NO. 22-5164

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

Oscar Lenton, Sr. Petitioner Vs. Warden, Respondent.

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully pray that a Writ of Certiorari issue to review the judgment below.

The opinion of the United States Court of appeals appears at Appendix A and the United States district Court appears at Appendix B.

Oscar Lenton, Sr. #11663-017
Federal Correctional Institution
501 Garyhill Road
Edgefield, Sc 29824

QUESTION(S) PRESENTED

I. Whether or not the Appeals Court ruling deprived petitioner of his right under Brady V. Maryland, Supra. Where the Government had Violated its obligation to turn over exculpatory evidence.

II. Whether or not the Appeals Court procedure did not offord petitioner a Full and Fair hearing under Holmes V. South Carolina, Supra.

III. Whether or not the Appeals Court abuses its discretion in not Covering Section 924(c) under Bailey V. United States. Supra.

CONSTITIONAL AND STATUTORY PROVIONS INVOLVED

The Appeals Court Committed reversible error by preventing petitioner From introducing evidence Government's Exhibit 4 (A) (Tape) Where a Female at a location that the police received a lot of Complaint; Trg. 35. L. 6-9. about prostitution and drugs; Trg. 45. L. 5-24. Who Supplied Morris Ferrell (morris) With .9 gram of Crack Cocaine, (and then plead the Sell Charge on Lenton, Sr.) See Appendix 4. and Trg. 153. L. 3-8. as the exclusion of the evidence Violated the Fifth, Sixth and Fourteenth amendments by allowed the prosecutor to argue his guilt based on the tape Conduct related to the possession with intent to distribute Cocaine base... Petitioner right to Confront the officers, Whether the police adequotely pursued that alternative Suspect, and if they did not, Why they did not. A right to Confront government Witness's Morris, Sgt. Ferrell, Det. Estes; Trg. 37. L. 15-19. and L.T. Swearinger; Trg. 53. L. 22-25. was Violated when he was not allowed to Cross examine them regording the Female.

Petitioner was unable to present his defense that Someone else was responsible For Supplieing morris with the drugs. Id. The Statement did exonerate him because he was Charged With the Same two; Trg. 153. L. 11-15. plastic baggies Containg .4 gram... and .5 gram of Crack Cocaine in them. However, the record indicates that the Female neither Morris; Trg. 13. L. 18-20. Sgt. Ferrell, Det. Estes and L.T. Swearingen did not testified at length on the Stand or under went extensive examination, and nor did their testimony and Cross examination Covered in detail, their recollection of the relevants Government tape in Favor of petitioner. When review the Sixth amendment Claim under two Supreme Court Cases: 1) Holmes V. South Carolina, 547 U.S 319, 324, 126 S. Ct. 1727, 164 L. Ed. 2d 503 (2006)

; and 2) Delaware V. VaN Arsdall, 475 U.S. 613, 106 S.Ct. 1413, 89 L.Ed. 2d 674 (1986), Holmes, at 324.

STATEMENT OF THE CASE

ON April 9, 2021, petitioNer Filed his 28 U.S.C. Section 2241 (C)(3). July, 22, 2021, The District Court denied Lenton, Sr. Federal habeas relief. and both the District Court and the U.S. Court of Appeals For the Fourth Circuit Summarily declined to grant Lenton, Sr. a "CertiFicate of appealability (COA) Section 2253 (c) appears at Appendix A and Appendix B. Concluding that his Claim was not even debatable, without a COA. Lenton, Sr. Cannot obtain appellate review on the merits of his Claim.

Withholding portion of the Government's Exhibit 4 (A) tape indicated that an unknown Female had suppliered morris with the Same drug's Lenton, Sr. Was Charge with and Convicted, Could be a Classic Violation of the prosecutor's Constitutional to disclose material evidence Favorable to the defense. Tpg. 2-3. The trial Court said unequivocally that the tape Should have been turned over. See Tpg. 5, L. 8-13. (describing the prosecutor's decision as showing "Clear disregard For her responsibility as a prosecutor to Seek justice"). The main question throughout the history of Lenton, Sr. Case has been Whether the tape was "mateial" to the jury's guilty Verdict. Tpg. 39, L. 1-12. See e.g., Wearry V. Cain, 577 U.S. 381, 136 S.Ct. 1002, 194 L.Ed. 2d. 78 (2016). To establish that the tape was; Tpg. [illegible]. L. 19-24. "Material" (and thus to prevail in the Court) Lenton, Sr. had to Show only that the tape would "'undermine Confidence' in the Verdict," [1] Tpg. 168. L. 5-9. Tpg. 168. L. 18-19. and Tpg. 169, L. 13-2. not that he would have been acquitted with it. That is, he had to Show a "'"reasonable likelihood"' that the tape "~~be~~ Could have'" affected

