

ORIGINAL

Supreme Court, U.S.
FILED

MAY 31 2019

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19-5822

No. 18A1212

IN THE
SUPREME COURT OF THE UNITED STATES

RONALD TUTTLE - PETITIONER

VS.

UNITED STATES - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO;

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

RONALD TUTTLE (PROSE)

ASHLAND FEDERAL CORRECTIONAL INSTITUTION

P.O. BOX 6001

ASHLAND, KY. 41105

PHONE NUMBER - UNAVAILABLE

QUESTION(S) PRESENTED

#1 Did The United States Court of Appeals For The Second Circuit Decide An Important Federal Question In A WAY THAT Conflicts With Relevant Decisions of Supreme Court?

#2 Did The United States Court of Appeals For The Second Circuit Depart From The Accepted And Usual Course of Judicial Proceedings By Sanctioning A Departure By A Lower Court Allowing For Supreme Court To Exercise ~~ITS~~ Supervisory Power?

#3 Did The United States Court of Appeals For The Second Circuit Decide On An Important Question of Federal Law That Has Not Been, But Should Be Settled By The Supreme Court?

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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"TABLE OF AUTHORITIES CITED"

#1 "The Supreme Court Has Also Held That It Is A Violation of Due Process To Convict A Defendant Based Upon False Evidence And The Government Is Also Responsible For False Testimony Even IF The Prosecution Is Unaware Of The Falsity." See Generally: Napue V. Illinois, 360 US 264, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959); Giglio V. United States, 405 US 150, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972); and Miller V. Pate, 386 US 1, 87 S. Ct. 785, 17 L. Ed. 2d 690 (1967).

"PAGE NUMBER'S CASE'S SHOWN HAS MERIT TO:

Page #12, Page 16

#2 "As long As Mooney V. Holohan, 294 US 103, 112, 55 S. Ct. 340, 79 L. Ed. 791 (1935), The United States Supreme Court Made Clear That Deliberate Deception Of A Court By The Presentation Of False Evidence Is Incompatible With Rudimentary Demands of Justice". This Was Reaffirmed In Pyle V. Kansas, 317 US. 213, 63 S. Ct. 177, 87 L. Ed. 214 (1942). The Same Result Obtains When The State, Although Not Soliciting False Evidence Allows It To Go Uncorrected When It Appears." Napue V. Illinois, 360 US 264, 269, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959).

"PAGE NUMBER'S CASE'S SHOWN HAS MERIT TO:

Page #12, Page 16

"TABLE OF AUTHORITIES CITED" (continued):

#3 "Conviction On Testimony Known To Prosecution To Be Perjured As Denial of Due Process." ~~at 98 ALR 411~~ RT
2 LED 2d 1575, 3 L. Ed. 2d 1991, of Case:

Brady v. Maryland, 10 LED 2D 215, 373 US 83

Brady v. Maryland 373 US 83, 10 L. Ed. 2d. 215, 83 S. Ct.

1194, No. 490, Argued March 18th + 19th, 1963.

And Also Under Brady v. Maryland:

"Obtaining Conviction On Perjured Testimony Known To Prosecuting Authorities To Be Perjured As Denial of Due Process"
at 98 ALR 411.

PAGE NUMBER'S CASE SHOWN HAS MERIT TO:

Page #12,

#4 "Allegation of Lack of Probable Cause Fairly Render A Complaint In An Action To Recover Damages for Federal Officers Alleged Violation of the Plaintiffs Fourth Amendment Right Against Unreasonable Search And Seizures" Sufficiently Alleges that the Arrest of the plaintiff Was Made Without Probable Cause Where It Alleges That The Arrest Was Done Unlawfully Unreasonably and Contrary To Law Not Withstanding That The Complaint Does Not Explicitly State That The Agents Had No Probable Cause For The Plaintiff Arrest." ~~at 98 ALR 411~~ RT

Under Following Case Location: Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 US 388, 91 S. Ct. 1999, 29 L. Ed. 2d 619 (1971). Case No. 301 (Jan. 12, 1971), "Headnotes" > Classified To U.S. Supreme Court Digest Lawyers Edition > Search and Seizure § 32- Federal Agents Unconstitutional Conduct - Action for Damages > Pleading § 179

"TABLE OF AUTHORITIES CITED" (continued):

#4 Continued: > Pleading § 179 - Unlawful Search & Seizure.

Also under *Bivens v. Six Unknown Named Agents*

At Location of "Search And Seizure" § 4: States:

"Fourth Amendment Guarantees": The Fourth Amendment
Guarantees To Citizens of The United States The Absolute
Right To Be Free From Unreasonable Searches And Seizures
Carried Out By Virtue of Federal Authority."

"PAGE NUMBERS CASE SHOWN HAS MERIT TO:"

Page #12, Page 16,

#5 "Strickland v. Washington," 466 U.S. 668,
104 S. Ct. 2052, 80 L. Ed. 2d. 674 (1984)

Clearly Case Shows Standards of What Ineffective Assistance
of Counsel Consists of.

"PAGE NUMBERS CASE SHOWN HAS MERIT TO:"

Page 13, Page 15, Page 16,

#6 "The Good or Bad Faith of The Prosecution Has No Bearing

On The Due Process Inquiry. Whether The Nondisclosure

For The Use of Perjured Testimony Was A Result of Negligence

Or Design It Is The Responsibility Of The Prosecutor The

Prosecutor Is The Spokesperson For The Government Since The

Investigating Officers Are Part Of The Prosecution The Taint

Is No Less If They, Rather Than The Prosecution, are guilty

of the Nondisclosure." *United States v. Buchanan*, 891 F.2d.

1436, 1442 (10th Cir. 1989), PAGE NUMBERS CASE HAS MERIT TO:

Page # 23,

"TABLE of Authorities Cited": (Continued):

(#7) "Conviction Must Be Reversed For Violation of Accused's Due Process Rights When There Is Any Reasonable Likelihood That False Testimony Could Have Affected Judgement of Jury, Even If False Testimony Relates Only To Credibility of Government Witness And Other Evidence Has Called Witness Credibility Into Question."
United States v. Kelly, (1994 CA. 4 VA) 35 F. 3d. 929.
"PAGE NUMBER'S CASE SHOWN HAS MERIT TO":
Page 24

(#8) "Due Process Is Violated When Prosecution, Although Not Soliciting False Evidence From Government Witness, Allows It To Stand Uncorrected When It Appears."
United States v. Sanfilippo (CA 5 Fla) 581 F. 2d 1152.
"PAGE NUMBER'S CASE SHOWN HAS MERIT TO":
Page 24

(#9) "Defendants Have A Due Process Right To Be Sentenced Based On Accurate Information."
United States v. Oliver, 873 F. 3d. 601 (7th Cir. 2017).
"Page Number's CASE SHOWN HAS Merit To":
PAGE # 25

"TABLE OF AUTHORITIES CITED": (Continued):

(#10) "To Overturn A Sentence For A Violation of This Right The Defendant Must Show That Information Before The Sentencing Court Was Inaccurate And That The Sentencing Court Relied On The Inaccurate Information In The Sentencing." United States V. Barnes, 907 F. 2d 693 (7th Cir. 1990).
"PAGE NUMBER'S CASE SHOWN HAS MERIT TO":
PAGE #25

(#11) "Sentencing Based On Consideration Of Materially Untrue Information IS Inconsistent With Due Process of Law... Defendant Has A Constitutional Right To Sentencing Based On Accurate Information." United States V. Bryant, 892 F. 2d 1466 (10th Cir. 1989).
"PAGE NUMBER'S CASE SHOWN HAS MERIT TO":
Page 25

(#12) "The Fifth Amendment Due Process Clause Applies To Sentencing Proceedings. Due Process Insures That A Defendant Will Not Be Sentenced On The Basis of Misinformation Of A Constitutional Magnitude... We recognize A Due Process Right To Be Sentenced Only On Information Which IS Accurate." United States V. Sunrhodes, 831 F. 2d 1537 (10th Cir. 1987)
"PAGE NUMBER'S CASE SHOWN HAS MERIT TO":
PAGE 25

(#13) "Unreasonable Seizures Violate The Fourth Amendment." Brigham City V. Stuart, 547 US 398 (2006)
"PAGE NUMBER'S CASE SHOWN HAS MERIT TO": Page 26

"Opinion Below"

(Page 7 of 40 Pgs)

W.D.N.Y.
16-cv-6764
Geraci, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29th day of November, two thousand eighteen.

