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SUPREME COURT, U.S.

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

In Re DARRELL WAYNE REYNOLDS — PETITIONER
(Your Name)

VS.

_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF **HABEAS CORPUS**
PURSUANT TO 28 U.S.C. §2241 (c)(3)

THE LAST COURT MY CASE WAS SEEN BY WAS THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

NO COURT HAS EVER MADE A RULING ON THE MERITS OF THE ISSUES PRESENTED IN THIS PETITION IN FEDERAL COURT

PETITION FOR WRIT OF **HABEAS CORPUS**
PURSUANT TO U.S.C. §2241 (c)(3)

DARRELL WAYNE REYNOLDS
(Your Name)

GREEN RIVER CORRECTIONAL COMPLEX
(Address)

P.O. Box 9300, CENTRAL CITY, KY. 42330
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

ONE

WAS THE PETITIONER'S CONSTITUTIONAL RIGHTS VIOLATED WHERE THE EVIDENCE PROVES THE PETITIONER TO BE FACTUALLY INNOCENT OF THE CRIME IN WHICH HE WAS CHARGED WITH AND CONVICTED OF IN THE LAUREL CIRCUIT COURT UNDER THE 6TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION

TWO

WAS THE PETITIONER'S CONSTITUTIONAL RIGHTS VIOLATED UNDER THE 6TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION WHERE HE WAS NOT ALLOWED TO PRESENT THE TESTIMONY FROM A KENTUCKY STATE SOCIAL WORKER WHO COULD HAVE INFORMED THE TRIAL JURY THAT THE TESTIMONY GIVEN BY THE STATES CHIEF WITNESS AGAINST THE PETITIONER WAS IN FACT NOT TRUE AND VERY UNRELIABLE IN ORDER TO SUSTAIN A CONVICTION

THREE

WAS THE PETITIONER'S CONSTITUTIONAL RIGHTS VIOLATED UNDER THE 6TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION WHERE HE WAS PROSECUTED UPON KNOWN FALSE ALLEGATION MADE BY THE STATES CHIEF WITNESS DURING TRIAL

FOUR

WAS THE PETITIONER'S CONSTITUTIONAL RIGHTS VIOLATED UNDER THE 1ST AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION WHERE HE WAS AND HAS BEEN DENIED REVIEW OF THE MERITS OF ANY AND ALL HIS CLAIMS IN THE LOWER COURT'S

Respectfully Submitted

/s/ Darrell W Reynolds

Darrell Wayne Reynolds, #117983
Green River Correctional Complex
P.O. Box 9300
Central City, Kentucky. 42330.

DATE: FEBRUARY 26-2004

STATEMENT OF THE CASE

On July 16, 1991, the petitioner was accused of several sexual criminal acts by his then stepdaughter, Ruth Ann Eaton,(See the attached sworn statement,Marked as exhibit-1).

On June 13, 1994, the petitioner was finally brought to trial in the Laurel Circuit Court, under indictment number 91-CR-00125. The prosecution put their witness upon the witness stand, and she was duly sworn as required by law. The States witness Ruth Ann Eaton, testified under oath, that the petitioner had three sexual acts with her in the year of 1986. However, before the petitioner's trial began, the State prosecutor's became fully aware, that I, the petitioner, had been convicted of federal mail fraud in Lexington, Kentucky, and was sentenced by a federal Judge to a five year prison term in the month of June, 1985, and was under federal custody from that day until the petitioner was released from custody on April 28, 1987. In short, this petitioner was incarcerated the entire year of 1986.

The States witness, further testified under oath, that the petitioner and her had sexual intercourse two times in 1987, two times in 1988, two times in 1989, and two times in 1990. However, the State prosecutor's were fully aware of the fact, that On November 16, 1990, their witness, Ruth Ann Eaton, had been examined by an expert (See the attached exhibit-3) in which is the medical report from Doctor David DeLapena, of the London&Corbin medical center. Here it is evident, the prosecution knew, their witness was not testifying to the truth. As this report clearly shows, as of November 16, 1990, The prosecutions star witness, was in fact a "virgin" with an intact hymen, which shows she did not have sexual intercourse with no adult male, from 1986 to 1990, and further proves her testimony was nothing

more then a fabrication of false allegation.

