

NO. 22-6163

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IN THE  
SUPREME COURT OF THE UNITED STATES

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NOEL L. BROWN - PETITIONER

VS.

THE STATE OF NEW YORK - RESPONDENT(S)

MOTION FOR RECONSIDERATION EN BANC  
ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES SUPREME COURT

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(NAME OF COURT THAT LAST RULED ON THE MERITS OF THIS CASE)

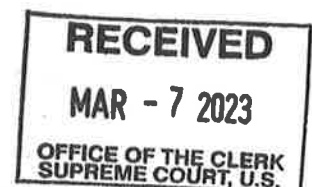
(SUPREME COURT OF THE UNITED STATES)

Motion to reconsider petition for writ of certiorari under 28 U.S.C. §1257

NOEL L. BROWN MW0387

SCI. SOMERSET

1590 WALTER MILL ROAD SOMERSET, PA 15510



### QUESTIONS PRESENTED

1. Does the substantial holding in United States V. Mosley, that the stopping of the vehicle was a but-for cause, of the discovery of the guns. Apply on collateral review to petitioner?
2. Does the bubble of causation which links a traffic stop to a subsequent search extends to all occupants of the stopped vehicle. Apply on collateral review to petitioner?
3. Has the State of New York, established any accepted legal exceptions to purge the taint of the illegal stop, at trial or on appeal?
4. What is the interpretation of Constitutional Protection under Fruit of the Poisonous Tree Doctrine?
5. Does the substantial holding under the United States Constitution, that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skills, thoroughness, and preparation reasonably necessary for the representation. Apply to petitioner on collateral review?
6. Does the substantial holding in Stickland V. Washington, that counsel made errors so serious that counsel was not functioning as the counsel guaranteed the defendant by the Sixth Amendment. Apply on collateral review to petitioner?
7. Is it undisputed that the petitioner has shown that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Shows in Appendix BLC. Apply on collateral review to petitioner?
8. Does the substantial holding in BRADY V. MARYLAND, Apply on collateral review to petitioner?
9. Does Due Process Require Recusal Rule requiring recusal when an hearing judge determined in an earlier proceeding criminal charges should be brought and then said hearing judge proceeded to retry the case and convict the accused. Apply on collateral review to petitioner?

## LIST OF PARTIES

A list of all parties to the proceedings in the court whose judgment is the subject of this petition for reconsideration is as follows:

1 The District Attorney County of New York

one Hogan Place, New York, NY 10013

2. State of New York, Office of the Attorney General

28 Liberty Street, New York, Ny 10005

CASES CITED:

TABLE OF AUTHORITIES CITED

Weeks V. United States

**CASES:**BRADY V. MARYLAND

UNITED STATES V. MOSLEY

STICKLAND V. WASHINGTON

STATUTES AND RULES

FED. RULE 1.1, 1.3, 1.4

Due Process Required Recusal Rule

Fourteenth Amendment Guarantee to not deny to any person within its jurisdiction

]Equal Protection of the Laws.

Exclusionary Rule!

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APPENDIX B: COPY OF THE UNITED STATE SUPREME COURT ORDER

IN THE SUPREME COURT OF THE UNITED STATES  
MOTION TO RECONSIDER PETITION  
FOR WRIT OF CERTIORARI

Petitioner respectfully prays that this Court grants motion to reconsider that a writ of certiorari be issued to review the error of court judgment of this court.

OPINION/ORDER BELOW

The opinion/order of the highest court to review the merits in this case appears at Appendix B to this motion for reconsideration.

The opinion of the highest state court to review the merits are not attached

## JURISDICTION

The date on which the United State Supreme Court decided my case appears at Appendix B.

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

## CONSTITUTION AND STATUTORY PROVISIONS INVOLVED

1. The Fourth Amendment to the United State Constitution Provides; "The right of the people to be secure in their persons,

House, Papers, and Effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particular describing the place to be searched, and the persons or things to be seized".

2. The Sixth Amendment to the United States Constitution Provides: "The accused to have the assistance of counsel for his defence".

