No. 22-6219

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

BRUCE WOOD (PRO SE) — PETITIONER
(Your Name)

vs.

ROBERT MAY, WARDEN AND ATTORNEY GENERAL FOR THE STATE OF DELAWARE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRUCE WOOD (PRO SE)
(Your Name)

1181 PADDOCK RD., JAMES T. VAUGHN CORRECTIONAL CENTER
(Address)

SMYRNA, DE. 19977
(City, State, Zip Code)

NA
(Phone Number)

QUESTIONS PRESENTED

1. When Petitioner's exculpatory evidence infers an innocent man is imprisoned, did the U.S. Court of Appeals and District Court endorse a Fundamental Miscarriage of Justice by denying his Rule 60 (b)/Rule 60 (d) motion and COA, when their decisions are in conflict with This Court's decisions and in conflict with another U.S. Court of Appeals that applies a procedure to determine Actual Innocence to overturn a conviction in the U.S. Court of Appeals to limit prejudice/bias?

2. How can Truth and Justice exist alongside the State's witnesses numerous lies, inconsistencies and contradictions of Petitioner's guilt, with no physical evidence of a crime, without him being Actually Innocent and/or violating his 14th Amendment Due Process Rights to grant him relief in the courts?

3. When the same Prosecutor's office that convicted Petitioner has a conviction overturned because of their overzealousness led them to knowingly use witnesses that were not creditable to convict an innocent man, did the U.S. Court of Appeals violate Petitioner's 14th Amendment Due Process Rights by not overturning his conviction or granting his COA, when evidence infers the Prosecution also knowingly used witnesses that were not creditable to convict him?

4. Should Petitioner be permitted to amend his habeas petition with Newly Discovered Evidence to correct clear errors of facts and laws, fraud on the court or his COA be granted, when a District Court Judge signs an order denying relief under someone else's name (not Petitioner's), that questions if his habeas petition is still open or judgment void pursuant to Rule 60 (b)(4)?

5. Should Petitioner's (Pro Se) conviction be overturned or be permitted to reopen his habeas petition pursuant to Rule 60 (b)(6), Rule 60 (d)(3) or be granted a COA, when Newly Discovered Evidence proves he suffered from memory loss while taking 7 prison psychotropic medications

during his trial without having a competency hearing and never having effective counsel for his trial or for any of his post-conviction collateral proceedings, when procedural bars preclude him from asserting his constitutional rights effectively after obtaining some legal knowledge and becoming lucid (regaining most of his memory)?

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:

RELATED CASES

- WOOD V. PIERCE, NO. 11-1115-GMS, DELAWARE DISTRICT COURT
  JUDGMENT ENTERED: JANUARY 22, 2015

- WOOD V. MAY, NO. 11-1115-LFC, DELAWARE DISTRICT COURT
  JUDGMENT ENTERED: MARCH 4, 2021

- WOOD V. MAY, NO. 21-1499, THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT
  JUDGMENT ENTERED, SEPTEMBER 28, 2021 AND AUGUST 1, 2022

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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 SEPTEMBER 28, 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: AUGUST 1, 2022, and a copy of the order denying rehearing appears at Appendix A.

[✓] An extension of time to file the petition for a writ of certiorari was granted to and including DECEMBER 29, 2022 (date) on SEPTEMBER 22, 2022 (date) in Application No. 22 A 252.

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 _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied 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 _____ (date) on _____ (date) in Application No. ___A_____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT VI- 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.

AMENDMENT XIV- SECTION 1: All persons born and naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of the the law; nor deny to any person of its jurisdiction the equal protection of the laws.

STATEMENT OF CASE

Bruce Wood, Petitioner filed a motion to re-open his habeas corpus petition pursuant to Federal Rules of Procedure (F.R.C.P.) Rule 60(b)(6) and/or Rule 60 (d)(3) in Delaware District Court 11-1115-CFC on July 16, 2021 to re-open his amended habeas petition denied as time-barred and meritless and declined to issue a certificate of appealability (COA) on January 22,2015 11-115-GMS. Petitioner filed his first timely habeas petition in the Delaware District Court asserting numerous constitutional violations that took place before and during his trial in Delaware State Court. These constitutional violations led to the a wrongful conviction of Petitioner that involved the rapes of 2 teenage girls, CG and SP, alleging years of sexual abuse by Petitioner. He was sentenced to 290 years after the jury deliberated for 3 days before reaching a verdict. These constitutional violations included trial court errors, prosecutorial misconduct and numerous of ineffective assistance of trial counsel claims were in Petitioner's first and second motions that were denied for post-conviction relief pursuant to Delaware Superior Court Criminal Rule 61. Petitioner's first habeas petition filed on May 12, 2011 was dismissed without prejudice by the Delaware District Court (D. I. Wood v. Phelps, Civ. A. No. 11-413-BMS) on July 6, 2011, because he did not exhaust his state remedies because he still had his second Rule 61 motion pending in the Delaware Supreme Court. Petitioner filed his amended habeas petition on November 11, 2011 11-115-GMS after his appeal was denied by the Delaware Supreme Court, but the Delaware District Court time-barred this

petition alleging his time did not toll in the Delaware Supreme Court because his appeal was denied.

Petitioner's motion to re-open his 2015 habeas petition pursuant to F.R.C.P. Rule 60 (b)(6) and/or Rule 60 (d)(3) asserting he needed to re-open his 3015 habeas petition to correct clear errors of facts and laws, that caused an error in the Delaware District Court's 2015 judgment, and Petitioner's Newly Discovered Evidence and evidence on the record not only proves the errors in the District Court's 2015 judgment, but also proves Petitioner's Actual Innocence. He asserted he should be granted relief under F.R.C.P. Rule 60 (b)(6) for extraordinary circumstances and to correct clear errors of facts and laws. This argument was supported with decisions from This Court and the U.S. Court of Appeals for the Third Circuit. Petitioner also asserted fraud on the court under F.R.C.P. Rule 60 (d)(3). He presented clear evidence proving the State's 3 main witnesses that testimonies and statements convicted Petitioner intentionally gave false evidence before and during trial (Perjury) that led to his wrongful conviction. This fraud on the court that occurred in the state court interfered with the judicial machinery of the court so it could not function in its usual manner. This caused errors of facts and laws, which caused a "chain reaction" of errors of facts and laws that saturated the entire habeas proceedings, causing "a defect in the integrity of the habeas proceedings." The Delaware District Court denied Petitioner's motion and declined to issue an COA on March 4, 2021 11-1115-CFC. Petitioner filed a timely notice of appeal in the U.S. Court of Appeals for the Third Circuit and was not docketed until March 17, 2021.

The Third Circuit granted Petitioner's motion for in forma pauperis on April 7, 2021. The Third Circuit granted his motion for extension of time to file his COA until May 12, 2021. Petitioner filed his first timely COA before the May 12, 2021 deadline, the Third Circuit never received this COA. He filed a second COA in July 2021, but this COA also was not received by the Third Circuit. The Third Circuit didn't receive Petitioner's COA until he sent his third COA, 3 months after the Third Circuit's May 12,2021 deadline on August 17, 2021. On September 28, 2021 the Third Circuit declined to issue an COA. The Third Circuit granted Petitioner's motion for extension of time to file a motion for rehearing en banc until May 15, 2022, because he showed documentation proving he never received the order denying his COA and the U.S. Postal Service also lost his first and second COA and exhibits/evidence due to problems caused by the Pandemic. The Third Circuit granted Petitioner's motion for permission to file an attachment (amended COA) on July 15, 2022, because he inadvertently omitted important facts and evidence in a rush to get his third COA to the Third Circuit. The Third Circuit denied Petitioner's motion for rehearing en banc and declined to issue an COA on August I, 2022. Please refer to Appendix D for motion for rehearing en banc and amended COA to the Third Circuit and his motion pursuant to F.R.C.P. Rule 60 (b)(6) and/or Rule 60 (d)(3) to the Delaware District Court?

Petitioner (pro se) was raised in a small town outside Philadelphia, PA. He graduated from high school, studied psychology, worked full time while going to college full time and started his own business. Petitioner dedicated his life to helping others. He moved to Delaware to expand his business. When Petitioner moved to

Delaware he met a woman named Jessica and had a son (DW). They moved into Linden Green condominiums in Pike Creek, Delaware. Jessica babysat the Tulloch's children from upstairs. They became friends with the Tulloch's. Jessica moved out and Petitioner retained custody of their son DW. Petitioner started dating a woman named Melissa (MP). MP had a daughter (SP). They both came over to his condo to see him and he introduced (CG), one of the Tulloch's children to SP. CG and SP remained friends up until Petitioner's incarceration in 2006. Petitioner and his son DW moved in with MP and SP. MP put Petitioner in charge of the discipline of SP. Petitioner and SP were very close at one point, but this relationship became fractured when SP started acting out and rebelling when she became a teenager. MP and Petitioner had a daughter together (DP). Years of jealousy, fighting and major issues with MP's teenage daughter SP caused problems between Petitioner and MP. Petitioner, MP and SP all went to Jewish Family Services (JFS) for family counseling, which was initiated by Petitioner. See Appendix F, ex. K. After having a mental breakdown Petitioner realized counseling wasn't working with MP and SP. Petitioner decided to leave MP and SP and file for full custody of their 2 year old daughter DP when he came back from MeadowWood Mental Hospital. See Appendix F, ex. D. Both SP and MP were very upset at him when he left for MeadowWood. When Petitioner came back from MeadowWood SP and MP had set up an appointment with a teen counselor from the crisis center (not JFS) for SP to allege Petitioner has been sexually abusing her for years. Suspiciously, SP's friend CG also came forward days later alleging Petitioner had also sexually abused her 8 years prior to SP's claims.

REASON FOR GRANTING PETITION

QUESTION 1: The U.S. Court of Appeals for the Third Circuit made a decision in conflict with the U.S. Court of Appeals for the First Circuit's decision in their procedure to determine Actual Innocence to overturn a conviction in the U. S. Court of Appeals in *United States v. Colon-Munoz,* 192 F. 3d 210 (1st Cir. 1999). "Where an equal theory of guilt and an equal theory of innocence is supported by the evidence on the record, the United States Court of Appeals must reverse a conviction." The U.S. Court of Appeals for the Third Circuit has decided an important federal question of federal law that has not, but should be, settled by This Court; and has decided federal questions in a way that conflicts with relevant decisions of This Court; and has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of This Court's supervisory power. Also, The U.S. Court of Appeals for the Third Circuit abused their discretion by affirming the Delaware District Court's decision alleging Petitioner's claims were procedurally barred, then denying his motion pursuant to F.R.C.P. Rule 60 (b)(6)/Rule 60 (d)(3) and declining to issue an certificate of appealability (COA).

Though This Court has made many decisions related to Actual Innocence, the First Circuit's procedure to determine Actual Innocence in the U.S. Court of Appeals would protect the public, because it appears to limit or eliminate the possibility of prejudice, judicial vindictiveness and the higher courts affirming the lower courts denials without thoroughly and objectively reviewing the evidence to expedite cases due to their heavy caseloads (sometimes pro se inmates, believing their claims are

more than likely meritless and/or not creditable).

Judges are human. Though their position requires them to be impartial, judges sometimes can also be subject to emotions and/or beliefs that my influence their decisions. This sometimes happens in the state and federal courts. No court or judge would ever admit to judicial vindictiveness or prejudice/bias. This prejudice may even be subconscious. Sometimes those accused or convicted of heinous sex crimes and heinous murders with a lot of heinous details of these alleged crimes inflames the judges and jurors. Just the "stigma" attached to those accused (and convicted) of these heinous sex crimes or heinous murders are looked at with great disdain even before their trial, regardless of their guilt or innocence. This disdain towards the accused that inflames the jury and sometimes judges is impossible to erase from the jurors' minds. Most times, the Prosecution will use the alleged details of these crimes to inflame the jury in order to get a conviction, as in Petitioner's case. These convictions and/or decisions are based on some circumstantial evidence of facts, but are mainly fueled by the emotions and disdain felt by the jury (and sometimes judges), due to the heinousness of the alleged sex crimes or murder. Once someone is convicted of these heinous sex crimes or murder, it is virtually impossible for a pro se inmate to get any court to listen objectively to any evidence of Actual Innocence or get any relief in any court, regardless of how meritorious the claims or evidence are. It appears the courts put a concrete vail of finality for pro se inmates without counsel that present their claims or evidence with these types of charges. This is unfair and prejudicial in violation of their 14th Amendment due process rights. The First Circuit's procedure

to determine actual innocence takes out the elements of emotions/disdain and relies only on the facts and evidence on the record. Had the U.S. Court of Appeals for the Third Circuit or the Delaware District Court used the U.S. Court of Appeals for the First Circuit's procedure to determine actual innocence in the U.S. Court of Appeals, Petitioner's conviction would have been overturned after 17 years of wrongful incarceration.

