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 N/A to the petition and is

- reported at N/A; 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 is unpublished.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 A 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 is unpublished.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 Mississippi Supreme court appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

1.

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: N/A, 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 N/A (date) on N/A (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 05-22-18.
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. A.

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

dated on the following date:
prior to the following date:

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The 5th, 8th, & 14th Amendment of the United States Federal Constitution.

CONSTITUTION:

ARTICLE I:

SECTION 2:

SECTION 3:

SECTION 4:

SECTION 5:

SECTION 6:

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SECTION 9:

SECTION 10:

dated on the following date:
prior to the following date:

PROVISIONS INVOLVED:

SECTION 1:

SECTION 2:

SECTION 3:

SECTION 4:

SECTION 5:

SECTION 6:

SECTION 7:

SECTION 8:

SECTION 9:

STATEMENT OF THE CASE

On the 10th day of JANUARY, 2018, Petitioner filed an Post Conviction Relief in the Mississippi Supreme Court, in regards to Case No. 2012-M-02003; And on the 22nd day of May, 2018, the Mississippi Supreme Court dismissed Petitioner application.

On the 9th day of May, 2018, in the U.S. Court of Appeals for the Fifth Circuit, Petitioner filed his Motion for Authorization to Proceed in the District Court pursuant to 28 U.S.C. § 2241 (b) (3); seeking to file his successive Motion for Habeas Corpus Relief pursuant to 28 U.S.C. § 2254, within the U.S. District Court, ~~Mississippi~~ Introducing the Mississippi Crime Lab, Chart of DNA Results that confirmed INCONCLUSIVE RESULTS IN THE QUESTIONED SAMPLE S5G- FEMALE "RECTAL SWAB" AND THE SEROLOGICAL BIOSCIENCE REPORT THAT TESTED NEGATIVE RESULTS FOR THE PRESENCE OF SEMEN ON THE ORAL, VULVAR, AND VAGINAL SWABS WHICH IS THE EVIDENCE THAT WERE COLLECTED FROM THE RAPE TEST KIT WHICH PROVE'S PETITIONER CLAIM OF INNOCENCE. And on the 14th day of May, 2018, the U.S. Court of Appeals, denied Petitioner Motion.

That the U.S. Court of Appeals did not evaluate the significance of the INCONCLUSIVE DNA EVIDENCE under the correct standard. The U.S. Court of Appeals ERRED in this holding because the INCONCLUSIVE DNA EVIDENCE exonerate Petitioner and absolutely prove's that he has been subjected to an False Arrest and False Imprisonment.

Statement Of The Case

The physical evidence of the Mississippi Crime Lab, Chart of DNA Results Confirmed Inconclusive Results in the Questioned Sample S5G- Female "Rectal Swab" and Serological Examination that tested Negative Results for the presence of semen on the oral, vulvar, and vaginal swabs which is the evidence that were collected from the Rape test kit. The Inconclusive DNA Results absolutely prove's Petitioner Claim of Innocence and prove's that the prosecution expert witnesses committed perjury, aid and abetting the State's case.

Petitioner assert's that Medical Records was deliberately ignored and was the missing link leading to proper interpretation of why there were no tears or laceration to the vaginal and rectal area which confirmed no sign of sexual activity.

(Please examine Exhibit - A - The State's Discovery. This is the Hospital Medical Records.)

Inconclusive DNA Results in the Questioned Sample S5G- Female "Rectal Swab" that were collected from the Rape test kit was admitted into evidence but this State's Discovery were misleading information due to the falsified testimony of the prosecution expert witnesses, aid and abetting the State's case.

Petitioner assert's that Amada Lieb testified as an expert witness at his trial for the prosecution in the field of Bioscience of DNA analysis but unfortunately, did not give adequate information of her examination concerning the semen that was identified on the "fabric" in Submission 4 and the "Rectal Swabs" in Submission 5. This information was not mention to the jury at all.

