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SUPREME COURT OF U.S.

No. 23-1082

ORIGINAL

In The
Supreme Court of the United States

ATTICUS SLITER-MATIAS,
Petitioner,

v.

THE UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE THIRD-CIRCUIT
(No. 23-1850)

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the admission in evidence of 161 eBay & PayPal accounts seized and modified by them with information obtained from Postal Inspectors to fabricate probable cause prior to a warrant violated the Fourth Amendment.
2. Whether concealment of eBay & PayPal's Activity Logs disclosing account activity in question from the defense prior to, during and post-trial by the Government violated the Petitioner's rights of due process under the Fifth Amendment.
3. Whether redactions by the Government in its pretrial disclosures that limited the defense from access to witnesses violated due process and compulsory process for obtaining witnesses in a Defendant's favor under the Fifth and Sixth Amendment.
4. Whether the Court of Appeals for the Third Circuit erred in affirming the District Court's judgement of conviction for failing to find that the District Court committed plain error by using a procedural loophole to suppress *Brady* evidence unavailable to appeals counsel, and when it denied the Petitioner a hearing to present evidence of evidential tampering and entrapment by Postal Inspectors in violation under the Fourth and Fifth Amendments.

PARTIES TO THE PROCEEDING BELOW

The Petitioner is Atticus Sliter-Matias, an individual residing in South Euclid, Ohio.

The Respondent is the United States of America.

There is no other party with an interest to disclose pursuant to Rule 29.6.

RELATED CASES

United States v. Sliter-Matias, No. 2:17-CR-00034, Civ. A. No. 22-730, U.S. District Court for the Western District of Pennsylvania. Judgment entered on April 15, 2019.

United States v. Sliter-Matias, No. 19-1940, U.S. Court of Appeals for the Third Circuit. Judgment entered on December 28, 2020.

Sliter-Matias v. United States, No. 20-7673, Supreme Court of the United States. Cert denied on May 17, 2021.

United States v. Sliter-Matias, No. 23-1850, U.S. Court of Appeals for the Third Circuit. Judgment entered on November 1, 2023.

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit that has decided an important federal question in a way that conflicts with the relevant decisions of this Court and conflicts with the decisions of another United States' Court of Appeals on the same important matters.

OPINIONS BELOW

The judgment of the United States Court of Appeals for the Third Circuit entered an order without opinion on or about November 1, 2023 (App. 1). The order and judgment of the United States District Court appears at App.7-32 to this petition.

JURISDICTION

The United States District Court for the Western District of Pennsylvania entered its order and judgment denying Motion for Relief under 28 U.S.C. § 2255 on April 14, 2023. A Notice of Appeal was filed (App. 5). The United States Court of Appeals for the Third Circuit entered judgment in this case on

October 6, 2023 (App. 3). On November 1, 2023, the Third Circuit denied Mr. Sliter-Matias' petition for Rehearing En Banc. (App. 1). The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1), having timely filed this Petition for Writ of Certiorari within ninety days of the court's decision. The Clerk granted a sixty-day extension to appropriately format this submission by March 30, 2024. Jurisdiction is also conferred upon this Court by 28 U.S.C. § 1651(a), which grants the United States Supreme Court jurisdiction to issue all writs necessary or appropriate in aid of its respective jurisdiction and agreeable to the usages and principles of the law.

CONSTITUTIONAL PROVISIONS

1. The Fourth Amendment to the Constitution provides, in pertinent part;

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

2. The Fifth Amendment to the Constitution provides, in pertinent part;

"No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

3. The Sixth Amendment to the Constitution provides, in pertinent part;

"In all criminal prosecutions, the accused shall enjoy the right . . . 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 Assistant of Counsel for his defense."

4. 18, U.S.C., Section 1343, provides, in pertinent part;

"Whoever, having devised or intending to devise any or for obtaining money or property by means of false or fraudulent pretenses, representations, . . . transmits or causes to be transmitted by means of wire . . . communication in interstate or foreign commerce, any writings, signs, . . . for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both."

5. 28, U.S.C., Section 2255, provides, in pertinent part;

“A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was **imposed in violation of the Constitution or laws of the United States** ... may move the court which imposed the sentence to vacate, set aside or correct the sentence.”

6. 18, U.S.C., Section 242, provides, in pertinent part;

“**Whoever**, under color of any law, statute, ordinance, regulation, or custom, **willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States**, ... shall be fined under this title or imprisoned not more than one year, or both;”

STATEMENT OF THE CASE

Seizure and fabrication of evidence by private parties prior to a warrant is inadmissible evidence and vacates a conviction. Brady violations denied a hearing compound due process violations and voids a conviction.