Present:

Reena Raggi,
Peter W. Hall,
Richard J. Sullivan,
Circuit Judges.

Ronald Tuttle,

Petitioner-Appellant,

v.

18-1995

United States of America,

Respondent-Appellee.

Appellant, pro se, has filed motions seeking a certificate of appealability, in forma pauperis status, and various other relief. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because Appellant has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe


JURISDICTION (Page 16 of 16 Pages)

② "Statement of the Basis For Jurisdiction"

(Page 16 of 16 Pages)

(1) Date of "Order To Be Reviewed":
April 31st 2019 - U.S. Appeal Court for 2nd Circuit
Denied My Petition For Reconsideration

Reconsideration En Banc Docket 18-1995 Tuttle
USA
(See Enclosed "② (P. 383 To) Opinion Below" Page 8.)

(2) No Rehearing Expected And No Extension
of time

(3) No Cross Petition

(4) Statutory Provision For Jurisdiction
To Review Writ of Certiorari In this
Supreme Court Would Be Under:
Part 3; Rule 10; (a) and (c).

(5) I'm Not Questioning the Constitutionality
of an Act of Congress the Appeal Court
and District Court Not Reviewing ~~the~~ motions
showing Multiple Denials of my Constitutional
Rights I Don't Believe Has Anything to
Do with An Act of Congress if you
Believe it Does Please Advise other
Wise And I will Petition Solicitor General
As Stated under 29.4 (b)

Constitutional And Statutory (Page 11 of 40 Page 07)
Provisions Involved

~~Constitutional Statutes, Ordinances & Regulations~~

Pro Se Petitioner Should Be Given Leniency.
I'm Pro Se Petitioner Who only Claims
That my 4th 5th 6th 8th Amendments Were
Denied Constitutional Rights to me Under
Task For my Writ to Be heard I'm innocent & Should Be Excused.

(#1) 4th Amendment Was Denied to me
Under my Rights Under "Search & Seizure"
Clause also: False Arrest Occured as explained
in Writ.

(#2) I Was Denied 5th Amendment Rights
to Constitution Under Due Process
Clause As Explained Here in Writ.

(#3) I Was Denied 6th Amendment Rights
to Constitution Under Effective Counsel
Clause As Explained in Writ.

(#4) I Was Denied 8th Amendment Rights
Under Cruel And Unusual Punishment
Clause As Shown in Writ.

Again Clearly Claiming All Denials of my
Constitutional Rights Were ~~Reviewed~~ not
Reviewed in Any Way Shape or Form At
District Court and Appeal Court Level
And Claim That Since Supreme Court
is Supervisory Court of Apped Court
Supreme Court Has Jurisdiction to Review
Writ And Review my Claims for Denials of
My Constitutional Rights That Are Proved By facts in Writ.

STATEMENT OF THE CASE

1st Question:

1st Question I Asked Was (#1) Did The United States Court of Appeals For The Second Circuit Decide An Important Federal Question In A Way That Conflicts With Relevant Decisions of Supreme Court? The Answer to That Question Is Yes and I will prove that Appeal Courts Decision Conflicts With Supreme Courts Decision By Facts of Case Compared to Cases Cited.

I Showed In District Courts 2255/Habeas Corpus and at Appeal Court Upon Motions Submitted That I Was Denied Due Process Rights Because of Being Convicted upon "False Evidence" and "False Testimony". I also Showed Upon Motion to District Court & Appeal Court That Federal Agent Frank Zabawa Committed Perjury Stating He Had White Powder In His Possession in Testimony Yet he Had Tan Powder Not White Powder and Also I showed Forensic Chemist for FBI Gave False Testimony about False Evidence, in fact committing Perjury As well, when He Stated that he tested Original Powder that Came off Plane in Alaska Yet in Same Testimony FBI Chemist Desarno Stated He tested A "Tan Powder" Not Original "White Powder" That Was originally seen in Alaskan Package And Agents took 2 pictures Submitted into Evidence of Bright "White Powder" - also "Desarno testified He tested "Tan Powder". Desarno's Testimony is About Completely Different Substance and is "False Testimony" making Jury Believe Desarno tested Correct Powder When He Did not test Right Powder. Desarno told Jury in a "False Testimony" that Powder that Came out of Package in Alaska was tested to Be MDPV A Schedule One Substance. This is Clear False Testimony About false Evidence and Jury's Decision Was Based upon "False Testimony and False Evidence". Clearly it amounts out to Perjury As well. I said All of this in Motions to District Court and Appeal Court And clearly this is enough to Prove that I was Denied 5th Amendment Rights to Due Process. Yet Both District Court And Appeal Court claimed to did Not Show Denial of Constitutional Rights As Reason to Deny My 2255 & Appeal Which is Completely Inaccurate And Proves That Appeal Court for Second Circuit Decided An Important Federal Question In A Way That Conflicts With Relevant Decisions of Supreme Court Shown on Page 4, 5, and 6 of writ Under Authorities Cited. Clearly I was Convicted Upon False Evidence, (completely Different Powder A Tan Powder Not white Powder that Came off Plane), and False Testimony About said False Evidence That Jury Based their Decision Upon And This Conflicts With Supreme Court Cases Shows Stating That it's Denial of Constitutional Right of 5th Amendment to Convict Someone on false Evidence & False Testimony.

"Statement of The Case" (continued):

Clearly I state that I can also prove that there was lack of Probable Cause. I was Denied 5th Amendment Rights Because Agent Zabawa Did Not Have Original White Powder When He Got A Search Warrant on Feb. 7, 2013 Therefore Zabawa Did Not Have Probable Cause And Lack of Probable Cause to Get that Search Warrant Denied me 5th Amendment Rights. Also Was Denied 4th Amendment Rights As Well Because of Unreasonable Search And Seizure That Happened Because Issuance of An Invalid Search Warrant that Agent Zabawa Did Not Have Probable Cause to obtain Clearly I state that All of this was stated on motions to District Court & Appeal Court - And Both of those lower Courts Conflict with Supreme Courts Decision in Case of Bivens v. Six Unknown Agents As Shown on Page 5 & 6 of Writ which Proves "Its Denial of Constitutional Rights to Get Search Warrant with 'No Probable Cause' and Do An Illegal Search & Seizure And A False Arrest which is exactly what happened to me yet District Court and Appeal Court claim I should also Denials of Constitutional Rights, my Case is exactly same As Bivens v. Six Unknown Agents and Decision of District Court and Appeal Court Conflict with Supreme Courts Decision in Bivens v. Six Unknown Agents under Circumstances. Last I state that I showed All of this New Evidence I just mentioned in motions to District Court & Appeal Court Pointing out multiple Denials of my Constitutional Rights and Clearly my Attorney told District & Appeal Court, Never Showed Any of New Evidence I showed that I've forementioned And I claimed that I was Denied 6th Amendment Rights to Having Effective Counsel and That 18th Year Law ~~Students~~ (RT) Students Are taught to check Search Warrant (Search Warrant said that Agent Zabawa Had White Powder Yet Zabawa lied Because He Had Tan Powder and He Had Tan Powder 3 Days Prior to Getting Search Warrant So Zabawa knew 100% He had Wrong Powder Substance Yet He Got Search Warrant Anyway. Clearly my Attorney WAS Ineffective Assistance of Counsel And Under Strickland v. Washington Standards as mentioned on Page 6 as Standard For Ineffective Assistance of Counsel Cases Clearly I claim since I pointed out How my Attorney Did Not Show Any of these Denials of my Constitutional Rights to District Court And Appeal Court Clearly Both Courts were in Conflict with Supreme Court Standard of Ineffective Assistance of Counsel in Strickland Case. When they said I did not show Denial of Constitutional Rights.

