

No. 19-6483

No. 19-1059

(E.D. Pa. No. 2-16-CV-04224)

IN THE
SUPREME COURT OF THE UNITED STATES

RE: CARL ROBINSON
Petitioner

v.

Bernadette Mason;
Superintendent,
State Correctional
Institutional at Retreat
Respondent[s]

**On the petition for writ of certiorari to The United States Court of
Appeals for the Third Circuit for Petition Rehearing**

Grounds for Relief

- 1.** Petitioner's avers that an unduly burdensome articulation of Slack v. McDaniel, Brady v. Maryland, Comm v. Rainey, and Comm v. Reiff and declining to remand Petitioner's case for resentencing under Fed.R.Crim.P.52 (b) was an abuse of discretion because failure to correct a plain COA error, that effected Petitioner's substantial rights when the Court of Appeals inverted the statutory order of operations by deciding the merits of an appeal and then deny the COA based on adjudication of the actual merits which placed a too heavy burden on petitioner at the COA stage.
- 2.** For the sixth Amendment and Brady violations purposes, Petitioner demonstrated prejudice during the sentencing phase where his attorney called the commonwealth's expert witness's to testify about Petitioner mens rea at the time of the crime, when there were physicians that treated Petitioner already treated petitioner at Temple Hospital's E.R..
- 3.** Petitioner avers that under Rule 9(b) after April 24, 1996 the AEDP'S date, the Petitioner's right to appeal was governed by the certificate of appealability (COA) Provisions of the AEDPA (28 USCS § 2253 (c)), when District Court denied Petitioner's habeas corpus petition on procedural grounds without reaching the petitioner's underlying federal constitutional claims, a COA ought to issue-and appeal of the Distric Court's order should hadve been taken because Petitioner showed, at least, that jurist of reason would find it debatable both whether (a) the petition stated a valid claim of denial of a constitutional right when repondents admitted their response, see exhibit (c) " that prior counsel neglected to file direct appeal and thus prevented him from obtainining appellate review of his other underlying claims" see exhibits showing counsel abandoning me after my trial.

The District Court was not correct in its procedural ruling, because a federal habeas corpus petition which was filed by a state prisoner after an initial petition was dismissed without condition and without adjudication on the merits for failure to exhaust state remedies, and was further dismissed without condition and with prejudice- which petition was not a successive petition within the meaning of Rule (9)(b). see exhibits (A)(B)AND(C), and Slack v. McDaniel, 529 U.S. 473, 146.

CASES TO SEE; United State v. Rosales Mireles, 850 F. 3d 246

Buck v. Stephens, 623 Fed. Appx. 668

Dennis v. Secretary, 834 F. 3d 263

January 18, 2020
Respectfully submitted,
Carl R.
Carl Robinson

ORDER

Robinson's motion to amend the request for a certificate of appealability is granted. The request for a certificate of appealability and motion to expand the certificate of appealability are denied. The District Court determined that Robinson's claims were defaulted and meritless. Jurists of reason would not debate the correctness of the District Court's decision. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Brady v. Maryland, 373 U.S. 83 (1963); Commonwealth v. Rainey, 928 A.2d 215, 237 (Pa. 2007) (diminished capacity defense); Commonwealth v. Reiff, 413 A.2d 672 (Pa. 1980) (voluntary intoxication defense).

While the correctness of the District Court's decision is not debatable, we note that the analysis section of the Report and Recommendation appears to have been taken directly from the Respondent's Supplemental Response with some minor alterations. Compare Supp. Resp. at 7-10 with Report & Recommendation at 10-13. We have disapproved of such practices. See Bright v. Westmoreland County, 380 F.3d 729, 732 (3d Cir. 2004) ("Judicial opinions are the core work-product of judges. They are much more than findings of fact and conclusions of law; they constitute the logical and analytical explanations of why a judge arrived at a specific decision. They are tangible proof to the litigants that the judge actively wrestled with their claims and arguments and made a scholarly decision based on his or her own reason and logic. When a court adopts a party's proposed opinion as its own, the court vitiates the vital purposes served by judicial opinions.")

The motion for the appointment of counsel is denied. Robinson's motions to proceed on the original record, to reopen the time to file an appeal, and to add and amend exhibits are denied as unnecessary.

By the Court,

s/ Cheryl Ann Krause
Circuit Judge

Dated: June 5, 2019

CJG/cc: Carl Robinson
Jennifer O. Andress
Catherine B. Kiefer



A True Copy:

Patricia S. Dodzuweit

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

IN THE SUPREME COURT OF THE UNITED STATES

CARL ROBINSON :
Petitioner :
: :
-VS- :
: :
BERNADETTE MASON, et al. :
Defendants :
:

CERTIFICATE OF GROUNDS

I, Carl Robinson, hereby certify that the grounds in my Petition for Rehearing are limited to other substantial grounds not previously presented.

Respectfully submitted,

Carl Robinson
Carl Robinson

Dated: April 11, 2020

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SUPREME COURT, U.S.