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1. IF Such evidence pointing at petitioner, Government's Exhibit 4 (A), Follow the money, Tpg. 174, L. 13-14. Can prove guit beyond a reasonable doubt, then Such portion under Strickler V. Green, 589 U.S. 263, 282, 119 S. Ct. 1936, 144 L.Ed. 2d 286 (1999), the prosecution withheld evidence useful to Lenton, Sr. and it was reasonable For him to rely on the prosecution's; Tpg. 4, L. 14-25. representations that it had no Furthe information in the tape, then Such evidence pointing at the Female Who Suppliered morris with the drug's; See Footnote at 1 page 6. Clearly is adequate to create areasonable doubt For petitioner guilt, because, he Was Charge and Convicted For the Same drugs. Tpg. 97, L. 4-6. Tpg. 80. and Tpg. 153. L. 13-14.

the judgment of the jury." See also Kyles, supra. at 434-35. Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) Lenton, Sr. must Further Show on Federal habeas review that the District Court adjudication of his Brady claim was (1) "Contrary to, or involved an unreasonable application of, Clearly established Federal law as determined, by the Supreme Court," or (2) "was based on an unreasonable determination of the Facts in light of the evidence presented in the petition. The District Court's Should have granted Lenton, Sr. a COA to allow review of the District Court's Conclusion that he has at least made "a substantial Showing of the denial of a Constitutional right." Section 2253 (c)(2). "At the COA Stage, the only question is whether the applicant has Shown that 'jurists of a reason Could disagree with the district Court's resolution of his Constitutional Claims or that jurists Could Conclude the issues presented are adequate to deserve encouragement to proceed Further.'" Buck v. Davis, 580 U.S.—, —, 137 S.Ct. 759, 197 L. Ed. 2d 1 (2017) (quoting Miller-El v. Cockrell, 537 U.S. 322, 327, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003)). This "threshold "inquiry is more limited and Forgiving than "'adjudication of the actual merits.'" Buck, 580 U.S., at—, 137 S. Ct. 759, 197 L.Ed. 2d 1 (quoting Miller-El. 537 U.S. at 327, 123 S. Ct. 1029, 154 L. Ed. 2d 931). See also id; at 336 (Noting that "Full Consideration of the Factual or legal bases addUced in Support of the Claims'" is not appropriate in evaluating arequest For a COA)

INdications a bound that Lenton, Sr. Brady Claim "desrve[d] encouragement to proceed Furthe. "Miller-El. 537 U.S., at 327, 123 S. Ct. 1029, 154 L. Ed. 2d. 931. First, the government's tape, Tg. 168. L. 5-7. evidences a particularized motive to lie, one distinct From and potentially more probative than any generalized doubts about Morris, Sgt. Ferrell, Det. Estes and L.T. Swearingen Credibility that Lenton, Sr. was able to Show without it. See Davis V. Alaska, 415 U.S. 316-318, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974).

REASON FOR GRANTING THE WRIT

The exclusion of a witness is a strongly disFavored Sanction because of the Severe Consequences it holds For Lenton, Sr. IN particular, the Supreme Court has long recognized that "the right to offer the testimony of witnesses... is in plain terms the right to present a defense; See Appendix B. the right to present his Version of the facts; See Footnote at 1 page 6. as well as the prosecution's to the [Fact Finder] So it may decide Where the truth lies... This right is a Fundamental element of due process of law." [Quoting Washington] Supra.

The government Violated Lenton, Sr. Fifth Amendment due process rights and his Sixth Amendment right to Compulsory process by Coercing portions of the tape at his trial. Lenton, Sr. Claims that the government prevented the tape from providing exculpatory testimony at his trial by Claiming that there is Nothing on it but the sound of officers driving around trying to buy drugs. And when it Came time to play it, the Female portion Wouldn't play. If the government did in Fact prevent the jury's at his trial From hearing evidence of the Female Who Supplied Morris with the drugs, Lenton, Sr. has a Valid argument under both the Fifth and Sixth Amendments to urger reversal of his Convictions, because, he was Convicted For the Same .4 gram ... and .5 gram of Crack Cocaine that was Sold to the officers in two plastic baggies by Morris. See Washington V. State, 388 U.S. 14, 18-19, 87 S. Ct. 1923, 18 L.Ed. 2d 1019 (1968); Brady V. Maryland, Supra. There is Considerable doubt as to how much good the tape undisclosed Confession Would have done Lenton, Sr. if it had been before the jury. [Quoting Brady] at 87-88. It Clearly implicated Lenton, Sr. as being the one Who Suppliered Morris with the drugs. Lenton, Sr. Can prevail on this argument, because there is evidence in the record to Support his Claim.

