

APPENDIX

A

Order Denying Motions

Document 192

Filed 11/08/2022

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

**ZUMAR DUBOSE
ABDUSH DUBOSE
KARIEM DUBOSE**

**CRIMINAL ACTION
NO. 20-453-1-2-3**

ORDER

AND NOW, this 8th day of November, 2022, upon consideration of the Government's Motions in Limine (ECFs No. 165 & 183), and the Defendants' responses thereto (ECF Nos. 169, 170, 173, 186 & 187), **IT IS HEREBY ORDERED** that:

1. The Government's Motion to Preclude Argument Contravening the Law of the Case and Argument Blaming the Victims is **GRANTED**.
2. The Government's Motion to Admit Audio Recordings is **GRANTED**.
3. The Government's Motion to Admit Impeachment Evidence Under Federal Rule of Evidence 609 is **GRANTED IN PART** and **DENIED IN PART**.
 - a. The Motion is **GRANTED** as to Defendant Zumar Dubose's 2017 theft by unlawful taking conviction.
 - b. The Motion is **DENIED** as to Defendant Zumar Dubose's 2010 burglary conviction.

It is **FURTHER ORDERED** that Defendant Zumar Dubose's Motion filed at ECF No. 181 is **DENIED** except to the extent that it joins his Co-Defendant's Responses to the Government's Supplemental *Starks* Briefing (ECF No. 183). Defendant Zumar Dubose's letters

Order Denying Motions

Document # 153 filed 8-1-22

United States District Court
Eastern District of Pennsylvania (Philadelphia)
CRIMINAL DOCKET FOR CASE #: 2:20-cr-00453-WB All Defendants

Case title: USA v. DUBOSE, ET AL

Date Filed: 12/03/2020

Assigned to: HONORABLE WENDY
BEETLESTONE

Defendant (1)

ZUMAR HAMID DUBOSE
also known as
ZUMAR DUBOSE

represented by **ZUMAR HAMID DUBOSE**
20472-509
PHILADELPHIA
FEDERAL DETENTION CENTER
Inmate Mail/Parcels
P.O. BOX 562
PHILADELPHIA, PA 19105
PRO SE

KATHLEEN M. GAUGHAN
FEDERAL DEFENDERS OFFICE
601 WALNUT STREET
SUITE 540
PHILADELPHIA, PA 19106
215-928-1100
Email: kathleen_gaughan@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

ANGELA HALIM
Angela Halim
FOR EASTERN DISTRICT OF
PENNSYLVANIA
3580 Indian Queen Lane
Philadelphia, PA 19129
215-300-3229
Email: angiehalim@gmail.com
TERMINATED: 01/14/2021
*Designation: Public Defender or
Community Defender Appointment*

JOSEPH HOWARD
1920 FAIRFAX AVENUE
CHERRY HILL, NJ 08003
856-282-1318
Email: jhoward@jph-law.com