In addition, the First Circuit's procedure to determine actual innocence to overturn a conviction in the U.S. Court of Appeals, *U.S. v. Colon-Munoz,* 192 F. 3d 210 (1st Cir. 1999) would also help prevent the wrongful convictions of the public accused of false sexual allegations out of anger, vengeance, abandonment issues, and/or custody battles. Though these situations seem to be rare, this happens more than the courts want to believe. There more than likely hundreds, if not thousands around the country sitting in prisons who are Actually Innocent because of this very reason, as in Petitioner's case. Though these false sexual allegations can be filed by anyone, this usually occurs with females against males (a woman's scorn). Though this occurs in states all over the county, the state of Delaware is notorious for convicting men with no physical evidence of a crime. This is one big reason Actually Innocent individuals are imprisoned all over the country. Some Prosecutor's convictions in Delaware are based solely on the testimonies of the accuser(s)' without investigating the State's witnesses creditability, see *Purnell v. State,* Del. Lexis 193 (2021*), Purnell's* conviction was overturned by the Delaware Supreme Court because

the Prosecutor's overzealousness made them use witnesses that were not creditable to convict an innocent man. Purnell was released in April 2022 an innocent man after being wrongfully convicted serving 16 years. Petitioner and *Purnell* were convicted at around the same time by the same overzealous Prosecution's office in Delaware.

This overzealous Prosecutor knew even before Petitioner's trial that all 3 of the State's main witnesses against him (SP MP and CG) "were not creditable witnesses." The evidence on the record proves the Prosecution knew SP was a documented Compulsive Liar that lied to the police and counselors in interviews before trial (App. F, ex. 39, 91). Newly Discovered Evidence are medical facts about Compulsive Lying (App., ex. H). These medical facts state Compulsive Lying is a mental condition and they cannot stop lying unless the receive therapy, which SP never had for this condition. This overzealous Prosecution knowingly unleashed a Compulsive Liar upon the jury, giving SP free rein to lie at will in trial (Perjury). Newly Discovered Evidence proves this is exactly what happened in trial. Not only did SP commit perjury in trial and gave false evidence, evidence proves CG and MP also lied in trial.

The Prosecution knew MP (SP's mother and Petitioner's ex-girlfriend) had a severe brain injury from an auto accident, which she suffered lingering effects after being in a coma for many months (App. F, ex. 13). During family counseling at the Jewish Family Services (JFS) with Petitioner, MP and SP, it was revealed the extent of MP's brain injury and was effecting the family in a negative way. MP stated Petitioner didn't understand her mental and physical limitations from her brain injury. She suffered from forgetfulness, remembering things that didn't happen and

fits of rage. JFS counselors were concerned MP's fits of rage may endanger the children and it wasn't safe for her to be around the children. JFS counselors set up an appointment at MeadowWood Behavioral Hospital for an evaluation, but she refused to go (App. F, ex. K). MP was afraid if she went to get evaluated and she was found to be dangerous and/or incompetent, she would lose custody of their 2 year old daughter DP to Petitioner. Newly Discovered Evidence (App. F, ex. I) are medical facts about a condition known as "Confabulation." Confabulation is caused by a severe brain injury. MP's symptoms of forgetfulness, remembering things that didn't happen and fits of rage show MP more than likely suffered from Confabulation. MP's symptoms from her brain injury and/or Confabulation made her a unreliable and not creditable witness in trial. MP's condition also allowed her to be easily manipulated by her teenage daughter SP. The JFS counselors records also prove SP's Compulsive Lying was a major topic in counseling, but SP never received the necessary treatment for this mental condition (App. F, ex. K). JFS counselors advised Petitioner and MP to become united on the parenting front with SP, because SP was intentionally causing problems between MP and Petitioner. SP's acting out caused a volatile atmosphere in the family. Petitioner was told to be SP's father and stop acting like her friend. Petitioner and MP were told by the JFS counselors that SP would rebel because of this, which she did. SP believed Petitioner had become too strict that robbed her of her power and freedom. It was also pointed out that there was anger, jealousy, hurt and abandonment issues with SP and MP towards Petitioner (App. F, ex. K). This shows the potential for SP and MP to seek vengeance on Petitioner. SP

lets it slip out during an interview with Detective Greer her plans for revenge against Petitioner, when SP was upset she blurted out in "Excited Utterance," "Bruce (Petitioner) loves his children and family, I'm going to make sure he doesn't have that anymore" (App. F, ex. 82,83).

SP's lies before trial include, but are not limited to SP tells Detective Greer Petitioner had sex with her so much that he left her with "permanent" rips, tears, and bruising down there (App. F, ex. 61). When SP was told that she would be examined by a S.A.N.E. nurse SP stated, "They used to be there." After SP was examined by the S.A.N.E. nurse, she found no "permanent" rips, tears or bruising as SP alleged (App. F, ex. 14).

The Prosecutor "vouches" for SP's lying (fraud on the court) to the jury in trial (App. F, ex. 93). Counsel failed to object to this vouching. The Prosecution explains SP had to lie because she was having sex with her mother's boyfriend and inferred this lying was to keep this secret. SP's lies had nothing to do with keeping secrets, but lied just to lie as a Compulsive liar does (App. F, ex. H). This was in violation of Petitioner's 14th Amendment Due Process Right to a Fair Trial. As ruled by the Delaware Supreme Court in *State v. Hardy*, Del. Superior, Dec. 2008, "When a State's attorney offers his/her biased opinion in regards to the defendant, or the case, the State removes the defendant's presumption of innocence." " It is the prosecution's duty to represent the state, which includes the defendant. He/she is to see that the State's case is presented with fairness and vigor, but it is equally his/her duty to see that justice is served, by the defendant having a fair and impartial trial. The

prosecutor cannot vouch for the State's witnesses and they do not determine if something if is false, the jury does." *Moore v. N.J.*, (3rd Cir. 2001). In *Young v. United States*, 470 U.S. 1 (1985), This Court ruled that, "Prosecutors cannot vouch for their witnesses by stating such things as, why would the victim lie or make this up? This is a matter for the jury." The Prosecutor robbed Petitioner of these rights with their biased comments (App. F, ex. 93). Petitioner's counsel was rendered ineffective in accordance with the 6th Amendment and This Court's decision in *Strickland v. Washington*, 466 U.S. 668, 688 (1984). Counsel failed to object to the Prosecutor's vouching and failed to adequately address any other of the Prosecutor's misconduct in trial or on direct appeal.

Petitioner had got into a verbal argument after SP was 3 hours late from work. SP was dropped off by a man who she was kissing before she came in the house. SP refused to go to her room after Petitioner grounded her, so he grabbed SP firmly by her arms and walked her to her room. SP yelled, "We used to be best friends, now you're nothing but a dick. I don't want you here anymore." The next day Petitioner was arrested by the police and charge with assault (physical). SP alleged to the police that Petitioner had been physically abusing her for years, but this was the first time she said anything about it to anyone. During SP' interview for the alleged physical abuse by Petitioner, she was asked if Bruce (Petitioner) ever sexually abused her. SP told the interviewer, "Bruce never touched me sexually" (App. F, ex. 86) "At the time SP reported her alleged physical abuse by Petitioner, it would have been 5 years into the time SP alleged "only 1 month later" Petitioner had been sexually abusing her for

5 years. SP was mad because her alleged physical abuse didn't work to get him out of the house so she could do whatever she wanted and have her freedom. SP wasn't worried about her mother (MP) because she could manipulate her, but couldn't manipulate Petitioner. SP took advantage of the situation when Petitioner was having a mental breakdown (App. F, ex. 54) after ongoing stress for months caused by MP, SP, financial problems and realizing JFS counseling wasn't working with SP and MP. Petitioner told MP and SP he was going to MeadowWood Behavioral Hospital to get help (App. F, ex. D). He told SP and MP when he got his head straightened out, he was leaving them and filing for full custody of their 2 year old biological daughter (DP), because he didn't trust MP and SP caring for DP without him being there for reasons discussed in aforementioned pages found in the JFS counseling records (App. F, ex. K). Appendix E, ex. AAA shows MP took Petitioner's parental rights from him after his conviction out of spite so he could never see his daughter SP again.

MP and SP watched Petitioner leave for MeadowWood (App. F, ex. D). Then called the Crisis Center and made an appointment for SP to see a teen counselor the next day. SP alleged to this teen counselor the next day that Petitioner had been sexually abusing her for the past 5 years. SP stated, "Just 1 month prior," "Bruce never touched me sexually" (App. F, ex. 86). This is obviously another story (lie) by a Compulsive Liar to get what she wanted (App. F, ex. H). SP manipulated her mother (MP) that helping her claim false sexual allegations against Petitioner would prevent him from getting full custody of their daughter DP, and SP would be assured

Petitioner would never come back to the house so she could do what she wanted and have her freedom. SP was a teenage girl who used her charm and her beauty to manipulate people. SP is highly intelligent (honor student) and used this intelligence to create elaborate and convincing stories with a lot of detail. SP also manipulated her friend CG (other complaining witness) to also claim false sexual allegations against Petitioner, because SP got caught lying in her interviews with the police and counselors before trial. SP realized without CG's help supporting her allegations, her claims would be dismissed because her statements/testimony were "not creditable." This is why the Delaware Prosecutor joined SP's and CG's cases together. This is also why CG reported her alleged sex abuse by Petitioner "only 2 days after" SP reported her sexual abuse by Petitioner to the police (App. F, ex. 2, 10). CG claimed her alleged sex abuse by Petitioner happened 8 years prior to SP's claims, both (SP and CG) claim they were not ongoing friends, did not know about each other's claims and they did not collaborate against Petitioner, but the evidence proves otherwise. SP and C G reporting their sexual allegations to the police "only 2 days apart," just out of the blue was no strange coincidence. The police don't believe in coincidences. Newly Discovered Evidence "on the record" that was "overlooked by everyone" proves CG's sexual allegations against Petitioner were totally false and "cannot be true" see (App. D, Amended COA page 17). Also, "on the record" was SP's internet conversations with her friends that "counsel failed" to explain the exculpatory value to the jury of this evidence (App. F, ex. L). These records show SP's state of mind and her possible

PSYCHOLOGICAL PROBLEMS. SP STATES SHE'S A VIRGIN NUMEROUS TIMES (APP., EX. L-2). "MY DAD (PETITIONER) GAVE ME A PROMISE RING AND I SWORE I WOULD NOT HAVE SEX TIL 17" (APP. F, EX. L-4). SP'S STATEMENTS OF BEING A VIRGIN TOOK PLACE DURING THE SAME TIME SHE ALLEGES PETITIONER WAS HAVING SEX WITH HER. SP STATES, "U CAN'T DO PHONE SEX BECAUSE THERE IS A RECORDING ON THE PHONE AND IT RECORDS US HAVING PHONE SEX (APP. F, EX. L-17). IN CONVERSATIONS WITH BOYS ONLINE SP HAS VERY DETAILED CYBER SEX (APP. F, EX. L-19, 20, 21). THOUGH SP WAS A VIRGIN, SP STATES HER KNOWLEDGE OF SEX IS FROM HAVING DESCRIPTIVE PHONE AND CYBER SEX. "MOST IMPORTANTLY", SP GOT HER SEXUAL KNOWLEDGE FROM TALKING TO BOYS AND VISITING PORN WEBSITES ONLINE. SP TELLS THE JURY IN TRIAL ABOUT AN ALLEGED LETTER PETITIONER ALLEGEDLY GAVE HER DESCRIBING WHAT SEXUAL ACTS HE WANTED HER TO DO TO HIM. THE PROSECUTOR USED THIS LETTER TO PROVE WHAT PETITIONER ALLEGEDLY DID TO SP, WHICH LED TO HIS CONVICTION. THE PROBLEM WITH THIS IS, THERE WAS NEVER ANY KIND OF LETTER FOUND EVEN RESEMBLING THIS LETTER BY THE POLICE. THE ONLY WAY THE JURY BELIEVED THIS LETTER EVER EXISTED, IS "SP" (A DOCUMENTED COMPULSIVE LIAR) SAID THIS LETTER EXISTED. THE PROSECUTOR NAMED THIS ALLEGED LETTER, "THE PROCEDURE" (APP., F, EX. 60). HAD COUNSEL DID HIS JOB, HE WOULD HAVE FOUND THE SEX ACTS LISTED ON SP'S INTERNET RECORDS. "SP DOWNLOADED" THESE SEX ACTS LISTED ON SP'S INTERNET RECORDS ARE THE SAME DESCRIBED ON HER ALLEGED LETTER (THE PROCEDURE). THESE WERE GIVEN TO HER BY A BOY ONLINE FROM A PORN WEBSITE (APP. F, EX. L-8. HAD THE JURY BEEN EXPLAINED THIS BY COUNSEL, IT MAY HAVE CHANGED THE OUTCOME OF THE TRIAL, CONSIDERING HOW CLOSE THE VERDICT WAS AND THE OTHER AFOREMENTIONED "EVIDENCE ON THE RECORD" THAT FAILED TO EXPLAIN TO THE JURY. SP'S INTERNET RECORDS SHOW SP'S PROBLEMS WITH BULIMIA AND JOY OF HURTING HERSELF AND HER JOY OF WATCHING OTHER PEOPLE GET HURT (AS SHE DID TO PETITIONER). SP BLURTS OUT IN "EXCITED UTTERANCE", "BRUCE (PETITIONER) LOVES HIS CHILDREN AND FAMILY, I'M GOING TO MAKE SURE HE DOESN'T HAVE THAT

ANY MORE" (APP. F, EX. 82, 83). ALSO SEE (APP. F, EX. L-9, 15) SP'S CONTRADICTIONS, LIES AND INCONSISTENCIES PROVE HER SEX ALLEGATIONS ABOUT PETITIONER CANNOT BE TRUE.

