

20-8353

No. \_\_\_\_\_

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES  
Washington, D.C. 20543

Supreme Court, U.S.  
FILED  
JUN - 8 2021  
OFFICE OF THE CLERK

Russell Armfield #R-27043 PETITIONER  
(Your Name)

vs.

Sonja Nicklaus — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL For The Seventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

OFFICIAL SEAL  
PATRICK SHIPPERT  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES SEP 25, 2023

Russell Armfield

(Your Name)

STATE OF IL  
COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me  
this 1 day of JUN, 2021, by \_\_\_\_\_

2600 N Brinton Ave

(Address)

Notary Public's Signature  
My Commission Expires on \_\_\_\_\_

Notary Name

Dixon IL 61021

(City, State, Zip Code)

(815) 288-5561

(Phone Number)

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SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

- (1) If a ruling must be contrary to established Federal Law for A Defendant to receive relief, When there is no established Federal Law or Precedent to follow, how should the matter be handled When theres on Clear Constitutional Violation?
- (2. Is the Standard Petitioner failed to meet, a higher Standard than Bruton actually Requires? As the Illinois Appellate Courts acknowledged a Constitutional error occurred.
- (3. What Specifically is a Proper limiting Instruction for dealing With Bruton Violations?
- (4. Did Prosecutors, by telling Jurors "This Defendant made a Videotaped Confession, Confessing to killing Copeland and ' laying out essentially the same facts' I Just told You" Practically apprise Jurors to speculate "Content" or "Substance" of Nelsons Confession?
- (5. Does the 'Substance' or 'Content' of an non testifying Codefendant Confession, has to be 'heard' or 'Read' by the Non declarant Jury to be harmful, Prejudicial or Influential, or could an "Recapitulate", Reference, Paraphrase or Synopsis, do Just as much harm Prejudice and have Influence on a Juries Verdict?
- (6. Did Petitioner meet the Criteria Set out in the United States Supreme Court Precedent for a Bruton Violation?

(7. Was the Illinois Appellate Courts, rejection Petitioner Strickland Claim Contrary to or Involved on Unreasonable application of Federal law, or Rested on an Unreasonable Determination of the Facts, Where Counselor failed to object to Inadmissible Guns and Testimony of an unrelated Shooting. outside the Cook County Court Building Involving Co Defendant Nelson.

(8. Was Petitioner denied his Due Process Rights? When Prosecutors used The Inadmissible evidence of the Unrelated Shooting Provided by Tykima Walker, To Promote and Theory of fear and Terror as a Social Issue, Through out their Closing Argument as a Focal Point.

(9. In view of the multiple errors, did Petitioner fail to Show Counsel Performance was deficient and that Petitioner was Prejudiced by the Counsel Performance? Or did The Illinois Appellate Court base their decision on an unreasonable determination of the facts Where. Counsel admitted to the Judge. SA564. " I don't pay attention to whats Going on, and Prepare an Argument.

## **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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### OTHER

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 \_\_\_\_\_; 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 \_\_\_\_\_; 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 \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; 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 01/11/2021.

No petition for rehearing was timely filed in my case.

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

An extension of time to file the petition for a writ of certiorari was granted to and including 150 DAYS (6/11/21) (date) on Thursday 3/19/20 (date) in Application No. A. Rules 13.1 and 13.3

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 01/11/2021. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: None filed, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including 150 DAYS (6/11/21) (date) on Thursday 3/19/20 (date) in Application No. A.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

720 ILCS 5/15-2C A Person is legally accountable for the conduct of another when: either before or during the commission of the offense, WITH the intent to promote or facilitate the commission of the offense he or she solicits, aids, abet attempt to ~~or~~ or Agrees to aid such other person in the planning or commission of the offense. .... pg

28 U.S.C 2254(a),(c) The Federal habeas Corpus Statute permits Federal Courts to entertain a habeas Petition on behalf of a State Prisoner only on the Ground that he is in Custody in violation of the Constitution or Laws or treaties of the United States, 28 U.S.C. 2254(a) and directs simply that the Court dispose of the matter as law and Justice Requires 28 U.S.C. 2243. .... pg

28 U.S.C. 2111 Before a federal Constitutional error can be held harmless, the Court must be pg able to declare a belief that it was harmless beyond a reasonable doubt. .... pg

28 U.S.C. 2111(c) permits Plenary review of claims alleging such trial errors, but not relief in the absence of actual Prejudice. .... pg

U.S. Constitution, Amendment VI. .... Paesim

In all Criminal Prosecutions, the accused shall enjoy the Right to a speedy and Public trial, by an impartial Jury of the State and District wherein the Crime shall have been committed, which District shall have been Previously ascertained by law, and to be informed of the Nature and Cause of the accusation; to be Confronted with the witnesses against him; to have Compulsory Process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his Defense.