"Statement of The Case" (Continued):

Facts of "New Evidence" I showed At District Court And Appeal Court:

Before I move on to 2nd Question Presented's Details I feel I should explain in A time-line form exactly the "New Evidence" I showed on Habeas Corpus 2255 and Appeal at Appeal Court. I'm showing this so you have A Better Understanding of just How Significant the evidence is in showing "Many" Denials of my Constitutional Rights And Also It Proves I was Set-Up / Railroaded from Start By One Agent Frank Zabawa. Last it shows that my Attorney Jeff Ciccone was Definitely Ineffective Assistance of Counsel for Not Showing Any of these obvious errors!

(A) Time Line of Events of my Case As follows:

#1. On January 7, 2013 officer Gerbie Reyes testified At my trial He took Package off plane in "Alaska" and opened Package and seen "White Powder"

#2. On February 1st 2013 (Nearly 30 days later) officer ~~Robert~~ ^{in "Alaska"} Frank Aliu testified he took 2 Pictures of "White Powder" that was submitted into Evidence At trial:

#3. On February 4th 2013 - Agent Amy Gdutz in Buffalo, NY Homeland Security testified she opened Package And seen "Tan Powder". Now clearly Any One with one lick of Common Sense would say that if Powder Did Not change Colors sitting Around Alaska for nearly 30 Days it was Not going to Change Colors in "3 Days" took to go from Alaska to Buffalo!! Tampered with Evidence

"Statement of The Case" (Continued):

"Facts of New Evidence" ^{#4} Showed At District Court and Appeal Court: (Continued):

(#3) Continued: Also let me Add in that Amy Golata testified she lost a fedex outer Bag that held Contents of original Package in a "Controlled Setting", the very same "Controlled Setting" where Powder magically turned to "Tan Powder" from White Powder and then Amy Golata testified that she packed up the Evidence in A New Evidence Bag and Signed Sticker Stating All Was Same as it Was - Which is clear "Lie" Because Powder had changed Color And An Evidence Bag from Original Package was Completely missing. So Clearly Chain of Custody was So Untrustworthy that it Violated my Due Process Rights - Not to mention my Attorney heard Golata testify to Tan Powder she had in her Possession on Feb. 4, 2013 which is "3 Days Before" Search Warrant where every Report, every Testimony All States Search Warrant was issued upon White Powder And Clearly Amy Golata testifies too "Tan Powder" is what they had in Evidence "3 Days Prior to Getting Search Warrant" Not White Powder! Clearly my Attorney should have leaped to his feet and Screamed Rule 50 motion For A Quital Because Whole Case is Based upon Completely Different Substance! No my Attorney Jeff Ciccone was Ineffective Assistance of Counsel in pointing this Key Evidence out And Clearly Proves that Strickland Case Standards are met!!

'Statement of The Case' (Continued):

"Facts of 'New Evidence' I Showed At District Court And Appeal Court : (Continued):

- #4 On "February 7, 2013" (3 Days After Buffalo Homeland Security - Got Tan Powder) Agent Frank Zabawa testified he Got A Search Warrant Based on "White Powder" and Clearly Search Warrant Says "White Powder" on it IF Doesn't Say "Tan Powder"! Zabawa Had No Probable Cause to Get Search Warrant on "Tan Powder" So Zabawa Lied And Said He Had White Powder, Zabawa "Lied" on Search Warrant, He Lied Upon Every Report and All His testimony stating he Had "White Powder" which he did not He Had Tan Powder! (Also Illegal Search! And Seizure!) Finally Zabawa Lied in Testimony and on Report stating he Sent FBI Forensic Chemist James Desarno White Powder! Zabawa Had No Probable Cause Denied me Due Process Rights!
- #5 In "August 2013" Zabawa testified He Sent Forensic Chemist for FBI James Desarno "White Powder". Forensic Chemist Desarno testified At my trial that he tested "Tan Powder" - never Was there A Stand up and shout By my Attorney Ciccone "Judge Rule 50 motion for Acquittal this chemist tested Tan Powder Not White Powder So Again More than Enough Proof that Ciccone Was Ineffective Assistance of Counsel and Again Proves Denial of my Constitutional Right to 6th Amendment Effective Counsel! Also Proves Desarno's False Testimony About False Evidence Proves Denial of 5th Amendment Due Process Rights! Also Jury Deliberated upon False Testimony/Evidence & Rendered False Incarceration!

"Statement of the Case" (Continued):

"Facts of New Evidence I Showed At District Court And Appeal Court:

Last I want to Show You "Exhibits" that were ~~put~~ sent into District Court And Appeal Court:

- #1 Page # 18 : is exact Trial Transcript of Alaskan Agent Gerbie Payer testifying testifying Seen White Powder in Alaska on January 7th 2013 - "Exhibit A" was title at courts
- #2 Page # 19 : is Officer Frank Aliv from Alaska Trial Transcript showing Aliv testified on Feb. 1st, 2013 He Seen "White Powder". "Exhibit B" is what I called it in District & Appeal Court.
- #3 Page # 20 : is officer Aliv from Alaska testifying that he took 2 pictures of White Powder. Called this Exhibit C At District & Appeal Court.
- #4 Page 21 is Agent Amy Golata in Buffalo, NY, on Feb. 4, 2013 testifying She seen Tan Powder. Called this Exhibit D at District Court & Appeal Court.
- #5 Page 22 : is Chemist Disarno testifying He tested Tan Powder Right By Trial Transcripts!! Called Exhibit E At District Court & Appeal Court.
- #6 Page 23 : is Agent Zabawa testifying He seen "White Powder" Pictures. Proving Zabawa Knew He should Have Had White Powder Not Tan Powder. Yet Zabawa Got Search Warrant Lied on Search Warrant Said He Had White Powder When He Had Tan Powder!! Called "Exhibit H" when sent to District & Appeal Court.

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This is exact testimony of officer
officer "Gerbie Reyes" Sees white Powder
seeing in the "picture" here? In Alaska!

2 A. Yes. It's -- it's a "white powder in a ziplock bag." Takes

3 Q. And you indicated that at that time you did not open that Picture

4 white powder bag; is that correct? White Powder

11:52:22AM 5 A. That is correct. In Alaska!

6 Q. Officer Reyes could you -- I want to show you
7 Government's Exhibit 12.1. Could you take a look at that and
8 let me know if you recognize what that is?

9 A. Yes, I recognize this.

11:52:39AM 10 Q. And what is that?

11 A. It's the aluminum -- the bubble wrap package.

12 Q. Is that the same package that's contained in Government's
13 Exhibit 10 in the photograph?

14 A. Yes, in the photograph.

11:52:52AM 15 Q. And as you look at that Government's Exhibit 12.1, the
16 bubble wrap, does that appear to be in the same or
17 substantially the same condition as when you first observed it
18 on January 7th, 2013, inside that package?

19 A. Yes, of course, except for the cutting that I cut myself.

11:53:11AM 20 MS. NOTO: Your Honor, I would offer Government's
21 Exhibit 12 and 12.1 at this time.

22 MR. CICCONE: Can I ask one question?

23 THE COURT: Sure.

24 MR. CICCONE: Officer, you said that the bubble

11:53:22AM 25 wrap looks substantially the same as when you first saw it?

PAGE
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OF
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Gerbie
Reyes
observed
white
powder
on
Jan 7, 2013
in
Alaska

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(EXHIBIT B)

Transcript of Proceedings, dated September 23, 2014

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TRIAL
TRANSCRIPTS

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6u
Statement
of
Case

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1 the record.
2 THE WITNESS: Faruk, F-A-R-U-K; last name is
3 A-L-I-U.
4 THE REPORTER: Thank you.
5 THE CLERK: You can have a seat.
6 BY MR. NUTO:
7 Q. Good afternoon, Officer. Could you please introduce
8 yourself to the jury and let them know where you're employed?
9 A. I'm CSF Officer Faruk Aliu. I work for CSF and FedEx,
10 Anchorage, Alaska.
11 Q. And your position is as an officer?
12 A. Correct.
13 Q. And how long have you been an officer with CSF?
14 A. Approximately nine years.
15 Q. And how long have you been stationed at the Anchorage,
16 Alaska FedEx hub?
17 A. Approximately three years at the FedEx hub.
18 Q. I'm sorry, that was three years?
19 A. Approximately three years.
20 Q. I'm going to ask you to keep your voice up and speak also
21 and slowly.
22 A. Okay.
23 Q. I'm going to draw your attention to February 1st, 2013.
24 Were you working on that day?
25 A. Yes, I was.