Statement Of The Case

Without question, she technically provided accurate responses to the questions put to her but she kept substantially other parts of the examination to herself and from the jury because she was not specifically asked about the examination that confirmed negative results for the presence of semen on the oral, vulvar, and vaginal swabs.

(Please examine Exhibit - B - The State's Discovery. This is the Mississippi Crime Lab, Serological Bioscience Report.)

Deborah Haller and Amy Winters as an expert in DNA analysis also testified that there was a match from the Rectal Swabs from the Rape test kit to Petitioner DNA profile. Petitioner asserts that this intentional perjury of falsified testimony was especially damaging to his claims of innocence. The prosecution used this fabricated testimony to further discredit Petitioner's statement he gave to Detective Keys that he had nothing to do with the crime. Petitioner asserts that he is now before this Court claiming that the Inconclusive Results of the DNA test performed on the Questioned Sample S5G - Female "Rectal Swab" that were collected from the Rape test kit exculpate him and will demonstrate that this compelling evidence is capable of clearing him of guilt and probably would have produced a different verdict if the State's expert witnesses would have testified truthfully to the results of the test.

See Brewer v. State, 819 So. 2d 1169 (2002) The Mississippi Supreme Court concluded: Because of the compelling nature of the newly discovered DNA evidence, Brewer should be afforded an evidentiary hearing related to this newly discovered evidence in order to determine if a new trial is warranted.

Statement Of The Case

Petitioner asserts that he is challenging the perjury of the falsified testimony of the prosecution expert witnesses Deborah Haller and Amy Winters. In support of Petitioner claim, Petitioner introduce the prosecution Discovery of the Mississippi Crime Lab, Chart of DNA Results and urge that this Court should not tolerate a expert witness who intentionally commit perjury, aid and abetting the State's case. There were thirteen (13) genetic markers on the DNA molecule that the forensic scientist examine and use a comparison from Questioned Evidence which is evidence collected from a crime scene back to a known sample from an individual such as the perpetrator. Lets review the Mississippi Crime Lab, Chart of DNA Results, from the State's Discovery that was deceptively used at Petitioner trial before the jury.

(Please examine Exhibit - C - The State's Discovery. This is the Mississippi Crime Lab, Chart of DNA Results. The Questioned Sample S5G - Female "Rectal Swab" are highlighted to emphasize the INCONCLUSIVE Results.)

From left to right of the Chart of DNA Results, lets review the third column, the Known Sample S5G - Male "Rectal Swab" which is Petitioner blood sample that were drawn from him at the Forrest General Hospital. Now lets review the fourth column of the Questioned Sample S5G - Female "Rectal Swab" which is the evidence that were collected from the Rape test kit. As you observed thoroughly, you will clearly see that Petitioner genetic DNA profile does not match nor is it found inside the Questioned Sample S5G - Female "Rectal Swab" and the results are INCONCLUSIVE as you can clearly see the "INC" abbreviated at the bottom inside the Questioned Sample S5G - Female

Statement Of The Case

"Rectal Swab" which confirmed Inconclusive Results.
Petitioner asserts that such a report cannot be ignored. The Mississippi Crime Lab Chart of DNA Results, however, disclosed exculpatory facts that suggested that the prosecution theory was easily refutable and should have been used in Petitioner's defense with a theory of the case that squared fully with his claim of innocence.

REASONS FOR GRANTING THE PETITION

The Mississippi Crime Lab, Chart of DNA Results, Confirmed INCONCLUSIVE RESULTS in the Questioned Sample 55G- Female "Rectal Swab" and Serological Examination that tested NEGATIVE RESULTS for the presence of Semen on the ORAL, ULVAR, and Vaginal Swabs absolutely prove's Petitioner INNOCENCE and false imprisonment Claim.

REAS.

PETITION

REAS.

PETITION

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Tarvin

Date: 07-11-18

The petition for a writ of certiorari

Respectfully submitted

Date: _____

The petition for a writ of certiorari

Respectfully submitted