

No.18-7766

IN THE  
SUPREME COURT OF THE UNITED STATES

Rishawn Lamar Reeder- Petitioner

vs.

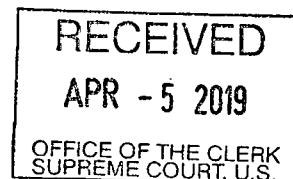
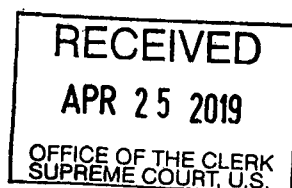
Warden Reynolds- Respondent

MOTION  
FOR REHEARING

Rishawn Lamar Reeder

P.O. Box 205

Ridgeville, S.C. 29472



No. 18-7766

IN THE  
SUPREME COURT OF THE UNITED STATES

Rishawn Lamar Reeder — PETITIONER  
(Your Name)

vs.

Warden Reynolds — RESPONDENT(S)

ON PETITION FOR A ~~WRIT OF CERTIORARI~~ TO  
REHEARING

Newly Discovered Evidence Head Investigator Fired  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR ~~WRIT OF CERTIORARI~~  
REHEARING

Rishawn Lamar Reeder  
(Your Name)

P.O. Box 205  
(Address)

Ridgeville, S.C. 29472  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

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SUPREME COURT, U.S.

### **QUESTION(S) PRESENTED**

Motion for Rehearing based on Newly Discovered Evidence of Head Investigator Lorin Williams being fired for misconduct for falsifying documents.

## 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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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☒ is unpublished.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☒ is unpublished.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 \_\_\_\_\_ 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 Court of Common Pleas Seixenth Judicial circuit 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.

## JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 21, 2018.

[ ] 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: October 2, 2018, 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 Nov. 9, 2016.  
A copy of that decision appears at Appendix \_\_\_\_\_.

[ ] 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).

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173</u>	<u>5</u>
<u>United States v. Kelly, 35 F.3d 929(4th Cir.1994)</u>	<u>5</u>
<u>Trodel v. Wainwright, 785 F.2d 1457</u>	<u>5</u>
<u>U.S. v. Bagley, 105 S.Ct. 3375</u>	<u>5</u>
<u>Donnelly v. DeChristoforo, 416 U.S. 637, 94 S.Ct. 1868</u>	<u>5</u>
<u>McQuiggins v. Perkins, 133 S.Ct. 1924</u>	<u>6</u>

## STATUTES AND RULES

## OTHER



## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

U.S. Const. VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

U.S. Const. XIV, sec.1:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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 deny to any person within its jurisdiction the equal protection of laws.

## REASONS FOR GRANTING REHEARING

Petitioner motion for a petition for rehearing before this Honorable Court based on extraordinary circumstances of Newly Discovered Evidence of the Head Investigator Lorin Williams of this case being recently fired in February 2019 for misconduct for falsifying documents. All cases that Investigator Lorin Williams was involved in are being reviewed by the South Carolina Attorney General's Office and the Spartanburg County Solicitor's Office. Petitioner prays that this Honorable Court find the discretion to grant petition for rehearing to review this case based on the extraordinary circumstances surrounding this case as the Head Investigator also did misconduct while involved in this case.

There is already exceptional importance of petitioner's actual innocence by way of exculpatory scientific evidence of security surveillance camera videos showing petitioner couldn't of traveled approximately 5 MILES in 28 SECONDS from the crime scene to the hospital based on the time stamps of the security cameras of the 2 locations of Southeastern Converters and Spartanburg Regional Hospital, as well as Alibi witness Antionette Butler(Porsche) coming forward to clear petitioner letting it be known that she was never contacted by trial lawyer. Showing that petitioner was innocent and never at the crime scene.

Petitioner would like to show where this Head Investigator Lorin Williams that was fired for misconduct for falsifying documents, also did misconduct in petitioner's case to get this wrongful conviction that was a miscarriage of justice that warrants this Honorable Court to vacate this sentence and grant immediate release of petitioner. Trial lawyer mentioned 8 years ago in trial Head Investigator Lorin Williams misconduct in this case, but it was overlooked resulting in this miscarriage of justice were petitioner an innocent man was wrongfully convicted.