## STATEMENT OF THE CASE

Petitioner was tried in Illinois State Court for the August 17, 2004 killing of AL Copeland, along with his Two Codefendants Kimothy Randall and Tyrene Nelson. The Prosecution theory was Unfinished business And that The Defendants acted as an team, SA53-55, And Nelson Corroborated their theory: When Prosecutors Opening Arguments to Nelson Severed trial Inadvertently were Given to The Armfield Jury While deliberating. Petitioner and Co defendant Randall Shared Juror's, as nelson had a Separate Jury, but all were tried Simultaneously.

As Petitioner Jury Struggled to reach a verdict, the Court Provided them with transcripts of witnesses testimony from day's Prior and Also the State Attorney Opening Arguments to nelson Severed trial. The transcript laid Out Nelson Video taped Confession Implicating Armfield as his aid in killing Copeland, which led to Armfield Conviction.

The State Case was very weak, if not for the Qdmmission of numerous Inadmissible evidence and errors that are Still Considered when assessing, Petitioner Guilt. There was no Physical Evidence, Blood Evidence or finger Prints Connecting Armfield to this crime. SA55. or Co Defendant Randall. Nor were there any admissions.

The State Could not identify who or if anyone of the Defendants or if Someone else fired the bullets that Killed AL Copeland. SA 53. Prosecutors argued Randall Was the ringleader who ordered Nelson and Armfield to take Care of Copeland. SA.47. But failed to Present any Substantial evidence to Support this theory. Two of the State Witnesses recanted, Sinquis Prosper who is Randall Sister and also not an eyewitness to the Copeland Homicide but became a Victim Who was shot at after attempting to render aid to Copeland after his Crash.

Ayeshia Floyd recantation was ignored due to suspicion as Randall's Girlfriend, But the Courts do not apply the Same Standard of Cognizant to Foyd's reasoning for her Statement.SA337-38. nor took into Consideration, Floyd was the driver of the Car, who took the Defendants to Pick up Guns and also dropped OFF the Defendants

after following Copeland Home. Even if Randall made her wait on the Defendants by Pointing a Gun at her. "The Accountability Statute 720 ILCS 5/5-2c, a Person is legally accountable for the Conduct of another when, either before or during the Commission of the offense with the intent to Promote or facilitate the Commission he or she Solicits, aids, abets Agrees, or attempts to aid... In the Planning or Commission of the offense." Floyd was never Charged in anyway, but this Question Remains Ignored.

Willie Williams was high on heroin during trial, Continuously denied that he ever told the State Armfield was involved. SA<sup>114-119</sup> and only agreed Armfield was an lookout after an brief argument with the Prosecutor and an lead on Question that Violated the Confrontation Clause in 'Shipe 49 Cal. APP. 3d.343(1975). Improperly Impeached under People V. Bailey 60 Ill.2d 37.

Robinson was asked about Armfield and stated "I don't think he had..." but this was after she already stated "she never saw anyone with a Gun or doing Any Shooting SA143. Nor did She know where he was at. She Just knew he was out there. SA137. This is Vague and Contradictory of Williams SA119.

Vinson only Come forward after he was picked up on a Gun Charge along with Tykima Walker who was Charged with Possession of cocaine who both became witnesses At the moment , even though Walker Claim to not have witnessed the Shooting of Copeland but arrived at the Scene 30 minutes later Appendix (H). Who both their Charges were dismissed at Preliminary hearing, even though there was a Search warrant for Walker Premises, where both were arrested and Appendix <sup>(E)</sup> with probable Cause? but the case was dismissed and they weren't Promised anything? What is the Purpose of Preliminary Hearing?

