

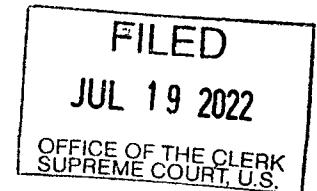
42-5202

No. 21-1084

ORIGINAL

In The

SUPREME COURT OF THE UNITED STATES



In Re Tavon Dameon Davis (Petitioner)

On Petition for a Writ of Mandamus to the United States

Court of Appeals for the Fourth Circuit

PETITION FOR A WRIT OF MANDAMUS

Petitioner respectfully submits this writ filing in propria persona
asserting his rights as mandated by 18 U.S.C. Code § 3771

QUESTION PRESENTED

(1)

On December 3, 2012, petitioner (age 25) was sentenced to 35 years in federal prison for his alleged violation of 18 U.S.C. § 1958(a), conspiracy to use interstate communication facilities in the commission of murder-for-hire, and 18 U.S.C. § 1512(a)(1)(C), (3)(A) and (k), conspiracy to murder a witness resulting in death. This decree of punishment is to be followed by five (5) years of supervised release.

After commencement of petitioner's incarceration, new evidence surfaced that proved, beyond any reasonable doubt, he was actually innocent of the charges against him in the murder-for-hire plot.

This evidence further authenticates the guilty parties were a trio of licensed attorneys in the state of Maryland, who manifested a conspiracy to "impeach unjustly" this young African-American to prison for 35 years to protect one of their own, the one who actually arranged the murder-for-hire plot, that malefactor being attorney, Larry J. Feldman.

His history, on record, shows he is a known drug addict cloaked in a lust for prostitution, who had been suspended from practice, only to have his license reinstated after his participation in this conspiracy.

The second implausible "minister of justice" in this collusion against petitioner, was prosecutor, John Francis Purcell, who religiously did the bidding of the third and most deplorable of the lot, Rod J. Rosenstein.

Admittedly, this third "legal trickster" breathes as an "illusion of justice". He orchestrated this conspiracy against petitioner when he was United States Attorney for the state of Maryland, one-in-the-same legal practitioner who later became Deputy Attorney General of

the United States, an occurrence beyond comprehension.

With evidence in hand; petitioner filed a motion with the district court reaffirming his innocence with affidavit of new evidence to substantiate same, naming the aforementioned trio as conspirators.

Not only did the lower court deny the motion, void any detailed annotation, it completely refused to acknowledge the charges against this trio with facts judicially noted. Visibly, the court "covered-up" a crime, denying petitioner his rights as a victim pursuant to 18 U.S.C. {} 3771.

Next, petitioner appealed to the U.S. Court of Appeals, Fourth Circuit, with the identical result, no mention of the stated claim, with denial consisting of 15 words. Petitioner followed with a motion in reconsideration for an evidentiary hearing, and subsequently filed a renewed motion, both denied absent any mention of the crime he experienced.

Notwithstanding, both courts obstructed justice as they "covered-up" a crime committed by three attorneys, with evidence in full support, that demanded a hearing be held so the accused could defend themselves, as is their right as matter of law.

Clearly, this course of action violated petitioner's rights as a crime victim under 18 U.S.C. Code {} 3771, which stipulates any crime victim is afforded the rights described within the four corners of this statute. Noticeably, covering-up a crime by government officials is not included.

The question presented is whether a writ of mandamus should issue directing the court of appeals (Fourth Circuit) to remand this case to the district court without delay to hold an evidentiary or full hearing de novo, to legally call to notice this matter with the accused.

TABLE OF CONTENTS

	PAGE
Question Presented For Review.....	1
Table of Contents.....	4
Table of Authorities.....	5
Opinions Below.....	6
Jurisdiction.....	7
Provisions of Law Involved.....	8
Statement of the Case.....	10
Reasons for Granting the Petition.....	12
• Petitioner's Right to Issuance of a Writ is Clear.	
• A Writ of Mandamus is Warranted Given the Urgent	
• Circumstances of This Case.	
• No Other Adequate Means to Obtain Relief Exist.	
Conclusion.....	16
Proof of Service.....	17

Index of Appendices

- "A" Petition for Extraordinary Writ
- "B" Petition for Rehearing En Banc
- "C" Petition for Reconsideration and Certificate of Appealability
- "D" Petition to proceed in forma pauperis

TABLE OF AUTHORITIES

	PAGE
Federal Cases	
Mattox v United States	
156 U.S. 237 - 1896.....	3
Hollingsworth v Perry	
558 U.S. 183, 190 - 2010.....	12
Cheney v United States	
542 U.S. 367, 380-81 - 2004.....	12
Ex parte Republic of Peru	
318 U.S. 578, 583 - 1943.....	13
Fossatt	
62 U.S. at 446.....	13
Whole Woman's Health	
142 S.Ct. at 538 n.6.....	14
In re: Sanford Fork & Tool	
160 U.S. at 255.....	14
Will v United States	
389 U.S. 90, 95-96 - 1967.....	14
Statutes	
TITLE 18 U.S.C.	
1958(a).....	1,10
1512(a)(1)(c) (3)(A) (k).....	1,10
3771.....	2.9
TITLE 28 U.S.C.	
1651(a).....	6,12

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 _____ 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.

