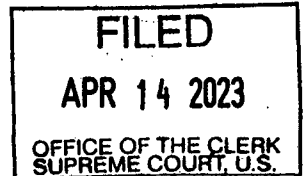


No. 22 - 7432



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Willie Glover — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District of Columbia Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Willie Glover JR. #70601-007
(Your Name)

P.O. Box 1000
(Address)

Cumberland, M.D. 21501
(City, State, Zip Code)

(301) 784-1000
(Phone Number)

QUESTION(S) PRESENTED

J. Ms Lutz,

1. In a case where the judges law clerk^K had previously served as an intern for the U.S. Attorney's Office prosecuting the case and had worked on the case, did the D.C. Court of Appeals err by treating the failure to recuse as subject to harmless error analysis, when the error of failing to recuse was STRUCTURAL IN NATURE or plain Error?
2. Was Mr. Glover's rights per Executive Order 13107 of December 10, 1998, 63 Fed. Reg. 68991 Implementation of human Rights Treaties violated?
3. On or about June 7, 2018 was Mr. Glover charged with Obstruction of justice And if so then why wasn't there a status hearing on Superseding the Indictment?
4. Was Mr. Glover prejudiced, when the courts by making it appear that case # 2015 CFI 18782 testified at trial, when physically Mr. Barbour never took the stand in front of jurors, or was there a violation of Mr. Glover's Sixth Amend. rights, when a witness on 2/14/19 was summons to appear back in court to testify (sealed)? (Government's Ex # 38)
5. Was the opinion of the Appellate court wrong for not seeing the structural error in Juror 8's answer saying he could not follow the court's instructions including the instruction to keep an open mind and not decide any issue in the case until final deliberations?
6. Was there a Crawford violation in this case?
2. Did the Superior^{court} Err by making a State criminal case into a Federal case because of the Crawford violation?

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:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4,5,6,7
REASONS FOR GRANTING THE WRIT	8
CONCLUSION	9

INDEX TO APPENDICES

APPENDIX A

UNITED STATES V. Glover No. 2016 CF1 000264 District of Columbia Court of Appeals

1. Appellate opinion Filed Feb 10, 2023 2. Order Filed March 14, 2023
3. Prese letter from appellate Glover received by Appellate court March 5, 2023

APPENDIX B 1. Judgment and commitment 2. 6/11/18 Bench Conference 3. Lloyd Hill Jrl. Trial testimony
4. Bench conference on obstruction count 5. Lloyd Hill's docket 6. Bench conference 7. Crawford Issue Identified
8. Bench conference interviews with W#6 and W#11 9. Bench conference Lloyd Hill's trial testimony

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Witek v. U.S., 144 S. Ct. 1147, 1162 (1999).	5
Crawford v. Washington 541 U.S. 36	6
Scott v. United States, 559 A.2d 745, 754 (D.C. 1989) (en banc).	7
Brady v. Maryland	5
William Gordon Crawford v. United States rev. stat. 5440 comp. 1901	6
In re D.M., 993 A.2d 535, 543 (D.C. 2010)	6

STATUTES AND RULES

28 U.S.C. 455	45
28 U.S.C. 144	5
Executive Order 13107, of December 10, 1998 63 Fed. Reg. 68991 Implementation of human Rights Treaties	38-48 Appendix B
28 U.S.C. 5440	6
28 U.S.C. 1901	6

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 _____ 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 _____ 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 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 _____ 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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: _____, 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. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was February 10, 2023.
A copy of that decision appears at Appendix A.

☐ 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

Statutes

28 U.S.C. 455

" 28 U.S.C. 5440

28 U.S.C. 144

28 U.S.C. 1901

Constitutional
violations
involved

"To the Extent that they are applicable" and the constitutional provisions set forth in the case are sixth amendment violations, Eighth Amendment violation, and Fourteenth Amendment violations.