This Court holds that a) intentional deprivation of critical exculpatory disclosure is a constitutional violation, b) deprivation of access to witnesses is violative of due process under the Constitution, c) seizures without a warrant are illegal and inadmissible evidence, d) evidential tampering is illegal, e) entrapment has no standing, and f) federal agencies may not delegate investigations to third-parties to avoid constitutional obligations. The Third Circuit decision conflicts with this Court's jurisprudence, does not follow Congress' intent, creates a split among circuit courts, and is manifestly unjust.

This case has jurisprudential significance involving the violation of Constitutional protections of search, seizure and due process, and evidential tampering within private entities in a scheme to defraud a U.S. citizen through *Brady* violations and evidential tampering using privately owned enterprises. The instant case is an important vehicle to direct compliance with the Constitution so that private entities do not usurp federal authority over criminal investigations and federal agencies do not unduly delegate their duties to third-parties to

circumvent Constitutional protections and commit illegal actions against U.S. citizens. This Court must grant certiorari to harmonize the circuit courts as to the limits of federal criminal investigations within private companies, ensure the Fourth, Fifth, and Sixth Amendments are employed to comport with the holdings of this Court to protect due process and full disclosure, conduct lawful search and seizures, discourage agency misconduct, and so that no res judicata is applied enabling acts by agencies of government inconsistent with fair dealing.

A. Legal Background

1. Fourth Amendment

The Fourth Amendment holds that a conviction is void if the prosecution presents evidence that law enforcement secured during a search that was unconstitutional. *Mapp v. Ohio*, 367 U.S. 643 (1961) (unauthorized search without a warrant). Evidence controlled and procured by a privately owned enterprise is inadmissible. *Lustig v. United States*, 338 U.S. 74 (1949). As such, federal investigators may not delegate investigative tasks to a third-party for convenience. *Terry v. Adams*, 345 U.S. 461, 473 (1953). Evidence obtained through an entrapment scheme by a third-party acting independently or under authority of agents of government is inadmissible. *Sherman v. United States*, 356 U.S. 369 (1958). Evidential tampering during an investigation using a privately owned enterprise and wire transmittance in

furtherance of concocting evidence are criminal acts under federal statutes 18 U.S.C. § 242 and 18 U.S.C. § 1343. Deceptive searches that do not follow the guidelines of a warrant are unreasonable searches. *Marron v. United States*, 275 U.S. 192, 196 (1927). Warrants obtained with fabricated cause violate the Fourth Amendment.

2. Fifth Amendment

The Fifth Amendment holds that a conviction is void if the prosecution intentionally withholds full disclosure of exculpatory evidence. *Brady v. Maryland*, 373 U.S. 83 (1963). The judgment is void when it deprives the jury of critical evidence. *Schlup v. Delo*, 513 U.S. 298, 324 (1995). Congress has enacted procedures to align with Constitutional controls. S. 1380, *Due Process Protections Act (2020)*. Even subtle violations of Fifth Amendment protections are acknowledged and prohibited. *Bates v. City of Little Rock*, 361 U.S. 512, 523 (1960). Critical evidence of innocence is an exception to procedural defaults. *Sawyer v. Whitley*, 505 U.S. 333 (1992). Any substantial reasonable doubt destroys a conviction. *In re Winship*, 397 U.S. 358 (1970).

3. Sixth Amendment

The Sixth Amendment holds that a conviction is void if the prosecution or court blocks the defendant's access to compulsory process for obtaining witnesses in his favor. This access cannot be

frustrated by the action of any or all departments or agencies of the government, including judiciaries. *Downes v. Bidwell*, 182 U.S. 244 (1901).

4. The Intractable Split of Circuit Courts

The circuits are split on the exercise of arbitrary, unlimited power by agents of government operating in privately owned enterprises. Contrary to the Third Circuit, the Fifth Circuit holds that federal officials operating within third parties to deny protected rights are exceeding their lawful limits. *Missouri v. Biden*, No. 23-30445, 5th Cir (2023) (federal officials coerced social-media platforms into censoring content). The Third Circuit, on the other hand, allows federal overreach and conflict of interest to exist between agents of government and private third parties. (*United States v. Sliter-Matias*). The district court considers these partnerships as necessary cooperative alliances during criminal investigations, and has been active in establishing law enforcement departments in private enterprises as extended portals of the government in disregard of this Court's decision holding a more cautious approach, "A private entity vested with state authority poses a special threat to constitutional values just as clearly as a state agency." *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 936-37 (1982). The private operates in a culture that is antithetical to the Constitution. In *Missouri v. Biden*, Fifth Circuit Courts prefer to maintain a distinction between governmental and private action. Second Circuit Courts have difficulty determining when and how to

separate them and when constitutional controls apply. *Manhattan Community Access Corp. v. Halleck*, 139 S. Ct. at 1932. The cases demonstrate that the minute an agent of government steps into a private entity, the issues can become so complex, it turns the Constitution upside down. The Third Circuit is currently blurring the lines between public and private functions compromising investigations and violating protections. The government does not require private relationships to function in its public duties.