Trial lawyer stated in trial: "THE SECOND PERSON, INDEED THE PERSON THAT BRINGS THIS CASE TO THIS VERY COURTROOM THAT WE HAVE NOT HEARD FROM, BUT THEY'RE HERE, THEY BEEN HERE EVERYDAY

IS THIS MAN RIGHT HERE. INVESTIGATOR LORIN WILLIAMS. YOU'VE  
HEARD ME TALK TO INVESTIGATOR TALANGES WHO CAME OUT, TOOK PICTUR-  
ES, ASCERTAINED THE PHYSICAL EVIDENCE INVOLVED IN THIS CASE.  
BUT THE PERSON THAT PUT THE WHOLE CASE TOGETHER, THE PERSON  
THAT TALKED TO ALL PARTIES INVOLVED, THE PERSON THAT TALKED  
TO BRYANT MILLER IN TERMS OF WHAT INFORMATION HE GAVE, WHAT  
HE DIDN'T GIVE, THE INCONSISTENCIES, IN FACT, THE UNTRUTHS THAT  
WAS PRESENTED IN THIS COURTROOM, I SUBMIT NOT FROM THIS SIDE  
WITHOUT LORIN WILLIAMS COULD OF CLEARED THIS UP FOR US. BUT  
YOU HAVE TO ASK YOURSELF WHY DIDN'T WE HEAR FROM INVESTIGATOR  
WILLIAMS?

HE SITS HERE, BUT UTTERS NOTHING. WE CAN'T HEAR FROM HIM.  
WHY? HE'S ON THE SIDE OF THE STATE. HE'S THE PERSON THAT BROUGHT  
THE CHARGES. IT'S IMPORTANT THAT WE SHOULD OF HEARD FROM HIM".  
(SEE PCR APP.I. PG.413 line 6-25;PG.414 line1-3)

Trial lawyer spoke of the UNTRUTHS presented at trial  
by Head Investigator Lorin Williams and how Investigator COULD  
OF CLEARED THIS CASE FOR US. I would like to point out how CORRUP-  
TION came into play in this case once Head Investigator Lorin  
Williams came into contact with the MAIN VICTIM speaking with  
Head Investigator Lorin Williams, were FACTS CHANGED SHOWING  
MISCONDUCT ON HEAD INVESTIGATOR LORIN WILLIAMS part. The main  
victim Dwight Geter was the only one of the victims, that provid-  
ed information of the incidents that night right after the incid-  
ents, when in contact with the first law enforcement official  
Investigator Heather Forrester. Victim Dwight Geter advised  
Inv. Forrester: "that he approached the stop sign on Mt. Pleasant  
Road and stopped. Mr. Geter observed a green vehicle(make+model  
unknown) pull up beside his stopped vehicle on the driver side.  
At that time AN UNKNOWN BLACK MALE BEGAN SHOOTING into his vehic-  
le. Mr. Geter advised that victim 1 was shot in the neck and  
victim 2 was also shot but he did not know where on the body  
Mr. Geter immediately drove both victims to Mary Black Hospital  
for treatment."

Petitioner wants to point out further that in the informat-  
ion given to Inv. Forrester by Victim Dwight Geter: "Mr. Geter

advised that he and both victims had been at "Club Dreams"(1108 Charisma Drive) just prior to this incident. While there THEY ALL HAD A VERBAL ALTERCATION WITH SEVERAL UNKNOWN BLACK MALES, Mr. Geter would not provide any further information in reference to that incident other than he believes those black males followed him from "Club Dreams" to the incident location."(SEE PCR APP.II. PG.785-787)

What I would like to point out that Victim Dwight Geter stated, right after the incident HE SAW AN UNKNOWN BLACK MALE BEGAN SHOOTING AT THEM, A GREEN VEHICLE(MAKE+MODEL UNKNOWN), NOBODY SHOT BACK, AND THEY ALL HAD A VERBAL ALTERCATION AT THE CLUB WITH SEVERAL UNKNOWN BLACK MALES. All these KEY FACTS CHANGED as Victim Dwight Geter got into CONTACT WITH HEAD INVESTIGATOR LORIN WILLIAMS showing and proving misconduct was involved FALSIFYING INFORMATION.(SEE PCR APP.II. PG.780-783) First I like to point out petitioner was NEVER PICKED OUT of the photo line-up by ANY of the Victims, even told by the victims that they NEVER SEEN OR HEARD of Petitioner. I would like to point out the misconduct were Victim Dwight Geter changed his story HE DIDN'T GET TO SEE THE SHOOTER.(SEE PCR APP.I. PG.185 line1-12) It was MISCONDUCT done to help get the wrongful conviction were state USED FALSE EVIDENCE of the GUNSHOT RESIDUE LEVEL NUMBERS THAT NEVER EXISTED TO MAKE PETITIONER THE SHOOTER, WHEN NOBODY NEVER IDENTIFIED PETITIONER AS THE SHOOTER OR INVOLVED.(SEE PCR APP.I. PG.330 line25-PG.331 line1-25;PG.425 line18-24)