I. Long after Lenton, Sr. Convictions, he discovered, See appendix 52 that the Government had Withheld; Tpg. 4. 14-25. evidence From him at the time of trial. That is the relevant question because the Government here knew about but withheld evidence of an alternative perpetrator, Tpg. 35, L. 10-13. and Tpg. 40. L. 2-4. See appendix 25. and offered the jurors a way to View the Crime in a different light. Tpg. 40. L. 7-16. and Tpg. 52, L. 3-9. That Could Well have Flipped one or more jurors Which is all Brady requires. See Footnote at 1, page 6.

With the undisclosed evidence, the Whole tenor of the trial would have Changed. Rather than relying on a "lie;" A lie is a lie, no matter What its subject, if it is any way relevant to the Case, the district attorney has the responsibility and duty to Correct What She knows to be False and elicit truth. Napue V. Illinois, 360 U.S 264, 269, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959) at 269-70. all Lenton, Sr. Would have relentlessly impeached the Government's (thoroughly impeachable) witnesses and offered the jurors a way to View the Crime in a different light. And Finally, We Can agree on the legal Standard by rule:

> Courts are to ask whether there is a "reasonable probability" that disclosure of the evidence Would have led to a different outcome, i.e., an acquittal on Count 1.) possession With intent to distribute Cocaine base and Count 2.) possession of a Firearm in relation to a drug trafficking offense, or hung jury Tathe than a Conivtion.

A. In order to invoke the Government's obligation under Brady, 373 U.S 83, 83 S.Ct. 1194 10 L.Ed.2d 215 (1963) and its progeny to produce any evidence which is material. That is because, under Brady and it progeny, Constitutional error results From the Suppression by the Government of Favorable evidence that is material. The "Favorable" evidence pertaining to the Government tape.[1] Tpg. 168. L. 5. That's an indication the Government knew the officers Creates False evidence, "and" to influence the jury's decion When those officers deliberately Fabriated evidence that a gentleman had been Seen going in the residence and purchace "Cocaine;" Tpg. 21. L. 21-25. and brought it back out to the officers; Tpg 52. L. 3-7. ("The Due Procer obliges the government Not [to] use False evidence, including False testimony.") This "[e]vidence may be False either, because it is perjured, or. though not itself Factually inaccurate, because it Creates a False impression of Facts which are known not to be true. The United States Supreme Court, explaining also that this rule does not Cease to apply merely because the False testimony goes only to the Credibility of the witness. [Quoting Napue]. Tpg. 171. L. 20-25. A Conviction "must be Set aside if there is any reasonable likelihood that the False testimony Could have effected the judgment of the jury." United States V. Agurs, 427 U.S 97, 103, 96 S.Ct. 2392, 49 L.Ed. 2d 342 (1976) meaning that the testimony must have been material.

On the universe of exculpatory or impeaching evidence Supressed in this Case. The Majority's description of that evidence, and of the trial held without it, Tpg. 4-5. L. 14-25. is Scrupulously Fair, We also Can agree as does the Government that Such evidence ought to be disclosed to Lenton, Sr. as a matter of Course Constitional requirements a Side, turning over exculpatory materials is a core respousibility of all prosecutors whose professional interest and obligation is not to Win Cases but to ensure justice is done. See Kyles V. Whitley, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed. 2d 490 (1995), at 439. Lenton, Sr. was not giving the opportunity to present; appendix A and appendix B. Favorable material and Suppressed evidence that was in the prosecution's possession that was not disClosed to him. Tpg. 5. L. 8-13. See also appendix 400. and So prevented Lenton, Sr. From press that theory of the Case. IF

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1. "Sgt. Ferrell: There you go right there. Female: Get 40? Sgt. Ferrell: What She Said? Det. Estes: Backup. Det. Estes: Trying to get 40 hard. Female: Huh? Det. Estes: Trying to get 40 hard. Morris: 40? Det. Estes: Yeah. Morris: Crack? Det. Estes: Yeah, hard. Female: He got it. Det. Estes: Yeah...."

the Government's NON disclosure was material, in the Sense just described, this Court's desision in Brady, demands a new trial.

