

Eli Sloan

Reg. No. 49676-408

United States Penitentiary

P.O. Box 1000

Marion, IL 62959

IN THE SUPREME COURT OF THE UNITED STATES

United States of America,

Plaintiff-Appellee,

v.

Eli Sloan,

Defendant-Appellant.

) No. 22-6483

)  
) MOTION FOR RECONSIDERATION  
) IN LIGHT OF REED v. TEXAS,  
) 140 S. Ct. 686 (2020)

) PURSUANT TO RULE 44 -  
) INTERVENING CIRCUMSTANCES OF A  
) SUBSTANTIAL OR CONTROLLING  
) EFFECT OR TO OTHER SUBSTANTIAL  
) GROUNDS NOT PREVIOUSLY  
) PRESENTED

COMES NOW Eli Sloan, defendant - Appellant, Pro Se, respectfully with MOTION FOR RECONSIDERATION IN LIGHT OF REED v. TEXAS, 140 S. Ct. (2022) PURSUANT TO RULE 44 - INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.

JURISDICTION

I. The Jurisdiction of this court is invoked under 28 U.S.C. § 1254(1) - On petition for rehearing.

PETITION FOR REHEARING No. 22-6483

PURSUANT TO RULE 44

(INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING  
EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY  
PRESENTED.)

IN LIGHT OF REED V. TEXAS, 140 S. CT 686 (2020)

(EVIDENCE NEWLY PRESENTED)

GROUND: Incarceration of execution of the actually innocent  
violates the Due Process Clause of the Fourteenth Amendment.  
In light of Reed v. Texas, - Newly discovered evidence of  
evidence newly presented of accuser's recantation or retraction  
of counts 1 through 6 or crimes charged.

The defendant - Appellant has recently obtained newly  
presented direct testimony of his [false] accuser who recanted  
or retracted (all three sexual abuse...) counts 1 through 6 or  
crimes charged on the record, before a Navajo Nation District  
Judge.

NEWLY PRESENTED EVIDENCE: KY-FC-137-2020(DV)(citing KY-FC-083-  
2016(CV))(... recantation/retraction of all sexual assaults  
(x3) Counts 1 through Count 6 in No. 15-CR-08232-PCT-DLR ...).

ELI SLOAN: Now this fictitious rape that is a  
cover story she has already admitted to Judge Malcolm  
Begay in September of 2107, KY-FC-083-2106 ... From there  
she has already admitted. recanted, retracted - these  
rape allegations are false. Here today I Put these

Here today I put these polygraph in here today. I passed those polygraph four times ... She has already admitted that those are fictitious on the record before Judge Malcolm Begay. Now today she's trying to pull the wool over the eyes of these Courts. She's abusing the process. These rape allegations are false.

The above transcripts are evidence newly presented ... and In light of Reed v. Texas, 140 S. Ct 686 (2020) the defendant-appellant hereby request for reconsideration pursuant to rule 44 of this court as his grounds are limited to intervening circumstances or a substantial or controlling effect or to other substantial grounds not previously presented. In Reed v. Texas, supra, the Supreme Court recognized "incarceration or execution of the actually innocent violates due process of the Fourteenth Amendment, citing Ex Parte Elizondo, 947 S.W. 2d 202, 204-205 (Tex. Crim. App. 1994); State ex rel. [206 L. Ed. 2d 239] Holmes v. Honorable Court of Appeals for Third Dist., 885 S.W. 2d 389, 397-398 (Tex. Crim. App. 1994). See KY-FC-137-2020(DV) trial transcripts - see attachment/appendix A,B,C - hereby incorporated herein and see also post-conviction polygraph and reward flyer - Peridot Project add.

In regard to "the ends of justice application" to mandate consideration of the merits. The defendant-appellant set forth the "factual innocent test .. only applies where the petitioner is relying on the 'ends of justice' doctrine to mandate consideration [reconsideration] on the merits. See Coleman v. Saffle, 869 F. 2d 1377 (10th Cir. 1989). The defendant-appellant is relying on said doctrine to mandate reconsideration of his recantation/retraction, in light of Reed v. Texas, supra, as he is actually innocent of all six [fabricated] crimes charged.

#### CONCLUSION

To the ends of justice and to the public interest in the integrity of the judicial process and to reconsider and grant, remand, review, order, opinion for any relief deemed necessary for innocent defendant-appellant.

Respectfully submitted,

(ES) Eli Sloan 03/20/2023

PRO SE REPRESENTATION

ELI SLOAN

Reg. No. 49676-408

United States Penitentiary

P.O. Box 1000

Marion, IL 62959

ATTACHMENT/APPENDIX A,B,C

Case No. KY-FC-137-2020 (DV)

DVT\_A022\_200825\_0837.MP3

Transcribed by Eli Sloan at F.B.O.P., U.S.P.-Marion, 4500 Prison  
Road, Marion, IL 62959

Date: 02/21/2023,

1           THE COURT: What we gonna do, is weregonna address  
2 each issue and then we'll go from there. So Mr. Sloan go  
3 ahead and present your motion and explain why you're requesting  
4 the court to consider that motion.