I would like to point out the SLED Forensic Service Laboratory Report SHOWS THESE GUNSHOT RESIDUE LEVEL NUMBERS NEVER EXISTED.(SEE PCR APP.II. PG.732) Sled Investigator Ila Simmons FALSELY TESTIFIED about the LEVEL NUMBERS, which Head Investigator Lorin Williams knew NEVER EXISTED. Just as the story of victim Dwight Geter CHANGED the VERBAL ALTERCATION into a PHYSICAL FIGHT. This clearly has to be FALSE as no one MISTAKES a VERBAL ALTERCATION from a PHYSICAL FIGHT. Even deeper Victim Dwight Geter first stated to Inv. Forrester NOBODY SHOT BACK when the shooting took placed, but when talking with Head Investigator Lorin Williams his story CHANGED to HE SHOT BACK, which is odd for the

Victims story to CHANGE when he comes in CONTACT with HEAD INVES-  
TIGATOR LORIN WILLIAMS, who has been FIRED FOR MISCONDUCT FOR  
FALSIFYING DOCUMENTS.

Another thing petitioner would like to point out is William  
Dendy testified for the state about the GREY NISSAN the state  
claimed was the suspect car.(SEE PCR APP.I. PG.280 line5-11)  
The state FALSELY CLAIMED the car USED TO BE GREEN.(SEE PCR  
APP.I. PG.425 line3-11) Look who name is mentioned that Investig-  
ator Lorin Williams found this car. The BIG INCONSISTENCY is  
IT IS NOT A GREEN VEHICLE, which doesn't match the description  
of the Victim Dwight Geter or the WHITE EYEWITNESS GLENN KELLY  
of the suspect car, who was a neutral party that was a citizen  
in his community 15 FEET from the crime scene outside his house  
who IMMEDIATELY VOLUNTARILY called 911 to report a crime he  
just WITNESSED SEEING a MUSTANG and CROWN VIC at the 4 way stop.  
(SEE PCR APP.II. PG.658 line7-PG.660 line 18) Eyewitness Glenn  
Kelly even clarified at PCR hearing "IF I SAID IT WAS A GREEN  
MUSTANG, IT WAS A GREEN MUSTANG". Whats odd NO law enforcement  
or lawyer investigated this eyewitness that matched the GREEN  
DESCRIPTION of the victim but with GREATER DETAIL. A MUSTANG  
is TWO DOORS NEVER HAVE THERE BEEN MADE A FOUR DOOR MUSTANG  
IN THIS WORLD destroying the state's claim it was the four door  
nissan that Investigator Lorin Williams found burned up. The  
eyewitness identified the victim's and suspect's cars why was  
this information kept HIDDEN that HEAD INVESTIGATOR LORIN WILLIAM  
who was recently FIRED for MISCONDUCT FOR FALSIFYING DOCUMENTS  
knew. (SEE PCR APP.II. PG.773-774)

Another thing petitioner want to point out is it was made  
clear that night from Investigator Talanges both Petitioner  
and allege codefendant BOTH DROVE TO HOSPITAL proving THEY WAS  
NOT TOGETHER. (SEE PCR APP.II. PG.736,740) Further the Spartanbu-  
rg Regional Hospital security surveillance camera video showing  
petitioner walking in the hospital at 3:55:02am on 3/14/2009,  
36 SECONDS AFTER the cars are LEAVING THE CRIME SCENE at 3:54:36  
am on 3/14/2009 according to Southeastern Converters security  
surveillance camera video, making it TOTALLY IMPOSSIBLE for

PETITIONER TO TRAVEL APPROXIMATELY 5 MILES IN 36 SECONDS OF THE TWO DISTANCES. Petitioner WAS NEVER AT THE CRIME SCENE. To corroborate the security camera videos, Alibi witness Antionette Butler(Porsche) came forward to verify that Petitioner was in his neighborhood Crescent Hills(originally known as Spartan Terrace) the night he was robbed and shot, which he previously before trial told trial lawyer who failed to interview or subpoena when petitioner gave trial lawyer the alibi witness statements before trial. Antionette Butler revealed in her latest statement she was never contacted by trial lawyer when she was willing to come to court to clear petitioner name from the accusations. (SEE ATTACH ALIBI WITNESS STATEMENT IN PETITION FOR REHEARING)