When he
took photo
Feb
1st
2013

Mentions
Foil Pack
White Powder
Bubble
wrap
TAPE

He replies
Foil Pack & White Powder

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1 Q. And how about this item up here on the --
2 A. That was the foil pack. And white powder was wrapped
3 inside that bubble wrap with tape on it inside the FedEx
4 package.
5 Q. When you retrieved the package that day from the secured
6 area, is that what it looked like when you took it out and
7 looked at it?
8 A. Correct.
9 Q. You indicated that you weighed the foil pack?
10 A. Yes.
11 Q. And how much did that weigh?
12 A. 207.88 grams.
13 Q. 207?
14 A. .88.
15 Q. Okay. I'm showing you Government's Exhibit 12 and 12.1
16 already admitted into evidence. Can you take a look at those?
17 Can let me know if you recognize what those are?
18 A. It was part of the seizure, the FedEx shipment, and then
19 the bubble wrap that was used.
20 Q. Those are two of the items you saw that day when you
21 retrieved it for -- I think you said FBI agents?
22 A. Correct.
23 Q. And do you recall specifically what agent was there to
24 retrieve it from you?
25 A. Agent Stephanie Vetter.

In Alaska Frank Aliu
He took the
Photo of Exhibit 10
Shows White Powder
in Photo

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1 Q. And were you involved in a seizure of a FedEx parcel on
2 that date that was addressed to Ronald Tuttle in Elmira, New
3 York?
4 A. Yes, I was.
5 Q. Can you describe generally what you did?
6 A. Officer Reyes had done all the paperwork and everything
7 else. He wasn't there that day, FBI agents were there to pick
8 up the seizure, and so I went and located the shipment in our
9 CSF secure detention area.
10 Q. And can you describe how that area was secured?
11 A. It's under a combination lock and under 24-hour video
12 surveillance.
13 Q. And after you located the package in that secured area,
14 what did you do with it?
15 A. I took it to what we call our CSF laboratory where we --
16 where -- I weighed the shipment, I took it out of the FedEx
17 envelope, separated it, took the foil pack and I weighed it on
18 the scale, and took a photo of it on the scale.
19 Q. Showing you Government's Exhibit 10 already in evidence,
20 do you recognize what's depicted in that photograph?
21 A. Yes, I do.
22 Q. What's depicted in that photograph?
23 A. The seizure of the FedEx shipment to Ronald Tuttle.
24 That's the foil pack there. And then that was the white
25 powder inside of it.

Alaska

White
Powder
Frank
Aliu

Asked what's in Photograph Exhibit
Frank Aliu
Says White
Powder

1 Q. After you took these items out and weighed the foil pack,
2 what did you do with them?
3 A. I put them back in the FedEx envelope.
4 Q. So the items that are depicted in Government's Exhibit 10,
5 the foil pack with the bag with the powder and the bubble
6 wrap, you put that all back into the outer wrapping envelope?
7 A. Correct.
8 Q. And then what did you do with it?
9 A. Then I put it in a CSF evidence bag that's serial
10 numbered.
11 Q. Okay. And by "serial number," would each bag have its own
12 distinct serial number?
13 A. Yes.
14 Q. Was that serial number recorded anywhere?
15 A. It was recorded on the seizure form, the 6018.
16 Q. Do you recall what that number was?
17 A. I would have to see the form.
18 Q. 6018, showing you what's marked for identification as
19 Government's Exhibit 79. Take a look at that and let me know
20 if you recognize what that is?
21 A. This is the custody receipt or our seizure form we use.
22 It's the 6018.
23 Q. And is that form something that you prepared?
24 A. Yes, it is.
25 Q. Did you prepare it at the time that you retrieved this

"G"
Statement of
Case

EXHIBIT C
(Pg 3 of Pages)

TRIAL
TRANSCRIPTS

"Ciccone"
"Cross Examination" of
"Frank Aliu"
"Seizure Officer for CBP
Anchorage
Alaska"

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1 package and processed the seizure?
2 A. Correct.
3 Q. Does that refresh your recollection as to what the unique
4 evidence bag -- serial number of the evidence bag was that you
5 placed the package including the powder in?
6 A. Yes, it does.
7 Q. What was that bag number?
8 A. CSEJ56115.
9 Q. After you placed those items that you just discussed that
10 are depicted in Government's Exhibit 10 inside that serial --
11 that evidence bag with that serial number, what did you do?
12 A. I entered the seizure in our computer system and then
13 sealed the evidence bag.
14 Q. Prior to placing those exhibits into that bag and sealing
15 it, did you tamper with or alter the powder that was contained
16 inside that package in any way?
17 A. No, I did not.
18 Q. Can you describe for the jury how it was that you sealed
19 that evidence bag?
20 A. It comes with a, I guess, plastic that peels off and has a
21 special adhesive on there that you fold the plastic over and
22 press on it.
23 Q. After you've sealed it what did you do?
24 A. I turn it over to FBI Agent Stephanie Vetter.
25 Q. Showing you Government's Exhibit 14, I'll ask that you

1 take a look at that. Have you seen that exhibit before?
2 A. Yes, it contains the seizure bag that I used.
3 Q. Okay. Have you had an opportunity to look at that exhibit
4 before you came in here today?
5 A. Yes, I have.
6 Q. And how do you know that that contains the seizure bag
7 that you used to seal all the contents from this package in?
8 A. It has the unique number on there.
9 Q. Okay. Again what was that number?
10 CSEJ56115.
11 Q. And when you provided that to Stephanie Vetter from FBI
12 for further investigation, that was all -- all of the contents
13 of this package, specifically what's contained in Government's
14 Exhibit 10, were sealed in that evidence bag by you?
15 A. Correct.
16 MS. ROTO: I have nothing further of this witness.
17 Your Honor.
18 THE COURT: Thank you.
19 CROSS-EXAMINATION
20 BY MR. CICCONI:
21 Q. Good afternoon. Now, you said you met with the FBI agent
22 who came to pick up this evidence?
23 A. Correct.
24 Q. That was because Officer Reyes wasn't there that day?
25 A. Correct.

Proof that Agent Frank Aliu took Pictures of Package Contents in Alaska!
Frank Aliu took Pictures of Package Contents in Alaska!

1 Q. Okay. You didn't have anything to do with the initial
2 inspection of this package, right?
3 A. Correct.
4 Q. Were you the agent that identified this package on the
5 manifest for review?
6 A. No, I was not.
7 Q. Okay. So your only involvement really occurs on the day
8 that the people from the lab come?
9 A. Correct. I was the seizing officer.
10 Q. Okay. But when you say you're the "seizing officer,"
11 again, we're only talking about after Officer Reyes had
12 already done his inspection
13 A. Correct.
14 Q. Did you then inspect this package in any way before you
15 packaged it up?
16 A. Yes, I retrieved it from the CBP secure area.
17 Q. Okay.
18 A. And took the photographs.
19 Q. Okay. You didn't do any further investigation regarding
20 what was in this package?
21 A. No, sir.
22 Q. Okay. And you were asked earlier how much the foil pack
23 weighed, right? And what was that?
24 A. 287.96 grams.
25 Q. You remember that back from 2012?

1 A. I had to research it.
2 Q. Sure. What did you use to research it?
3 A. We have a file folder that we keep in our office of every
4 seizure.
5 Q. Okay. And that's something that you looked at before you
6 came here to testify today?
7 A. Yes, that would be the copy of the 2012.
8 Q. Is that the only thing in that file or were there other
9 things that you looked at to prepare for today?
10 A. It would be the photographs, the airway bill.
11 Q. Okay. Okay, so you separated everything out and took this
12 picture that's Government Exhibit 10?
13 A. I don't believe I took this picture.
14 Q. Oh, you didn't? Okay. So you -- when the FBI agents came
15 you retrieved the package from the secure area?
16 A. Correct.
17 Q. Is that when you weigh whatever was in the foil pack?
18 A. Correct. I took it out, separated it, and then I
19 certified our CBP scale first, which is like a three step
20 process with different weights, then weighed the shipment --
21 weighed the foil pack, took a photo, and I believe I took
22 another photo of the entire shipment.
23 Q. So you said you "certified" the scale. You just
24 calibrated it to make sure it was accurate?
25 A. Yes.