Treaties

Executive Order 13107, December 10, 1998, 63 Fed. Reg. 68991

Implementation of human rights

STATEMENT OF THE CASE

On June 11, 2018 Mr. Glover contends that at the motion hearing held on 6/11/18, and throughout the trial process, Judge Craig Iscoe's decision making appeared to be tainted in bad faith and that prejudiced Mr. Glover during the motion hearing and at trial. Based on the "Totality" of the circumstances a reversal and or a new trial is warranted in this case because the Attorney (Thomas Heslep) in this case, was asked if recusal was requested by Counsel and defendant and the answer was "Yes." Mr. Glover was very much uncomfortable with the situation and did request that Judge Iscoe be recused from the case. Mr. Heslep stated on (Appendix B) pg. 46 Ln 1-2 of 6/11/18 Bench Conference that "I think so. I think that my client says he's not comfortable and I'm going to do that, yes." The record clearly shows on (Appendix B) pg. 45 Ln 24-25 the Courts made an offer to recuse himself, then the Court asked Attorney Heslep the question "are you seeking recusal?" and Attorney Heslep's answer was "yes." Attorney Heslep changed his stance after unequivocally stating for the record the expressed request of his client, Mr. Glover.

Additionally, on (Appendix B) pg. 39 of 6/11/18 Bench Conference the "Court" falsely states "No she (Ms. Lutz) did no work ... She never did any work on the case whatsoever." Then [again] on (Appendix B) pg. 42 Ln 1-4 ... I (Court) view that as minimal issue, if any, because she didn't have any conversations. She (Ms. Lutz) did no work on the case; then immediately contradicts itself (the Court) again by stating on (Appendix B) pg. 42 Ln 14-16 "She heard, you know, the names of the cases at trial. She (Ms. Lutz) said something like oh, I worked on that or I know that or something..." The fact that the Court made such obviously false assertions shows that [if] the Court deemed it appropriate to "conceal" Ms. Lutz involvement, then the bias is all too apparent. When asked the first time on (Appendix B) pg. 43 Mr. Glover said he (Mr. Glover) is not comfortable with the situation which shows Mr. Glover was aware that something strange was taking place.

The Court, after this manifest "partiality" stated: "I don't believe that recusal is required under the code of Judicial Conduct [28 U.S.C. §455] Partiality in any Judge or the appearance will serve to disqualify them from a case. See (Appendix B) pg. 46 Ln 22-23 Citing Liteky v. United States, 144 S.ct. 1147, 1162 (1994).

Mr. Glover asserts that 28 U.S.C. §455 has been "defined in practice" by the Supreme Courts of the United States and several circuits. The aforesaid violates Mr. Glovers International rights and due process rights of the United States Constitution's Fifth Amendment, Sixth Amendment, et al.

Mr. Heslep showed a great deal of bias and ineffectiveness by not citing the code of Judicial Conduct 28 U.S.C. §144. A reasonable Attorney would have done so. Judge Iscoe did not recuse himself from the case despite the clear conflict of interest. Counsel knew that his client, Willie Glover Jr., disagreed to the terms of what was taking place and Mr. Glover suggested that a motion be filed under 28 U.S.C. §144, to no Avail. Mr. Glover was clearly prejudiced during the pretrial/trial proceedings because if given a hearing for recusal, the result of the Courts determinations may have been different pertaining to objections, excludable evidence and more. That in turn may have affected the outcome of the case. And the work Ms. Lutz did on the case (quashing a motion pertaining to civilian witnesses identities) was substantive in this case, Witness #6 (Lloyd Hill Jr.,) and Witness #11 (James Connors) f'. See (Appendix B) pg. 59 Ln 1-18, see (Appendix B) pg. 61 Ln 16-19, see pg. 61 Ln 24-25 and (Appendix B) pg. 62 Ln 1-9. Ms Lutz' work on the case stopped Mr. Glover from knowing who James Connors (Witness #11) was, it also stopped Mr. Glover from seeing the redacted discovery letter at pretrial.

f' The lower Court (District of Columbia Court of Appeals) stated in footnote 5 pg. 8 Lloyd Hill's identity as Witness #11 was disclosed to the defense during pretrial discovery, but what was not disclosed was on (Appendix B) pg. 63-64, the government never turned over the requested unredacted discovery which also was mentioned during Lloyd Hill Jr.'s Trial testimony (Appendix B) pg. 65 Ln 16-19. citing Brady v. Maryland

Mr. Hill aka James Connors attended a competency voir dire hearing during pretrial, which is relevant to this claim. On June 7, 2018, Mr. Hill went to give his Grand Jury statement. On Trial Tr. pg. 49-50 (Appendix B), he (Mr. Hill) states he only went once on Thursday, June 7, 2018.^{F1} There was no Supercedes Indictment hearing giving to the defendants, but Mr. Hill testified at Mr. Glover's trial. How could he testify without there being an Supercedes charge? The government was asked if Obstruction of Justice was being charged and the answer was "Yes." Mr. Hill could not testify without there being an additional charge and Mr. Glover never received EVIDENCE on this charge. The jurors never heard any argument on Obstruction. See (Appendix B) pg. 51-54 and see Judgment and Commitment Pg. 36.

