

QUESTIONS PRESENTED FOR REVIEW

Q. ① Whether, in a case under 18 U.S.C. § 2423(A), the Defendant is entitled to the full correct government birth name of the person he has allegedly transported? Does the stating of an incorrect name violate Fifth Amendment Due Process and/or Sixth Amendment Confrontation Clause?

Q. ② Whether the prosecution can knowingly use false testimony to obtain a conviction in violation of the Supreme Court's ruling in *Napue v. Illinois*?

Q. ③ Whether the prosecution violated *Brady v. Maryland* by failing to disclose exculpatory materials?

Q. ④ Whether the Defendant's rights were violated under the Double Jeopardy clause by not naming the victim in the indictment? Does not naming a victim make the indictment defective?

- Q. ⑤ Whether the Indictment was Jurisdictionally Defective for not naming a victim and failing to state an offense?
- Q. ⑥ Whether Defendant is Actually Innocent of the crime as charged?
- Q. ⑦ Whether Defendant was denied the Effective Assistance of Counsel when Counsel failed to investigate the true identity and age of an "alleged minor" victim?
- Q. ⑧ Whether the Court Constructively Amended the indictment in a case under § 2423(A) during jury instructions?
- Q. ⑨ Whether the District Court failed to provide the Jury with an Adequate instruction with respect to the impeachment of the government's star witness?
- Q. ⑩ Whether the District Court erred by not allowing the Magistrate Judge to deliver his Report and Recommendation (R & R) before denying the Petitioner's § 2255 Motion?

Q.11 Whether the District Court erred by not conducting an Evidentiary Hearing in a case under § 2423(a) when the identity and age of the victim have been disputed?

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JURISDICTION

The date on which the United States Court of Appeals decided my case was June 9, 2020.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: August 11, 2020, and a copy of the order denying rehearing appears at Appendix B.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

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STATEMENT OF THE CASE

On March 14, 2014, Stafford County Sheriff's Office in Virginia conducted a prostitution sting operation.

"The woman initially provided First Sergeant Grella with false information regarding her age. She also provided false information as to her identity, telling the arresting officers her name was 'Scarlet'. The woman gave several different names to the officers then was told she was going to jail for obstruction of justice and prostitution. The only way for her to get out of this mess was if she was underage. She stated 'I'm underage'. (See Muhammad's PSIR and Officer Grella's Police Report).

On June 24th Mr. Muhammad proceeded to trial on an Indictment under 18 U.S.C. § 2423(a) Transportation of a Minor Across State Lines for the Purpose of Prostitution. At trial no birth certificate for the alleged minor was entered into evidence. (See pgs. 508, 509 of the trial transcripts).

In a Pre-Trial Motion Mr. Muhammad

Requested the Birth Certificate. The first thing in a case under this statute is to make sure that the victim is under the age of eighteen. No certificate was produced.

Subsequently, Mr. Muhammad moved for Judgment of Acquittal. "J.B. testified that she was 17, but that was the only person who -- or the only evidence there was that she was actually underage." "There was no birth certificate or any other independent verification."

Before the trial's opening statements the Honorable Judge was given the full correct name of the victim. (Tr. pg. 18) The Judge then gave the jurors and the defense a different name only seconds later. (Tr. pg. 19) He stated the victim's name was "Talissa Butler" not the same name on page 18.

After Reviewing Freedom of Information Act Documents, Mr. Muhammad discovered that the victim's initials are not "J.B." he discovered that her initials were in fact J.T. Mr. Muhammad presented this to the Court and was told that the initials "J.T. may be a

.. SCRIVENER'S error". (See Memorandum
.. Opinion Pg. 8 Denying § 2255 Motion).

.. The Indictment never named the victim.
.. The False initials "J.B." were used/stated
.. over fifty times at trial misleading the jurors
.. and defense.

.. The material facts to consider are
.. whether the victim is in fact a minor and
.. whether the Defendant should be given
.. An Evidentiary Hearing and In camera
.. Review of the Birth Certificate and Audio
.. Recordings of Taped Interviews.

.. The Defendant's rights have been
.. substantially affected and this affects the
.. Court's integrity and fairness.

REASONS FOR GRANTING THE PETITION

The Honorable Court should grant Certiorari because the Fourth Circuit is in conflict with the Supreme's Court decision in *Napue v. Illinois*, 79 S. Ct. 1173, 1177 and the Fourth Circuit is in conflict with the decision of the Eighth Circuit in *Farah v. Weyker*, 926 F.3d 492, 2019 U.S. App LEXIS 17566 (8th Cir. Minn. June 12, 2019) (Case No. 16 cv 1289 Aug. 9, 2017)

The Lower Courts decision is erroneous because there is no grey area — either an individual is above 18 years old making them an adult or an individual is under 18 years old making them a minor. An adult should never be able to state that they are a minor when in fact they truly are an adult.

The decision by the lower(s) court(s) requires the Supreme Court to exercise their Supervisory Powers.