08/01/2022	<u>152</u>	MEMORANDUM AND/OR OPINION AS TO ZUMAR HAMID DUBOSE, ABDUSH SHAKUR DUBOSE, KARIEM BASEER DUBOSE. Signed by HONORABLE WENDY BEETLESTONE on 8/1/2022. 8/1/2022 Entered and Copies E-Mailed; Mailed to Pro Se Zumar Hamid Dubose. (ems) (Entered: 08/01/2022)
08/01/2022	<u>153</u>	ORDER AS TO ZUMAR HAMID DUBOSE, ABDUSH SHAKUR DUBOSE, KARIEM BASEER DUBOSE THAT THE SAID MOTIONS (DOC. NOS. 116, 129, 131, 132, 135, 136, 137, 138, 141, 142, 143, AND 146) ARE DENIED. IT IS FURTHER ORDERED THAT DOC. NOS. 149, 150, AND 151 ARE DENIED AS MOOT AS THEY ARE DUPLICATIVE OF DUBOSE'S PRETRIAL MOTIONS ABOVE. Signed by HONORABLE WENDY BEETLESTONE on 7/28/2022. 8/1/2022 Entered and Copies E-Mailed; Mailed to Pro Se Zumar Hamid Dubose. (ems) (Entered: 08/01/2022)
08/11/2022	<u>154</u>	Consent MOTION TO JOIN MOTIONS FILED BY CODEFENDANTS NUNC PRO TUNC (UNOPPOSED) by ABDUSH SHAKUR DUBOSE. (IBRAHIM, JEREMY) (Entered: 08/11/2022)
08/12/2022	<u>155</u>	ORDER AS TO ZUMAR HAMID DUBOSE, ABDUSH SHAKUR DUBOSE, KARIEM BASEER DUBOSE THAT ABDUSH'S REQUEST TO JOIN ANY MOTIONS PREVIOUSLY FILED BY HIS CO-DEFENDANTS IS DENIED AS MOOT AS THE COURT HAS ALREADY DENIED ALL SUCH MOTIONS IN DOC. NO. 153. ABDUSH'S REQUEST TO JOIN "FUTURE PRETRIAL MOTIONS" OF HIS CO-DEFENDANTS IS DENIED AS PREMATURE AND ABDUSH'S REQUEST TO SEVER HIS TRIAL FROM THAT OF HIS CO-DEFENDANTS IS DENIED AS MOOT AS THAT MOTION WAS ALREADY DENIED IN DOC. NO. 127. Signed by HONORABLE WENDY BEETLESTONE on 8/12/2022. 8/12/2022 Entered and Copies E-Mailed. (ems) (Entered: 08/12/2022)
09/02/2022	<u>156</u>	NOTICE OF AFFIDAVIT by ABDUSH SHAKUR DUBOSE (Attachments: # <u>1</u> Affidavit)(IBRAHIM, JEREMY) (Entered: 09/02/2022)
09/02/2022	<u>157</u>	(PRO SE) Letter as to ZUMAR HAMID DUBOSE dated 8/29/2022 re: Plea. (ems) (Entered: 09/06/2022)
09/02/2022	<u>158</u>	(PRO SE) Letter as to ZUMAR HAMID DUBOSE dated 8/30/2022 re: Pretrial Objection. (ems) (Entered: 09/06/2022)
09/06/2022	<u>159</u>	PRETRIAL MEMORANDUM by KARIEM BASEER DUBOSE (BOZZELLI, LAWRENCE) (Entered: 09/06/2022)
09/06/2022	<u>160</u>	TRIAL MEMORANDUM by USA as to ZUMAR HAMID DUBOSE, ABDUSH SHAKUR DUBOSE, KARIEM BASEER DUBOSE and Certificate of Service(KANG, JEE-EUN) (Entered: 09/06/2022)
09/06/2022	<u>161</u>	Jury Verdict Sheet as to ZUMAR HAMID DUBOSE, ABDUSH SHAKUR DUBOSE, KARIEM BASEER DUBOSE. and Certificate of Service.(KANG, JEE-EUN) (Entered: 09/06/2022)
09/06/2022	<u>162</u>	Proposed Voir Dire by USA as to ZUMAR HAMID DUBOSE, ABDUSH SHAKUR DUBOSE, KARIEM BASEER DUBOSE and Certificate of Service.(KANG, JEE-EUN) (Entered: 09/06/2022)
09/06/2022	<u>163</u>	Proposed Jury Instructions by USA as to ZUMAR HAMID DUBOSE, ABDUSH SHAKUR DUBOSE, KARIEM BASEER DUBOSE and Certificate of Service. (PROPOSED PRELIMINARY JURY INSTRUCTIONS)(KANG, JEE-EUN) (Entered: 09/06/2022)
09/06/2022	<u>164</u>	Proposed Jury Instructions by USA as to ZUMAR HAMID DUBOSE, ABDUSH

- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☒ Other (explain): 28 U.S.C. 2241 (a) (1) (3), unlawful
detection.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: United States District Court for the Eastern District of Pennsylvania(b) Docket number, case number, or opinion number: Indictment # 20-453-WB

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Order Denial of Motion to dismiss indictment 20-453-WB counts 1-17.
Order document # 192 and 153.
All pretrial motions.

(d) Date of the decision or action: Document # 192 dated 11/08/2022 and document # 153 dated 08/01/2022.

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: United States District Court for the Eastern District of Pennsylvania(2) Date of filing: 8-1-22 and 11-8-22(3) Docket number, case number, or opinion number: 20-453-WB, Document # 116, 182, 184(4) Result: Denial of motions.(5) Date of result: 8-1-22 and 11-8-22(6) Issues raised: Documents # 116, 182, 184.See Additional pages AttachedContinued "Answer to 7(a)(6)pages 1 of 1

(b) If you answered "No," explain why you did not appeal:

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

GROUND FOUR: Lack of subject-matter jurisdiction per
18 U.S.C. 3231

Indictment does not allege conduct of criminal activity or any conduct at all. Incomplete.
 (a) Supporting facts (Be brief. Do not cite cases or law.):

See Ground Four pages 10 & 11 attached

and see memorandum attached (continued)

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

NA

Request for Relief

15. State exactly what you want the court to do:

① I request this court to hold an
evidentiary hearing for the perjured testimony presented to the
Grand Jury on 12-3-20 and 8-26-21 by AUSA Kang and Knowlton
be perjured / false testimony, for due process violations.

② I request the USPS-OIG Special Agent Adam M. Greiss
perjured / false testimony before the Grand Jury on 12-3-20 and 8-26-21
be suppressed because of 18 U.S.C. 1623(a)(b)(c) violations that
substantially influenced the Grand Jury independent judgment function
to indict or not to indict the defendants at all, and with out
the perjured / false testimony the Grand Jury could not have indicted
any of the defendants.

③ I request Zumar DuBose and Abdush
DuBose to be released from the custody of the
Attorney General of the United States of America.

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④ I request dismissal of superceding Indictment
20-453-WB (E.D.Pa.) document 79 filed 8-26-21
Counts 1-17.