In the instant case, the government delegated to a private party control over the investigation of itself, production of evidence, and victim-indemnity status. This calls into question the admissibility of evidence and the fairness of the excluding of critical system activity before and at a trial. Again, "A State may not deliberately delegate a task to a private entity in order to avoid its Constitutional obligations for convenience." *Terry v. Adams*, 345 U.S. 461, 473 (1953). The intractable split of authorities and the Third Circuit's inability to self-correct on the issues can be resolved only with this Court's invention to establish uniform law, that no res judicata nor conviction stands to cases where due process and other constitutional protections have been violated by the trickery of government agents working through privately owned enterprises and engaging in morally complicit bad behavior.

B. Factual Background

Mr. Sliter-Matias sold eBay & PayPal accounts to clients who desired multiple options against account interference, offering I.T. services, virtual private networking, data migration services, and testing to verify that accounts would be free from administrative interference. The purpose of these accounts was to protect users from incurring losses of shipped merchandise and prevent users' personal account information from being used by private online platforms for marketing and/or illicit purposes, which is what was observed in the instant case. A criminal investigation by Postal Inspectors began after two individuals in Pittsburgh, PA, complained they did not receive items after they were refunded.

On February 7, 2017, the United States charged Mr. Sliter-Matias with two counts of mail fraud in violation of 18 U.S.C. § 1341. The jury trial in this matter against Mr. Sliter-Matias commenced with the knowing omission of crucial activity logs from eBay & PayPal by the acting prosecutor for the Western District of Pennsylvania on May 23, 2018.

On May 31, 2018, the jury returned and announced its verdict of guilty, as to both counts in the indictment. On April 15, 2019, after a hearing on sentencing, the trial court entered an order of judgment, conviction and sentence (App. 38). The court sentenced Mr. Sliter-Matias as follows; (a) imprisonment for a term of 46 months; (b) supervised released for 3 years at Counts I and II with such terms

to run concurrently; (c) special assessment of \$200.00; and (d) restitution in the amount of \$379,591.95.

On July 10, 2019, defense filed an appeal of the district court's judgment to the Third Circuit Court of Appeals. On December 2, 2020, the Third Circuit Court of Appeals, without argument, issued a judgment affirming the district court order entered on April 15, 2019. On December 14, 2020, the defense filed a Petition for Hearing and Rehearing En Banc to the Third Circuit Court of Appeals. On December 28, 2020, the Third Circuit Court of Appeals denied defense's Petition for Hearing and Rehearing En Banc. On April 2, 2021, the defense filed a Petition for Writ of Certiorari with the Supreme Court. On May 17, 2021, the cert was denied by the Clerk.

On May 16, 2022, Mr. Sliter-Matias filed a pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence with initial exhibits. On October 5, 2022, in response to the government's Motion In Opposition, Mr. Sliter-Matias filed a Memorandum In Opposition containing approximately one-hundred exhibits against the government.

On November 3, 2022, after the government had filed a Motions for Extensions of Time, Mr. Sliter-Matias filed a Motion In Opposition for Subsequent Extensions of Time. On April 14, 2023, the District Court denied the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (App. 30-32). On May 3, 2023, Mr. Sliter-Matias filed a timely

Notice of Appeal for the case to be transferred to the Court of Appeals for the Third Circuit (App. 5).

On May 25, 2023, Mr. Sliter-Matias filed an Application for Certificate of Appealability. On October 6, 2023, the Court of Appeals for the Third Circuit denied the Application for Certificate of Appealability (App. 3). On October 18, 2023, Mr. Sliter-Matias filed a Petition for Rehearing and Rehearing En Banc. On November 1, 2023, the Court of Appeals for the Third Circuit denied the Petition for Rehearing and Rehearing En Banc (App. 1).