Frank Aliu
took
photos
of
"white
powder"

"Agent"
Frank Aliu
took
pictures
of
white
powder
in Alaska

Exhibit 10

Look at Time Line Keyes & Golata touched this substance & it changed substance before Search Warrant Was issued & when it was read for

AGENT Amy Golata - Received as testified Below! TAN Colored Substance!

1 A. Yes. There was a clear bag that contained the NDPV And Gerbi eyes - seen White Powder

2 MR. CICCONE: Objection.

3 THE COURT: Sustained. in Alaska the

4 BY MS. NOTO: month before then

5 Q. Can you describe what the clear bag looked like? What Powder/substance changes color!

6 kind of -- "what the substance in it looked like without

7 identifying what the substance is?"

8 A. Yes; it was kind of -- like a tan colored substance. Can't Arrest me on Different substance Different color Powder

9 Q. Was it liquid? Was it --

10 A. It was a solid, like a powder substance.

11 Q. So there was a clear ziplock bag with a white/tan

12 powdery substance. What else was in the evidence bag that you clearly

13 opened? "False Arrest"

14 A. There was a foil packet and FedEx packaging material, soft on Different substance

15 kind of -- soft FedEx packaging material.

16 Q. Showing you Government's Exhibit 10 already in evidence,

17 do you recognize what's depicted in that exhibit? Got Search Warrant Feb 7, 2013

18 A. Yes.

19 Q. What's depicted in that exhibit? 3 Days later After

20 A. We have the FedEx packaging, some more bubble wrap type received Different

21 packaging, foil packet and the powdery substance Substances Powder!

22 Q. And are those the items that you located when you opened

23 the sealed evidence bag that you received on February 4th,

24 2013? Amy Golata - Received Evidence

25 A. Yes. Package on Feb. 4th 2013

Nearly month later in Buffalo, NY

And seen Tan Powder Yet Reyes

Trial transcripts

EXHIBIT E

(Page 506 of 81 pages)

22 of 40
Page 1

Transcript of Proceedings, dated September 24, 2014

A-85

Forensic Chemist Disarno "Tested" Sealed Tan Powder

Statement of Case

Disarno Was Sent Wrong Substance; tested wrong substance; 2787

1 sealed condition.
2 Q. So the first thing you do is what?
3 A. The first thing I did was I cut across the bottom of the
4 pieces of evidence -- sorry. The first thing I did was I
5 weighed it and obtained the gross weight while it was still
6 intact. Then once I recorded the gross weight, I cut across
7 the bottom and opened up the piece of evidence.
8 Q. When you did that, did you make a notation of what was
9 contained within that exhibit bag?
10 A. Yes, I made that notation on what is called the FTA of
11 form which is the forensic chemist worksheet where I recorded
12 all my notes.
13 Q. What did you find inside that sealed evidence bag?
14 A. Inside there was another heat seal is what we call it.
15 another heat sealed evidence envelope; and then there was a
16 foil packet that contained a plastic bag that contained a tan
17 powder.
18 Q. Did you have an opportunity to weigh that tan powder?
19 I did.
20 What was the aggregate weight of that tan powder?
21 May I refer to my notes?
22 Would those assist you in testifying here today?
23 A. For the weight, yes.
24 Q. Do you have the notes there with you?

Disarno
testified
TAN Powder
Tested

1 A. Yes, I do.
2 Q. Let's mark it real quick.
3 I'm going to show you what's been provided as
4 Government Exhibit #2. For the record, can you just tell us
5 what you're looking at?
6 A. It is a front copy of my DNA 16 worksheet, my handwritten
7 notes from this piece of evidence.
8 Q. Who prepared this document?
9 A. I did.
10 Q. Take a moment, if you would, and review that document and
11 let me know whether or not that refreshes your recollection as
12 to the aggregate weight?
13 A. Yes, it does.
14 Q. Testifying from your recollection now and your review of
15 this report, what was the total weight?
16 A. 197.1 grams.
17 Q. At some point after you removed that substance from the
18 evidence bag, did you begin your testing of it?
19 A. Yes, I performed the GC/MS test and the FTIR test.
20 Q. Which one did you perform first?
21 A. Probably the GC/MS test because that one takes longer, so
22 we get that one started.
23 Q. Okay. Tell us what you did.
24 A. What happens with the GC/MS test is I take a sample, a
25 portion of a sample of the powder, place it in a vial. I add

Page 22

Proves 100% Certainty Disarno "Received & Tested"

→ Completely Different Substance than the White Powder Substance
→ Which Came off Plane! Disarno Clearly testified to TAN Powder

Comparing
Drugs
Asin

1 some methanol that is in our laboratory and I put it in the
2 sequence in the computer and I shoot the sample basically.
3 Q. And with regard to the FTIR test?
4 A. The FTIR test, I took the portion of my sample over to the
5 test instrument, placed a portion of that sample directly on
6 the FTIR, and I ran the test.
7 Q. Now is it that you're able to make a conclusion or a
8 finding as to what is contained in the chemical?
9 A. When I run these tests, I receive a computer printout of
10 the -- or the spectra of the sample that I just ran. In the
11 laboratory we have laboratory standards that come from a
12 commercial source.
13 We order standards of all the different type of
14 drugs that we test and then we compare the sample printout
15 that I just ran to the standard printout that we ran in our
16 laboratory, and then it's basically a comparison.
17 Q. These are standards as you know what the product is,
18 correct?
19 A. Yes. We order it from a known manufacturer. It comes
20 with a certificate of authenticity, and then so we know what
21 that product is, we put that into our library, then we match
22 our sample to the library.
23 Q. And in this case were you able to make a match?
24 A. Yes.
25 Q. Okay. After you ran your tests, what did you do with the

1 substances that were the remaining portion of the substances?
2 A. A sample then gets placed into a substitute bag, just
3 meaning we have plenty of bags in the laboratory, so I place
4 the remaining powder in a substitute bag, it then gets
5 weighed. And that's called the "reserve weight," which is the
6 amount of powder that's left. And then it gets all sealed
7 back up into the original evidence envelope.
8 Q. On the bottom of this exhibit you showed to the jury a
9 sticker. Who placed that sticker on there?
10 A. I did.
11 Q. Okay. Now is it that you resealed the exhibit?
12 A. It's called a "heat seal." We have sealers and they're
13 basically at the right temperature to melt plastic, so we just
14 place everything back in the bag, we heat seal it, then place
15 an evidence label on.
16 Q. And does your seal remain intact even as we stand here
17 today?
18 A. Yes.
19 Q. What did you do with the exhibit after you were done
20 testing the contents?
21 A. I then returned it to the vault and that's where it stayed
22 in storage.
23 Q. When is the next time that you saw this particular
24 exhibit?
25 A. Last night in your office.

"Statement of The Case" (Continued):

#2 2ND Question:

Did The United States Court of Appeals For The Second Circuit Depart From The Accepted And Usual Course of Judicial Proceedings By Sanctioning A Departure By A Lower Court Allowing For Supreme Court To Exercise It's Supervisory Power?