II. Petitioner is entitled to relief base on Holmes, where he wasn't allowed to present evidence pointing to likely true perpetors of the Crime Charge against him. Tpg. 152-153. L. 23-2.

Whether or not Lenton, Sr. Can impeach, Morris Ferrell, <Morris> Sgt. Ferrell, Det. Estes and L.T. Swearingen a Witness With Giglio, Supra evidence, and that's not the issue. The issue is, Whether petitioner Can bring up this third person, Appendix 75. Tpg. 40. L. 2-4. See Footnote at 1 page 6. Who is not in Front of the jury other than in this Vague Way. And there is, as i understand From the tape, [1] Tpg. 39. L. 1-3. there is evidence Creating a Chain of Circumstances in Facts that would indicate third party guilt; Tpg. 4. L. 21-22. State V. Gegory, 198 S.C. 98. 16. S.E. 2d 532 <1941> rule and applied the proper Standard For admission of third party guilt evidence, Tpg. there must be Such proof of connection With the Crime, Such a train of Facts or Circumstances as tends Clearly to point out Such other person as the, Tpg. 35. L. 6-11. guilty party; Tpg. 45. L. 5-24. Petitioner right to Confront " False testimony and; Tpg. 40. L. 7-16. evidence " that occurred in the Controlled Substance involved in this alleged offense Statements From law enforcement involved in his Case about the tape recording. The original recording of radio Communications by law enforcement during their time trying to buy drugs that ended in Lenton, Sr. arrest, Tpg. 49. L. 1-10.

B. The appeals Court For the Fourth Circuit rule makes no Sense, appendix A. as it "perversely reward the district Court; appendix B. who rewards the government for keeping exculpatory evidence Secret until after Lenton, Sr. Appeals and First 2255 has been resolved." Appendix 400. United States V. Higgs, 598 U.S—, 141 S. Ct. 645, 208 L. Ed. 2d 582 <2021>

Whether the appeals Court erred in denying petitioner due process of law by

1. Aside From the Government's Exhibit 4 <A>, Tpg. 168. L. 5-7. of Morris knocking... on the door and going in the residence, id. Tpg. 36. L. 3-7. and the officers found the money in the residence. Tpg. 56 L. 18-20. the government found no other physical evidence implicating Lenton, Sr. [Quoting Reed, 140 S. Ct. at. 687.]

refusing to allow him to present relevant, Tpg. S.L. 8-13. admissible evidence, that clearly estalish that someone other then petitioner committed the crime. The district court who rewards the government for disclosed this evidence about the Female who supplied Morris the drug's to sell to the officer's, therefore, foreclosing his efforts to introduce this evidence, (and then pinned the sell charge on Lenton, Sr.); Tpg. 154. L. 4-10. See appendix 4. Violated Holmes.

The combillation of the discovery ruling on evidence about the Female, Violated Lenton, Sr. Sixth Amendment right to present a defense. Whether grounded in the Sixth Amendment's guarantee of compulsory process or in the more general Fifth Amendment guarantee of due process, "the constitution guarantees criminal defendant's 'a meaningful opportunity to present a complete defense.'" See Fed. R. Evid. 401 defines "relevant evidence" as "evidence having any tendency to make the existence of any fact is of consequence to the determination of the action more probable or less probable than it would be without the evidence. The evidence excluded by the district court was unquestionably relevant. Indeed, that evidence was the key to Lenton, Sr. defense. Fed. R. Evid. 402. States that "all relevant evidence is admissible.":

Moreover, because that relevant evidence was crucial to Lenton, Sr. defense, he not only has a statutory entitlement (under Rules 402 and 401) to introduce it, but a fundamental right to do so as well. See Washington v. State of Texas, 388 U.S 14, 19, 18 L.Ed. 2d 1019, 87 S. Ct. 1920 (1967) ("The right to offer the testimony of witnesses ... is in plain terms the right to present the defendant's version of the facts .... Just as an accused has the right to confront the prosecution's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. The right is a fundamental element of due process of law."). [2] If the government tape evidence supports the fact that another person not him was responsible for the crime, or otherwise establishes

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2. The Supreme Court's explanation of the requirements of the Due Process clouse to be for more persuasive than any aphorism. See Chambers v. Mississippi, 410 U.S. 284, 298-303. 35 L.Ed 2d 297, 93 S. Ct. 1038 (1973) (reversing conviction because due proces violated by the State's refusal to admit evidence that a third party confessed to the crime).

