

No. 18-8815

IN THE
SUPREME COURT OF THE UNITED STATES

Reich — PETITIONER
(Your Name)

vs.

Slagle — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

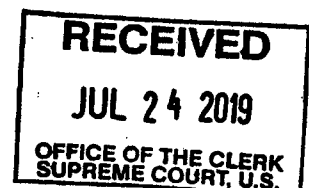
PETITION FOR WRIT OF CERTIORARI

Scott Randall Reich
(Your Name)

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Nashville, NC. 27858
(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

- 1) Has rules of evidence and discovery laws changed so as a District Attorney can pick and choose what exculpatory and impeachable evidence will be released?
- 2) The order issued by the Judge stated the petitioner could use FBI transcripts in the Reply. Transcripts proved beneficial. Is it the opinion of the Supreme Court of the U.S. said evidence can be used in proceedings?
- 3) How can crime scene photographs that prove law enforcement destroyed evidence that cleared me be used to obtain a wrongful conviction?
- 4) Is the Supreme Court of The United States in agreement with the Fourth Circuit precedent that there is cause of equitable tolling of time restrictions in a federal habeas?
- 5) FBI transcripts pages 613-614 reveal the District Attorney prevented my primary witness from testifying at my trial by threatening her with a violation of my sixth and fourth Amendment?
Also conducted a search of my residence where my evidence disappeared, he planted evidence and filed my arrest warrant. Then three-and-a-half months before my trial, he plead guilty to AIT/STAL/ Dist. criminal evidence and a felony charge of embezzlement - Public Officer/Trustee. That being said, isn't it a discovery violation to withhold that from a jury and a defendant in the trial?
- 6) Rule 6 governing section 2354 cases in the United States District Courts is titled Discovery. If FBI transcripts are given according to Rule 5(c), proved Brady as in discovery with holds should a defendant be granted such 'discovery' and not be accused of 'fishing' when it was the Rule that sought such evidence/discovery to fight?
- 8) How can a District Attorney be rewarded for withholding evidence, by time restrictions being used against a defendant simply to protect a District Attorney from prosecution?
Can a Defense Attorney claim he 'neglected' lack of law enforcement investigation, when case law states he must file a Affidavit to suppress evidence?
- 9) Can a Defense Attorney claim he 'neglected' lack of law enforcement investigation, when case law states he must file a Affidavit to suppress evidence?

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:

*Sash Stern, NC. Attorney General
N.C. Dept. of Justice
P.O. Box 629
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TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	<i>Decision of the U.S. Court of Appeals for the Fourth Circuit</i>
APPENDIX B	<i>Decision of the U.S. District Court, Western District (Asheville, NC.)</i>
APPENDIX C	<i>North Carolina Court of Appeals</i>
APPENDIX D	<i>Superior Court Division State of North Carolina County of Rutherford</i>
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Kyles, 514 U.S. at 437 (1995)	
Bone v. Padecick, 541 F.2d 447, 448-49 (4 th Cir. 1976)	
U.S. v. Wilson, 605 F.3d 985, 1006-07 (D.C. Cir. 2010)	
Varborough v. Bentley, 540 U.S. 1, 5 (2003) (per Curiam)	
Padilla v. Ky. 130 S.Ct. 1473, 1480-81 (2010)	
McMann v. Richardson, 397 U.S. 759 (1970)	
Lewis v. Hoen, 581 F.3d 92, 107 (3 ^d Cir. 2009)	
Fley v. Bagley, 604 F.3d 958, 968-70 (6 th Cir. 2011)	
Cheney v. Washington, 614 F.3d 987, 996 (6 th Cir. 2010)	
Darden v. Wainwright, 477 U.S. 168 (1986)	
Donnelly v. DeChamisso, 416 U.S. 637, 643 (1974)	
Murphy v. United States, 487 U.S. 533, 542, 108 S.Ct. 2529 101 L.Ed. 2d 472 (1988)	
Shack v. McDaniels, 529 U.S. 483, 484 (2000)	
Miller El. v. Cockrell, 537 U.S. 322, 336-38 (2003)	
Starklee v. Greene, 527 U.S. 263, 281-82 (1991)	
Cone v. Bell, 129 S.Ct. 1769, 1782 (2009). V.I. v. Fahle, F.3d 249, 253 n.5 (3 ^d Cir. 2005)	

