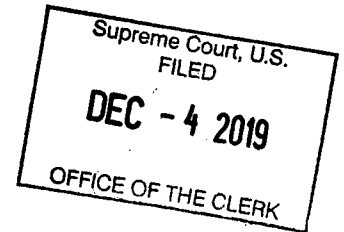


No. 19-6837

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



ANZARA BROWN PETITIONER
(Your Name)

vs.

DANA METZGER, warder RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THIRD CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anzara Brown
(Your Name)

JTVCC 1181 Paddock Road
(Address)

Smyrna, Delaware 19977
(City, State, Zip Code)

Prisoner
(Phone Number)

QUESTION(S) PRESENTED

- I. WHETHER THE STATE OF DELAWARE CAN WITHHOLD EXCULPATORY EVIDENCE RELATING TO THE STATE'S OFFICE OF MEDICAL EXAMINERS OFFICIALS STEALING DRUG EVIDENCE TAINTING THE CHAIN OF CUSTODY THAN FAILING TO GIVE CRIMINAL DEFENDANT'S REMEDY AT LAW.
- II. WHETHER THE STATE OF DELAWARE APPOINTMENT OF JUDGES SYSTEM HELD TO BE UNCONSTITUTIONAL BY THE UNITED STATES DISTRICT COURT OF DELAWARE AND THIRD CIRCUIT COURT OF APPEALS REQUIRED PETITIONER TO EXHAUST HIS REMEDIES BEFORE BRINGING HIS CLAIM TO THE FEDERAL COURT FOR RELIEF.

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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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 NA; 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☒ is unpublished.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 NA; 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☒ is unpublished.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 117 A.3d 568; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the 2018 WL 1702888 Superior Ct. court appears at Appendix D to the petition and is

☐ reported at 2018 WL 6181657 Del. Suprem. Ct.; 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 Oct, 6, 2019.

[] No petition for rehearing was timely filed in my case. N/A

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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 N/A.
A copy of that decision appears at Appendix N/A.

[] A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- I. Petitioner was denied his Sixth Amendment Right In state court, when the state presented Tainted evidence, after petitioner discovered the state's agent medical Examiners office (officials) were Stealing drugs after petitioner was arrested but before he was convicted. In petitioner's case, between his arrest and conviction the weight difference was appx. 8.0 grams, which fit an established pattern of conduct by the officials. The state court held petitioner was not entitled a winfall because of officials conduct.
- a) The petitioner was denied his Fourth Amendment Right by officers stopping petitioner on "A hunch" and not probable cause he was involved in criminal conduct.
- b) The petitioner was denied his Fourteenth Amendment Rights to Due Process And Equal Treatment by The state court's failure to Suppress Evidence Prior to Trial They could Not affirm was original to the case.
- II. The Federal District and Third Circuit court of Appeal Found Delaware's Section 3 of Article IV of Delaware's constitution is unconstitutional;

IN Finding such The petitioner claims all the
Judges seated on The bench as seated in violation
of The Appointment Clause of The United States
Constitution.

STATEMENT OF THE CASE

In May 2012, The Delaware state police arrested petitioner Anzara Brown (Brown) during their investigation of a second individual Mr Galen Brooks a friend of Mr Brown's who was under a Task Force investigation for Drug dealing/ running a Drug operation in and around Kent county Delaware.

The Task force officer hearing a phone call believed Mr Brown had stopped by Mr Brooks home to buy drugs, based on that "hunch, the officers conducted an illegal stop of Mr Brown's vehicle under the False pretext of a 'Registration Violation' which they knew at all relevant times of the stop and search to be false." The officers claimed to have found drugs on Mr Brown which they field tested under a defunk testing kit known around the United States as "Narc II test kit" which has resulted in hundreds of defendants being released from prison because of their false testing results. However, Delaware refused to recognize the faked Narc II Test kit evidence despite being recognized in every state and federal test labs as unreliable evidence subject to Brady review.

Mr Brooks was subsequently arrested and convicted and served his sentence, but was later discovered the Delaware Medical Examiners office had tampered with the Drug Evidence in Mr Brooks care requiring exclusion.

Mr Brown also found out the same medical examiners had also handled Mr Brown's drug evidence which was also missing amounts of drugs from the arrest weight to the medical examiners weight which the court acknowledged but failed to suppress the evidence given the chain of custody had been broken by the (OCME).

