

out-of-time

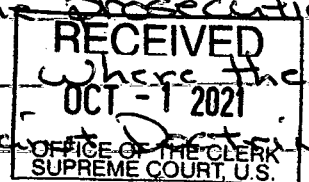
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late file
10-24-21

9-22-21

Hi

My Name is Eric W Suggs and I am a inmate who is indigent without any legal assistance to help me fight for my Constitutional rights that I suppose to be entitled to which I filed multiple petition that been returned I wrote the Clerk office to explain my situation why my petition was being filed late due to medical issues dealing with surgery on my shoulder and hand at the time my petition was due 11-20-19 But I been trying to communicate with the Clerk office to see if there something that I could do about my petition and was told I could file out-of-time which I did Now after the Court views a lot of things change and I was told that we have to file electronically mail which I'm not able to do. So there been a lot of delays that been out of my control after many attempts to file my petition for a writ of certiorari where the State Court of California violated my Constitutional rights because the issues on the merits here initially involve's the Confrontation Clause of the Sixth Amendment's of the United States Constitution Sixth Amendment's Confrontation Clause guarantees a criminal defendant is the right to be confronted with witness on relevant cross-examination which was curtail and the prosecution was allowed to use out-of-court statements where the witness was unavailable about a fresh complaint and my defense was not allowed to cross-examine



So I been wrongfully convicted and my Constitutional rights were violated and because of medical issues and the Covid 19 ^{virus} ~~weaken~~ that effect the whole Country So I been trying to figure out what I can do about how can I continue to communicate with the Court's which has not been able to review my case and my Constitutional rights issues because everything has been put on hold and my rights has continue to be violated after many attempt to notify the Court's about my medical situation I was told to file out of time so after that it seem like there been a lot of misunderstanding and my Constitutional rights that Im Supposed to be entitled to is just being ignore and I just have to suffer because the Court's errors and wrongfully convicted of crimes Im not even guilty of the state appeal Court's admitted that they made errors but they were federal issues not harmless errors that they are saying. I also write to emphasize that this Court cannot require state Courts to apply harmless-error's analysis to violation federal Constitution its harmless-error's analysis was the product of state rather than federal law. The jury was essentially misled by the empty gesture of cross-examination it particularly unlikely that an appellate Court can determine that a denial of cross-examination had no effect on the outcome of the trial. That the Amendment is violated whenever a trial judge limits cross-examination of a particular witness and the jury might have received a significantly different impression of the witness credibility had cross-examination not been ~~curtailed~~ curtailed which is a confrontation Clause violation.

The Sixth Amendment Confrontation Clause guarantees a Criminal defendant's the right to be confronted with the witnesses. But the prosecutor was allowed to use Statement from a witness who was Unavailable and was not available at trial and my defense did not have the opportunity to Cross examine about any text's message which the Court allowed the prosecution to use against me was not harmless and when the prosecutor use a Fresh Complaint Doctrine to a witness who refused to testify as Corroboration evidence was not harmless. But Inadmissible hearsay Violation the Sixth Amendment's Confrontation Clause Due process Clause of the Fourteenth Amendment is a violation of my Constitutional rights. I'm only a poor black male who was railroaded by the Court system with a all white judge and jury and the evidence was less than strong that lead to know evidence at all. The prosecution presented know physical medical finding or forensic finding that can prove there false accusation are true only misleading the jury with out-of-court statements in building a case without providing my defense the opportunity to Cross examine So I'm writing to see if the high Court will grant me my petition writ of Certiorari because my Constitutional rights were violated. Thank you.

Ena Nye.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 22 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ERIC W. SUGGS,

Petitioner-Appellant,

v.

M. ELIOT SPEARMAN, Warden,

Respondent-Appellee.

No. 18-55964

D.C. No. 5:17-cv-00570-GW-GJS
Central District of California,
Riverside

ORDER

Before: SCHROEDER and PAEZ, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 9) is denied. *See*
9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

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FEB 26 2019

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ORDER

Before: TROTT and MURGUIA, Circuit Judges.

The request for a certificate of appealability is denied because appellant has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

DENIED.

**Additional material
from this filing is
available in the
Clerk's Office.**