THIS COURT DECIDED IN MURRAY V. CARRIER, 477 U.S., 418, 106 S.CT. 2839 (1986), "EVEN IF THE TRIAL JUDGE APPLIED THE CORRECT STANDARD, THE CONCLUSION THERE WAS NO EXCULPATORY MATERIAL IN THE VICTIM'S STATEMENTS DOES NOT FORECLOSE THE POSSIBILITY THAT THE INCONSISTENCIES BETWEEN THE STATEMENTS AND DIRECT TESTIMONY WOULD HAVE ENABLED AN EFFECTIVE CROSS-EXAMINATION TO DEMONSTRATE DEFENDANT IS ACTUALLY INNOCENT." BOTH COUNSEL AND THE PROSECUTOR KNEW ABOUT THESE JFS COUNSELING RECORDS BEFORE TRIAL, BUT NEITHER SUBPOENED THESE JFS RECORDS FOR TRIAL (APP. F, EX. K). INSTEAD, BOTH COUNSEL AND THE PROSECUTION ARGUED THE POSSIBLE CONTENT OF THESE JFS RECORDS DURING TRIAL TO SUPPORT THEIR ARGUMENTS. COUNSEL'S DEFENSE IN TRIAL WAS SP, CG AND MP ALL CONSPIRED TO FRAME PETITIONER AND THEIR SEXUAL ALLEGATIONS WERE FALSE. COUNSEL PROVIDED LITTLE EVIDENCE THAT ALL THEIR TESTIMONIES WERE FALSE AND COLLABORATED, AND PROVIDED NO EVIDENCE OR MOTIVE WHY SP, MP AND CG WOULD WANT TO FRAME PETITIONER. DESPITE THIS FACT, THE JURY STILL DELIBERATED FOR 3 DAYS AND ARGUED EVERYDAY IN THE DELIBERATION ROOM BEFORE REACHING A VERDICT. HAD COUNSEL SUBPOENAED THE JFS COUNSELING RECORDS AS HE WAS INSTRUCTED TO BY PETITIONER, THE JFS RECORDS WOULD HAVE PROVIDED MOTIVE AND EVIDENCE OF THE POTENTIAL FOR SP AND MP TO LASH OUT AT PETITIONER. WITH THE JFS RECORDS AND THE "EVIDENCE ON THE RECORD", COUNSEL COULD HAVE SHOWN THE INCONSISTENCIES BETWEEN THE STATEMENTS AND DIRECT TESTIMONY TO FIND PETITIONER NOT GUILTY (ACTUALLY INNOCENT) AS PRESENTED IN THE AFOREMENTIONED PAGES. "WHERE AN EQUAL THEORY OF GUILT AND AN EQUAL THEORY OF INNOCENCE IS SUPPORTED BY THE "EVIDENCE ON THE RECORD", THE U.S. COURT OF APPEALS MUST REVERSE A CONVICTION", UNITED STATES V. COLON-MUNOZ, 192 F. 3d 210 (1ST CIR. 1999).

THE DELAWARE PROSECUTOR SUPPRESSED/UNDISCLOSED TESTIMONIES OF THEIR 3 MAIN WITNESSES (LG, SP + MP) AGAINST PETITIONER UNTIL THE DAY OF TRIAL. THIS WAS IN VIOLATION OF PETITIONER'S 14TH AMENDMENT DUE PROCESS RIGHT TO A FAIR TRIAL, IN VIOLATION OF THE RULES OF DISCOVERY AND IN CONFLICT WITH THIS COURT'S DECISION IN UNITED STATES V. JENCKS, 353 U.S. 657, 1 L.Ed 2d 1103, 77 S.Ct. 1007 (1957), "THE STATE AND THE DEFENSE HAVE A RECIPROCAL RESPONSIBILITY TO SHARE THEIR EVIDENCE IN THEIR POSSESSION PERTINENT TO THE CASE IN A REASONABLE TIME BEFORE TRIAL". THE DEFENSE WAS "BLINDSIDED" WHEN THE DELAWARE PROSECUTOR INTRODUCED THIS SUPPRESSED/UNDISCLOSED TESTIMONY/EVIDENCE DURING TRIAL. THIS TESTIMONY/EVIDENCE WAS INCRIMINATING AND LED TO PETITIONER'S CONVICTION. THIS WAS IN VIOLATION OF PETITIONER'S 6TH AMENDMENT RIGHT TO CONFRONT THE WITNESSES AGAINST HIM EFFECTIVELY. THIS PREVENTED COUNSEL FROM INVESTIGATING THIS SUPPRESSED/UNDISCLOSED EVIDENCE TO FIND REBUTTAL/EXCULPATORY EVIDENCE BEFORE TRIAL TO PROVE HIS INNOCENCE.

THE DELAWARE PROSECUTORS SUPPRESSED/UNDISCLOSED TESTIMONIES/EVIDENCE UNTIL TRIAL THAT LED TO PETITIONER'S CONVICTION. THERE WAS ALMOST A DOZEN UNDISCLOSED/SUPPRESSED TESTIMONIES/EVIDENCE THAT HAVE RECENTLY FOUND TO BE FALSE AND UNCORROBORATED. MOST OF THE FALSE TESTIMONY/EVIDENCE (PERJURY) CAME FROM STATE'S MAIN WITNESS SP. THE PROSECUTOR'S STAR WITNESS (SP) AGAINST PETITIONER WAS KNOWN TO BE A DOCUMENTED COMPULSIVE LIAR BEFORE TRIAL AND WAS NOT A CREDITABLE WITNESS. THE DELAWARE PROSECUTOR DIDN'T CARE IF SP WAS A CREDITABLE WITNESS OR NOT, THIS OVERZEALOUS PROSECUTION'S OFFICE ONLY WANTED A CONVICTION TO IMPROVE THEIR PROSECUTION RECORD. THIS LED TO THE CONVICTION OF "ANOTHER INNOCENT MAN". MOST, IF NOT ALL PROSECUTORS IN STATES AROUND THE COUNTRY WOULD NOT HAVE PUT THIS WITNESS (SP) ON THE STAND KNOWING HER HISTORY OF LYING. INSTEAD, THE DELAWARE PROSECUTOR VOUCHED FOR THIS WITNESS'S (SP) LIES (FALSE EVIDENCE/PERJURY) TO MAKE SP'S TESTIMONY "APPEAR" CREDITABLE TO DECEIVE THE JURY.

THE DELAWARE PROSECUTION'S MISCONDUCT IS IN CONFLICT WITH THIS COURT'S DECISION IN GIGLIO V. UNITED STATES, 405 U.S. 150, 31 L.Ed 104, 92 S.Ct. 763 (1972), "UNDER THE DUE PROCESS CLAUSE, A NEW TRIAL IS REQUIRED IN A CRIMINAL CASE IF FALSE TESTIMONY INTRODUCED BY THE STATE, AND ALLOWED TO GO UNCORRECTED WHEN IT APPEARED, COULD IN ANY LIKELIHOOD HAVE AFFECTED THE JUDGMENT OF THE JURY. WHEN THE RELIABILITY OF A GIVEN WITNESS MAY WELL BE THE DETERMINATIVE OF GUILT OR INNOCENCE, THE PROSECUTION'S NONDISCLOSURE OF EVIDENCE AFFECTING THE CREDITABILITY OF WITNESS JUSTIFIES A NEW TRIAL UNDER THE DUE PROCESS CLAUSE, IRRESPECTIVE OF THE PROSECUTION'S GOOD OR BAD FAITH". ALSO IN THIS COURT'S DECISION IN NAPUE V. ILLINOIS, 360 U.S. 264 3 L.Ed 1217 S.Ct 1173 (1959). THIS COURT DECIDED IN BRADY V. MARYLAND, 373 U.S. at 87, 101 Ed 2d at 218 83 S.Ct (1963), HELD THAT, THE SUPPRESSION OF MATERIAL EVIDENCE JUSTIFIES A NEW TRIAL IRRESPECTIVE OF GOOD OR BAD FAITH OF THE PROSECUTION". "A REASONABLE PROBABILITY" UNDER BAGLEY, 473 U.S. at 682, id at 685, IS A PROBABILITY SUFFICIENT TO UNDERMINE THE CONFIDENCE IN THE OUTCOME. WHEN ASSESSING THE EVIDENCE'S MATERIALITY, THE CUMULATIVE EFFECT OF THE SUPPRESSED EVIDENCE IN LIGHT OF OTHER EVIDENCE, NOT MERELY THE PROBATIVE VALUE OF THE SUPPRESSED EVIDENCE STANDING ALONE. THE PROSECUTOR'S INTENT BEHIND THE SUPPRESSION OF EVIDENCE DOES NOT DETERMINE WHETHER EVIDENCE IS MATERIAL OR WHETHER THE PROCEEDINGS OUTCOME WOULD HAVE CHANGED". KYLES, 514 U.S. at 434-35, "THE QUESTION IS NOT WHETHER THE DEFENDANT WOULD MORE LIKELY THAN NOT RECEIVE A DIFFERENT VERDICT WITH THE UNDISCLOSED EVIDENCE, BUT WHETHER IN ITS ABSENCE HE RECEIVED A FAIR TRIAL, A TRIAL RESULTING IN A VERDICT WORTHY OF CONFIDENCE". HAD THE DELAWARE GIVEN THE SUPPRESSED EVIDENCE TO DEFENSE COUNSEL BEFORE TRIAL, INSTEAD OF REVEALING THIS SUPPRESSED EVIDENCE/TESTIMONIES IN TRIAL, DEFENSE COUNSEL COULD HAVE INVESTIGATED AND FOUND EXCULPATORY EVIDENCE TO REBUT THE SUPPRESSED TESTIMONY/EVIDENCE TO PROVE PETITIONER'S ACTUAL INNOCENCE, BECAUSE THIS SUPPRESSED TESTIMONIES/EVIDENCE

WERE PROVEN TO BE "FALSE" WITH PETITIONERS NEWLY DISCOVERED EVIDENCE AND EVIDENCE ON THE RECORD. SEE (APP. F, EX. AA) AND (APP. F). UNFORTUNATELY, THIS NEWLY DISCOVERED EVIDENCE WAS NOT DISCOVERED UNTIL PETITIONER'S AMENDED HABEAS PETITION WAS DENIED BY THE DELAWARE DISTRICT COURT ON JANUARY 22, 2015 NO. M-1115-GMS.