Prior to trial petitioner moved the superior court to suppress the evidence which was devised and the Delaware supreme court affirmed that decision on appeal. All the appellate courts including the Third Circuit Federal Court of Appeals.

The petitioner claims Delaware is the only state to hold "defendants" regardless of the taint to the evidence are not entitled to review of their convictions because they are not entitled to a "winfall" because of state actors "stealing evidence in their cases," or "tampering with evidence".

Petitioner seeks certiorari to review Delaware's decision in the case at bar.

Cont. Statement of The case

The defendant raised the issue upon discovery, the trial court denied the motion, and all the court's to hear the claim had held it not to affect petitioner's constitutional rights to a fair trial.

The petitioner claims appellate reviews are contrary to clearly established federal law as established by the United States supreme court. Davis v. United States, 2011 WL 2369583, Snyder v. La., 128 S.Ct. 1203 (U.S. 2007). Requiring the court grant A writ of certiorari.

REASONS FOR GRANTING THE PETITION

The court should grant certiorari to settle the split between the other 49 states who have faced medical examiners corruption or drug testing with state officials corruption within the testing labs and all have suppressed the tainted evidence and released the offenders, however, Delaware chose not to release any offender claiming their not entitled to a "winfall" based on their conduct. And whether police can stop and search the petitioner based on "A hunch" the petitioner may possess "drugs".

II. The court should grant certiorari to determine whether petitioner is entitled to relief based upon Delaware's unconstitutional appointment of judges, in violation of the appointment clause of the United States constitution and whether he must exhaust state remedies in order to present his unconstitutionally appointed judges claim to the Federal court, as the Third circuit decided in these proceedings.

Legal Argument

I. The Third circuit court of Appeals decision denying Petitioner's certificate of Appealability relating to his Brady v. Maryland, 373 U.S. 83 (1963) claims.

ARGUMENT

"AEDPA allows federal courts to grant habeas relief only if the state court decisions are contrary to, or an unreasonable application of clearly established federal law." 28 U.S.C. § 2254(d)(1)). "A state court decision is 'contrary to' clearly established federal law if the state court (1) 'applies a rule that contradicts the governing law' set forth in supreme court precedent or (2) 'confronts a set of facts that are materially indistinguishable from a decision of the Supreme court and nevertheless arrives at a result different' from that reached by the supreme court." William v. Taylor, 529 U.S. 362, 405-06 (2000).

The petitioner claims Delaware unlike 49 other states whose medical labs were found to be falsely tampering with evidence, testifying under false pretexts at trial vacated those defendants convictions and sentences. However, Delaware chose to hold "Defendants were not entitled to a Winfall, based on the medical examiners stealing evidence!" Regardless of the effects on the chain of custody in violation of Federal Rules of Evidence Rule 901 The Uniform Rules of Evidence.

Delaware added an additional element to the legal standard for proving a constitutional violation, Brady. In that Brown claimed the OCME evidence along with the Failed Narc II test evidence established the state could not under any circumstances A chain of custody to Authenticate the drug evidence From the initial stop and search in that the police used the Narc II test kits upon their initial claims Mr Brown was in possession of illegal drugs, To handing the evidence to a known "state officer" who was stealing "drug evidence" from the state crime labs, and replacing evidence with "fake substances" to cover his thefts. And Brown's claim that between his arrest to OCME weight there was 8.0 grams difference in weight which the state could not account for during the suppression hearing and trial. In addition to the Brady violation the petitioner claimed the police had no probable cause to make the initial (pat down search and arrest) Given the Task Force officer claimed they stopped the petitioner on what they knew to be a false pretext of a traffic violation (Registration violation) which "they testified at trial was false" at the time based upon the hunch Mr Brown stopped at the targets house to purchase drugs. collins v. Virginia, 2018 U.S. LEXIS 3210 (U.S. 2018).

Petitioner claimed the Delaware supreme court had acted contrary to clearly established Federal law "in appending an admissibility requirement onto Brady." Dennis v. Sec'y Pennsylvania Dept't of Corrections, 834 F.3d 263 (3rd cir. 2016) (en banc). The reason for this is that "the essence of the United States supreme court's Brady jurisprudence focuses on the benefits of disclosure to the defense, not admissibility." Id. at 309. In other words, "under Brady, the focus of the inquiry is on whether the information had been disclosed to the defense, not whether it was admissible at trial." Id. (quoting Kyles v. Whitley, 514 U.S. 419, 433-34 (1995)). Accordingly, "an admissibility requirement improperly shifts that focus." Id.