Answer to this Question IS Yes the Supreme Court Should Exercise It's Supervisory Power Because:

(A) Agent Zabawa gave Perjured testimony, stating Powder Was White Powder When He Had Tan Powder; Clearly Forensic Chemist Desarno gave Perjured Testimony When He testified that the Powder that Came off Plane in Alaska Was A Schedule One Substance Because Desarno tested Completely Different Powder Than Came off Plane. Case of United States v. Buchanan (As Shown on Page #6 at #16) Proves that perjury Denies me A Due Process Right Under 5th Amendment and US v. Buchanan Conflicts With Lower Courts of 2nd Cir. opinion that I did not Show A Denial of Constitutional Rights Because I Showed Forementioned Perjury By Zabawa and Desarno At District Court on motions. The Appeal Court Was Shown Same Evidence of Perjury and Same Case Law Yet Appeal Court Sanctioned the Departure of Lower Court and I ask that You Exercise your Supervisory Power, take All this Into Consideration that ~~eq~~ (R) I've Been Denied Due Process Rights Under 5th Amendment and Denied Effective Counsel under 6th Amendment And Please Use your Supervisory Power to Exonerate/Expunge because Clearly I was Convicted upon False Evidence & False Testimony Which is Also Denial of Constitutional Right of Due Process under 5th Amendment

"Statement of The Case" (Continued):2nd Question - Continued:

Then clearly on Page #7 Under United States V. Kelly^a
 Clearly this case that is not from 2nd circuit Proves That
 Conviction Must Be Reversed When False Testimony Violates
 my Due Process Rights. Again clearly I state that I
 Showed to District Court and Appeal Court All evidence
 proving False Testimony Effected Jury When Desarno
 told Jury That Substance Was Schedule One, Yet Jury
 Did not know that Desarno tested Wrong Powder
 And Jury convicted me upon False Evidence - clearly
United States V. Kelly (Page 7) proves Conviction must
 Be Reversed When "False Testimony Could Have Affected
 Judgment of Jury". Clearly I ask for Your Supervisory
 Power to be excersized in Reversing Case Since this
 evidence was shown to District Court and Appeal Court
 too And Appeal Court Did Absolutely Nothing About it.
 Feel you should be able to excersize Supervisory Power
 And Overturn Case/Expunge/Exonerate for
 Complete miscarriage of Justice in Interest of Justice.
 Clearly ask for Your excersize of Supervisory Power
 Because of US V. Santilippo, (Shown on Page 7),
 Shows Due Process was Violated when Allowed False Evidence
 to Stand Uncorrected when It Appeared. Clearly I showed
 this evidence also to District Court and to Appeal Court
 And Again Neither Court Did Absolutely Nothing for
 Relief in Matter of Denial of my Constitutional Rights
 And Ask you to excersize Your Supervisory Power and
 Correct this Error of Denial of my Due Process Rights When →

"Statement of The Case": (Continued):

2nd Question - Continued:

... When Clearly Desarno Presented "False Evidence" to Jury and Jury Convicted me upon False Evidence.

Also I ask for Supervisory Power Because of Proof by Case United States V. Oliver, (Shown on Page 7), Clearly States "Defendants Have A Due Process Right To Be Sentenced Based On Accurate Information".

I was Sentenced upon Information that what I possessed was A Schedule One Substance that was Based upon "Test" Done on "Wrong Substance", (Tan Powder not white Powder), By Chemist Desarno. Clearly Original White Powder Can't Be tested and Has Been missing since Before Search Warrant Was even issued So I was sentenced on "Inaccurate" Information which Violates my Due Process Rights - And All that was shown to District Court and Appeal Court So clearly Ask You to Exercise Your Supervisory Power to Exonerate Case Because of so many Denials of my Constitutional Rights Being Violated!! Same Applies to United States V. Barnes, Case shown on Page #8 For Same Exact Reasons Supreme Court Should Exercise Supervisory Power as Reasons stated for US V. Oliver Page 7 And Again Same Applies For Case US V. Bryant on Page 8 - And Also Same Applies For United States V. Sunshades Page 8 which Both Bryant and Sunshades Cases Are 10th Cir. And Prove "Conflict" between Lower Courts & 2nd Cir. District Court there is much Proof I was Sentenced Upon False Evidence & False Testimony and Ask Your Supervisory Power in these matters!!

"Statement of the Case" (Continued):

2nd Question (Continued):

Last I want to Point out on Page #8 to Case:

Brigham City v. Stuart which states that:

"Unreasonable Seizures Violate The Fourth Amendment"

Clearly As I Showed Agent Zabawa Got Search Warrant Upon Completely Different Powder and He lacked Probable Cause to Get Search Warrant Denying me 5th Amendment Rights So Clearly On An Invalid Search Warrant, issued upon "Incorrect Powder" (Lack of Probable Cause Because of Incorrect Evidence), It Was An Illegal Unreasonable Search and Seizure Which Violated My 4th Amendment Rights. This Was All Shown At District Court and Appeal Court As well And Since Appeal Court Allowed A Departure By District Court The Supreme Court Should Exercise Its Supervisory Power and Add together All Denials of Constitutional Rights I've Shown In this Writ and Exonerate/Exonerate Case Immediately!!

3rd Question Did The United States Court of Appeals For The Second Circuit Decide On An Important Question of Federal Law That Has Not Been But Should Be Settled By The Supreme Court?

This Is Important Case to others Similarly Situated In Same Circumstances Because Clearly Anyone Can Remain Falsely Incarcerated if District Court and Appeal Court Does Not Address Key Evidence which is Importance

"Statement of The Case" (Continued)

3rd Question (Continued):

Which is importance To Public Issue Since Any one Can Remain Falsly Incarcerated I.F Case Goes Unheard. Lower Court Was Erroneous in Not Reviewing Key Evidence and So was Appeal Court.

Question of Federal Law Supreme Court should settle is if show "multiple" Denials of Constitutional Rights in countless motions and letters to Courts, (As I Did to District Court & Appeal Court), And I.F Courts Does Not Review Absolutely 100% Preponderance of Evidence that I showed to District Court & Appeal Court Showing Denial of Constitutional Rights (Multiple Denial). And Actual Innocence Then clearly feel Supreme Court should be able to use its Supervisory Power to hear Case Should you Not? I feel you should and I feel this is An Issue for All Americans who could be put into situation of false Incarceration And Never should anyone have to go through 3 Courts with same Evidence of Innocent to Prove Innocent!! This is National Importance of Having Supreme Court Decide Case & Question!!

Multiple Denials of Constitutional Rights I've shown is "Complete miscarriage of Justice" And that's what I've showed in Writ Please Review Case & Exonerate Syrs falsly Incarcerated! ^{I'm} Innocent

"Statement of The Case" (Continued):

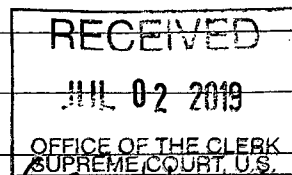
Cast let me point out that in Proof that
 I petitioned the District Court with
 the Evidence herein I offer next on
 Pages 30 to 37 A full Explanation of what I
 Filed At District Court level Showing Specific
 Motions mentioning Denials of My Constitutional
 Rights that was sent into District Court
 And clearly Proves I tried to Show multiple
 Denials of Constitutional Rights to District Court
 Yet District Court claimed I Did Not Show
 Denial of Constitutional Rights As Grounds For
 Not overturning Case and Appeal Court Said
 Same thing that "I Did not Show Denial
 of Constitutional Rights" I Draw your
 Attention to PAGE # 38 OF 40 it is
 exact Page from Appeal Court Docket
 With motions talking About Denials of Constitutional
 Rights Right in motion title Yet Appeal
 Court Never Reviewed Them And Then
Claimed I Did Not Show Denial of Constitutional
Rights!! I Showed Denial of Constitutional
 Rights But they just would Not Review Motions
 and Denied & Put motions into moot!!
 So clearly Shows "Unfairness" and
 Again Shows that what I said under
 Question #3 is true and it is A Question
 that would Affect Anyone who is Wrongfully Convicted
 But Court Does not Properly Review Case!!

"Supreme Court of The United States"

(Page 1 of 8 Pages)

Ronald Tuttle V United States

Case No. 18A1212



Motion For: Emergency Review of Writ of Certiorari

Relief Sought: Petition Court to Review Writ of Certiorari
As Soon As Possible / Immediately Because of following Reasons:

#1. In Writ of Certiorari I have Proved Beyond A Reasonable Doubt that I'm Innocent And that Proof is Backed By Evidence of "Exhibits" I've Submitted As Supplemental Filing that proves 100% Accuracy to my Version of Events Right By Various Testimonys At my trial As shown in "Exhibits".

#2. I've Been "Falsly Incarcerated" for 4 1/2 Years on a "1st offense Ever". (Never Been Arrested, No Criminal History, Honorable Discharge, Disabled Veteran, High School Diploma, Never So Much As A Speeding Ticket for 40+ Years).