OPINIONS BELOW

In November 2020, petitioner filed a 36-page writ of error, supported with an affidavit containing new evidence to prove beyond any reasonable doubt that he was framed by three licensed Maryland attorneys, by name, Larry J. Feldman, John Frances Purcell and Rod J. Rosenstein.

The U.S. Court of Appeals, Fourth Circuit, accepted that writ for review pursuant to Fed.R. App.P. 21, governed by the All Writs Act, 28 U.S.C. § 1651.

That writ was illegally denied, with the totality in elucidation being, "In accordance with the decision of this court, the petition for extraordinary writ of error under Fed.R.App.P. 21 is denied."

Because the court failed to articulate its reasons for this refutation, it violated petitioner's constitutional right to fair treatment via the Due Process Clause, which is found in the Fifth and Fourteenth Amendments to the U.S. Constitution, both prohibiting arbitrary deprivation of life, liberty, or property.

The U.S. Supreme Court interprets the Due Process Clause broadly, concluding that it provides three protections: (1) procedural due process (which is what occurred herein); (2) substantive due process (prohibition against vague laws also in appearance in the instant action); and (3) as the vehicle for the incorporation of the Bill of Rights. This petitioner is a victim of a crime committed by three licensed attorneys who framed him with a 35-year federal prison sentence. Can anything be more disgusting, especially with the actualization that courts of law are energetically concealing evidence to protect three lawyers, who belong in prison? Is this what must be accepted as American justice?

Clearly, the merits for review were prearranged and avoided as the Fourth Circuit intentionally enshrouded the criminality of the three attorneys who orchestrated this trumped-up hoax.

Petitioner filed a motion for reconsideration with the Fourth Circuit. The denial reads, "Upon consideration of submissions relative to the motion for reconsideration, the court denies the motion." How revealing is this useless rhetoric?

This extraordinary writ, central to severe accusations against the integrity of the entire legal system in this country, must be examined by this absolute court on the merits in presentation, deductible by the deviation of rectitude and transgression of the U.S. Court of Appeals, Fourth Circuit. Otherwise, its moral soundness must be subjected to preemptory challenge as well. Are reputations of three malfeasant Maryland attorneys so valuable, this Court would subject itself to such incrimination?

JURISDICTION

In addition to jurisdiction established by the All Writs Act, which gives the U.S. Supreme Court, and all courts established by Congress, the power to issue writs in aid of their jurisdiction, and in conformity with the usages and principles of law, this absolute court holds additional authority.

It can hear and decide submissions described in "writ jurisdiction", which allows enforcement and protection of an individual's basic rights. Further, Rules 17, 18, 19 and 20, appearing in Part IV of the "Rules of the Supreme Court" support jurisdiction in this manner; it remains crystal clear.

PROVISIONS OF LAW INVOLVED

The provisions of constitutional law, whose application is involved in this case, include the Fifth Amendment to the United States Constitution, which reads in relevant part, "...nor shall any person...be deprived of life, liberty, or property, without due process of law".

The U.S. Court of Appeals, Fourth Circuit, openly couched a crime by avoiding the merits of a writ of error, by intentionally denying that writ, absent any articulated reasons, and by so doing violated petitioner's due process of law.

And while it was suggested by this clerk, petitioner should present his argument to a district court, that suggestion cannot be taken seriously, as it would be a complete waste of time. The petitioner has been there and done that. The focus in this litigation has been central from the start.

No district court is going to expose itself to taking a position on the accusations that prevail herein. This is an appellate issue, and even an appellate court has "regrettably placed its "head in the sand" in hiding, obviously fearful of the consequences in bringing a former U.S. Deputy Attorney General to "meet his maker".

Let us be clear, this court, this writ of mandamus, is the last and final stop for these accusations which the "system" has prolonged long enough. If activist groups, the national and international medias need to be aroused, so be it.

Let this Court be reminded, only it has the authority to castigate the appellate court for its legal imprudence, that being, it was compelled to perform its official duties with the severe accusations in presentment and instead failed or refused to do so.

The literal meaning of this writ of mandamus is “we command”. And in this instance this “writ must serve as a command from this absolute court to a lower appellate court to perform its duty and address the merits in the writ of error filed and accepted for review by the stated court.

