

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

WILLIE PETERSON

Petitioner,

v.

STATE OF NEW JERSEY,

Respondent.

APPENDIX TO PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE THIRD CIRCUIT

Submitted By:

Willie Peterson #452630/732981A
New Jersey State Prison
P.O. Box 861
Trenton, New Jersey 08625

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BLD-055

December 13, 2018

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **18-2583**

WILLIE PETERSON, Appellant

v.

ADMINISTRATOR NEW JERSEY STATE PRISON; ET AL.

(D.N.J. Civ. No. 2-13-cv-04250)

Present: AMBRO, KRAUSE and PORTER, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability ("COA") under 28 U.S.C. § 2253(c)(1);
- (2) Appellees' opposition thereto; and
- (3) Appellant's filing received on August 20, 2018, which may be construed as a supplement to his request for a COA

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant seeks a certificate of appealability ("COA") to appeal from the District Court's denial of his habeas petition, which raised sixteen claims. Reasonable jurists would not debate the District Court's denial of Appellant's prosecutorial misconduct claim, either because the prosecutor's remark during closing argument was not improper under Griffin v. California, 380 U.S. 609, 615 (1965), see United States v. Brennan, 326 F.3d 176, 187 (3d Cir. 2003) ("A [prosecutor's] remark is directed to a defendant's silence [only] when the language used was manifestly intended or was of such character that the jury would

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ORDER

naturally and necessarily take it to be a comment on the failure of the accused to testify.”) (internal quotation marks omitted), or because any error in that remark was harmless, see Brecht v. Abrahamson, 507 U.S. 619, 637 (1993) (articulating harmless-error standard in the habeas context); see also Lewis v. Pinchak, 348 F.3d 355, 358 (3d Cir. 2003) (indicating that a Griffin claim is subject to harmless-error analysis). Furthermore, for substantially the reasons set forth in the District Court’s cogent opinion, reasonable jurists would not debate the District Court’s denial of Appellant’s fifteen other habeas claims. Accordingly, Appellant’s COA application is denied. See Miller-El v. Cockrell, 537 U.S. 322, 327 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

s/Thomas L. Ambro, Circuit Judge



A True Copy:

Dated: December 17, 2018

NMR/cc: Mr. Willie Peterson
Frank J. Ducoat

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 18-2583

WILLIE PETERSON, Appellant

v.

ADMINISTRATOR NEW JERSEY STATE PRISON; ET AL.

(D.N.J. No. 2-13-cv-04250)

Before: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, Jr., SHWARTZ, KRAUSE,
RESTREPO, BIBAS, and PORTER, Circuit Judges

SUR PETITION FOR REHEARING

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court *en banc*, is denied.

By the Court,

s/ Thomas L. Ambro, Circuit Judge

Dated: January 15, 2019
cc: Willie Peterson
Frank J. Ducoat, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WILLIE PETERSON,

Petitioner,

v.

CHARLES WARREN, et al.,

Respondents.

Civil Action No. 13-4250 (JLL)

ORDER

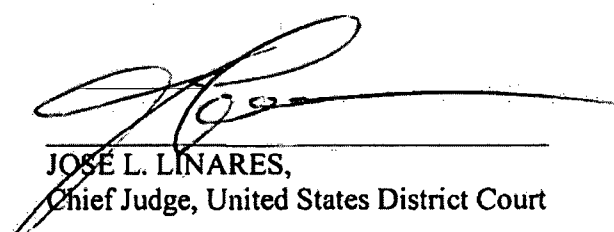
This matter having come before the Court on the petition for a writ of *habeas corpus* of *pro se* Petitioner, Willie Peterson, brought pursuant to 28 U.S.C. § 2254 (ECF No. 6-3); the Court having considered the petition, the records of proceedings in this matter, and Respondent's response to the petition (ECF No. 11), and for the reasons expressed in the accompanying opinion,

IT IS on this 20th day of June, 2018,

ORDERED that Petitioner's petition for a writ of *habeas corpus* (ECF No. 6-3) is hereby **DENIED**; and it is further

ORDERED that a certificate of appealability is **DENIED**, and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order and the accompanying Opinion upon Respondents electronically and upon Petitioner by regular mail, and shall **CLOSE** the file.



JOSE L. LINARES,
Chief Judge, United States District Court