The OCME admissible or inadmissible could have served a number of purposes. As explained in Dennis, documents that could affect defense preparation or aid in the development of an alternative defenses may still be material under Brady. Id. at 311 ("Alterations in defense preparation and cross-examination at trial are precisely the types of qualities that make evidence material under Brady.").

Any requirement that the requested evidence relating to the OCME's conduct and states chain of custody regardless of the Third party's testing of what the state claimed to be illegal drugs in the possession of petitioner upon his arrest are irrelevant, because the state first had to establish state officials had not tampered with the evidence before the Third party testing had ever occurred, which the state failed to do prior to being admissible before the jury.

The court placed the burden on petitioner that he had to prove the OCME and Field Test Kit Narc II were not reliable evidence before they vacated his convictions and sentences.

The petitioner sustained his burden of establishing the evidence was tainted by The Narc Field Test Kit evidence and The state's investigation, arrest of OCME employees for stealing drug evidence during the relevant time between his arrest and convictions.

The State Never established a Chain of custody contrary to petitioners claims of the evidence being tampered with by OCME officials in trial on during the collateral proceedings, Delaware held petitioner was Not entitled to a "winfall" from state officials stealing drug evidence in his case, and other cases. A contrary decision to 49 other states and the Federal crime lab cases were Thousands of defendants where released from custody except in the State of Delaware, who failed to even grant evidentiary hearings when the OCME investigation became public knowledge to defendants and their lawyers.

Petitioner seeks certiorari vacating the third Circuit court of Appeals decision, denying his certificate of appealability.

II. THE UNITED STATES DISTRICT COURT
VOIDED DELAWARE'S CONSTITUTION ART. IV
§ 3 THE WAY DELAWARE APPOINTS ITS
JUDGES.

ARGUMENT

IN 2017 the District Court of
The State of Delaware voided Delaware's
Constitution Art. IV § 3 the way Delaware
Appoints its Judges. Adams v. Governor of
Delaware John Carney, NO. 1817-CV-00181-MPT,
U.S. District Court for the District of Delaware
Judgment entered May 23, 2018. Affirmed
Adams v. Governor of Delaware, NO. 18-1045,
U.S. Court of Appeals for the Third Circuit.
Judgment entered April 10, 2019.

The petitioner claimed his convictions must be
vacated because Delaware knew at all relevant times
the trial judge was appointed unconstitutionally
the Attorney General's discussed with themselves
and sitting Delaware judges about the unconstitutional
aspects of Art. IV § 3 and all chose to remain
silent to protect themselves for future appointments.

The petitioner raised the issue with the Third circuit court of Appeals, which held incorrectly, First, the petitioner was required to exhaust his claim in the lower courts prior to bringing it forth to the court; And second, the court could invoke de facto authority. Ryder v. United States, 515 U.S. 177, (1995). In denying petitioner a review.

First,
The Third circuit court's incorrect analysis starts with petitioner would need to exhaust his lower court remedies before seeking review in the appellate court which is contrary to the United States supreme court's decisions in Freytag v. Commissioner, 501 U.S. 868, 883 (1991); United States v. Lo A. Trucker Truck Lines, Inc., 344 U.S. 33 (1952). Which held an appointment clause violation does not require exhaustion of remedies before an appellant can bring an appointment clause violation to the court for review, requiring the court resolve this conflict between the court on whether petitioner is required to exhaust his remedies before bringing an appointment clause violation to the appellate court for review.

Second,

The petitioner is entitled to relief because Delaware cannot provide him with a constitutionally appointed judge to conduct his proceedings given the Adams decision holding Delaware's Appointment of Judges Art. IV § 3 violates the First Amendment Rights in that it discriminates against individuals based upon a political party affiliation and holding the entire section of Delaware's constitution Art. IV. § 3 unconstitutional.

The Third circuit held petitioner's claim would be held de facto under Ryder, because Delaware discovered later their judges were unconstitutionally appointed. However, Delaware knew at all relevant times their judges were appointed unconstitutionally and chose to ignore it to further their own political appointments to the bench at a later time.

The court needs to grant certiorari to determine whether Delaware can invoke de facto authority when it knew all its judges were unconstitutionally appointed to the bench and ignored it hoping for a future appointment to the bench themselves.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ayaa Bur

Date: Nov 27, 2019