NEWLY DISCOVERED EVIDENCE AND "EVIDENCE ON THE RECORD" PROVES EVERY PIECE OF THE STATE'S 3 MAIN WITNESSES (SP, MP+CG) TESTIMONIES THAT CONVICTED PETITIONER WERE FALSE AND COLLABORATED, AND THERE WAS "NO PHYSICAL EVIDENCE AND NO CREDITABLE TESTIMONY THAT A CRIME HAD EVEN OCCURRED". IN FACT, THE ONLY EVIDENCE THAT IS CREDITABLE THAT EXISTS IS EVIDENCE OF PETITIONER'S ACTUAL INNOCENCE. IN ADDITION, THE JURY WAS STRUGGLING CONVICTING PETITIONER BECAUSE OF THE LIES, INCONSISTENCIES AND CONTRADICTIONS OF THE STATE'S 3 MAIN WITNESSES AGAINST HIM. "THE TRUTH NEVER CHANGES". THE EVIDENCE DOESN'T LIE, PEOPLE LIE. IF THE SEXUAL ALLEGATIONS WERE ACTUALLY TRUE AGAINST PETITIONER, COUNTLESS INCONSISTENCIES, CONTRADICTIONS AND LIES "WOULD NOT EXIST" IN THE STATE'S WITNESSES AGAINST PETITIONER TESTIMONIES." THE PROSECUTION HAD TO VOUCH FOR WHY THE WITNESS HAD TO LIE TO MAKE THEIR WITNESSES "APPEAR" CREDITABLE (APP. F, EX. 93). THE JURY DELIBERATED FOR 3 DAYS, ARGUING EVERYDAY IN THE DELIBERATION ROOM. THE BAILIFF HAD TO QUIET THEM DOWN NUMEROUS TIMES BECAUSE THE JURORS HAD GOT SO LOUD WHILE DELIBERATING. HAD THE JURY SEEN ALL OR EVEN SOME OF PETITIONER'S NEWLY DISCOVERED EVIDENCE AND/OR "EVIDENCE ON THE RECORD", THE JURY WOULD HAVE FOUND HIM NOT GUILTY. ALSO, THE PROSECUTION DID NOT DISCLOSE/SUPPRESSED EVIDENCE UNTIL TRIAL BEGAN. THIS NON DISCLOSED EVIDENCE WAS NOT REVEALED TO DEFENSE COUNSEL UNTIL THE STATE'S 3 MAIN WITNESSES (SP, MP+CG) TESTIFIED IN TRIAL ABOUT THIS NON DISCLOSED TESTIMONIES/EVIDENCE THAT WAS NOT ON DISCOVERY (RULE 16) BEFORE TRIAL. COUNSEL COULD NOT INVESTIGATE THIS UNDISCLOSED EVIDENCE/TESTIMONIES THAT WAS INCRIMINATING, WHICH LED TO HIS CONVICTION. PETITIONER'S NEWLY DISCOVERED EVIDENCE AND THE EVIDENCE

ON THE RECORD PROVE "ALL THE TESTIMONIES THAT CONVICTED HIM WERE FALSE AND COLLABORATED", PLEASE SEE (APP. F, EX. AA) AND (APP. E). EVIDENCE AND FACTS ARE TO VOLUMINUOUS TO EXPLAIN IN THIS PETITION?

UNITED STATES V. AGURS, 427 U.S. 97, 49 LED 2d 342 96 S.CT. 2392 (1976), "WHERE A PROSECUTOR DOES NOT DISCLOSE ADDITIONAL EVIDENCE TO DEFENSE COUNSEL AND THE ACCUSED IS FOUND GUILTY, IF THERE IS NO REASONABLE DOUBT ABOUT GUILT, THERE IS NO JUSTIFICATION FOR A NEW TRIAL UPON DISCOVERY OF THE NONDISCLOSURE, BUT IF THE VERDICT IS ALREADY OF QUESTIONABLE VALIDITY, ADDITIONAL EVIDENCE OF RELATIVELY MINOR IMPORTANCE MIGHT BE SUFFICIENT TO CREATE REASONABLE DOUBT." PETITIONER'S NEWLY DISCOVERED EVIDENCE AND EVIDENCE ON THE RECORD PROVE NO CREDITABLE TESTIMONY AND NO PHYSICAL EVIDENCE THAT A CRIME HAD EVEN OCCURRED. ALL PETITIONER'S EVIDENCE IS IN ACCORDANCE WITH FEDERAL AND DELAWARE RULES OF EVIDENCE RULES 901, 902 (8, 9, 10). PETITIONER'S EVIDENCE IS EASILY VERIFIABLE. DESPITE THE AFOREMENTION FACTS AND EVIDENCE, THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT AND THE DELAWARE DISTRICT COURT BOTH ERRONEOUSLY ALLEGE PETITIONER'S EVIDENCE DID NOT MEET THE REQUIREMENTS IN ACCORDANCE WITH THIS COURT'S DECISION IN SCHULP V. DELO, 513 U.S. 298, 324, 327 (1995), "IT IS MORE LIKELY THAN NOT THAT NO REASONABLE JUROR WOULD HAVE FOUND HIM GUILTY BEYOND A REASONABLE DOUBT IN LIGHT OF THE NEW EVIDENCE OF HIS FACTUAL INNOCENCE". THIS INFERS THE DELAWARE DISTRICT COURT AND THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT DID NOT OBJECTIVELY AND THOROUGHLY REVIEW AND CONSIDER PETITIONER'S EVIDENCE, WHEN PRESENTED AN OVERWELMING AMOUNT OF EVIDENCE PROVING HIS ACTUAL INNOCENCE TO OVERTURN HIS CONVICTION OR GRANT HIS COA. PETITIONER HAD HIS ACTUAL INNOCENCE EVIDENCE REVIEWED BY A COUPLE LAWYERS, PEOPLE ON THE OUTSIDE, FAMILY, FRIENDS, PRISON STAFF AND OTHER INMATES, ALL SAID PETITIONER'S EVIDENCE PRESENTED TO THE THIRD CIRCUIT AND THE DISTRICT COURT PROVES HIS ACTUAL INNOCENCE. THESE ABOVE PEOPLE WOULD CONSTITUTE A

REASONABLE JURY AND WOULD HAVE FOUND PETITIONER NOT GUILTY WITH HIS ACTUAL INNOCENCE EVIDENCE IN ACCORDANCE WITH SCHLUP V. DELO, 513 U.S. 298, 324 (1995), THE THIRD CIRCUIT AND THE DISTRICT COURT KNEW BY JUST STATING PETITIONER'S EVIDENCE DID NOT MEET THE REQUIREMENTS IN ACCORDANCE WITH SCHLUP V. DELO, THEY COULD AVOID APPLYING "THE MISCARRIAGE OF JUSTICE EXCEPTION'S" TO PRECLUDE ALL PROCEDURAL BARS, SO BOTH COURTS COULD JUSTIFY NOT THOROUGHLY AND OBJECTIVELY CONSIDERING HIS MERITORIOUS CLAIMS IN HIS MOTIONS AND COA.. SEE APPENDIX D.

IN ADDITION, THE THIRD CIRCUIT AND THE DISTRICT COURT CITED THE PROCEDURE THAT THIS COURT DECIDED TO DENY PETITIONER'S COA. BOTH COURTS ALLEGE HIS COA AND MOTION PURSUANT TO F.R.C.P. RULE 60(b)(6)/RULE 60(b)(3) DID NOT MEET THE REQUIREMENTS FOR GRANTING A COA DECIDED BY THIS COURT, "JURISTS OF REASON WOULD AGREE WITHOUT DEBATE THAT APPELLANT WAS NOT ENTITLED RELIEF ON HIS MOTION PURSUANT TO RULES 60(b)(6) AND 60(b)(3) OF FEDERAL RULES OF PROCEDURE. SEE SLACK V. MCDANIEL, 529 U.S. 473, 484 (2000)." THE PROBLEMS WITH THESE ERRONEOUS DECISIONS ARE THAT EVEN THOUGH BOTH COURTS CITED THE ABOVE STATING "JURISTS OF REASON WOULD AGREE WITHOUT DEBATE THAT PETITIONER WAS NOT ENTITLED RELIEF IN HIS MOTION (OR COA)," THE DELAWARE DISTRICT COURT DECIDED THE ACTUAL MERITS OF MOTION/COA, NOT THAT IT WAS DEBATED AMONG REASONABLE JURISTS. THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT THEN AFFIRMED THE DELAWARE DISTRICT COURT'S DECISION. THIS IS IN CONFLICT WITH THIS COURT'S DECISION IN BUCK V. DAVIS, 583 U.S. 137 S.Ct. 759 197 LED 2d (2017), "WHEN THE COURT INVERTS THE STATUTORY ORDER OF OPERATIONS BY DECIDING THE MERITS OF AN APPEAL THEN DENYING THE COA BASED ON THE ADJUDICATION OF THE ACTUAL MERITS, THAT PLACED TOO HEAVY OF A BURDEN ON APPELLANT AT THE COA STAGE." IN THE DISTRICT COURT'S AND THE THIRD CIRCUIT'S DECISIONS ALLEGING "REASONABLE JURISTS WOULD NOT HAVE FOUND PETITIONER NOT GUILTY WITH HIS EVIDENCE UNDER SCHLUP V. DELO. BOTH COURTS THEN

ALLEGE "REASONABLE JURISTS WOULD AGREE WITHOUT DEBATE THAT PETITIONER IS NOT ENTITLED RELIEF" UNDER SLACK V. MCDANIEL. THESE DECISIONS ARE ERRONEOUS AND IN CONFLICT WITH THE FACTS AND EVIDENCE, IN CONFLICT WITH WHAT JURISTS OF REASON WOULD HAVE ACTUALLY DECIDED OR DEBATED, IN CONFLICT WITH THE 14TH AMENDMENT DUE PROCESS, AND IN CONFLICT WITH NUMEROUS DECISIONS BY THIS COURT. THIS INFERS PREJUDICE/BIAS AND/OR JUDICIAL VINDICTIVENESS BY THE DELAWARE DISTRICT COURT AND THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT. MCQUIGGIN V. PERKINS, 133 S.CT. 1924 (2013), THIS COURT ASSERTS, "WE GRANT CERTIORARI TO RESOLVE A CIRCUIT CONFLICT ON WHETHER THE AEDPA'S STATUTE OF LIMITATIONS CAN BE OVERCOME BY THE SHOWING OF ACTUAL INNOCENCE." 568 ——— 2012, COMPARE, eg., SAN MARTIN V. MCNEIL, 653 F.3d 1257, 1267-1268 (CA 11 2011). ("A COURT MAY CONSIDER AN UNTIMELY § 2254 PETITION IF BY REFUSING TO CONSIDER THE PETITION FOR UNTIMELINESS, THE COURT WOULD THEREBY ENDORSE A FUNDAMENTAL MISCARRIAGE OF JUSTICE BECAUSE IT WOULD REQUIRE THAT AN INDIVIDUAL WHO IS ACTUALLY INNOCENT REMAIN IMPRISONED"). MOST COURTS DON'T ACKNOWLEDGE THE FACT THAT PERKINS' EVIDENCE WAS 5 YEARS OLD (NOT NEW) AND WAS USED TO FIND HIM ACTUALLY INNOCENT. THIS COURT'S DECISION IN MCQUIGGINS V. PERKINS RINGS TRUE WITH ALL PETITIONS AND MOTIONS, OR IT SHOULD, NO INNOCENT MAN OR WOMAN SHOULD REMAIN IMPRISONED SOLELY BECAUSE OF PROCEDURAL BARS, POLITICS, PREJUDICE/BIAS, NEVER HAVING COUNSEL FOR FIRST COLLATERAL PROCEEDINGS, BEING A PRO SE INMATE OR JUDICIAL VINDICTIVENESS. THERE ARE MANY OTHER MEN AND WOMEN IN DELAWARE AND AROUND THE COUNTRY THAT ARE ACTUALLY INNOCENT WHO ARE IMPRISONED BASED SOLELY ON THE ABOVE REASONS. SOME COURTS MAY MAKE THESE ERRONEOUS AND/OR PREJUDICIAL DECISIONS DECISIONS IN CONFLICT WITH THE FACTS AND EVIDENCE IN BLATANT DEFIANCE OF THE CONSTITUTION AND THIS COURT'S DECISIONS, BECAUSE THEY HAVE NO ACCOUNTABILITY FOR THEIR ACTIONS. MAYBE SOME JUDGES BELIEVE ITS

ONLY A PRO SE INMATE AND EVEN IF HE'S NOT GUILTY OF THIS CRIME, HE WILL COMMIT ANOTHER CRIME AND BE FOUND GUILTY. THOUGH THIS BELIEF MAY BE TRUE AT TIMES, PETITIONER AND OTHERS HAVE BEEN MEMBERS OF THEIR COMMUNITIES, NEVER BEEN IN PRISON BEFORE AND CONTRIBUTED TO SOCIETY IN A POSITIVE MANNER. THERE IS NO DEFINITIVE PROOF OF ANY COURTS OR JUDGES BELIEVING THIS PREJUDICIAL/BIAS AND/OR JUDICIAL VINDICTIVENESS WITHOUT IT ACTUALLY BEING STATED OR WITNESSED. PREJUDICE/BIAS AND/OR JUDICIAL VINDICTIVENESS CAN BE INFERRED WHEN A COURT OR JUDGE MAKES NUMEROUS DECISIONS THAT ARE SO BLATANTLY OBVIOUS IN CONFLICT WITH THE FACTS AND EVIDENCE, IN CONFLICT WITH THE U.S. CONSTITION AND IN CONFLICT WITH THE DECISIONS BY THIS COURT." THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT AND THE DELAWARE DISTRICT COURT, HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AS TO CALL FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER."

