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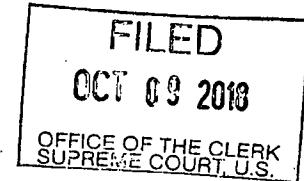
18-8880

No. \_\_\_\_\_

In the

Supreme Court of United States

Michael  
Michel A Edwards  
VS  
United States of America



On Petition for a Writ of Certiorari to United States Court of Appeals for 2<sup>nd</sup> Circuit

Petition for Writ of Certiorari

Respectfully Submitted

Pro - Se  
Michael A. Edwards  
#163867 E 18 Garner C.I.  
50 Nunawauk Rd  
Newtown, CT 06470

Question Presented

To

V

Can the government tell the triers of fact that defendant confessed to murder<sup>V</sup> Isiah C Manuel, born 3/3/65, a fictitious person that does not exist to frame the defendant.

Did the government deny the defendants due process rights by using a fraudulent testimonial statement made by a fictitious person to impeach the defendant.

## List of Parties

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Newtown, CT 06470

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### Federal Cases

Phelps Vs. Alamedida, 569 P 3d 1120 (9<sup>th</sup> cir.009)

Yarborough Vs. Keane 101 f 3d 894 Court of Appeals 2<sup>nd</sup> Circuit 1996

Arizona Vs. fulminante 499 U.S. 279, 07-10, 111 S. Ct. 1246, 1263-65, 113 Ld 2d 302 (1991).

Shih Wei Su Vs. filion, 335 f3d 119

Porter Vs. Texas 380 U.S. 400 (1965)

Mooney Vs. Holohan, Warden 294 U.S. 103 (1935)

United States Vs. Aqurs 427 U.S. 97 (1996)

G.Glio Vs. United States 405 US. 180 (1972)

United States VS. Ruben Feliciano AKA Rude DoG 223 f3d 102 (2000)

Eric Jenkins Petitioner Vs. Christopher Artuz 294 f3d 284 (2002)

28 USC. 2254 (d)

United States of America Amendment VI

U.S. Vs. McCullah 87 f3d 1136, 1139 (10<sup>th</sup> cir 967)

Edwards Vs. Carpenter 529 U.S. 446, 454 (2000)

**Gonzalex Vs. Sullivan 934 f2d 419, 424-425 (2<sup>nd</sup> cir 1991)**  
**Certificate of Appealability (COA)**

**Slack Vs. McDaniel 529 U.S. 472, 483-84**

**Barefoot Vs. Estelle**

**I.G.S. Wigmo, Evidence 1367 (3d Ed. 1940)**

**Pointer F. Texas 380 U.S. 4000, 403 (1965)**

**MD. Vs. Craig 497 U.S. 836, 843 (1990)**

**Bruton Doctrine**

No \_\_\_\_\_

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In The  
Supreme Court of the United States

October Term 2018  
Michael A. Edwards, Petitioner

Vs.  
United States of America

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Petitions for a Writ of Certorari to the  
United States Court of Appeals  
For the  
2<sup>nd</sup> Circuit

Petitioner Michael A. Edwards respectfully prays that a Writ of Certorari Issue to Review Judgement and Opinion of the United States Court of Appeals for Second Circuit dated 26th day of July, Two Thousand Eighteen

Opinion Below

Jurisdiction

*19th September*

The Court of Appeals opinion in this case was filed on 2018. This Courts jurisdiction is invoked under 28 U.S.C. Section 1254 (1). The basis for subject matter jurisdiction in the District Court was 18 U.S.C. Section 3231 jurisdiction over offenses against the United States. The basis for the jurisdiction of the Court of Appeals was 28 U.S.C. section 1291 appeals from final judgement of the District Court and Federal Rule of Appellate procedure 4(b), appeals from criminal convictions.