Petitioner was Convicted for murder, but Jurors found the facts did not exist during the Commission of the offense he Personally discharged a firearm. SA676. Deliberations lasted almost 14 hours, ostensibly longer than the testimony at trial- and returned their Verdict only after highlighting Nelson's Video tape Confession to Shooting Copeland With Armfield and Randall Help. SA 164. Nelson Uncrossed examined Confession bolstered the State weak Case, as it Gave the

only Corroborative unimpeachable Direct admission. Of Guilt by One of the accused, who did not raise suspicion by blame Shifting, but admitted he killed Copeland, with Both Co Defendants Randall and Armfield help. U.S.V. White 553F.2d at 314. The Jury was instructed On Legal Liability. SA583. That the Defendant, or one for whose Conduct he is Legally

Responsible for Performed the acts which caused the death.

what it means is there are a few ways you folks can find these two Defendants Guilty of Murder. SA 584. In U.S. ex rel, Sanders V. Lane, 835 F.2d 1204, States even if Sanders Statement Covered all the elements of the crime with which he was Charged, because of Illinois Law on accountability, Hunter Statement might still have reasonably Contributed to Sanders Conviction.... We made Such a suggestion in our earlier order affirming the district Court, we were mistaken. Thus, whether Sanders Could have been convicted on the basis of his own Statement is not the target of our inquiry. Our harmless error analysis must focus on the Potential Contribution of the tainted evidence - - Hunter Statement--to Sander's Conviction.

As in Bruton 391 u.s. at 127-128, 'The introduction of Evans Confession added Substantial, Perhaps even critical Weight to the Governments Case in a form not Subject to Cross examination.

On Appeal the Illinois Appellate Court acknowledge that their Unquestionably was an error by the trial Court When the Jury was allowed to read that "Proscribed Material." RSA 35. The Appellate Court nonetheless held. Armfield's Confrontation Clause rights had not been Violated, and that even if they had been, the error Was harmless. The Court reasoned that the "Substance or Content" of Nelson Confession hadn't been placed before the Jury: that the reference to Nelson's accusations was Similar to a Confession redacted to remove any mention of the Defendant, and that in any event the trial Court limiting Instruction Cured any violation. RSA 36-38.

Those Conclusions were Contrary to, and Involved an unreasonable application of Supreme Court Confrontation Clause Precedent Stretching back to Douglas V. State of Alabama, 380 u. S.415(1965), Bruton V. United States, 391 U.S.123, Richardson V.

Marsh, 481 U.S. 200. "And is also based on an unreasonable determination of the facts in light of the evidence Presented."

In addition Petitioner trial Counselor failed to provide the assistance Guaranteed by the Sixth Amendment. Where he failed to object to three Instances of Irrelevant and inflammatory testimony about another Shooting to which no evidence Connected Armfeld, who was incarcerated on an unrelated offense - that Occurred months after the murder near the very Court House, trial was taking place, without a word from Cohn.

The State Placed three Semiautomatic and Sub machine Guns.. With loaded Magazine in front of the Jury. Without an objection. petitioner Jury heard of Codefendant Nelson and Several other individuals including a Calvin Armfield, who the Appellant Court ruled against Petitioner in belief he was this "Calvin Armfield" who accompanied Nelson and used these weapons and Shot at Tykima Walker and her kids Outside the Cook County Jail and Court building. And to make matters Worse Prosecutors Used this Incident to argue the area in which the Jurors Would be deliberating was unsafe. SA 616. later Jurors would send a letter to the Judge, during their deliberations Stating "One Juror does not wish to articulate her decision in fear of repercussion." appendix. F.

The Illinois Appellate Court Still found no Prejudice in Counselor failure to object. That conclusion involved an unreasonable application of Strickland. It also rested on an unreasonable determination of the facts in light of the weak evidence Presented at trial, which resulted in a Special Verdict that, Petitioner did not fire a Gun during the Commission of the offense.

The Jury improperly Considered Codefendant Nelson Confession against Petitioner, and Counselor deficient Performance furthered Prejudiced, by inviting the Jury to base its verdict on. fear, Terror and Vigilante rather than on Properly admitted evidence. Those are the only reasonable Conclusions on this Record, and Petitioner Should be Retried or Released.