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1 THE COURT: Objection will be overruled. You  
2 may proceed, regarding in the petition. It says uhm  
3 harass me through the court and social service. You may  
4 proceed from there, Ms. Cowboy.

5 MS. COWBOY: Okay. Yes, uhm I receive letters  
6 from the post office. I've brought letters into your  
7 court and they told me that nothing can be done about it  
8 . So I've called my advocate through the Fed's and  
9 they informed me that it has nothing to do with this  
10 case at all. So he continues to abuse me through letter  
11 writing uhm he's not even suppose to be writing at all.  
12 I know he has to submit the papers through for the court  
13 but he is talking about federal case that happened and  
14 is already been dealt with and I called the federal  
15 agency, the fed's and worried about what he is saying.  
16 They told me not to worry about him that he gonna be in  
17 the penitentiary from here on out but I still continue  
18 to hear from him through the post office and now just  
19 hearing him what he's saying, he still mentally abusing  
20 me, he's still verbally abusing me, trying to scare me  
21 just now.

22 THE COURT: Okay. Have you been threatened?  
23 Have you been threatened?

24 MS. COWBOY: I feel threatened. Yes.

25 THE COURT: How, when, were you threatened?



1 MS. COWBOY: I - like I said, I had a protection  
2 order back in - believe  
3 THE COURT: No. Recently have you been  
4 threatened?  
5 MS. COWBOY: Just through his letter writing -  
6 through letters (inaudible) but sure sending through the  
7 mail.  
8 THE COURT: What does it say? What does it say?  
9 What does the letter writing say?  
10 MS. COWBOY: I can't open it - I explained the  
11 fed told me not to even touch the letters - I can't even  
12 open it. I'll get into trouble for opening it.  
13 THE COURT: Okay.  
14 MR. SLOAN: Objection your honor. That's a  
15 blatant lie, there's no letters  
16 MS. COWBOY: I'm gona call today and speak to my  
17 advocate, let her know that this is going on right now.  
18 I'm writing down the time and date (inaudible).  
19 THE COURT: Okay. Hold on, no arguing, look,  
20 listen, we, you are in a hearing, we are in a hearing  
21 concerning both sides, we're going through the  
22 formalities. There was a motion that was presented, he  
23 wanted specific time line, it was granted. That is why  
24 I am asking you about these, these threats, these  
25 allegations that you made. You need to be more specific.

1 MR. SLOAN: Okay.

2 THE COURT: Hold on.

3 MS. COWBOY: Where he buries me under a tree. He  
4 broke my leg. I was raped. That happened October 4th &  
5 5th.

6 THE COURT: What are you asking for?

7 MS. COWBOY: I would like and request a  
8 protection order against Eli Sloan to protect me and my  
9 son, the son he denies, is his.

10 THE COURT: Anything else?

11 MS. COWBOY: No ma'am.

12 THE COURT: Respondant.

13 MR. SLOAN: Yes. May I respond?

14 THE COURT: You got a copy of the petition and  
15 herd the testimony.

16 MR. SLOAN: Yes.

17 THE COURT: Do you wish to respond?

18 MR. SLOAN: Yes.

19 THE COURT: You may.

20 MR. SLOAN: Okay. Uhm, first, I'd like to point  
21 out to the court by her own admission, that she hasn't  
22 read any such letters, of this letter she supposedly has  
23 - I just like to point out. Okay in the petition she  
24 put some dates, September 15th, 16th, and she was in  
25 jail at that time in Phoenix - Arizona but she she said

1 we were in Kayenta - she was in jail. I was living in a  
2 motel with our son and I was working and she didn't get  
3 out of jail until 30 minutes after that date she put  
4 down on the petition - If you look on that page say's  
5 September. Then the year before on the September - she  
6 was in jail in Beaver, Utah and when she was in jail on  
7 those times. I went to church with Judge Bradshaw.  
8 I'm just saying she was in jail those times, she wasn't  
9 even in Kayetna. So these allegations she makes against  
10 me are impossible, physically impossible - that's part  
11 of the reason I am asking for the where and when. I  
12 don't feel that she answered any of the when and where  
13 in the petition. I asked for the where and when. I  
14 asked for her to be specifically disposed on October 4th  
15 , 5th, 2015, from 8am and the next 24 hours. She's had  
16 plenty of time, she got the paper, she's had plenty of  
17 time to write it down. She could have submitted it  
18 today. Failing to defend the allegations. Now this  
19 fictitious rape that is a cover story she has already  
20 admitted to Judge Malcolm Begay in September of 2017,  
21 KY-FC-083-2016 (CV) or 09 2016 - I'm doing it from  
22 memory. From there she has already admitted, recanted,  
23 retracted - these rape allegations are false. Here  
24 today I put these polygraph in here today. I passed  
25 those polygraph tests four times. I took the newest