Mr. Connors was arrested on 4/22/2017 and on 5/9/2017 was offered an plea agreement on that date by prosecutor Veronica Sanchez. See Plea Agreement dismissal See (Appendix B) pg. 58; 60 Ln 1-3 Ms. Sanchez nolloed from Mr. Connors case and Mr. Glover's case in 2017. Ms. Jessie K Liu nolloed from Mr. Connors case and on 7/18/2018 the day after the verdict in Mr. Glover's case Mr. Connors open case was disposed. (Appendix B) pg. 59.

On Appendix B pg. 62 the defendant Mr. Glover was asked if he was willing to waive any Crawford Violation and Mr. Glover did not waive his rights to the issue. Last and not least Mr. Glover's Trial docket sheet states that case 2015 CFI 17872 didn't decline to testify. Mr. Glover's appeal docket states that the government Exhibit #38 states a witness was summons to testify (sealed) on 2/14/19. Mr. Glover contends that this is in violation of his Fifth Amendment, Sixth Amendment, fourth Amendment rights. See (Appendix B) pg. 55, 56, 57 citing Micheal D. Crawford 541 U.S. 36 also citing William Gordan Crawford U.S. revised Statute. 1901.

In conclusion Mr. Glover advised the District of Columbia Court of Appeals of this claim on March 8, 2021 with a Pro Se motion that cites William Gordan Crawford Statute §5440 comp. Statute 1901 and the relevant circumstances that Mr. Glover believes that lead up to these violations. See (Appendix A) pg. 31, 32, 33, 34. Citing, In re D.M., 993 A.2d 835, 543 (D.C. 2010)

^{F1} The Indictment was issued on Sep 20, 2016, Lloyd Hill J.R. was not apart of that indictment? Lloyd Hill J.R. went to the grand jury in 2017, that's where the discovery letter comes in the picture?

All of the relevant circumstances are in some way connected to each because there would not not be a reason to bring a witness back to Court to testify 2/14/19, to only benefit the witness. The government had to profit in some way by making this violation a two-headed monster. The Actual Prejudice that lead to the Risk of Injustice in this case and the reason Judge Iscoe didn't recuse himself; is the EXPARTE communications's with a summons witness that was summoned to Court to testify on 2/14/19. Also the possibility that the Courts had knowledge of this violation from the beginning. Citing Scott v. United States 559 A.2d 745, 754 (D.C. 1989) (en banc).

REASONS FOR GRANTING THE PETITION

The lower courts in this case may be erroneous because of the conflict of interest that was presented with the law clerk's involvement in the case. The courts stated many different contradictory statements and showed an appearance of partiality in which shows numerous of times throughout the Bench conference 6/11/18. The lower court didn't honor Mr. Glover's unequivocal request for recusal. The prejudice identified in Mr. Glover's case shows the risk of injustice to Mr. Glover and many others that fall under the same prejudice. The national importance of having the Supreme Court grant this petition is because it shows injustice to the defendant, it also shows the possibility of injustice to other litigants if this court gave Mr. Glover relief and it undermines the public confidence in the judicial system. With that being said the importance of this issue being nationally publicized is very critical to the judicial system. In furtherance the decision of the lower court is in conflict with many other cases cited in Mr. Glover's table of authorities. Mainly conflicting with cases, Litky v. United States, 144 S. Ct. 1147, 1162 (1994), Scott v. United States, 559 A.2d 745, 754 (D.C. 1989) (en banc), William Gordon Crawford Revised Stat. 55440, comp. Stat. 1901, pg. 3676, Michael Crawford v. Washington 541 U.S. 36, Brady v. Maryland are just some of many conflicting decisions that the lower court in this case made with their decisions. The importance of this case is not only important to me but others incarcerated that may have suffered the same injustice that Mr. Glover has encountered. That's the main importance of granting the request of Mr. Glover's petition.

Thank You

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Willie E. Baker Jr.

Date: March 14, 2023