The Statement before the Jury Referenced by the Prosecutor Stated:

"Ladies and Gentlemen, You're also Going to See a Statement Given to a COOK COUNTY ASSISTANT STATES ATTORNEY that was video taped of this Defendant Confessing to Shooting AL Copeland and laying out essentially the SAME facts I just told you. You will see him tell you how he and his Partners Murdered AL Copeland in his own words.... Now these Defendants, this Defendant and his two Partners, they acted as a team. Randall Confined to a Wheelchair Couldnt have done this on His own. And these Defendants were Provided Guns by Randall. Without Randall Part, They Couldnt have killed AL Copeland."

The Statement "You will see him tell you how he and his Partners Murdered AL Copeland In his own words." Is as Specific, vivid, and Harmful than the Statement, Richardson found to be more Vivid than inferential incrimination that "The Defendant helped me Commit the Crime". It is also more difficult to thrust out of mind.

There were no regard Shown for the Severance, there were three Inadmissible Unconnected Guns, The testimony of Tykima Walker about an Irrelevant un connected Shooting Out Side of the Cook County Jail and Court building, Then we have the Confrontation Clause Violation of Nelson's Confession.

The courts in Illinois adopted a rule that contradicts the Governing law of the U.S. Supreme Court and Based its decision. on a Set of facts materially indistinguishable from those at issue in the applicable Supreme Court Precedent, reached a different Result.

The Standard applied in Richardson, used to uphold the Conviction, Though Negative to Richardson, is in accord with Relief for Petitioners, but a different Standard is being applied here. On Richard Son's Certiorari, the United State Supreme Court Ruled, with a "Proper limiting Instruction," the introduction of Such a "redacted" Confession at a Joint Criminal trial does not violate the Confrontation Clause.

In Petitioner Case there were neither a Proper limiting. Instruction Given, Nor Were the Statement Redacted but Clearly

InculPatory to the Defendant. And Contrary to Richardson, The Codefendant Confession was "facially Incriminating."

The Illinois Courts Denied Petitioner Relief Stating (1. The State did not attempt to introduce the extrajudicial Confession into evidence. (2. That the Jury did not hear the "Substance or Content" of the Confession, "But a Para Phrased Reference: (3. The Jury were properly Instructed, that Opening Statements. and Closing Arguments are not evidence and each Defendant Should have his Case decided on evidence that APPLY to Him.

In Douglas v. State of Alabama, 380 U.S. 415. The evidence was not introduced into evidence, but a Confrontation Violation, occurred. (i.e. the extrajudicial Codefendant Confession).

In Bruton 391 U.S. 123, A defendant may be Prejudiced by the Admission in evidence against a Co-Defendant of a "Statement" or "Confession". The Courts attempt to minimize the State's Reference of Nelson Confession as an Paraphrase is absurd and Slight, if anything, its an Recapitulated ParaPhrase"

Richardson, 481 u.s.200, States Bruton APPLY When the Co defendants Confession (I) implicate on its Face and (ii) need no linkage to other evidence.

In both, Bruton and Richardson, Proper limiting Instructions, informed the Jurors that an Co defendant Statement is only allowed in determining the Declarants Guilt and not to be used against the Non Declarant. The Instructions. the Court Gave Simply and Inadequately told Jurors, SA 623, "Opening Statements are made by the attorneys to acquaint. You with the facts they expect to Prove." Closing arguments are made by the attorneys to discuss the facts and Circumstances in the case.... Neither Opening Statements or Closing arguments are evidence and any Statement or argument made by the attorneys which is not based on the evidence Should be disregarded."

This instruction does not advise the Juror's not to consider an Co Defendant Confession in Deciding the Defendant Guilt or Innocence, There is nothing Curative or Relative to that topic. It Specifically stated "Opening Statements are made by the Attorneys to acquaint You with the facts they expect to Prove" and in Correlation the State's Attorney would Inform the Jury..."A Videotaped Confession of this Defendant

Confessing to Shooting AL Copeland and laying out essentially the Same facts I Just told You." There is no Cure in this instruction, in Fact, it does more harmfulness than help, as it's magnified by this fact. The Petitioner is being held to a different Standard. and being asked to exceed the Bar Set by Supreme Court Precedents, Such As, Bruton, Richardson, Pointer v Texas and Douglas. There were No "Proper" limiting Instruction, Only those that are routine. The "Synopsis" or "Recapitulate, ParaPhrase" was direct, Incriminating ~~on~~ its face and needed no linkage to other evidence. The Statement was blatant, there were no redactions or eliminations to all References of Defendant. The Criteria Set in the U.S. Supreme Court Precedent for Relief are all existing in the Present Case.