Constitutional Statutory and  
Regulatory Provisions Involved

United States Constitution Amendment VI, Violation of Confrontation Clause 28, U.S.C. 2254 (d) violation of due process. The Government framed the petitioner

and told the jury (the triers of fact) that petitioner confessed to murder to a person named Isiah (C) Manuel DOB. 3/3/65. This person does not exist. This fictional person was never produced. This supposed statement was never given to the Defense. The supposed statement was never put into evidence. The State never made a showing that Isiah C. Manuel was unavailable. The State went as far as to putting this fictional person on their witness list.

#### Statement of the Case

Petitioner Michael A. Edwards was closing g this family's grocery store for the night. The petitioner works 1 hour shifts, 7 days a week from 9:00a.m. to 11:00p.m. On 2/17/95 I, the petitioner got into a verbal argument with G. Money, a convicted felon who was on payroll for several armed robberies. I had previously told him not to come back to the store. He left saying, (What time you closing up". I replied, "Same time every night." Petitioner watched G. Money go across the street and call his friends. I continued closing up the store. As I hit the lights and closed the doors and metal gate door, I heard and saw J. Love say, "Yo George Mike is getting away." G. Money came running at me and he swung and missed. I punched him and he fell back against the store door and tried to pull a gun out of his waist. I charged him to force the gun back toward him, kneed him in the groin and weapon discharged killing him. I was charged with murder. I was found guilty of murder but not guilty of physical possession of the pistol, not guilty of physical possession of firearm, not guilty of physical possession of the murder weapon. The only reason petitioner was found guilty of murder was the prosecutor told jury petitioner confessed to murder to a person named Isiah C. Manuel, born 3/3/65. This person does not exist. The State never produced Isiah C. Manuel, never produced the supposed statement into evidence, never made a showing that Isiah C. Manuel was unavailable. (States Medical Examiner states "I have no opinion because no one has set Mr. Edwards or defendant into position.) *During Chaos As to how STRUGGLE for WEAPON TRANSPiRED*

#### Violation of Confrontation Clause

#### And its Progeny's Hearsay

The Confrontation Clause (6<sup>th</sup>) Sixth Amendments Confrontation Clause provides a criminal defendant the right to directly confront adverse witnesses. See U.S. Constitution Amendment VI, the petitioner has never received the 2<sup>nd</sup> Circuit Court's ruling and the reason petitioner's request for (C.O.A.) was denied. I advised the Court that denying me relief will be a miscarriage of justice. All forensic evidence was destroyed before petitioner's trial. Because it evidently

Exonerates petitioner. The 2<sup>nd</sup> Circuit Court of Appeals stated Court of Appeals courts are not meant to trap a petitioner who has poor drafting skills. The stakes are too high for a game of legal gotcha. U.S. Vs. McCullah 87 f3d 1136, 1139 (10<sup>th</sup> cir. 96) Chief Judge Oaks of the Second Circuit has warned the catch 22 that the law of federal habeas corpus now may soon reach the point. Were it more often then not leaves convictions immune from federal scrutiny even where federal constitutional rights have been clearly violated. Gonzalz Vs. Sullivan 934 f.2d 419, 424-425 (2<sup>nd</sup> cir. 1991) federal practice and procedure 484 at 669-701 (2d Ed 1982). As stated above I was not given reason I was denied C.O.A.

I reminded the 2<sup>nd</sup> Circuit Court of their ruling in a previous case. This Court in Eric Jenkins Vs. Arthuz 294 f3d 284 (2002) stated we hold that under Sellan Jenkins claim was adjudicated on the merits of the more Deferential Standard of Review set for the at 28, U.S.S.C. 2254 (d). It therefore applied to State Court decisions we hold nonetheless that writ should issue because Appellate Division denial of Jenkins federal due process claim relating to the use of false testimony against him was unreasonable 287. Application clearly established federal law as determined by the Supreme Court of United States. In a Supreme Court ruling in Mooney Vs. Holohan 294 U.S. 103 (1935) the Court had little difficulty finding that Mooney's claim had constitutional dimensions. In a per curiam decision, the Court said that due process is a requirement that cannot be deemed to be satisfied by mere notice and hearing. If a state has contrived through pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through deliberate deception of the Court and the jury by the presentation of testimony known to be perjured. Such a contrivance by a State to procure the conviction and imprisonment of a defendant is "consistent with the rudimentary demand of justice as the obtaining of alike result by intimidation.