My whole Conviction is Based Upon "Lies" told By Agent Frank Zabawa (As shown in Writ Zabawa Lied upon Search Warrant, Lied in All His Reports, Gave False Testimony upon False Evidence Denying me 5th Amendment Due Process Rights And Denied me 4th Amendment Rights Because of An Illegal Search And Seizure, and Because of "Search Warrant" Clause - Clearly, I prove Search Warrant Was Invalid Based upon Invalid Evidence).

#3. All I've shown is "New Evidence" that Was Attempted to Be shown in Multiple motions to District Court and Appeal Court Yet →

30
(Page ~~30~~ of 40 Pages) "6" Statement of Case

(Page 2 of 8 Pages)

#3. Continued... Yet District Court, (Habeas), and Appeal Court (Appeal on Habeas), Both Put every motion I filed Showing Clear Denial of my Constitutional Rights into "Moot" or Denied to Review them As Shown on District Court of (WDNY) Criminal Docket # 6:13-cr-06109-FPG-MWP-1 Please See: 12/18/17 [#173] Motion for Emergency Review of Case; and 4/13/2018 [#176] Motion for Emergency Dismissal, Motion for Immediate Release for False Arrest By Ronald Tuttle. Clearly Both those motions on Habeas Corpus / 2255 Civil Case: 6:16-cv-06764 Ronald Tuttle V. United States Because if You Check Civil Case / Habeas Docket 6:16-cv-06764 You will See that Judge Geraci Had 2255 / Habeas Heard Upon Criminal Docket 6:13-cr-06109-FPG-MWP-1 Why? Only He Knows Why, Clearly Both these motions [#173] and [#176] on Criminal Docket 6:13-cr-06109- Can Both Prove that Multiple Denials of my Constitutional Rights Was Denied Yet Judge Frank Geraci Put Both motions located at [#173] + [#176] into "Moot" at location of [#178] in "ORDER" and Denied my Petition for Habeas Corpus - and Dismissed my 2255 / Habeas Corpus Stating Reason Denied + Dismissed Was "Because Petitioner Has Not Made A Substantial Showing of the Denial of A Constitutional Right".

Clearly If Judge Would Have Reviewed Any motion I put on Docket Prior to [#173] + [#176] and if He "Especially" would Have Reviewed [#173] + [#176] Clearly Judge Would Have Seen "Multiple" Denials of my Constitutional Rights - Same Denials shown in Writ Before You!

(Page 3 of 8 Pages)

#3. Continued. The Judge (Judge Geraci), Constantly "Denied" Every Motion I ever put in front of him And Majority of All of them showed Denial of my Constitutional Rights - This is clearly shown At location [#172] Denying Multiple Motions that showed Denials of my Constitutional Rights And is Also shown At: [#125] 5/31/2017 Again Denying Multiple Motions that if Reviewed "would have Proved Multiple Denials of my Constitutional Rights!!"

In Specific I Draw Attention to motion located At 2/2/17 [#90] Motion To Dismiss and motion to Dismiss at location [#115] 5/8/17 that At 5/31/17 [#125] was Denied In "Order" Along with Multiple other Important fact showing Motions of Denial of my Constitutional Rights.

Then I ask that You look at Following Motions at [#144] 8/10/17 Motion To Vacate By Ronald Tuttle and [#149] 9/11/17 Motion To Produce New Evidence **
** Specially [#149] Look At Because its same Exact **

Proof of Innocence and Proof of Denial of my Constitutional Rights That I've shown In Writ! Then Please See: [#155] 9/22/17 Motion For Default Judgement that I show clearly Govt. never Replied in time and Judge Ignored this Completely Also.

All 3 #144 #149 and #155 Was All DENIED in "Order" on 12/18/17 Along with Multiple other Motions showing Denial of multiple Constitutional Rights of mine!

Clearly this is more than enough Proof to Prove I was showing Multiple Denials of my Constitutional Rights and Judge →

~~(Page 4 of 8 Pages)~~

#3. Continued: Judge Geraci "Completely Ignored" multiple motions that showed Denials of my Constitutional Rights & Clearly [#173] 12/18/17 Motion For: Emergency Review and [#176] 4/13/18 Motion For: Emergency Dismissal - Motion for Immediate Release For False Arrest (which I believe is 2 Separate motions I docked together corruptly) But Urge You to look At these at [#173] and [#176] that Judge Geraci Put In Mot at [#178] 4/24/18 Denied my habeas in Same Order. Because #173 and #176 is Same Exact Proof of multiple Denials of my Constitutional Rights That I've Shown In Writ Before You.

Clearly I state In Writ that I showed "New Evidence" which Proved multiple Denials of my Constitutional Rights to District Court and to Appeal Court Yet Both Courts Ignored I Put In Mot, and Denied every Motion I ever Filed From Start To Finish up to And Including Motions I've Firementioned!! This is Complete Corruption and Misconduct in District Court and Appeal Court And Proves Your Court Should have "Supervisory" Jurisdiction to Correct terrible Injustice that Has Occured to Me At District Court And Appeal Court!! This Evidence I've just shown You Along With Facts I've Been Falsly Incarcerated For 4 1/2 Years Should Be Valid In Interest of Justice Reasons To Do Emergency Review of my Writ Immediately!

33
(Page ~~33~~ of 40 Pages) "G's statement of Case

(Page 5 of 8 Pages)

~~RECORDED~~ (R) (#4) Appeal Court - U.S. Court of Appeals
For The Second Circuit Docket #18-1995 -
Shows Clearly Just Like The District Court Docket That
I Attempted to Show Multiple Denials of my Constitutional
Rights over & over But Was Again Ignored, Denied, or
put In moot with Every Single Motion I ever Filed Not
One Was Ever Reviewed!!

Here is exact proof of this on Docket #18-1995
U.S. Court of Appeals for Second Circuit Please See:
* Note * "Clearly Just the Motions Description Alone Proves
that there is Terrible Injustice Going on why would Appeal
Court Deny, Ignore, Put Into moot motions As Following:

- ① 8/3/2018 [#36] Motion for Conclusive Proof of False Arrest
- ② 8/3/2018 [#37] Motion for Emergency Review
- ③ 8/7/2018 [#40] Motion for Proof Zabawa Knew
Substance Was White Color And Got Search Warrant on
"Tan Powder"

(Hmnn Does that Not in Interest of Justice Scream
Hey maybe There's something to Evidence Mr Tuttle's talking
About maybe We should Review this "clear" motion that showed
Multiple Denials of Mr Tuttle's Constitutional Rights and Shows
Tuttle is Actually Innocent" But Did they No? Never Even
Looked At this Blatantly Clear titled motion!! Cant Get
No Clearer Evidence Appeal Court Was Corrupt And Did
Not Review Motion That Showed Actual Innocence on Purpose!!
Complete miscarriage of Justice is what it is!! Unfair, Corrupt,
Practices that Supreme Court should Correct & Review what Because of!

34
(Page ~~34~~ of 40 Pages) G-5 Statement of Case

(Page #6 of 8 - Page)

#4. Continued. "Appeal Court Docket 18-1995 2nd Cir Continued:

(4) 8/29/18 [#64] Motion for Summary Judgment
Based upon Exhibits.

(5) 9/6/18 - [#69] Motion for Summary Judgment

(6) 9/10/18 [#75] Motion for Due Process Challenge To
Executive Action

(7) 9/13/18 [#82] Motion for Brady Law Violation of
Due Process In Rockless Unjustifiable Manner

* Note - Again [#82] Just Screams That the Motion
Clearly is Going to Show Denial of my Constitutional Rights,
Yet Appeal Court in Unjustifiable Manner Denied motion!!

(8) 9/19/2018 [#90] Motion for Due Process Challenge to
Executive Action (this time it was filed correctly so see #90
for this motion and see #92 for Wood Detect)

(9) 9/25/2018 - [#98] Motion for Brady Violation By Agent Zabawa

(10) 10/22/2018 - [#121] Emergency Motion for Review of Case
For many Substantial Showings of Denial of Multiple
Constitutional Rights!

* Note - Cant Get No more clear than [#121] motion that
shows multiple Denials of my Constitutional Rights And
"Again" Appeal Court never Reviewed #121 and Denied #121!
Completely Proves Appeal Court Corruption - And That
Supreme Court In Supervisory Position Has Jurisdiction
to Review Writ Because of this Complete Corruption and
Lack of Review By Appeal Court!!