STATUTES AND RULES

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 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 United States district court 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.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C 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 Superior Court Division State of NC. Rutherford County court appears at Appendix D 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 December 6, 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: _____, 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 November 17, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth, Fifth, Sixth, and Fourteenth Amendments

- N.C.G.S. 14-33.1 Evidence of Former threats upon plea of Self defense
N.C.G.S. 14-226. Intimidating or Interfering with witnesses.
N.C.G.S. 8-85. Court Reporters Certified Transcription
N.C.G.S. 15A-903. Disclosure of evidence by the State - Information subject to disclosure
N.C.G.S. 15A-907. Continuing duty to disclose.
N.C.G.S. 15A-910. Regulations of discovery - Failure to comply
Hall v. Directors of Corrections, 343 F.3d 976 (9th Cir. 2003)
Thompson v. Calderon, 109 F.3d 1358 (9th Cir. 1996)
N.C. v. Roper, 402 S.E. 2d 600, 328 NC 337 cert. denied 112,280, 502 U.S. 902, 116 L.E. 2d 232 (1991)
Holloway v. Woodard, 655 F. Supp. 1245 (1987)
N.C. v. Thompson, 15 N.C. App. 416, 190 SE2d 355 (1972) cert. denied 282 NC 307, 192 SE2d 197
N.C. v. AITMAN, 15 N.C. App. 257, 189 SE2d 793 (1972) cert. denied 218 NC 759, 191 SE2d 362
N.C. v. Wood, 8 NC App. 34, 173 S.E. 2d 503 (1970)
N.C. v. Knight, 340 NC 531, 459 SE 2d 481 (1995)
Bracy v. Gamley, 520 U.S. 899, 908-09, 138 L.E. 2d 97 (1997)
United States v. Roane, 378 F.3d 382, 402-03 (4th Cir. 2004)
Harris v. Nelson, 394 U.S. 286, 290 (1969)
Wiggins v. Boyette, 635 F.3d 116 (4th Cir. 2010)
Brecht v. Abramson, 507 U.S. 619, 631, 113 SC, 1710, 123 L.E. 2d 253 (1992)
Hendricks v. Vasquez, 974 F.2d 1099, 1103 (9th Cir. 1992)
Terance JAVARR Ross v. Mike Siasle, case no. 1:16-cv-29-FDW
Holland v. Florida, 560 U.S. 631, 649 (2010)
Rouse v. Lee, 339 F.3d 238, 246 (4th Cir. 2003)
Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000)