1 polygraph tests that are 92 to 100% accurate. I didn't  
2 take the Bethwell Technique. I took the more accurate  
3 technique. With full disclosure - of the polygraph test  
4 . She has already admitted that those are fictitious on  
5 the record before Judge Malcolm Begay. Now today she's  
6 trying to pull the wool over the eyes of these courts.  
7 She's abusing this process. These rape allegations are  
8 false.

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# DECEPTION DETECTION

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POLYGRAPH PROFESSIONALS  
Psychophysiological Detection of Deception  
4653 E. Pima  
Tucson, AZ 85712  
Tel: (520) 488-8890  
deceptiondetectionpolygraph.com  
deceptiondetection1@gmail.com

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Wednesday, April 19, 2017

RE: Eli Sloan  
File # SP-2017apr-0419 Sloan

On Wednesday, April 19, 2017, Eli Sloan was examined by means of the polygraph technique to determine whether or not he had forced his wife to have sex with him on October 4 & 5 of 2015.

During the pre-test interview, Eli related that he felt his wife was under pressure from her dad to lie about this event.

Eli denied forcing her to have sex at any time.

During the examination, Eli Sloan was asked the following relevant questions that he answered as indicated:

1. Between October fourth and fifth 2015, did you have sex with your wife against her will?

Answer: No

2. Did you have sex with your wife against her will between October fourth and fifth of 2015?

Answer: No

The Bi-Zone Comparison Question Technique, which is numerically scored, was utilized for this examination.

Data from the four presentations of the questions was obtained and was subject to numerical scoring.

Eli Sloan  
Page 2 of 2  
Report # SP-2017apr 0419 Sloan

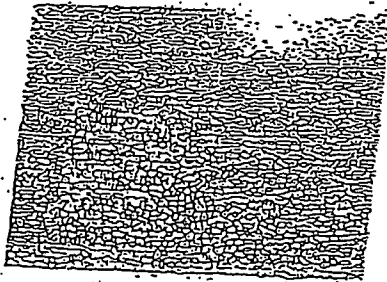
Based on the analysis, and with the information available at the time of the examination, it is the opinion of the examiner that Eli Sloan was being truthful when he answered the above listed relevant questions as noted.

It should be noted, the results of this polygraph examination, including the contents of the report, may not be altered, redacted or modified in any form without specific notification that alteration has been made from original document submitted.

This test was conducted in accordance with American Polygraph Association Standards of Practice updated January 2017.

Polygraph and polygraph test results should not supplant or replace the need for professional expertise and judgment and should not be used as the sole determinant in decision making.

Bill Reynolds  
Examiner



TRULINCS 49676408 - SLOAN, ELI - Unit: MAR-G-A

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FROM: Sloan, Emilia  
TO: 49676408  
SUBJECT: RE: Hello, "the proposed Navajo Times AD ..."  
DATE: 02/25/2023 09:21:07 PM

Thank you,

Received!!!

ELI SLOAN on 2/8/2023 3:22:17 PM wrote  
Reward Up to \$1,000.00

For information and witnesses to  
come forward concerning October 4  
& 5 of 2015. Involving Eli Sloan,  
(minor) E.E.M.C., Olivia Cowboy,  
Melinda Cowboy, Marcella Cowboy,  
Nikki D. Tallis, daughter of Nikki  
D. Tallis, Denver Nash, Justin  
Spears, Rolla McCarty, Ricky  
Todecheene (Pea Body Worker), Clerk  
at & to Eleven, Clerk at Shell  
Gas Station, Joan Reed, Christine  
Gray, Norman Key, Lelah Perish, Max  
Cowboy, Tyler Chester, Al Chester,  
Clerk at Black Mesa Store, and  
others ...

Eli Sloan has been wrongfully  
convicted and needs everyone's notarized  
declarations to prove his actual  
innocence. Please contact him at:

Eli Sloan  
Reg. No. 49676-408  
United States Penitentiary  
PO Box 1000  
Marion, IL 62959

(Remember to send your email address,  
phone #, mailing address ...)

I Also, ask everyone to join the  
"peridot Project" which is taking up  
Eli Sloan's case of actual innocence.  
Join at: URL <https://www.facebook.com/profile.php?id=100090018335739>  
Peridotproject@yahoo.com

Can you please cut and past this and ask Navajo Times how much to place this AD with a Yellow Highlight over the AD?

thank you  
uncle  
Eli