The Supreme Court long ago opinioned that a STATE MAY NOT KNOWINGLY USE FALSE EVIDENCE, INCLUDING FALSE TESTIMONY TO OBTAIN A TAINTED CONVICTION.Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173. "This is REGARDLESS of whether the government solicited testimony it KNEW OR SHOULD HAVE KNOWN TO BE FALSE OR SIMPLY ALLOWED SUCH TESTIMONY TO PASS UNCORRECTED".United States v. Kelly, 35 F.3d 929(4th Cir.1994). A NEW TRIAL is REQUIRED when the government's KNOWING USE OF FALSE TESTIMONY could have AFFECT the JUDGMENT of the jury. The courts ruling in the two above cited cases applies to petitioner's case as false testimonies and false evidence was USED by HEAD INVESTIGATOR LORIN WILLIAMS WHO RECENTLY WAS FIRED FOR MISCONDUCT FOR FALSIFYING DOCUMENTS violated petitioner's right to due process of law and denied petitioner of a fair trial.

The LAW firmly established that the fourteenth amendment to the Constitution of the United States CANNOT TOLERATE a state criminal conviction obtained by KNOWING USE OF FALSE EVIDENCE OR IMPROPER MANIPULATION OF MATERIAL EVIDENCE.Trodel v. Wainwright, 785 F.2d 1457; U.S. v. Bagley, 473 U.S. 677, 105 S.Ct. 3375. The term "FALSE EVIDENCE" includes the introduction of specific misleading evidence important to the prosecution's case in chief or the nondisclosure of specific evidence valuable to the accused defense.Trodel v. Wainwright, 667 F.Supp 1456; Donnelly v. DeChristoforo, 416 U.S. 637, 94 S.Ct. 1868. The courts ruling in Bagley

and DeChristofo applies to petitioner's case. Fundamental miscarriage of justice exception, is grounded in the equitable discretion of habeas courts to see that federal constitutional errors do not result in the incarceration of innocent persons. McQuiggins v. Perkins, 133 S.Ct. 1924.

Based on the exceptional importance of petitioner's case where it is clear that this is a miscarriage of justice were petitioner was denied due process of law as well as a fair trial at the hands of the misconduct of Head Investigator Lorin William who has been currently fired for the misconduct of falsifying documents in cases, petitioner deserves relief as petitioner was affected by this prejudice. Petitioner has shown the false testimonies and false evidence used to get the TAINTED CONVICTION that petitioner is currently suffering from.

The exceptional importance of petitioner's case is, there is exculpatory scientific technology of security surveillance camera videos and an alibi witness that proves that petitioner was NEVER at the crime scene and that petitioner is an innocent man falsely imprisoned by the tainted conviction obtained by the misconduct of Head Investigator Lorin Williams, who has been recently fired for misconduct, being involved in petitioner case.

#### CONCLUSION

All cases Investigator Lorin Williams was involved in being reviewed. Petitioner prays this honorable court use its discretion in giving petitioner's case review as top priority based on the exceptional importance of this case of miscarriage of justice by proof of actual innocence by strong exculpatory evidence and the Head Investigator being fired for misconduct for falsifying documents. Petitioner deserves justice and immediate release from this tainted conviction at the hands of misconduct by Investigator Lorin Williams. Petitioner deserves relief and petition for rehearing granted by this honorable court that cannot tolerate corruption, as petitioner is an innocent man serving a LIFE sentence in prison for something he didn't do because a corrupt official violated petitioner's constitutional

rights. May this honorable court UPHOLD it's statement, "IT IS BETTER FOR 999 GUILTY PERSONS TO BE FREED THAN FOR ONE INNOCENT PERSON TO BE CONVICTED", in deciding petitioner's fate. Based on the Newly Discovered Evidence of the Head Investigator Lorin Williams being recently fired for misconduct for falsifying documents and all cases are subject to being reviewed, petitioner respectfully requests and prays this honorable court correct this miscarriage of justice were petitioner, an innocent man is serving a life sentence on a tainted conviction. The petitioner prays the Supreme Court grants petition for rehearing. I, Rishawn Reeder, petitioner certify that the petition for rehearing is presented in good faith and not for delay.

Respectfully submitted,

Rishawn Lamar Reeder

*Rishawn Reeder*

Date: April 16, 2019