In the opinion the Court emphasized the knowing use of perjured evidence because it was considered the most serious of the claims. No significance should be placed on its failure to mention the suppression which was as much a part of the deliberate deception as the use of perjured evidence, Pyle vs. Kansas cleared away any doubt that existed.

In Napue Vs. Illinois, the Court held that a lie which did not concern any of the facts of the case but involved the credibility of the witness tainted the conviction an necessitated a new trial. The Isiah C. Manuel lie bore on his credibility and petitioner was prejudiced.

In Napue the Court went on to say "The administration of Justice must also be beyond suspicion ". It is of no consequence that the falsehood bore upon the witness' credibility rather than directly upon the defendants guild. A lie is a lie no matter what its' subject and if it is any way relevant to the case. The prosecutor has the responsibility and duty to correct what he knows to be false and elicit the truth, nor does it avail the State to contend that the defendant's guilt was clary established or that disclosure would not have changed the verdict. We may not close our eyes to what occurred regardless of the quantum of guilt or asserted persuasiveness of the evidence. The episode may not be over looked. It cannot be doubted at this late date the right of cross examination is included in the right of an accused in a criminal case to confront the witness against him and probably no one certainly, no one experienced in the trial of lawsuits would deny the value of cross examination in exposing of falsehoods and bringing out the truth in a criminal case. (see E.G. 5 Wigmore, Evidence 367 (3d ed. 14) The fact that this Right appears on the Sixth (6<sup>th</sup>) Amendment of our Bill of Rights, reflects the belief of the framers of those liberties and safeguards that confrontation was a fundamental right essential to a fair trial in a criminal prosecution.

Moreover, the decisions of this Court and other courtly throughout the years have constantly emphasized the necessity for cross examination as a protection in criminal cases that the petitioner was not protected. The United States Supreme Court has told the lower Courts that convictions in cases involving perjury of a witness must be reversed unless the evidence is so overwhelming that there is no reasonable likelihood that false testimony could have affected the judgement of a jury. The petition was found not guilty of physical possession of the murder weapon.

*deceased's*

The defendant's sister, while being examined on the stand, told the jury saying, "My Aunt was there and saw everything". The Aunt was subpoenaed and came to Court the next day. The prosecution never got a chance to interview her (coach) and the defense never got to talk to her either. The ~~defendant's~~ deceased Aunt who was an eye witness and corroborated the petitioner and petitioner's two eye witnesses.

The petitioner could not overcome the States Attorney who shielded with Imprimatur of the State saying, "Petitioner confessed to murder". The statement was the most damning of all the evidence the confession of murder.

This statement affected the jurors. The birth right of confrontation extends to State prosecution through the due process clause of the Fourteenth Amendment. See Pointer Vs. Texas 38 US. 400, 403 (1965) . See M.D. Vs. Craig U.S. 836, 843 (1990). In petitioners case, the prosecutor acted as a witness and vouched for credibility of Isiah C. Manuel and told jurors that the petitioner confessed to murder of decedant too Isaiah C. Manuel. The use of an non-testifying witness' statement implicating petitioner violates the Bruton Doctrine and defendant's rights.

Respectfully submitted  
Michael A. Edwards  
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50 Nunnawauk Rd.  
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Conclusion

The petitioner Michael Anthony Edwardes, respectfully requests that a writ of Certorari issue to review the judgement and opinion of the United States Court of Appeals for the Second Circuit.

Respectfully submitted

Prose

Michael Anthony Edwards  
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Newtown, CT 06470

Proof of Service

I, Michael Anthony Edwards certify that pursuant to Supreme Court Rules 29.3 and 9.4 that I have served the preceding petition for a Writ et Certorari on each party to this proceeding by depositing envelope containing petition in the United States mail postage prepaid on this 5<sup>th</sup> day of October, 2018 to:

Michael Proto  
30 Corporate Place  
Rocky Hill, CT 06067