C. Proceedings Below

This is an appeal of a final judgment of conviction and sentence of Mr. Sliter-Matias entered in and regarding this action on or about November 1, 2023, by the Court of Appeals for the Third Circuit, No. 23-1850. Mr. Sliter-Matias alleges error in ruling upon new *Brady* evidence disclosed under the 28 U.S.C. § 2255 motions, which resulted in violations of his Fourth, Fifth, and Sixth Amendment Constitutional protections.

To date, Mr. Sliter-Matias has been denied a forum for his claims in this case, with the standard rules of evidence set aside. The Petitioner's rights under the Fourth, Fifth, and Sixth Amendment were flagrantly violated. The government thwarted Mr. Sliter-Matias' due process, denying him fundamental access to witnesses and full disclosure of eBay &

PayPal activity logs or, “dot threes,” **obfuscated to hold his conviction throughout an appeals process.** Upon release of the *Brady* material in May 2022, the evidence on which his conviction rests became one of Constitutional significance. Evidence from activity logs provided in Mr. Sliter-Matias’ § 2255 motions disclosed that federal agents, by delegating the criminal investigation to eBay & PayPal and through methods of entrapment, had eBay & PayPal seize 161 digital accounts without a warrant, insert and overwrite mail tracking numbers on evidence before account owners could populate accounts with data, modify eBay & PayPal accounts to increase losses and/or exclude certain transactions from the investigation, and allowed eBay’s predictive “behavior model” or A.I. (artificial intelligence) to generate restitution values calculated to encompass the entirety of his assets. Further, the omission in evidence of 1,330 valid transactions never associated with fraud claims or Mr. Sliter-Matias’ Internet services, conducted successful sales not only prior to, but during and after his conviction. This miscarriage of justice is staggering. Rather than the validity of federal attempts to prove mail fraud, *Brady* disclosures focused on 161 eBay & PayPal victimized sellers obstructed from shipping their merchandise as opposed to 1,330 sellers who did.

The central matters of the case are fundamental to whether federal agencies can obtain evidence and handle criminal investigations effectively and lawfully under the Fourth, Fifth and Sixth Amendments, within private organizations

deemed as “law-enforcement portals.” A graver issue is whether any evidence gathered by third-parties like eBay & PayPal is admissible, and whether activity logs, integral to any investigation and withheld from a defense pre-trial void a conviction. It defies common sense to have a trial involving activity on eBay & PayPal without activity logs being disclosed, while its transactions are displayed for a jury. This Petition for Writ of Certiorari follows.

REASONS FOR GRANTING THE PETITION

A. This Petition Presents an Important Question Because the Decision Below Conflicts with this Court’s Jurisprudence and Proper Implementation of the Constitution is Significant as the Circuit Courts are Divided.

A widespread practice creeping into federal criminal investigations is the revolving door between government agencies and private organizations. In the instant case, contractual partnerships between the U.S. Postal Service and eBay & PayPal came into conflict with important legal values and exceeded the limits of cooperative reciprocity between the public and private. Private entities must not usurp federal authority over criminal investigations and federal agencies must not unduly delegate their duties to third-parties to circumvent due process and themselves commit illegal actions against U.S. citizens. The issues are fundamental to whether federal agencies can obtain evidence and handle

criminal investigations of “cyber-crime” effectively and legally under the Fourth, Fifth and Sixth Amendments while operating within private corporations. A graver issue is whether any evidence gathered by third-parties like eBay & PayPal is admissible, and whether integral eBay & PayPal “activity logs” withheld from a defense pre-trial and for display by a jury voids a conviction. These were denied to the defense prior to the trial by the acting district attorney in the Western District of Pennsylvania, completely depriving the defendant fair dealing under the Fifth Amendment and Sixth Amendments. Upon release of this Brady material in May 2022, the evidence on which this conviction rests became one of Constitutional significance.

I. Violations of the Fifth Amendment of the U.S. Constitution

The Fifth Amendment ensures due process. In *Giglio*, prosecutors must disclose any and all evidence that could call into question the credibility of an individual testifying in trial or impeding an investigation. *Giglio v. United States*, 405 U.S. 150 (1972). The case extended the Court’s holding in *Brady v. Maryland*, requiring such private agreements to be disclosed to defense counsel, along with full disclosures of exculpatory evidence. As a result of this, the term *Giglio* material is sometimes used to refer to any information pertaining to deals that witnesses in a criminal case may have entered into with the government.

a. Giglio and Brady Violations Deny Due Process and Void Conviction

The government had not disclosed any *Giglio* material to Mr. Sliter-Matias' defense counsel prior to the trial regarding its conflict of interest between the U.S. Postal Service and eBay & PayPal, nor that these private parties would be conducting the investigation as "criminal investigators" in eBay & PayPal's "Global Asset Protection," to determine what a defendant may or may not receive as part of discovery, and be given blanket indemnity as victims investigating themselves. The purpose of these "law-enforcement portals" is to privately fulfill requests by the government, facilitating the exchange of information during federal investigations. These private platforms cannot be penetrated by a defense for discovery and are not subject to Freedom of Information Act requests. Truth is largely undiscoverable behind their walls.