Lenton, Sr. innocence, that evidence, appendix 7S. of the Female.[3] See also Tpg. 35, L. 4-13. is relevant and must be admitted in all but extrem situations. Chambers, Supra at 298-303. (holding that exclusion of hearsay evidence that a third party told others that he Shot the Victim was a Violation of due process despite the Fact that the third party was Never "mistaken" For the defendant); Alexander V. United States, 138 U.S. 353, 356, 34 L.Ed. 954, 11S, Ct. 350 (1891) (noting that the exclusion of the defendant's testimony that another person was armed and Searching For the evantual murder Victim might be "Such error... as to require reversal "if Such evidence "might have a material bearing upon the identification of the murderer"). Lenton, Sr. was accused of. 9 gram of Crack Cocaine that was Sold to the officers, Tpg. 33. L. 18-22. IN a Circumstantial Case, and without the benefit of muchof the evidence that might have been developed, we Cannot Say that disabling Lenton, Sr. From arguing that a Female, Not him, was responsible For Supplieriny morris With the drug's. id. Petitioner was held responsible For, was harmless error. He was denied his Fifth amendments Due Process provides that no person Shall be deprived of life, liberty, or property, without due process of law and his Sixth amendments right to make a defense, the error was not harmless beyond a reasonable doubt, and there Fore, the judgment Should be reversed and the Case Should be remanded back to the Court For Further proceeding not inconsisten With two Supreme Court opinion. Holmes V. South Carolina, and Montana V. Egelhoff. Holmes, id. at 1732, and Montana V. Egelhoff, 518 U.S 37, 48, 116 S.Ct. 2013, 135 L. Ed. 2d 361 (1996). at 48.

III. The government must clearly Show that a Firearm was possessed to advavce or promote the Commission of the underlying offens. Tpg. 156-159. L. 20-22. Rather

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3. Moreover, that in evaluating a Cliame of actual innocence as a Substantive basis For habeas relief, habeas Court (appendix A and appendix B) do not blind themselves to evidence of actual innocent presented in his habeas applications. When Confronted with actual innocence Claims asserted as a procedural gateway to reach underlying ground For habeas relief, habeas courts Consider all available evidence of innocence. Reed V. Texas, 104 S.Ct. 686 (2010 U.S LEXIS 9) (Federal Courts evalvating gateway actual innocence Claims "must Consider 'all the evidence,' 'old and New, incriminating and exculpatory'"). id.

the government MUST illustrate through Specific Facts which tie the defendant to the Firearm, that the Firearm was possessed to advance or promote the Criminal. Tr. 150. L. 20-22.

Petitioner questions the content and reliability of testimony by the tape. The government witness's claims that the .9 gram of crack cocaine was found in the residence. The government claim that petitioner was morris supplier. Id. Tr. 168. L. 18-24. The record indicates otherwise. See appendix 19. and Footnote at 1 page 6. The record of the trial under mines the witness's and the government that morris brought drugs from the home... id. Tr. 77. L. 7-11. Tr. 77-78. L. 25-1. Tr. 78. L. 2-17. and Tr. 101-102. L. 18-15. No one searched morris at any time. See tape. and Tr. 49. L. 1-8. before the arrest team convered on 909 Dade St. id. No one identified petitioner. Tr. 150. L. 20-23. See appendix 51. morris refused... The record also belies the government and her witness's contention that drugs was found in the home. id. See appendix 51. and Tr. 80.

C. The Appeals Court abuses its discretion in not ruling on his Bailey Claim, because, under the 18 U.S.C. Section 924 (c)(1) Bailey decision... provid a good example. The Committee believe that one way to Clearly Satisfy the infurtherance of test would be additional witness; Tr. 13. L. 18-20. Tr. 36. L. 3-7. and Tr. 146. L. 11-17. See appendix 51. morris refused to make any... Statements about the incident... Therefore, the evidence was insufficient to establish that the arrest team had probable Cause to Converg on 909 Dade Street residence. id. See Tape.