While writs of mandamus may be rare, the one example that mandates their presence is when a “court judge fails to rule on a motion that he is required to decide. At major issue heretofore is the accusation, with witnesses in proof, that three Maryland licensed attorneys framed a young African-American to protect one of their own with total disregard for the injured prey, as he now serves a 35-year prison sentence.

Crime Victim's Rights

The second constitutional law whose application is involved in this case is 18 U.S.C () 3771, which reads in relevant part, “The right to reasonable, accurate and timely notice of any public court proceeding. . .involving the crime. . .” This persists as a victim’s rights.

The U.S. Court of Appeals, Fourth Circuit, visibly violated petitioner’s civil rights in this instance, and this absolute court is compelled to assume control in this matter for judgment in the best interest of answering the purposes of justice.

STATEMENT OF THE CASE

On December 3, 2012, a district court sentenced defendant, Tavon Dameon Davis, to 420 months (35 years), to the custody of the Bureau of Prisons (BOP), for his alleged violation of 18 U.S.C. § 1958(a), conspiracy to use interstate communication facilities in the commission of a murder-for-hire scheme, and 18 U.S.C. § 1512(a)(1)(C), (3)(A) and (k), conspiracy to murder a witness resulting in death. This decree of punishment is to be followed by five (5) years of supervised release.

Co-defendant Frank Marfo, by his own elective performance, paid co-defendant Bruce Eric Byrd \$2,000 to kill 19-year-old, Isaiah Cortez Callaway. For his direct participation in this criminality, he received a life sentence. Byrd, the actual "shooter" received 40 years, while a "cooperating" Copeland (the fourth co-defendant), instantly turned informant, realizing immunity as justice "holds its head high" in balance and impartiality. The four co-defendants, plus Callaway, were under investigation for conspiracy in a bank fraud scheme.

Nothing could be more out of balance, as the after discovered evidence now in presentment herein, shatters the veil of deceit of prosecutor Purcell and Rosenstein. Even the presence of defense counsel Paul D. Hazlehurst, is soon to be recognized for what he was in this racial travesty, a puppet in collusion with the government.

The 25-year-old Davis was sentenced to 35-years in prison for all the wrong reasons, as attorney Larry J. Feldman, mastermind of the murder-for-hire plot, still roams the streets of Maryland practicing law.

Purcell boosted his career status with blatant misconduct, and the now infamous Rosenstein, having served as U.S. Attorney for the state of Maryland and U.S. Deputy Attorney General of the United States, is practicing law independently. Carefree for the moment, but his cheating ways are soon to be exposed as facts cannot be ignored forever.

The agonizing question becomes, how many other cases did Purcell and Rosenstein similarly prosecute under the pretext of justice? A thorough investigation will surely bring to light the expected.

REASONS FOR GRANTING THE PETITION

The Court may “issue all writs necessary or appropriate in the aid of respective jurisdictions and agreeable to the usages and principles of law (28 U.S.C. § 1651(a).

A writ of mandamus is warranted where “(1) no other adequate means exist to attain the relief desired, (2) the party’s right to issuance of the writ is clear and indisputable, and (3) the writ is appropriate under the circumstances (Hollingsworth v Perry, 558 U.S. 183, 190 – 2010) (quoting Cheney v United States Dist Ct, 542 U.S. 367, 380-81 – 2004).

These requirements are readily satisfied in this instance. Two lower courts have ignored evidence to prove petitioner is a victim of a crime. Both courts have literally obstructed justice, so how possibly could petitioner advance his claim elsewhere. This course of conduct by both lower courts established this writ as being “clear and indisputable” and the circumstances speak for themselves. No court can possibly have the right to suppress a crime, especially involving the former Deputy Attorney General of the United States.

Factual denial of this writ would affirm that courts of law in this country can conceal crimes and obstruct justice at will.

It persists as an impossibility that exceptional circumstances are not present herewith, when an appellate court entombs a crime, doing so beyond the element of credibility, thereby denouncing the integrity of the judicial process.

I. Petitioner’s Right to Issuance of a Writ is Clear

A petitioner is entitled to a writ directing the Fourth Circuit to relinquish jurisdiction over this case and remand it to the district court for further proceedings consistent with this

Court's opinion, because the Fourth Circuit has obstructed justice in suppressing a crime and not fully resolving the merits in presentment.

This case must proceed past the current stated denial stage, and to adjudgment of the alleged crime committed against petitioner, as his rights in this regard are no different than anyone else's. He is serving a 35 year sentence unjustly and illegally.

The evidence in presentment to the U.S. Court of Appeals, Fourth Circuit reveals with certitude, that a judicial assembly "covered-up" a crime committed by three functionless licensed attorneys in the state of Maryland, all with controversial supportive backgrounds to their guilt. Law demands they be determined guilty or innocent, and if guilty, face the consequences of accountability.