3. Fruit of Poisonous Tree Doctrine provides: Mistake of Law, negates reasonable suspicion and renders the stop illegal. The illegality of the traffic stop was caused by a mistake of law on the part of the police officer, therefore the court must hold that the evidence found were Fruit of the Poisonous Tree and must be suppressed.

4. In Stickland V. Washington, the U.S. Supreme Court established that an attorney's ignorance of a point of law that is fundamental to his case combined with his failure to perform basic research on that point is a quintessential example of unreasonable performance under Stickland standards.

5. The interpretation of Constitutional Protection under the Fourth Amendment in United State V. Mosley, is that bubble of causation which links a traffic stop to a subsequent search extends to all occupants of the stopped vehicle.

6. BRADY CLAIMS.

7. Due Process Required Recusal Rule.



## STATEMENT OF THE CASE

The Motorcycle which Mr. Brown, was riding was pulled over illegally Mr. Brown, was illegally seized the moment the vehicle was pulled over. The stopping of Mr. Brown's vehicle was a but for cause of the alleged discovery of guns. The Police mounted an operation in which they erect a fake safety checkpoint, at the entrance of a BRIDGE leading to the west Indian day parade and then stake out the highway just before the BRIDGE fake checkpoint, signaling unsuspected vehicles to turn, and then pull over any vehicle that has a Caribbean flag, or African skin color.

AADDITIONALLY, Due Process Required Reqcusal Rule violation, requiriing reusal when instance emerged in the criminal context, where a Judge had no pecuniary interest in the case but had determined in an earlier proceeding whether criminal charges should be brought and then proceeded to try and convict the petitioner.

## REASON FOR GRANTING THE PETITION FOR RECONSIDERATION

The Fourth Amendment violation, however, was the traffic stop itself, and Exclusionary Rule should also apply.

The moment that Mr. Brown's vehicle is pulled over by the police. The legality of the seizure depended upon the legality of the traffic stop.

The Questions presented in this petition for certiorari, is so important that plenary review is warranted by the United States Supreme Court. The State Court's departure from accepted and usual course of judicial proceedings violates the Fourth Amendment to the United States Constitution. It effectively converts all unconstitutional unlawful activity into constitutionally protected lawful activity. If allowed to stand, the state would be able to circumvent the Fourth Amendment by attaching lawful-use presumption to all search and seizures, thus converting unconstitutional activity into lawful constitutionally protected activity. Or in Mr. Brown's case all police unlawful activity into constitutionally protected activity.

In addition, the issue of the gross ineffective assistance of counsel are subject to review by this court. Intervening Supreme Court decision in *Stickland V. Washington*, calls that practice into question. The United States Supreme Court clarified some of the confusion surrounding the constitutional doctrine of Structural Error and whether the finding of such error as per se, ineffective assistance of counsel, always require reversal.

For all the above, petitioner prays this Court stare decisis, granting  
CONCLUSION:

The motion for reconsideration for to grant petition for writ of certiorari should be GRANTED. Thank You.

07/1/2023

Respectfully Submitted,



<sup>2</sup> (NOTE MENTIONING) Exclusionary Rule, forbids the use of improperly obtained evidence at trial.

7  
COMBINED CERTIFICATIONS

I Noel Brown, certify that the grounds incorporated within this petition for reconsideration, are limited to intervening circumstances of substantial and controlling effect or to other substantial grounds previously presented.

I Noel Brown, further certify that the petition for rehearing is presented in good faith and not for delay.

Yours Truly,

A handwritten signature in dark ink, appearing to read 'Noel B', with a large, sweeping flourish underneath.

CERTIFICATE OF SERVICE

I Noel Brown, certify that on this date, I placed copies of this petition for reconsideration within the facility Mailbox, for mailing to the following parties:

District Attorney of New York.

One Hogan Place, New York, NY 10013

State of New York, Office of the Attorney General

28 Liberty Street, New York, NY 10005

Sincerely,

A handwritten signature in dark ink, appearing to be "Noel Brown", written over a horizontal line.

## APPENDIX (A)

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