Lenton, Sr. is actually innocent of Count two in light of Bailey V. United States, 516 U.S. 137, 116. S. Ct. 501 133 L. Ed. 2d 472 (1995), because, the in Further of language in Section 924 (c)(1)(A). which, as we note was added by Congress 1998 in response to the Supreme Court's decision in Bailey. As the Circuits note, the natural meaning of infurtherance of is furthering, advancing or helping forward. The negative implication of this definition is that the mere presence of a weapon at the alledge drug Crime, without more, is insufficient to prove that the gun was possessed infurthernce of the drug Crime, Tr. 150. L. 20-23. See United States V. Mackey, 265 F. 3d 457 (6th cir. 2001) at 462. The possession of a Firearm on the same premisses a drug transaction; Tr. 154. L. 4-10. would not without a showing of a connection between the two. Sustain a Section 924(c) conviction. Understanding infurtherance of the manner fits not only the phrase's natural meaning, the starting point of all inquiries into Statutory Construction, ~~Meaning~~ but it also is supported by the statute's legislative history, and, more

importantly, its purpose. Bailey, id. at 145. beginning with ordinary and Natural Meaning of "use" in Section 924 (c) and then moving on to "consider not only the bare meaning of the word also its placement and purpose in the statutory scheme." If the gun at issue did not advance or further the underlying drug crime, the critical drug and gun nexus is lacking, and the very purpose of the statute is not implicated; if the gun at issue did advance the drug crime, the very purpose of the statute, as well as its language and legislative history, suggest that the gun was intended to be within Section 924 (c)(1)(A)'s.

Thus, the question in this case is whether the gun helped further the underlying offense? The government submitted that Lenton, Sr. possessed the gun "infurtherance of" distribute cocaine base on Nov. 15, 01. The government succinctly explained in its closeing arguement "infurtherance of" theories and no supporting evidence; Tr. 156-57. L. 7-22.

The legislative history indicates that the amended versions of the statute added the phrase criminalizing possession "infurtherance of" a drug trafficking crime in order to reverse the restrictive effect of the Bailey decision. The government must clearly show that a Firearm was possessed to advance or promote the commission of the underlying offense. See Footnote at 1 page 6. The mere presence of a Firearm in area, Tr. 152-53. L. 23-10. where no criminal act occurs; Tr. 154. L. 1-13. is not a sufficient basis for imposing this particular mandatory sentence. Rather, the government must illustrate through specific facts, which tie Lenton, Sr. to the Firearm, that the Firearm was possessed to advance or promote the criminal activity, (quoting Bailey). The facts of Lenton, Sr. decision, is unlike Bailey decision. Reiterated above proved a good example. The Committee believes that the evidence presented by the government in that case may not have been sufficient to sustain a conviction for possession of a Firearm in furtherance of the commission of a drug trafficking offense. In this case, prosecution testified as a prosecution expert at Lenton, Sr. trial that drug dealers frequently possessed a Firearm to protect themselves as well as their drugs and money; Tr. 157. L. 3-15. Standing on its own (quoting Bailey) the evidence may be insufficient to meet the "infurtherance of" test. The government would have to show that the Firearm located underneath the bed advanced or promoted Lenton, Sr. alledge drug dealing activity. (Quoting Bailey). The Committee in Bailey believes that one way to clearly satisfy the "infurthance of" test would be additional witness testimony. See appendix S1. morris refused to make any statements about the incident.

and the government refused to call Morris as a witness; Tr. 13. L. 18-20. Connecting Lenton, Sr. with the drugs, money and more specifically with the Firearm. Tr. 150. L. 20-23. (Quoting Bailey). The judgment should be reversed and the Case should be remanded back to the Court For Further proceedings not inconsistent with this opinion. Bailey V. United States. Id.

CONCLUSION

Because Lenton, Sr. due process rights were Violate and under Lugarty V. Cain, 577 U.S. 381, 136 S.Ct. 1002, 194 L. Ed. 2d 78 (2016) petition For Writ of Certiorari should be granted, judgment reversed, and Case remand For Further proceedings not inconsistent with this opinion. Id.

Respectfully Submitted.

Oscar Lenton, Sr.

Date: May 17, 2022.

CERTIFICATE OF SERVICE

I. Oscar Lenton, Sr. do Swear declare that on this date May 17, 2022. I have Served the enclose petition and leave to proceed in Forma pauperis, in the United States mail properly addressed to the Clerk of the Supreme Court of the United States 1 First Street. N.E. Washington D C 20543

Petitioner asks to File the attached petition For a Writ of Certiorari Without prepayment of Costs and to proceed in Forma pauperis. Petitioner has previously been granted leave to proceed in Forma pouper is in the United States district Court For South Carolina. I am unable to pay the Costs of this Case or to give Security therefor, and i believe i am entilled to redress. See appendix 8 his past 6 months income.

I declare under penalty of perjury that the Foregoing is true and Correct. Executed on May 17, 2022.

Oscar Lenton, Sr.