

No. 22-7103

FILED

MAR 12 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

George Lincoln Stanley, IV — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Fourth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

George Lincoln Stanley, IV
(Your Name)

P.O. Box 300
(Address)

Waymart PA 18472
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

The following questions are exceptional circumstances that warrants the exercise of the court's discretionary powers and adequate relief cannot be obtained in any form or from any other court:

(1) Whether Mr. Stanley's Sixth Amendment right to confront his witness was violated because the government witness officer Mendez was allowed to testify what the kidnapped victim told him about heinous conduct about the crime, which conduct was the consequence of Mr. Stanley receiving a life sentence. And was counsel ineffective for failing to use clear rebuttal evidence.

Yes See Crawford v. Washington.

(2) Was appeal and trial counsel ineffective for failing to raise that the evidence was insufficient on two elements of the kidnapping counts: (a) The victim did not travel across state lines the entire conduct happened in North Carolina; (b) Mr. Stanley did not know the purpose of the conspiracy was to kidnap Mr. Sidbury, In particular since everyone was running out the house to evade authorities.

Yes.

(3) Did the 2255 appeals court lack jurisdiction under 28 U.S.C 1291 because the merits of all the claims was not addressed by the district court And Should the Appeals court had dismissed the appeal and remand in light of Porter v. Zook, 803 F. 3d 696 (4th Cir. 2015)

Yes.

This case should be remanded to the appeals court to comply with the stated law.

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

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OTHER

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 August 26, 2022.

[] 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: 12/16/22, and a copy of the order denying rehearing appears at Appendix 6.

[] 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. § 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).

STATEMENT OF THE CASE

In 2015 Mr. Stanley was convicted by a jury of conspiracy to commit kidnapping and kidnapping. 18 U.S.C. 1201. At trial the government presented evidence that Mr. Stanley and others agreed to break in to a house and rob it. Because it had belonged to a drug dealer who was in Las Vegas. Once they entered his home the plan was foiled because of an alarm system that would not allow them to roam and search the entire house. So the next plan was to wait for the owner to come home. And upon the owner coming home and disarming the alarm system, The drug dealer was immediately subdued and threatened about the where about of his money.

However, the alarm system kept going off and the assailants believing that the cops or fire department would show up- they left the house and took the owners cars. But one of the defendants took it upon himself to grab the owner Mr. Sidbury and take him to another location to question him about the money.

Eventually Mr. Sidbury was released alive but hurt. Simultaneously the police had Mr. Sidbury under investigation and tracking devices installed on his car. The Police was also looking for Sidbury. And Sidbury walked into officer Mendez of the NC police Dept. At trial Mr. Sidbury did not testify. But Officer Mendez testified that Mr. Sidbury told him inter alia, that the assailants had beat him up and tortured him to find out about his money. Officer Mendez also stated that Mr. Sidbury told him that one of them placed or inserted a torch up his rectum. Mr. Stanley strenuously objected based on Crawford v. Washington, but the Judge allowed it anyway.

No other evidence or person supported or confirmed this testimony: (1) not the on scene paramedics; (2) The corresponding police officers

Statement of the case continues

(3) The doctors from the emergency room; (4) medical records.

Mr. Stanley was sentenced to life based off this testimony from officer Mendez.1Based on a six level enhancement for sexual exploitation.

At Sentencing Mr. Stanley's lawyer argued against the enhancement but failed to present any of the stated "1-4" rebuttal evidence. The Lawyer also failed to call Mr. Sidbury at sentencing to rebut this .

On 2255 Stanley raised claims based on the foregoing that counsel was ineffective for failing to raise the issues presented.

REASONS FOR GRANTING THE PETITION

This Court Should Grant the Writ based on
The Exceptional Circumstance Presented in the
Issues and Statement of the Case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe".

Date: 3/12/23