THE DELAWARE DISTRICT COURT AND THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT ABUSED THEIR DISCRETION BY MAKING DECISIONS IN BLATANT CONFLICT WITH THE DECISIONS BY THIS COURT, IN CONFLICT WITH THE FACTS AND EVIDENCE AND IN CONFLICT WITH THE U.S. CONSTITUTION. THE THIRD CIRCUIT AND THE DISTRICT COURT DECISIONS INFERS PREJUDICE/BIAS AND/OR JUDICIAL VINDICTIVENESS. PETITIONER PETITIONER AND OTHERS BELIEVE THERE IS LITTLE TO NO JUSTICE FOR PRO SE INMATES FOR THIS VERY REASON. IT IS PROBABLY BECAUSE SOME COURTS OR JUDGES MAY BELIEVE SINCE INMATES ARE LABELED CRIMINALS AND HAVE NO CREDITABILITY, PRO SE INMATES MOTIONS/PETITIONS, FACTS AND/OR EVIDENCE ARE JUST SWEPT UNDER THE RUG, AS IN PETITIONER'S CASE. HAD PETITIONER HAD COUNSEL PRESENT HIS EVIDENCE, FACTS AND MOTIONS/PETITIONS TO THE COURTS, HE WOULD HAVE BEEN GRANTED RELIEF AND/OR BE FOUND ACTUALLY INNOCENT. POWELL V. ALABAMA, 287 U.S. 45, 63-69 (1932); "THE DEFENDANT REQUIRES THE GUIDING HAND OF COUNSEL AT EVERY STEP IN THE PROCEEDINGS AGAINST HIM. WITHOUT IT,

THOUGH HE IS NOT GUILTY, HE FACES THE DANGER OF CONVICTION BECAUSE HE DOESN'T KNOW HOW TO ESTABLISH HIS INNOCENCE".

THE U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT'S PROCEDURE TO DETERMINE ACTUAL INNOCENCE TO OVERTURN A CONVICTION IN THE U.S. COURT OF APPEALS APPEARS TO LIMIT OR ELIMINATE POSSIBLE PREJUDICE/BIAS AND/OR JUDICIAL VINDICTIVENESS IF THE FIRST CIRCUIT'S PROCEDURE IS FOLLOWED. THIS WOULD TAKE OUT THE EMOTIONS/STIGMA AND/OR BELIEFS OUT OF THE EQUATION AND FORCES THE COURTS TO MAKE A DECISION BASED SOLELY ON THE "EVIDENCE ON THE RECORD", NOT BASED ON THE COURT'S INTERPRETATION OF WHAT A REASONABLE JURY "MIGHT" THINK ABOUT THE EVIDENCE. THIS WOULD GIVE PRO SE INMATES A FIGHTING CHANCE AT THE "TRUTH AND JUSTICE" TO HELP THEM PROVE THEIR ACTUAL INNOCENCE. "WHERE AN EQUAL THEORY OF GUILT AND AN EQUAL THEORY OF INNOCENCE IS SUPPORTED BY THE EVIDENCE ON THE RECORD, THE U.S. COURT OF APPEALS MUST REVERSE A CONVICTION", UNITED STATES V. COLON-MUNOZ, 192 F.3d 210 (1ST CIR. 1999)

PETITIONER WAS ON 7 DIFFERENT PSICHOTROPIC MEDICATIONS BEFORE, DURING AND AFTER HIS TRIAL, THAT WAS PRESCRIBED BY A PRISON PSYCHIATRIST (APP. E, EX. G). PETITIONER HAS NEVER HAD COUNSEL DURING HIS FIRST OF ANY COLLATERAL PROCEEDINGS IN STATE OR FEDERAL COURTS. THIS IS HIS FIRST TIME IN PRISON AND HAD NO IDEA HOW TO DEFEND HIMSELF IN TRIAL OR PRESENT EFFECTIVE CLAIMS IN HIS POST-CONVICTION PROCEEDINGS AFTER TRIAL. THE PSYCHOTROPIC MEDICATIONS PETITIONER WAS TAKING MADE IMPOSSIBLE FOR HIM TO CONCENTRATE AND REMEMBER IMPORTANT FACTS AND EVIDENCE DURING HIS TRIAL TO EFFECTIVELY DEFEND HIMSELF, WHICH LED TO HIS CONVICTION. THE STATE OF DELAWARE AT THE TIME (2007) DID NOT ALLOW INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS ON DIRECT APPEAL OR PROVIDE COUNSEL ON FIRST COLLATERAL PROCEEDINGS. DELAWARE DID NOT PROVIDE COUNSEL FOR FIRST COLLATERAL PROCEEDINGS UNTIL AFTER THE DECISION

BY THIS COURT IN MARTINEZ V. RYAN, 132 S.Ct. 1309 (2012). BY THIS TIME, PETITIONER WAS DENIED NUMEROUS POST-CONVICTION MOTIONS AND APPEALS, BECAUSE HE NEVER HAD COUNSEL FOR ANY OF HIS COLLATERAL PROCEEDINGS AND HE HAD NO IDEA HOW TO PRESENT HIS CONSTITUTIONAL CLAIMS OR EFFECTIVELY PROVE HIS ACTUAL INNOCENCE AS A PRO SE INMATE. SEE POWELL V. ALABAMA, (1932). DESPITE THIS FACT, BOTH STATE AND FEDERAL COURTS DENIED COUNTLESS MOTIONS FOR APPOINTMENT OF COUNSEL BY PETITIONER.

DUE TO PETITIONER'S LACK OF LEGAL KNOWLEDGE AND ADVERSE EFFECTS CAUSED BY THE COMBINATION OF 7 DIFFERENT TYPES OF PSYCHOTROPIC MEDICATIONS, HE HAD TO PAY OTHER INMATES WHO CLAIMED TO HAVE LEGAL KNOWLEDGE TO PREPARE AND FILE HIS POST-CONVICTION MOTIONS/PETITIONS IN STATE AND FEDERAL COURTS. THESE INMATES THAT PETITIONER PAID TO DO HIS MOTIONS/PETITIONS KNEW VERY LITTLE ABOUT HIS CASE AND CARED ONLY ABOUT THE MONEY, NOT THE QUALITY OR MERITS OF HIS CASE. ALL THESE MOTIONS/PETITIONS FILED BY THESE PAID PRO SE INMATES ON PETITIONER'S BEHALF WERE ALL DENIED. THIS INCLUDES, BUT IS NOT LIMITED TO 3 POST-CONVICTION MOTIONS IN DELAWARE SUPERIOR COURT PURSUANT DELAWARE SUPERIOR COURT CRIMINAL PROCEDURE RULE 61. ALL 3 RULE 61 MOTIONS DENIALS WERE AFFIRMED AND DENIED BY THE DELAWARE SUPREME COURT. PETITIONER'S FIRST HABEAS CORPUS PETITION WAS DISMISSED WITHOUT PREJUDICE IN THE DELAWARE DISTRICT. HIS AMENDED HABEAS PETITION WAS DENIED AS MERITLESS AND TIME-BARRED ON JANUARY 22, 2015. M-ILLIS-GMS. (APP. C). BOTH COAS FOR BOTH HABEAS PETITIONS WERE DENIED BY THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT ON APPEAL.

THE INMATE PETITIONER PAID (PAID PRO SE INMATE) TO DO HIS AMENDED HABEAS PETITION THAT WAS DENIED ON JANUARY 22, 2015 (APP. C) CLAIMED TRIAL COURT ERRORS, PROSECUTORIAL MISCONDUCT AND NUMEROUS INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL CLAIMS. THIS PAID PRO SE INMATE FAILED TO DESCRIBE ANY

PROSECUTORIAL MISCONDUCT IN DETAIL BY THE PROSECUTION. THE DISTRICT COURT JUDGE ERRONEOUSLY DENIED NUMEROUS INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL CLAIMS. IT WAS ASSERTED THAT COUNSEL FAILED TO DO ANY PRETRIAL INVESTIGATION, FAILED TO SUBPOENA 10 WITNESSES FOR THE DEFENSE, WAS DEFICIENT IN TRIAL PREPAREDNESS AND FAILED TO SUBPOENA SPECIFIED RECORDS BY PETITIONER, SPECIFICALLY, THE JFS COUNSELING RECORDS (APP. F, EX. K). IT WAS ASSERTED IN HIS AMENDED HABEAS PETITION THAT THE JFS RECORDS THAT THESE JFS RECORDS PRESENTED TO THE DISTRICT COURT PROVES COUNSEL COUNSEL WAS INEFFECTIVE AND PETITIONER IS ACTUALLY INNOCENT, SO ALL PROCEDURAL BARS SHOULD BE PRECLUDED IN ACCORDANCE WITH THIS COURT'S DECISION IN McQUIGGIN V. PERKINS, S.CT. 1924 (2013). THE DISTRICT COURT ALLEGED THE JFS RECORDS WERE NOT NEWLY DISCOVERED EVIDENCE BECAUSE PETITIONER HAD THEM IN HIS POSSESSION FOR A COUPLE YEARS AND THE JFS RECORDS DID NOT PROVE HIS ACTUAL INNOCENCE. THE DISTRICT COURT OVERLOOKED THE FACT THAT PERKINS HAD HIS ACTUAL INNOCENCE EVIDENCE IN HIS POSSESSION FOR 5 YEARS. HAD PETITIONER HAD EFFECTIVE COUNSEL FOR HIS TRIAL OR IN HIS FIRST (OR ANY) COLLATERAL PROCEEDINGS, COUNSEL COULD HAVE OBTAINED THESE JFS RECORDS ALONG WITH OTHER "EVIDENCE ON THE RECORD" TO PROVE HIS ACTUAL INNOCENCE AND/OR PROVE NUMEROUS CONSTITUTIONAL VIOLATIONS AS PRESENTED IN PREVIOUS PAGES 11-26. SEE BAGLEY, 473 U.S. at 682; id 685; KYLES, 514 U.S. at 434-35. PETITIONER WOULD HAVE MORE THAN LIKELY HAVE BEEN FOUND NOT GUILTY (WITH EFFECTIVE COUNSEL) IN ACCORDANCE WITH SCHLUP V. DELO, 513 U.S. 298, 324, 327 (1995). AND/OR IN ACCORDANCE WITH UNITED STATES V. COLON-MUNOZ, 192 F.3d 210 (1ST CIR. 1999). THE FIRST CIRCUIT DECIDED U.S. V. COLON-MUNOZ, 4 YEARS AFTER THIS COURT'S DECISION IN SCHLUP V. DELO (1995). THE FIRST CIRCUIT MAY HAVE CONCLUDED THAT THE "EVIDENCE ON THE RECORD" IS MORE RELIABLE TO DETERMINE ACTUAL INNOCENCE, THAN TRYING TO DETERMINE WHAT THE JURY MIGHT THINK ABOUT THE EVIDENCE INFERRING ACTUAL INNOCENCE AND TO DETERMINE THE FATE OF SOMEONES LIFE. IT IS IMPORTANT TO CONSIDER, IT IS KNOWN THAT JURIES ARE "UNPREDICTABLE". THE "EVIDENCE ON THE RECORD" CONTRADICTS PETITIONER'S GUILT.