The evidence now in tow will show it was Feldman not Davis who orchestrated the killing of Callaway, as detailed in the 36 page writ before the U.S. Court of Appeals, Fourth Circuit.

Both the district and appellate courts' avoidance of the accusations filed against the three attorneys further substantiates obstruction of justice in the cover-up.

II. A Writ of Mandamus is Warranted Given the Urgent Circumstances of this Case

Because the Court of Appeals is acting in conspicuous violation of the due process of law, a writ of mandamus from this Court is the appropriate vehicle to rectify the error (Ex parte Republic of Peru, 318 U.S. 578, 583 – 1943; Fossatt, 62 U.S. at 446).

This Court's intervention is particularly necessary because of the extraordinary urgent circumstances of this case. First, an innocent young man is serving a 35 year award in pun-

ishment for a crime committed by a drug and prostitute addictive licensed attorney in Maryland. Second, this conspiracy to "railroad" petitioner to prison was orchestrated by a former Deputy Attorney General of the United States. What can be more contemptible?

Given the magnitude of the constitutional question presented, this case features extraordinary solicitude and for good reason. (Whole Woman's Health, 142 S.Ct. at 538 n.6).

Allowing the U.S. Court of Appeals, Fourth Circuit, to derail the timely resolution of the merits of this case. (i.e. a crime is being covered-up by two courts of law), would render the extraordinary solicitude effectively meaningless. Further, it would compound the ongoing harm it has caused to petitioner, (i.e., serving a 35 year illegal sentence) for a crime committed by an ostensible "minister of justice."

III. No Other Adequate Means to Obtain Relief Exist

No other adequate means exist to obtain petitioner's request to resolve the matter with two courts of law "covering-up" a crime to protect three licensed attorneys, one being a former Deputy General of the United States.

Absent intervention by the Court, the U.S. District Court, District of Maryland (Baltimore) and the U.S. Court of Appeals, Fourth Circuit, both are poised to suppress a crime bringing fraud upon the judicature in an obtrusive attempt to obstruct justice.

Petitioner holds no recourse in any other court (In re Sanford Fork & Tool Co.l, 160 U.S. at 255; Will v United States, 389 U.S. 90, 95-96 – 1967). One function of the writ of mandamus is to compel a lower court to comply with any mandate, in this instance, holding an evidentiary or full hearing de novo to address the allegation that three attorneys conspired to "railroad" a 25-year-old black man to prison for 35 years to protect one of the three con-

spirators, he being a known drug addict and obsessed with the elements of prostitution.

The accusations heretofore must certainly upset this highest court of law because integrity of the administration of justice is now on trial. Unfortunately, facts cannot be ignored. Accusations going unguarded, affirm this judicature fabricates crimes to convict and sentence "targets" to prison for all the wrong reasons.

Respectfully, what law allows any court to "muffle" a crime against a "victim"? In this instance, is it because the "victim" is incarcerated, because he's black, because he has a criminal history? If true, that "apex juris" is unpersuasive.

Both named courts have certainly removed themselves from the basics of objectivity, impartiality and freedom from bias. This petitioner is serving 35 years in captivity because of an act prohibited by law made with purpose by attorney Feldman, who was illegally protected in the crime by Rosenstein, with assistance from the very obedient prosecutor, Purcell.

If this course of conduct is allowed in any manner of justification, it will affirm beyond any reasonable doubt, corruption and deception control justice in this country at all levels, and such established practice must be exposed for public benefit. It is far better to "recede" than "proceed" in error.

These events by two lower courts of law, contrary to reason and not permissible by law, if not resolved by corrective action by this Court, will remain a private injustice to petitioner that can only be compensated by exposure for public benefit through revealment. The suppression of truth equates to the suggestion of falsity, a fortuity the American public does not deserve or can it tolerate.

CONCLUSION

Let this Court be reminded "victims" of a crime are not stereotyped. It matters not of their age, color, station in life. When an individual experiences misdeed by another, and it is established that individual is a "victim" of a crime, the law guarantees one's rights. This includes federal prisoners, especially when relevant facts in allegation are present as evidence herewith substantiating the crimination.

It cannot persist as a debatable point who the victim is when a crime is committed, it must be investigated. The Crime Control Act of 1990 issued rights to victims, not branding them in any way. One of those rights, in demand here and now, is the right to proceedings free from unreasonable delay. This persists as a responsibility of both courts in question to investigate and disprove or confirm the allegations against three licensed attorneys.

As much as the U.S. Court of Appeals, Fourth Circuit, has abused the realization that government officials hold no special rights or privileges distorting settled law, it has blatantly obstructed justice. The trio must be held legally accountable. It's that simple!

For the foregoing reasons, the Court should issue a writ of mandamus directing the court of appeals to remand this case to the district court for further legal proceedings.

RESPECTFULLY submitted on this 10th day of May 2022, by


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