STATEMENT OF THE CASE

As my friend took place, I watched in open court my primary witness threatened as to plead 5th. My attorney refused to object. He devoted former top investigators of the crime scene testified, my attorney 'sight' me telling me the court would look me back in my 'hole' where jury fees moved me to, to keep me isolated from any source of help. 275 days solitary confinement. (Was prior to population). Despite pleas from my Dad & brother to my attorney about falsified evidence, uncovered, crime scene photographs of all this. Evidence destroyed being presented to jury as factual and not questioning states version, despite these versions being unsupported. My motion for appropriate relief denied. Defense attorney stated he knew of former deputies arrest & conviction, yet did not feel it was important. State said with 1st witness for state. Evidence of former RCD Sgt. with 1st conviction, state said with 1st witness for state. In view of fact to NC court of appeals. I introduced a document, discovery pg. 136 KK, by Det. Chris Fannin, dated Nov. 9, 2006, nine days into investigation. Titled 'State's'. First and 1st of witnesses for state is 'with 1st RCD', N.C. Att. Gen. Roy Cooper said 1st witness. I file a Federal Habeas. Explain how then payee then freedom of information act I received criminal file on former arresting officer RCD with 1st RCD by May 1, 2014. Not knowing legal process, I filed state habeas and told not to take out my evidence. Denied. I sought help from various sources, continually writing court clerks, transcripts stenographers, FORA - homeland security, Will Eggleston, no info. Finally, in Oct. 2015, filed M.A.E. Ch. U.S. Dist. Judge gave Respondent, ATT. Gen. order to respond. They did so, turning over transcripts. Dec. 27, 2017, Judge Fernit D. Whitney said I could respond, 'Reply' to response. I did, and then a couple of supplemental letters explaining on trial transcript pages 613-614 (filed in Habeas process, appeal for C.O.A., then no informal brief to fourth circuit) pages revealed more factual evidence of prosecutorial misconduct. N.C. S. witnesses tampering and badly violation of with holding four-and-a-half-hour statement as with as a search warrant also. This was done by my co-defendants lawyer speaking before the court informing of the criminal behavior by prosecutor. More proof of I.A.C. by my defense attorney Daniel Tibbott. I requested discovery then motion filed. N.C. Att. General's office stated I was on a 'fishing expedition', making a joke, making the legal process known, again. I had no one to address the court on my behalf. Chief U.S. Dist. Judge denied my habeas. His response made it appeared I lied. So I filed a app. for a C.O.A., addressing & explaining exactly where & when I had introduced all evidence in the cert. to NC. Court of Appeals, Habeas & the Reply. In the responses I requested a primary charge against now, Gov. Roy Cooper who as N.C. Att. General committed primary saying former deputy with 1st was never a witness. I requested a primary charge against the person who stated she kept track of entire file that did not know that since 2006 I happened to keep a page from Discovery years back I requested a change of N.C. S. 14-226 I'm informing or interfering with witnesses regard Prosecutor Bend Discovery for threatening my witness. Transcript page 615-614 clear. As discovery photographs N.C. S. 15A-910 failure to comply - withholding evidence

REASONS FOR GRANTING THE PETITION

I am not a educated man. I've only got a GED. No blame, just history.

When certain crime scene photos present the fact that L.E.O.s moved/destroyed evidence, presented to a Jury as fact and a Defense ATT. does not question IT? I.A.C. when a former Deputy who is sitting as a juror, whose hand destroyed all evidence, stole evidence at a Defendant's home then a search warrant seized the evidence to be used in court to convict the Defendant, and planted evidence to assist the Defendant, and yet the Prosecutor a Defense Attorney claim the Deputy was not a witness, or not 'became' to a Defense. That is a clear violation of a Defendant's right to question evidence used against the Defendant, and a violation of 'equal protection' according to the 14th Amendment.

When a U.S. Dist. Judge signs a order saying a Retiree can use Tami Tennessee's (order Dec. 27, 2017 by Judge Fernand D. Whitham), in a reply, then some Tennessee's are proof of criminal actions by the D.A. how can a motion of Discovery according to Rule 6 of 'Rules governing section 2354 cases in the United States District Courts' be denied? AT bare minimum I should be allowed Discovery. I also explained the denials of two letters to Sejourne a coparent who were the top investigators. denied. Also, state withheld NCSCI a BATE investigation files (ISA-903) - as a complete rules violation - N.C.G.S. 15A.910.

I begged for the help of the law enforcement to protect my family all the way to the N.C. Governor's office a Washington then D.O.J. FBI. At every level, I was denied. Though events, a man denied. Not murder on my part. Self preservation a protecting my family. Nothing less than.

Things. They did, you see, I have no more documents (copies) to be included. This person changed the entire legal mail process, removing the location of how it is processed taking the two offices I wanted of Matt French, The U.S.P.S. Criminal Investigation Dept. out of Chicago, IL. give me ref: C/ETM/03/50/C1889812 and transferred to USA in Greensboro, NC.

Please, I beg you, if you get the file of the Habers process & C.O. A. objective and innocent man. Is this normal for your Honorable Court? I'm certain it's not, but it, this entire situation leading to the death of Adam Kay, who I do not have resources to obtain the files or even send a copy to N.C. ATT. Gen. Josh Stein. Please, again, please help me.

Scott F. Reich

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Scott R. Reich

Date: July 17, 2019