In the month of August, 1991, the prosecution became fully aware of the fact, that on November 16, 1990, their witness, had been examined by a physician (Exhibit-3) in which proved their witness was not stating the truth, and they took her to their own physician to be examined (See the attached medical report from Doctor Rodgers as exhibit-4). This medical physician had never seen Ruth Ann Eaton before, and had to take a medical history from her. Doctor Rodgers ask Ruth Ann Eaton on August, 8th, 1991, if she was sexually active, and Ruth Ann stated to her examining physician, as follows: "Has history of sexual abuse but was about a year or two ago. Nothing recent. This is medical evidence in which shows, there was no crime committed against Ruth Ann Eaton in the year of 1991. However, this petitioner was convicted of first degree rape, that was alleged to have happened on July 9th, 1991. The evidence proves without any doubt, this petitioner did not commit, this offense as he has been punished for.

On June 14, 1994, the defense, called to the witness stand the State Social Worker, who had been assigned as case manager for Ruth Ann Eaton from July of 1991, until trial on June 13, 1994,(See Page 7, of Appendix-C) Here the Kentucky Supreme Court, admitted the evidence from the testimony of Ruth Ann Eaton was in fact very unreliable, and untrustworthy(Please see the attached exhibit-7) in which is a motion filed by the petitioner's trial Counsel for a new trial after his conviction on June 14,1994.

Had the petitioner been allowed to fully examine the State Social Worker(Ms. Karen Whittaker) on June 14, 1994, during his trial,

the trial jury would have heard testimony from a State Worker, who had prosonal knowledge, that Ruth Ann Eaton had in fact fabricated her story of sexual abuse against this petitioner, and would have further shown the trial jury, the States evidence was insufficient; unreliable, and under the law could not sustain a conviction.

It must be noted; the issues presented in this petition has never been addressed by the State Court's, nor, the Federal Court's at no time, even though the petitioner brought the issues before the Court's for review.

ADEQUATE COURT REMEDIES

The petitioner does not have any other State of Federal District Court remedy in which to use to gain relief, as the attached appendix clearly shows, even though, no lower Court has ever made a decision on the merits of the issues presented herein.

The attached appendix, shows, the petitioner has fully exhausted all the issues presented in this petition in the State Court's, and in the Federal District Courts, as is required under Supreme Court rules, Rule 20 (4),(a)and (b)

MEMORANDUM OF AUTHORITIES

Does the United States Constitution, pursuant to the 6th and 14th Amendments, protect a defendant from punishment, where the evidence clearly shows the defendant to be factually innocent of the alleged criminal conduct,?. In support of this claim, the petitioner relies upon this Court's decision under Murray v. Carrier, 477 U.S. 478, 91 L.Ed. 2d. 397, 106 S.Ct. 2639 (1986) and In re Winship, 397 U.S. 358, 25 L.Ed.2d. 368, 90 S.Ct. 1068 (1970).

Here, the petitioner has fully supported by evidence from two expert medical physicians (Exhibits-3 and 4) that he did not

No. 03-5523

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

NOV 19 2003

LEONARD GREEN, Clerk

In re: DARRELL WAYNE REYNOLDS,

Movant.

ORDER

Before: RYAN, MOORE, and ROGERS, Circuit Judges.

Darrell Wayne Reynolds moves this court for an order authorizing the district court to consider a second or successive petition for habeas corpus relief under 28 U.S.C. § 2254. *See* 28 U.S.C. § 2244. In addition, Reynolds moves for the appointment of appellate counsel.

Reynolds failed to support his proposed ground for relief, his factual innocence of the crime of conviction, with any of the legal or factual elements required by statute. In addition, it appears that Reynolds has already raised this claim in a prior unsuccessful collateral attack upon his conviction. This court therefore cannot permit Reynolds to file another petition for a writ of habeas corpus. *See* 28 U.S.C. § 2244(b).

Upon consideration, all motions are **DENIED**.

ENTERED BY ORDER OF THE COURT

Clerk

APPENDIX-A