IN ADDITION, SINCE THE JURY ARGUED FOR 3 DAYS BEFORE REACHING A VERDICT, JUST THE SMALLEST PIECE OR PIECES OF EVIDENCE IN PETITIONER'S TRIAL WOULD HAVE FOUND HIM NOT GUILTY (ACTUALLY INNOCENT). SEE AGURS V. U.S., S.CT. 2392 (1976).

PETITION'S PAID PRO SE INMATE ALSO ASSERTED COUNSEL WAS INEFFECTIVE FOR FAILING TO MOTION FOR A COMPETENCY HEARING BEFORE HIS TRIAL. COUNSEL WAS AWARE BEFORE TRIAL THAT PETITIONER WAS UNDER A PRISON PSYCHIATRIST'S CARE AND TAKING 7 DIFFERENT TYPES OF PSYCHOTROPIC MEDICATIONS. A LIST OF PSYCHOTROPIC MEDICATIONS WERE PROVIDED TO THE DISTRICT COURT IN HIS AMENDED HABEAS PETITION (APP.E, EX.G), BUT THEY ALLEGED ALONG WITH THE DELAWARE STATE COURTS THAT PETITIONER WAS COMPETENT DURING TRIAL BECAUSE HE TESTIFIED ON HIS OWN BEHALF AND HAD A COLLOQUY WITH COUNSEL, DESPITE NEVER HAVING A COMPETENCY HEARING BEFORE TRIAL. THIS IS IN CONFLICT THIS COURT'S DECISIONS. "DUE TO THE NUMEROUS CONSTITUTIONAL VIOLATIONS OF HIS RIGHTS, ALL PROCEDURAL BARS MUST BE WAIVED AND/OR MADE INVALID", DROPE V. MO., 420 U.S. 162 (1975); PATE V. ROBINSON, 383 U.S. 375 (1966); APPEL V. HORN, 250 F.3d 203 (3rd CIR. 2001), "A STATE CONVICTION OF A LEGALLY INCOMPETENT DEFENDANT, OR THE FAILURE OF A TRIAL COURT TO PROVIDE AN "ADEQUATE COMPETENCY HEARING" IS A VIOLATION OF DEFENDANT'S 14TH AMENDMENT DUE PROCESS RIGHT TO A FAIR TRIAL". COUNSEL WAS INEFFECTIVE FOR MANY REASONS EXPLAINED THIS PETITION, WHICH VIOLATED PETITIONER'S 6TH AND 14TH AMENDMENT RIGHTS IN ACCORDANCE WITH THIS COURT'S 2 PRONG STANDARDS FOR INEFFECTIVE ASSISTANCE OF COUNSEL DECIDED IN STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984), "(1) COUNSEL'S PERFORMANCE FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS AND (2) COUNSEL'S PERFORMANCE RESULTED IN A UNRELIABLE AND/OR FUNDAMENTALLY UNFAIR OUTCOME OF THE PROCEEDINGS."

THE U.S COURT OF APPEALS FOR THE THIRD CIRCUIT ABUSED THEIR DISCRETION BY AFFIRMING THE DELAWARE DISTRICT COURT'S DECISION ALLEGING PETITIONER'S CLAIMS WERE PROCEDURALLY BARRED, THEN DENYING HIS MOTION PURSUANT TO F.R.C.P. RULE 60(b)(6) AND RULE 60(d)(3) AND DECLINING TO ISSUE A COA. PETITIONER

PRESENTED HIS COA TO THE THIRD CIRCUIT CONTAINING 9 GROUNDS. THIS AMENDED COA IS TOO VOLUMINOUS TO EXPLAIN IN DETAIL. PLEASE SEE ATTACHED AMENDED COA IN APPENDIX D? BOTH THE DELAWARE DISTRICT COURT AND U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT MADE MANY DECISIONS IN CONFLICT WITH THEIR OWN THIRD CIRCUIT DECISIONS, DECIDED MANY DECISIONS IN CONFLICT WITH THIS COURT'S DECISIONS AND IN CONFLICT WITH THE UNITED STATES CONSTITUTION.

THE DELAWARE DISTRICT COURT TIME-BARRED PETITIONER'S 2015 AMENDED HABEAS PETITION ALLEGING HIS TIME DID NOT TOLL WHILE HIS APPEAL WAS PENDING IN DELAWARE SUPREME COURT, BECAUSE HIS APPEAL WAS DENIED. PETITIONER STATED HE BELIEVED SINCE HIS FIRST HABEAS PETITION WAS "DISMISSED WITHOUT PREJUDICE" FOR FAILING TO EXHAUST STATE REMEDIES FOR HIS PENDING APPEAL IN DELAWARE SUPREME COURT, THAT HE HAD TO WAIT FOR HIS APPEAL TO BE DECIDED AND HIS AMENDED HABEAS PETITION WOULD BE TIMELY BECAUSE HE BELIEVED HIS TIME TOLLED TOWARDS HIS AMENDED HABEAS PETITION WHILE PENDING IN DELAWARE SUPREME COURT. "PETITIONER DID NOT KNOW" IF HIS APPEAL WAS DENIED, HE WOULD BE TIME-BARRED BECAUSE HIS TIME WOULD NOT TOLL TOWARDS HIS AMENDED HABEAS PETITION. THE DELAWARE DISTRICT COURT "ERRONEOUSLY STATED" IN THEIR 2015 FINAL JUDGMENT THAT, "GIVEN THE WELL ESTABLISHED PRINCIPLE THAT A PRISONER'S "IGNORANCE" OF THE LAW AND "LACK OF LEGAL KNOWLEDGE" DOES NOT EXCUSE HIS FAILURE TO MAKE A PROMPT AND TIMELY FILING". SEE (APP. C). THIS COURT DECIDED IN BUCK V. DAVIS, 580 U.S. 759 197 2 Ed 2d 1 (2017), DETAILS AN INTERVENING CHANGE OF CONTROLLING LAW THAT OCCURRED IN 2012 BEFORE THE DELAWARE DISTRICT COURT'S 2015 FINAL JUDGMENT THAT WAS AVAILABLE TO THE DISTRICT COURT IN 2015, BUT WAS NOT AVAILABLE TO PETITIONER UNTIL RECENTLY IN THE FINDINGS IN BUCK V. DAVIS (2017), THAT THIS COURT ASSERTS, "IN 2012, JUDICIAL PRECENT MODIFIED THE UNQUALIFIED STATEMENT IN CASE LAW THAT AN ATTORNEY'S "IGNORANCE" OR "INADVERTENCE" IN POST-CONVICTION PROCEEDINGS DOES NOT QUALIFY AS CAUSE TO EXCUSE PROCEDURAL DEFAULT. WHEN A STATE FORMERLY LIMITS THE

ADJUDICATION OF CLAIMS OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL TO COLLATERAL REVIEW, A PRISONER MAY ESTABLISH CAUSE FOR PROCEDURAL DEFAULT IF: "(1) THE STATE DID NOT APPOINT COUNSEL IN INITIAL-REVIEW COLLATERAL PROCEEDINGS, OR APPOINTED COUNSEL WAS INEFFECTIVE UNDER STRICKLAND. (2) THE UNDERLYING CLAIM IS A SUBSTANTIAL ONE, WHICH TO SAY THAT THE CLAIM HAS SOME MERIT." THE DELAWARE DISTRICT COURT ERRED IN 2015 FINAL JUDGMENT BY PROCEDURAL BARRING HIS HABEAS PETITION AND DECLINING HIS COA. SEE (APP. D, AMENDED COA, GROUND 5). THE DELAWARE DISTRICT ALSO ERRED FOR NOT PRECLUDING PROCEDURAL BARS IN ACCORDANCE WITH THIS COURT'S DECISION IN MARTINEZ V. RYAN, 132 S. CT. 1309 (2012). SEE (APP. D, AMENDED COA, GROUND 7).

THE STATE OF DELAWARE, THE DELAWARE DISTRICT COURT AND THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT TOTALLY IGNORED PETITIONER'S 14TH AMENDMENT DUE PROCESS RIGHTS BY IGNORING EVIDENCE PROVING HE WAS UNDER A PSYCHIATRIST'S CARE TAKING 7 DIFFERENT TYPES OF PSYCHOTROPIC MEDICATIONS (APP. E, EX. G) BEFORE "DURING" AND AFTER HIS TRIAL. THESE COURTS IGNORED NUMEROUS DECISIONS BY THIS COURT AND THE THIRD CIRCUIT'S OWN DECISIONS, PUT IN PLACE TO PROTECT DEFENDANTS THAT ARE MENTALLY ILL. SEE DROPE V. MO., 420 U.S. 162 (1975); PATE V. ROBINSON, 383 U.S. 375 (1966); APPEL V. HORN, 250 F. 3d 203 (3RD CIR. 2001). THESE DECISIONS ARE IN CONFLICT WITH THE DELAWARE STATE COURT, THE DELAWARE DISTRICT COURT AND THE THIRD CIRCUIT'S ASSESSMENT OF PETITIONER'S COMPETENCY, "BY ASSUMING" HE WAS COMPETENT "DURING TRIAL" BECAUSE HE TESTIFIED, AND HAD A COLLOQUY WITH COUNSEL AND THE JUDGE DURING TRIAL. THIS IS IN BLATANT VIOLATION OF HIS 14TH AMENDMENT DUE PROCESS RIGHT TO A FAIR TRIAL.

IN ADDITION, PETITIONER'S TRIAL COUNSEL WAS GROSSLY INEFFECTIVE BEFORE, DURING AFTER HIS TRIAL IN ACCORDANCE WITH THIS COURT'S DECISION IN STRICKLAND V. WASHINGTON, 466 U.S. 668, 688 (1984), WHICH VIOLATED HIS 6TH AND 14TH AMENDMENTS RIGHTS. THE PROSECUTION WAS GIVEN FREE REIN TO VIOLATE PETITIONER'S

14TH AMENDMENT DUE PROCESS RIGHT TO A FAIR TRIAL AND VIOLATED HIS 6TH AMENDMENT RIGHT TO CONFRONT THE WITNESSES AGAINST HIM EFFECTIVELY BY THEIR PROSECUTORIAL MISCONDUCT IN CONFLICT WITH THIS COURT'S DECISIONS IN, SEE YOUNG V. U.S. 470 U.S. 1 (1985); JENCKS V. U.S., 353 U.S. 657, 1 LED 2d 1105, 77 S.CT 1007 (1957); GIGLIO V. U.S., 405 U.S. 150, 31 LED 104, 92 S.CT. 763 (1972). WITHOUT EFFECTIVE COUNSEL FOR PETITIONER'S TRIAL OR COUNSEL FOR HIS FIRST (INITIAL) OR ANY OF HIS STATE OR FEDERAL POST-CONVICTION COLLATERAL PROCEEDINGS, PETITIONER DID NOT KNOW HOW TO EFFECTIVELY PRESENT HIS CONSTITUTIONAL VIOLATIONS, OR EFFECTIVELY PRESENT HIS ACTUAL INNOCENCE TO THE COURTS, SEE POWELL V. ALABAMA, 287 U.S. 45, 63-69 (1932), ALONG WITH NEVER HAVING EFFECTIVE COUNSEL SINCE HE WAS CHARGED, HAVING ADVERSE EFFECT FROM TAKING 7 PSYCHOTROPIC MEDICATIONS EFFECTING HIS MEMORY, (APP. F, EX. G), PETITIONER WAS FIGHTING TO PROVE HIS ACTUAL INNOCENCE AND PROVE HIS CONSTITUTIONAL VIOLATIONS WITH BOTH HANDS TIED BEHIND HIS BACK, WITH A GAG IN HIS MOUTH. THIS VIOLATED PETITIONER'S 14TH AMENDMENT DUE PROCESS RIGHTS. THIS MADE IT IMPOSSIBLE FOR HIM TO RECEIVE JUSTICE, LEAVING AN ACTUALLY INNOCENT MAN IMPRISONED.