The Illinois APPellate Court unreasonably applied Strickland, Cohn allowed three witnesses to Present irrelevant and highly Prejudicial testimony about an unrelated Shooting near the Court house, that did not involve Armfield or Codefendant Randall Cohn Performed deficiently by not objecting, and the State Courts determination that the inadmissible evidence didn't Prejudice Armfield is unreasonable, Particularly Given the States Weak Case, the Prosecutor's use of this evidence during Closing Argument and the note from the Juror's that one was afraid to render a verdict.

Cohn Performed deficiently in failing to object to this irrelevant, inflammatory testimony about a Shooting that had nothing to do with either of his Clients. But even more Detrimental to the Illinois Appellate Court's Decision, is that Attorney Cohn Admitted to the Court " That he did not Pay attention to what went on during the trial. Because the State Courts did not reach the issue of Cohn's Performance, the Courts review remained ~~de novo~~. And the United States Supreme Court Should Review the entire Record under the kotteakos Standard where the Reviewing Court must make a ~~de novo~~ examination of the trial Record id 328 U.S 759-761.

Without objection Tykima Walker testified that Nelson, and Several others followed her and her Children while she was on her way to the County Jail and shot at her. SA 146-52. Without objection officer frank Ramalia Showed the Jury two. Semi automatic Pistols and a Sub machine Gun with 13 live rounds. recovered from a Vehicle

occupied by Calvin Armfield and Connected to Tyrene Nelson. SA 405-10. And without objection, Nally testified to all three Guns, Only one Connected to Nelson and the crime scene, not the actual Murder. SA474-82. All this evidence Should have been excluded against Armfield.

Failing to object to inadmissible evidence is deficient Performances. See, e.g Martin, 424 F.3d at 591-92. The three witnesses testimony, the three Guns. First they were not admissible as "other-Crimes" evidence under Illinois Rule of Evidence 404(b) because Armfield was not involved. Other crimes evidence is inadmissible unless the defendant actually Participated in. Some other crime. People V. Lopez, 2013 IL APP (1st Dist. 102938 and People V. Pike, 365 Ill. Dec 279, But Petitioner Was Incarcerated at the time of the unrelated Shooting, SA1, SA 697-703, and no one claimed or even mentioned Petitioner as involved. Yet Cohn failed to object and allowed Jurors to Speculate on the Identity of the Unknown" Two other People, SA149-50. Even the Illinois Appellate Court attributed Calvin Armfields involvement as Russell Armfield. Supra PP. 60-61 RSA 38.

The evidence of the unrelated Shooting was inadmissible due to it Irrelevancy. Ill. R. Evid. 402. Only one of the Guns was Connected to Nelson Not Petitioner. Our Illinois Supreme Court has held that Physical Evidence may be admitted if there is evidence to Connect the objects with the Defendant and the Crime, People v. Miller, 40 Ill.2d 154. Also it was Prejudicial and outweighed. its Probative Value. Ill R.Evid.403.

The Illinois Appellate Court Concluded that petitioner. Armfield Couldn't Show a reasonable Probability of a different. result absent the evidence of the unrelated shooting . RSA 49. That Conclusion is unreasonable, and it rest on an unreasonable determination of the facts.

Prosecutors used the knowledge of this incident through out their Closing Argument to where it became the Focal Point of their Closing Argument. This was used to Promote an Social Issue. SA568. and asked Jurors to stand up for the Good Citizens of LeClaire Courts. SA588. And that they could take the neighborhood away from us and Give it back to the Residents. SA569.

The Illinois Appellate Court Credited Vinson testimony that he "Saw Armfield and Nelson on the Corner firing at Copeland Vehicle," also noted Floyd's Grand Jury Statement Stating, Armfield admitted he fired his Gun," RSA 40, RSA48. Those findings are directly Contrary to the Jury's finding that "Armfield did not fire a Gun. SA692. and thus Contrary to and an unreasonable application of Strickland. See 466 U.S. at 696 (Prejudice inquiry" Takes the unaffected findings as Given ); Cook, 948 F.3d at 909 (Inquiry examines "a hypothetical trial where Counsel did not make these errors")<sup>14</sup> Cates V. United State, 882 F.3d 731, 738(7th cir.2018) (relying in Part on specific Jury finding to find Strickland Prejudice).