(11) 11/29/2018 [#152] MOTION ORDER Denied All motions
I just mentioned And Denied my Appeal and Stated for →

(Page ~~35~~ of 40 Pages) "G" Statement of Case

(Page 7 of 8 Pages)

#4. Continued-Appeal Court 2nd Cir. Docket #18-1995 Ronald Tuttle United States:

(11) Appeal Court Stated Reason for Denying Appeal Was Because Appeal Court Was Not Shown A Denial of my Constitutional Rights By me the Petitioner!

It was shown Denial of my Constitutional Rights in many Attempts, in many motions that are Very Very Very clear that I'm showing Denial of my Constitutional Rights in those motions, Yet Appeal Court Denied them knowing at 100% certainty Just By Title of Motion Alone that I was showing Denial of my Constitutional Rights within motions mentioned Yet Appeal Court Unintentionally and Unjustifiably Ignored Exculpatory Evidence that Proved (1) Actual Innocence and (2) Proved multiple Denials of my Constitutional Rights!

"Clearly" Appeal Court Should Be Able to Do An Emergency Review of Writ to Free An Innocent man That's Been falsely Incarcerated for 4 1/2 Years on "False Evidence" And False Testimony And upon An Invalid Search Warrant and Base it All upon Agent Zabawa's multiple lies that he had correct Evidence when he never had correct original Evidence from Very Start Yet he lied and said he did from Search Warrant onward All way to Trial!" I'm Innocent, And All Evidence I've shown within Writ Before Supreme Court is 100% Factual Proof of Innocence And Proof of "Complete miscarriage of Justice has occurred here!"

(Page ~~30~~ of 40 Pages) "G-5 Statement of Case"

Page #8 of 8 Pages

#5 My mother Has Terminal Cancer and is fastly Deteriorating. She is Down to 98 pounds. My mother Does not Have Long To Go. I'm An only child And Was Raised By my mother. Again if Writ is Emergency Reviewed and Court See's Evidence of A

"Complete Miscarriage of Justice" Because of Multiple Denials of my Constitutional Rights, (As shown in Writ) Then Court Could Exonerate and Immediate Release Under Circumstances And I could Go Home Proven Actual Innocent man I am And Be By my mother's Side Until she passes on Under Circumstances.

So matter is "Urgent" and Since I've clearly shown District Court And Appeal Court Has "Corruptly Delayed Interest of Justice By Not Reviewing Obviously Clearly titled Motions Before Them That Could Have Shown Actual Innocence And Showed "Complete Miscarriage of Justice" By Denial of Multiple Constitutional Rights of mine I ASK YOU to Please DO Emergency Review of my Writ Under These Rare and Extremely Urgent Circumstances!!

I'm Pro Se and ASK for Pro Se Leniency In Lehman terms of Explaining ALL of this In A Very well explained with A lot of Actual Factual Evidence Supporting All I've stated IS Actual Facts In the Writ and In this motion.

Please My mother is DYING Urgent This is Jail House Version of Saving Private Ryan Movie & I'm Innocent! Let me out Now So Can Be with my mother In Her Darkest Hour! All is truth!

June 20, 2019 For Time
Today's Date Signature

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Exhibit Proving I Showed Denials of Constitutional Rights

Docket
 18-1995

Tuttle, denying motion for clarity on in forma pauperis and court fees [127] filed by Appellant Ronald Tuttle, denying motion for exoneration of case and certificate of innocents issued [135] filed by Appellant Ronald Tuttle, denying motion to strike emails from being reviewed [139] filed by Appellant Ronald Tuttle, denying motion for multiple denial of constitutional rights, emergency review of case [143] filed by Appellant Ronald Tuttle, denying motion for 2-point reduction [147] filed by Appellant Ronald Tuttle, by RR, PWH, RJS, copy to pro se, FILED. [2444780][152] [18-1995] [Entered: 11/29/2018 01:14 PM]

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 of Statement
 of Case

12/12/2018 ☐ 154
 2 pg, 233.43 KB

LETTER, dated 12/01/2018, on behalf of Appellant Ronald Tuttle, requesting a copy of the docket sheet, RECEIVED. No Service.[2454022] [18-1995] [Entered: 12/12/2018 03:24 PM]

12/12/2018 ☐ 155
 1 pg, 9.3 KB

NOTICE, Case Status, copy to pro se appellant, SENT.[2454027] [18-1995] [Entered: 12/12/2018 03:25 PM]

12/18/2018 ☐ 156

MOTION, for a substantial showing of multiple denials of multiple constitutional rights, on behalf of Appellant Ronald Tuttle, FILED. Service date 12/18/2018 by US mail.[2458856] [18-1995] [Entered: 12/19/2018 11:47 AM]

12/19/2018 ☐ 157
 2 pg, 18.32 KB

DEFECTIVE DOCUMENT, motion for a substantial showing of multiple denials of multiple constitutional rights, [156], on behalf of Appellant Ronald Tuttle, copy to pro se, FILED.[2458858] [18-1995] [Entered: 12/19/2018 11:48 AM]

12/21/2018 ☐ 158
 2 pg, 196.66 KB

LETTER, dated 12/02/2018, on behalf of Appellant Ronald Tuttle, requesting a copy of the docket sheet, RECEIVED. No Service.[2461966] [18-1995] [Entered: 12/21/2018 04:28 PM]

12/21/2018 ☐ 159
 1 pg, 9.3 KB

NOTICE, Case Status, copy to pro se, SENT.[2461968] [18-1995] [Entered: 12/21/2018 04:28 PM]

01/07/2019 ☐ 160

MOTION, for reconsideration/reconsideration en banc, on behalf of Appellant Ronald Tuttle, FILED. Service date 01/01/2019 by US mail. [2469447] [18-1995] [Entered: 01/08/2019 09:58 AM]

01/07/2019 ☐ 162

MOTION, for substantial showing of multiple denials, on behalf of Appellant Ronald Tuttle, FILED. Service date 01/03/2019 by US mail. [2469997] [18-1995] [Entered: 01/08/2019 02:10 PM]

01/08/2019 ☐ 161
 2 pg, 17.96 KB

DEFECTIVE DOCUMENT, motion for reconsideration/reconsideration en banc, [160], on behalf of Appellant Ronald Tuttle, copy to pro se, FILED. [2469542] [18-1995] [Entered: 01/08/2019 10:37 AM]

01/08/2019 ☐ 163
 2 pg, 17.51 KB

DEFECTIVE DOCUMENT, motion for substantial showing of multiple denials, [162], on behalf of Appellant Ronald Tuttle, copy to pro se, FILED.[2469999] [18-1995] [Entered: 01/08/2019 02:11 PM]

01/15/2019 ☐ 164
 9 pg, 1.34 MB

PAPERS, motion for denied rights to constitution under 4th amendment unreasonable search and seizure clause, on behalf of Appellant Ronald Tuttle, RECEIVED.[2477624] [18-1995] [Entered: 01/17/2019 03:00 PM]

01/15/2019

PAPERS, motion for sentence reduction due to sentencing error, on behalf

REASONS FOR GRANTING THE PETITION

Reason #1: I've Been Falsely Incarcerated For Past 5 years
My mother is Dying, I'm only child, And Writ Proves Actual
Innocence!

Reason #2 I Have Asked 3 Valid Questions^a
That Go Right By Supreme Court Standards
of Selecting A Writ and All 3 Questions
Are Very Well Proved that Supreme
Court Can Use its Supervisory Power
to Answer said Questions And Review
Very Well put together and well proved
By Case Law Writ.

I Am just Proving my mother is Dying I'm
Innocent and Should Be at Home with my mother!

Reason #3 I was treated unfairly At District
Court and Appeal Court And my Case Was
Completely Ignored And that Should Be Good
enough Reason Alone to Review my Writ
Since I was never Given fair chance at either lower courts!

Reason #4 is my Writ Has importance to public on
issues brought up

Reason #5 Appeal Court has decided Important Federal
Question in Way that Conflicts with Decisions of Supreme Court.

Reason #6 Appeal Court Sanctioned Departure By District Court
So much so that Supreme Court Should Exercise its Power in
Matter of Case!

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Rondal Tuttle

Date: August 1st, 2019