PETITIONER PRESENTED NEWLY DISCOVERED EVIDENCE AND "EVIDENCE ON THE RECORD" TO THE DELAWARE DISTRICT COURT, NO. 11-1115-CFC ON JULY 16, 2021 IN A MOTION TO REOPEN HIS AMENDED HABEAS PETITION PURSUANT TO F.R.C.P. RULE 60(b)(6) AND/OR RULE 60(d)(3), SEE (APP. F, AMENDED COA). PETITIONER ASSERTS HIS RULE 60(b)(6) MOTION MEETS THE REQUIREMENTS TO RE-OPEN HIS HABEAS PETITION DUE TO "EXTRAORDINARY CIRCUMSTANCES" IN ACCORDANCE WITH THIS COURT'S DECISION IN GONZALEZ V. CROSBY, 545 U.S. 524, 535 125 S.CT 2641, 162 LED 480 (2005) AND UNDER RULE 60(d)(3) FRAUD ON THE COURT (FALSE EVIDENCE) BY THE STATE'S 3 MAIN WITNESSES AGAINST PETITIONER (SP, MP + CG), WHICH "SUBVERTED THE INTEGRITY OF THE COURT ITSELF SO THAT THE JUDICIAL MACHINERY CANNOT PERFORM IN THE USUAL MANNER ITS IMPARTIAL TASK OF ADJUDGING THAT PRESENTED FOR ADJUDICATION", IN ACCORDANCE WITH HOBBS V. POWELL, 2009 WL 1975452 at 3 (D. DEL. 2009).

NEWLY DISCOVERED EVIDENCE THAT "RELATES BACK" SHOWS THAT THE STATE'S 3 MAIN WITNESS AGAINST PETITIONER (SP, MP+CG), INTENTIONALLY COMMITTED FRAUD ON THE COURT BY INTENTIONALLY GIVING "FALSE EVIDENCE" TO THE COURT AND JURY, WHICH CAUSED "A DEFECT IN THE INTEGRITY OF THE TRIAL PROCEEDINGS". THIS DEFECT IN THE TRIAL CAUSED A "CHAIN REACTION" OF ERRORS OF FACTS AND LAWS THAT SATUATED THE ENTIRE HABEAS PROCEEDINGS CAUSING "A DEFECT IN THE INTEGRITY OF THE HABEAS PROCEEDINGS" TO GRANT RELIEF IN ACCORDANCE WITH THIS COURT'S DECISION IN GONZALEZ V. CROSBY, 545 U.S. 524, 535, 125 S.Ct. 2641 162 LED 480 (2005). THESE ERRORS OF FACTS AND LAWS ARE SO VOLUMINOUS IN PETITIONER'S HABEAS PROCEEDINGS, THAT THESE ERRORS OF FACTS AND LAWS SPILLED OUT ONTO THE DISTRICT COURT'S ORDER ITSELF DENYING "ANTHONY WHITE'S (NOT BRUCE WOOD'S) 2015 HABEAS PETITION NO: 11-1115-GMS, ON THE DISTRICT COURT'S DOCKET ENTRY D.I 60 STATES, A HABEAS PETITION IS DENIED, BUT NO NAME IS MENTIONED, AND ONLY MENTIONED BRUCE WOOD'S NAME AS BEING DENIED TO ISSUE A COA. THE DISTRICT COURT'S ORDER DENYING "ANTHONY WHITE'S" HABEAS PETITION UNDER BRUCE WOOD'S NAME AND CASE NUMBER WAS NEVER CORRECTED ACCORDING TO THE DISTRICT COURT'S DOCKET D.I. 1 THRU 122, SEE (APP.C). IT APPEARS BRUCE WOOD'S AMENDED HABEAS PETITION WAS NEVER OFFICIALLY AND/OR LEGALLY DENIED AND CLOSED BY A DISTRICT COURT JUDGE AND SIGNATURE. IS THIS ORDER VOID PURSUANT TO F.R.C.P. RULE 60(b)(4)? IS PETITIONER'S AMENDED HABEAS PETITION STILL OPEN? IS THIS IN VIOLATION OF HIS DUE PROCESS RIGHTS AND/OR ENTITLED TO SOME FORM OF REDRESS AND/OR RELIEF? CAN PETITIONER BE GRANTED A MOTION TO AMEND HIS AMENDED HABEAS PETITION PURSUANT TO F.R.C.P. 15(c) "RELATES BACK" AMENDMENTS TO CORRECT CLEAR ERRORS OF FACTS AND LAWS WITH EVIDENCE IN HIS AMENDED COA (APP.D), NEWLY DISCOVERED EVIDENCE IN (APP.E, EX. AA) AND (APP.F)?

AT FIRST GLANCE, THIS APPEARS TO BE A HARMLESS ERROR IN PETITIONER'S 2015 HABEAS FINAL JUDGMENT ORDER. A HARMLESS ERROR WOULD BE IF THE

DISTRICT COURT STATED, "BRUCE WHITE" OR "ANTHONY WOOD" TO LET THE READER KNOW THE COURT'S INTENT. THIS BECOMES EVEN MORE PROBLEMATIC WHEN THE DISTRICT COURT USES "WHITE'S" NAME IN PETITIONER'S 2015 MEMORANDUM PAGE 15 (APP. C). ANTHONY WHITE IS NOT PETITIONER'S CO-DEFENDANT, HE DOES NOT KNOW ANTHONY WHITE AND NO COURT DECISIONS WERE CITED PERTAINING TO ANTHONY WHITE. IT LEAVES ONE TO INFER THAT THE DISTRICT COURT JUDGE WAS WORKING ON AND/OR DECIDING ON MULTIPLE CASES AT THE SAME TIME AS HE PROBABLY DID FROM TIME TO TIME. BUT FOR ONE REASON OR THE OTHER, THIS TIME THE JUDGE ACCIDENTLY INTERTWINED BRUCE WOOD'S AND ANTHONY WHITE'S CASES. THIS QUESTIONS THE INTEGRITY OF PETITIONER'S FINAL JUDGMENT/ORDER OF HIS DENIED 2015 AMENDED HABEAS PETITION AND HIS HABEAS PROCEEDINGS. SEE. (APP. D, AMENDED COA GROUND 1).

THE DELAWARE DISTRICT COURT INFERS PETITIONER'S 60(b) MOTION IS A SECOND OR SUCCESS HABEAS PETITION, BECAUSE HE HAS ASSERTED HIS ACTUAL INNOCENCE ON OTHER PETITIONS. PETITIONER PRESENTED NO NEW CONSTITUTIONAL CLAIMS. JUST NEWLY DISCOVERED EVIDENCE PROVING CLEAR ERRORS OF FACTS AND LAWS, AND FRAUD ON THE COURT, WHICH ALSO INFERS HIS ACTUAL INNOCENCE. TO PETITIONER'S KNOWLEDGE, ACTUAL INNOCENCE IS NOT CONSIDERED A SECOND OR SUCCESSIVE HABEAS PETITION BY ITSELF. PETITIONER ARGUED HIS AMENDED PETITION WAS NOT TIME-BARRED DUE TO HIS ACTUAL INNOCENCE AND OTHER FACTORS EXPLAINED IN DETAIL IN HIS AMENDED COA (APP. D). THIS COURT DECIDED IN GONZALEZ V. CROSBY, 545 U.S. 524 125 S.Ct. 2641 (2005), "A MOTION FOR RELIEF FROM JUDGMENT, CHALLENGING ONLY THE DISTRICT COURT'S PRIOR RULING THAT THE HABEAS PETITION WAS TIME-BARRED, WAS NOT EQUIVALENT OF A SECOND OR SUCCESSIVE HABEAS PETITION. MAX'S SEAFOOD CAFÉ V. QUINTEROS (3RD CIR. 1995)(CITING NORTH RIVER INS. CO. (3RD CIR. 1995; HARCO CORP. V. ZOTRICKI, 799 F.2d (3RD CIR. 1999), " A COURT MAY GRANT A MOTION FOR RECONSIDERATION IF MOVING PARTY SHOWS THE FOLLOWING: (1) A INTER-

VENING CHANGE OF CONTROLLING LAW; (2) THE AVAILABLE OF NEW EVIDENCE THAT WAS NOT AVAILABLE WHEN THE COURT USE ITS ORDER; OR (3) THE NEED TO CORRECT CLEAR ERRORS OF FACTS AND LAWS OR TO PREVENT A MISCARRIAGE OF JUSTICE". PETITION MEETS THE REQUIREMENTS FOR RELIEF UNDER (2),(3) AND MAYBE (1), BUT THE DELAWARE DISTRICT COURT AND THE U.S. COURT APPEALS FOR THE THIRD CIRCUIT ERRONEOUSLY DENIED PETITIONER RELIEF.

NEWLY DISCOVERED EVIDENCE PROVES THAT DESPITE THE LOWER COURTS ALLEGING PETITIONER WAS COMPETENT DURING TRIAL WITHOUT HAVING A COMPETENCY HEARING BEFORE TRIAL (IN VIOLATION OF HIS 14TH AMENDMENT RIGHTS), HE SUFFERED FROM MEMORY LOSS DURING TRIAL PREVENTING HIM FROM REMEMBERING IMPORTANT FACTS AND EVIDENCE TO EFFECTIVELY DEFEND HIMSELF DURING TRIAL, WHICH LED TO HIS CONVICTION. (APP.E, EX.F) SHOWS THE MEDICAL FACTS ABOUT "CELEXA", ONE OF THE 7 PSYCHOTROPIC MEDICATIONS PETITIONER WAS TAKING DURING TRIAL THAT CAUSES MEMORY LOSS. SEE (APP.E, EX.G). IN ADDITION, THERE IS NO WAY OF KNOWING WHAT OTHER ADVERSE EFFECTS WERE TRIGGERED BY COMBINING THESE 7 DIFFERENT TYPES OF PSYCHOTROPIC MEDICATIONS WITHOUT HOLDING A COMPETENCY HEARING. PETITIONER TOLD COUNSEL HE WAS HAVING TROUBLE CONCENTRATING AND REMEMBERING THINGS BEFORE TRIAL. PETITIONER HAD TO HAVE QUESTIONS REPEATED DURING TRIAL, BECAUSE OF HIS PROBLEMS CONCENTRATING. PETITIONER WAS FALLING ASLEEP AND SLURRING HIS WORDS DURING TRIAL. THESE PSYCHOTROPIC MEDICATIONS MADE IT IMPOSSIBLE TO PRESENT AN EFFECTIVE POST-CONVICTION MOTION/PETITION IN STATE OR FEDERAL COURTS AS A PRO SE INMATE AND NEVER HAD COUNSEL FOR HIS FIRST OR ANY COLLATERAL PROCEEDINGS IN CONFLICT WITH THIS COURT'S DECISIONS TO PRECLUDE PROCEDURAL BARS WHEN COUNSEL WAS INEFFECTIVE OR DID NOT HAVE COUNSEL IN FIRST COLLATERAL PROCEEDINGS, IN ACCORDANCE WITH BUCK V. DAVIS, 580 U.S. 137 S.CT. 799 197 2Fd 2d 1 (2017) AND IN THIS COURT'S DECISION IN MARTINEZ V. RYAN, 137 S.CT. 1309 (2012).

OVER THE YEARS OF BEING WITHOUT ALL BUT ONE OF HIS 7 PSYCHOTROPIC MEDICATIONS, PETITIONER HAS REGAINED MOST OF HIS MEMORY AND HAS LEARNED SOMETHING ABOUT THE LAW. THIS HAS ENABLED HIM TO READ OVER RECORDS, STATEMENTS AND TRIAL TRANSCRIPTS WITH SOME LEGAL KNOWLEDGE TO FIND AND RECOGNIZE NUMEROUS CONSTITUTIONAL VIOLATIONS, ERRORS OF FACTS AND LAWS LIES, INCONSISTENCIES AND CONTRADICTIONS OF HIS GUILT, INFERRING HIS ACTUAL INNOCENCE. DOING THIS HAS ENERGIZED PETITIONER'S MEMORY TO PROVE "THE TRUTH" OF WHAT REALLY HAPPENED SUPPORTED BY THE "EVIDENCE ON THE RECORD", AS SHOWN ON AFORE MENTIONED PAGES 11-18. ALSO, PETITIONER HAS PRESENTED NEWLY DISCOVERED EVIDENCE THAT WAS NOT AVAILABLE UNTIL RECENTLY, AND AFTER HIS AMENDED HABEAS PETITION WAS DENIED ON JANUARY 22, 2015. AS MENTIONED IN PREVIOUS PAGES 19-22, THE PROSECUTION REVEALED INCRIMINATING TESTIMONIES/EVIDENCE FOR THE "FIRST TIME IN TRIAL" BY THE STATE'S 3 MAIN WITNESSES (SP, MP+CG) AGAINST PETITIONER THAT BLINDSIDED COUNSEL, BECAUSE THE INFORMATION THAT WAS IN THESE TESTIMONIES WAS NOT ON DISCOVERY RULE 16 BEFORE TRIAL, SO COUNSEL COULD NOT INVESTIGATE AND FIND REBUTTAL EVIDENCE BEFORE TRIAL TO EFFECTIVELY CONFRONT THE WITNESSES AGAINST PETITIONER IN TRIAL AS GUARANTEED BY THE 6TH AMENDMENT. THIS IS ALSO IN CONFLICT WITH THIS COURT'S DECISION IN U.S. V. JENCKS, 353 U.S. 657, 77 S.Ct. 1007 (1957).