The Illinois Appellate Courts Unreasonably assessed the evidence. See Cook, 948 F.3d at 909 ("Court must Consider all of the evidence"). The Court determined that Jenkins, Copeland's Girlfriend, "Substantially Corroborated" Vinsons testimony Simply because she "testified that she saw two People Shooting at Copeland Vehicle" RSA 48. But Jenkins testimony only Revealed the Presence of another shooter, who encountered Copeland and shot him way before he ever reached the location of Nelson and Armfield. SA103,77-78 And the Jury verdict reject Armfield was one of the Shooters SA 52-53, SA692.

Williams never Connected Armfield to the earlier shooting, the ASA did through an lead on Question that Williams agreed to. SA119. That the State knew was untrue. Appendix G. Floyd and Proper testified they were pressured to lie, See SA 236 237, SA 337-41. but Floyd is Randalls Girlfriend, never mind She was the driver of the vehicle the Defendants were in, and was not charged as an accomplice. And Prosper is his sister, never mind being a Juvenile.

The State Case was weak, the evidence was not Substantial. the 40 cal Shooter were found further down the block. SA 103. In a location Facts Show neither Nelson or Armfield ever Ventured. SA 77-79. Who obviously was someone Copeland felt Comfortable with. SA 101. to not only Stop his Car for, but opened his door too. The shooter of the 40 caliber was never Shown to be one of the Accused Nor was this weapon ever connected to the Accused-SA 481, 484, SA 609.

Petitioner was acquitted of the only Act that Constituted an element of the offense, the only act that made him an active or inactive Participant, Jurors Rejected the direct evidence and witness testimony of Petitioner ever Shooting on Gun. The only Correlation With the Juries Verdict of No facts existing Armfield fired a Gun during the Commission but still found Guilty for murder. Is the Prosecutors Synopsis of Nelson Confession Stating "You Will hear him tell You In his own words how "He" murdered AL Copeland and his Partners helped him.

The Courts Cannot Say beyond a Reasonable doubt. this Recapitulate Reference had no influence on the Jurys Verdict. 328 U.S. at 776.

Each of the 6th amendment Violations in this case Prejudiced the Petitioner and their cumulative effect leaves no doubt A New Trial is Just and Required. See Generally, e.g., Cook, 948 F.3d at 909.

IN Conclusion, Vinson and Jenkins do not corroborate one another as to the Identity of AL Copeland's killer. Nelson's weapon (The 9mm) was not an Murder Weapon, No bullets from his weapon were Pulled from the victim's body or Vehicle. Petitioner was not shown to have Discharged any weapons Nor Caused The Death. The State failed to Prove either of the Accused Caused The Death The Petition for Writ of Certiorari Should be Granted.

Respectfully Submitted : Russell Armfield  
Date : 6/7/2021

## REASONS FOR GRANTING THE PETITION

1. There is no Precedent for dealing with an Confrontation, Bruton Violation that occurred in this Particular Manner. The courts have agreed that an error occurred, but that this was an Unique Situation. "This Can Set the Precedent"
2. To broaden and Give Clarity to whether or not an 6th amendment Confrontation Violation's, DO Jurors need to hear or read The Content or Substance of an nontestifying Codefendant Confession, for there to be harmful and Prejudice Influence, Or Can an Recapitulate Paraphrase or Reference Cause Just as much harm and Prejudice as the Content and Substance.
3. To establish an Precedent to Prevent Prosecutors from Inadvertently or Advertently Violating Defendants Constitutional Rights and Obtaining Convictions through non established Means Without Regulations.
4. To ~~to~~ Prevent Convictions Caused by Obvious Constitutional Rights Violation, Where Precedent does not exist, Preventing a Successful or fair Challenge for the Wronged.
5. To Prevent InJustice, it's obvious the Knowledge of the Video taped Confession, Inculpating Petitioner, Played a Role of Influence in the Conviction by the evidence Presented and the Verdict Rendered