THIS NEWLY DISCOVERED EVIDENCE COULD NOT HAVE BEEN PRESENTED UNTIL RECENTLY BECAUSE THIS EVIDENCE DID NOT BECOME RELEVANT UNTIL TRIAL, WHEN IT WAS FIRST HEARD BY THE DEFENSE AND MOST OF THE EVIDENCE WAS NOT AVAILABLE UNTIL RECENTLY. PETITIONER HAS JUST BECOME LUCID (REGAINED HIS MEMORY) ENOUGH TO REMEMBER, RECOGNIZE AND PRESENT HIS CLAIMS AND EVIDENCE ADEQUATELY ENOUGH, AFTER NEVER HAVING COUNSEL TO PRESENT FIRST OR ANY OF HIS COLLATERAL PROCEEDINGS AND NEVER HAVING EFFECTIVE COUNSEL DURING HIS TRIAL. NEWLY DISCOVERED EVIDENCE IS REBUTTAL/EXCULPATORY EVIDENCE FOR PETITIONER'S DEFENSE OF THE TESTIMONIES/EVIDENCE OF THE 3 MAIN WITNESSES (CG, SP+MP) PRESENTED

FOR THE "FIRST TIME IN TRIAL", NOT ON DISCOVERY BEFORE TRIAL THAT WAS SUPPRESSED /UNDISCLOSED UNTIL TRIAL BY THE PROSECUTION IN VIOLATION TO PETITIONER'S 14TH AMENDMENT DUE PROCESS RIGHT TO FAIR TRIAL (JENKS VIOLATION). PETITIONER'S REBUTTAL/EXCULPATORY EVIDENCE TO COULD HAVE DISPROVED THE PROSECUTION'S UNDISCLOSED TESTIMONIES/EVIDENCE INCLUDES, BUT IS NOT LIMITED TO, IN SHORT, (1) NEW EVIDENCE (APP. F, EX. A) ARE PRISON MEDICAL RECORDS PROVING PETITIONER WAS DIAGNOSED WITH GENITAL WARTS BY A PRISON DOCTOR. (2) NEWLY DISCOVERED EVIDENCE (APP., EX. B) ARE MEDICAL FACTS ABOUT GENITAL WARTS STATE THAT THEY ARE "HIGLY CONTAGIOUS", OTHER RECORDS PROVE PETITIONER HAD THESE GENITAL WARTS THE ENTIRE TIME CG AND SP ALLEGE THEY HAD "UNPROTECTED" SEX WITH PETITIONER FOR 3 AND 5 YEARS, BUT NEITHER CG NOR SP CONTRACTED THESE HIGHLY CONTAGIOUS GENITAL WARTS. THIS WOULD BE IMPOSSIBLE AND IN ITSELF INFERS PETITIONER'S ACTUAL INNOCENCE (3) NEW EVIDENCE (APP. F, EX. C) IS DW'S AFFIDAVIT WHO IS PETITIONER'S SON AND IN THE U.S. NAVY WITH SON AND MARRIED. DW SWEARS HE LIVED WITH PETITIONER, SP AND MP, HE SWEARS SP WAS NEVER LOCKED IN PETITIONER'S BEDROOM WITH HIM OR WITNESSED HIM DO ANYTHING INAPPROPRIATE WITH SP, AS SHE TESTIFIED IN TRIAL THAT DW WITNESSED. DW ALSO SWEARS TO MP'S (SP'S MOTHER) MENTAL INSTABILITY AND OTHER FALSE TESTIMONY SP SAID IN TRIAL TO THE JURY. COUNSEL FAILED TO SUBPOENA DW FOR TRIAL (4) NEWLY DISCOVERED EVIDENCE (APP. F, EX. D) ARE PETITIONER'S RECORDS FROM MEADOWWOOD BEHAVIORAL HOSPITAL PROVING HE WAS IN MEADOWWOOD ALL DAY AND ALL NIGHT ON OCTOBER 30, 2005 AND LEFT MEADOWWOOD IN THE AFTERNOON OF OCTOBER 31, 2005. SP TESTIFIED FOR THE "FIRST TIME IN TRIAL", NOT ON DISCOVERY, THAT PETITIONER HAD SEX WITH HER ALL DAY AND ALL NIGHT ON OCTOBER 30, 2005 AND DRUGGED HER MOTHER'S (MP) COFFEE, SO SP AND PETITIONER COULD CONTINUE HAVING SEX WHEN MP FELL ASLEEP ON THE COUCH. MP TESTIFIED SHE TOLD PETITIONER TO GO GET MENTAL HELP BECAUSE HE WAS HAVING A MENTAL BREAKDOWN, BUT "REFUSED TO GO" ON OCTOBER 30, 2005. OCTOBER 30, 2005 IS THE ONLY

SPECIFIED DATE BY SP OR CG THAT WAS ALLEGED PETITIONER HAD SEX WITH EITHER OF THEM, AND PETITIONER WASN'T EVEN THERE ON OCTOBER 30, 2005 ALL DAY AND ALL NIGHT (ALIBI EVIDENCE). (5) NEWLY DISCOVERED EVIDENCE (APP. F, EX. J) ARE LETTERS DIRECTLY FROM THE LOWE'S CORPERATE OFFICE STATING PETITIONER NOR HIS BUSINESS "NEVER" WORKED OR SUBCONTRACTED FOR LOWE'S. DETECTIVE GREER INVESTIGATED ALL 3 MOTELS SP ALLEGED PETITIONER HAD SEX WITH HER IN. ALL 3 MOTELS STATED PETITIONER NOR HIS BUSINESS "NEVER" STAYED OR DID ANY WORK FOR ANY OF THESE 3 MOTELS. ONE MOTEL SAID THEY HAD THEIR CARPET WORK DONE BY LOWE'S. DETECTIVE GREER TESTIFIED "FOR THE FIRST TIME" IN TRIAL (NOT ON DISCOVERY) THAT MP (SP'S MOTHER) TOLD HIM PETITIONER DID WORK FOR LOWE'S. MP KNEW PETITIONER NEVER WORKED FOR LOWE'S, BUT SAID THIS TO PLACE HIM AT THE SCENE OF THE ALLEGED CRIME TO SUPPORT HER DAUGHTER'S (SP) FALSE SEXUAL ALLEGATIONS AGAINST HIM TO PREVENT HIM FROM GETTING FULL CUSTODY OF THEIR 2 YEAR OLD DAUGHTER DP. (6) SP TESTIFIED FOR THE "FIRST TIME IN TRIAL" (NOT ON DISCOVERY) THAT PETITIONER AND HER SMOKED CRYSTAL METH TOGETHER WHILE HAVING SEX. SP STATED BEFORE TRIAL SHE TRIED PAINKILLERS AND XANAX, AND GOT REALLY BAD, SO SHE STOPPED BECAUSE THERE WAS A LOT OF THINGS SHE WANTED TO DO WITH HER LIFE, SO SHE STAYED AWAY FROM DRUGS, SP THEN TESTIFIED IN TRIAL THAT NOT ONLY DID SHE SMOKE CRYSTAL METH WITH PETITIONER, SHE GOT HOOKED AND BOUGHT CRYSTAL METH ON HER OWN. "IT IS APPARENT, THAT SP WAS MAKING THINGS UP AS SHE WENT IN TRIAL, AS A COMPULSIVE LIAR DOES, AND THE PROSECUTION KNEW THIS". (7) THE "EVIDENCE ON THE RECORD" PROVES CG'S SEXUAL ALLEGATIONS CANNOT BE TRUE BY HER OWN TESTIMONY IN TRIAL. SEE (APP. D, AMENDED COA, PAGE 17). DETAILS OF ACTUAL INNOCENCE AND FRAUD ON THE COURT, SEE (APP. E, F, D). "THE TRUTH NEVER CHANGES". THE "EVIDENCE DOESN'T LIE. PEOPLE LIE." THE DOZENS INCONSISTENCIES, CONTRADICTIONS AND LIES (PERJURY?) WOULD NOT EXIST IN THE STATE'S WITNESSES' (SP, MP+GG) TESTIMONIES AGAINST PETITIONER

WITHOUT HIM BEING ACTUALLY INNOCENT." THE INCONSISTENCIES IN A VICTIM'S DIRECT TESTIMONY CAN BE USED TO PROVE DEFENDANT IS ACTUALLY INNOCENT," MURRAY V. CARRIER, (1986)." A CONVICTION CANNOT STAND WHEN BASED ON FALSE EVIDENCE", AND" FALSE EVIDENCE GOES ON TO WITNESS'S CREDITABILITY, A CONVICTION MUST BE SET ASIDE," GIGLIO V. U.S. (1972); SEE HASKELL V. SUPERINTENDENT GREEN SCI, NO. 15-3437 (3RD CIR. 2017). THE EVIDENCE SHOWS THAT THE STATE'S WITNESSES (SP, MP, CG) GAVE FALSE EVIDENCE INTENTIONALLY TO COMMIT "FRAUD ON THE COURT" TO GRANT RELIEF UNDER F.R.C.P. RULE 60(B)(3) IN ACCORDANCE WITH FAHIE V. PENNSYLVANIA, 833 F. APP'X 712, 713 (3RD CIR. 2020), AND TO CORRECT CLEAR ERRORS OF FACTS AND LAWS, AND TO PREVENT AN MANIFEST INJUSTICE UNDER F.R.C.P. RULE 60(B)(6) AND IN ACCORDANCE WITH HARCO V. ZOTALICH, (3RD CIR. 1999) AND TO GRANT A COA. EVEN IF THERE WERE PROCEDURAL BARS, THE EVIDENCE PROVES PETITIONER'S ACTUAL INNOCENCE, SO ALL PROCEDURAL BARS SHOULD HAVE BEEN PRELUDED IN ACCORDANCE WITH MCQUIGGIN V. PERKINS, (2013)," WE HAVE APPLIED THE MISCARRIAGE OF JUSTICE EXCEPTIONS TO OVERCOME VARIOUS PROCEDURAL BARS, WHICH INCLUDE A SUCCESSIVE PETITION, ASSERTING PREVIOUSLY REJECTED CLAIMS IN A SECOND PETITION, FAILURE TO DEVELOP FACTS IN STATE COURTS AND FILING DEADLINES". SHOULD PETITIONER'S (PRO SE) CONVICTION BE OVERTURNED OR BE PERMITTED TO REOPEN HIS HABEAS PETITION PURSUANT TO F.R.C.P. RULE 60(B)(6) AND/OR RULE 60(B)(3) AND/OR BE GRANTED, WHEN EVIDENCE PROVES HE SUFFERED FROM MEMORY LOSS FROM 7 PSYCHOTROPIC MEDICATIONS DURING TRIAL WITHOUT A COMPETENCY HEARING AND NEVER HAVING EFFECTIVE COUNSEL DURING TRIAL OR FOR ANY COLLATERAL PROCEEDINGS, WHEN PROCEDURAL BARS PRECLUDE HIM FROM ASSERTING HIS CONSTITUTIONAL RIGHTS AND ACTUAL INNOCENCE WHEN HE BECAME LUCID? MURRAY V. CARRIER, SUPRA," IT IS NEVER TOO LATE FOR THE COURTS IN HABEAS PROCEEDINGS TO LOOK STRAIGHT THROUGH PROCEDURAL SCREENS IN ORDER TO PREVENT FORFEITURE OF LIFE AND LIBERTY IN FLAGRANT DEFIANCE OF THE CONSTITUTION. S. CT. U.S. V. KENNEDY, 157 F.2d 811, 813." PERHAPS THERE" IS NO EXALTED JUDICAL FUNCTION. I AM WILLING TO AGREE THAT IT SHOULD NOT BE EXERCISED EXCEPT UNDER EXTRAORDINARY CIRCUMSTANCES. BUT I CANNOT JOIN IN ANY [XXX SC] OPINION THAT ATTEMPTS TO CONFINE THE GREAT WRIT WITHIN RIGID BOUNDARIES," BROWN V. ALLEN, 344 at 532-554.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bruce Wood

Date: NOVEMBER 27, 2022