Even more reprobate, prosecutors failed to produce major portions of exculpatory evidence for the defense counsel before trial, which comprised of what this Court has defined as *Brady* material. *Brady v. Maryland*, 373 U.S. 83 (1963). In *Schlup*, "constitutional error at his trial deprived the jury of critical evidence that would have established his innocence." *Schlup v. Delo*, 513 U.S. 298, 324 (1995) PayPal activity logs, or "dot three" sub-exhibits in the prosecutor's possession, were illegally withheld for nearly four years through the defendant's appeal to

ensure that any proceedings extending from the defendant's initial claims would be viewed "much less favorably." However, none of these sub-exhibits can be "viewed in the light most favorable to the government". (App. 15). In criminal cases involving activity online prosecuted under the laws of the United States, the accused has the Constitutional right to these activity logs. This *Brady* material now brings a much broader issue into focus and reveals evidential tampering inside eBay & PayPal, along with knowing omissions of actual owners of the eBay & PayPal accounts themselves, and much more.

**b. Deprivation of Rights Synonymous
With Willful Intent Voids a Conviction.
Evidence Disappears From
Government's Investigation and
Reappears Under Restitution**

The Supreme Court has defined *Brady* law specifically; its meaning leaves nothing to vagueness, so deprivation of the right can be synonymous with willful intent. Willful, purposeful intent to harm in *Screws* is: "One who does act with such specific intent is aware that what he does is precisely that which the statute forbids. He is under no necessity of guessing whether the statute applies to him (See *Connally v. General Construction Co.*, 269 U.S. 385), for he either knows or acts in reckless disregard of its prohibition of the deprivation of a defined constitutional or other federal right." *Screws v. United States*, 325 U.S. 91 (1945). Congress has amended the Federal Rules of Criminal Procedure with S. 1380, *Due Process*

*Protections Act (“DPPA”), P.L. No. 116-182, 134 Stat. Ann. 894 (2020) to remind prosecutors of their obligations, confirming the importance of *Brady* disclosures and allowing for sanctions on government prosecutors who violate *Brady* law, resulting in trial continuance, evidentiary sanctions, as well as dismissal of the indictment or *vacatur* of conviction. However, without strict criminal liabilities, this is an illusory aim.*

Although the activity logs appear to have been submitted by the prosecutor, they never materialized in the courtroom nor were shown to a defense or a jury. Prosecutors had willfully limited the disclosure of these “dot three” sub-exhibits. Mr. Sliter-Matias became aware of the missing sub-exhibits when a folder full of them accidentally flashed on the court’s teleprompter during trial:

The Government: And we’ll just talk about the dot ones and dot twos. That’s the registration information and the transactional information.

This Court held in *Bates* that even subtle governmental interferences can result in violations of constitutional protections. Mr. Sliter-Matias’ rights to disclosure is protected against government deception, trickery, and procedural loopholes, the same as freedom of assembly was protected against a municipal tax-exemption regulatory scheme in *Bates*. *Bates v. City of Little Rock*, 361 U.S. 512, 523 (1960). Because the “dot three” sub-exhibits weren’t shown

during a trial, they were also not shared with a defense counsel. While prosecutors have an obligation to disclose exculpatory evidence pre-trial under *Brady*, they have no legal obligation to disclose exculpatory evidence to a defense post-trial, even for the purpose of an appeal. Additionally, when Mr. Sliter-Matias' defense counsel was replaced post-trial, there was no Court order to facilitate the transfer of documentation to the appeals attorney to ensure that due process would be maintained. The time-stamped digital disclosures of this evidence now grossly differ from both what was provided pre-trial to the defense and discovered post-trial in the custody of the appeals attorney. From what was disclosed to the Petitioner in May 2022, it is now clear that neither attorney had access to these specific sub-exhibits for examination in each of their respective periods. The district court's presumption that an appeals attorney had all of these exhibits for "eight months" is erroneous. Under penalty of perjury, this evidence is not required for acknowledgment under § 2255. A valid claim has been raised. In an unfair trial, this cannot be resolved without a hearing to verify.

The government hid evidence of third-party users under its "restitution file," so that the district court could deny it as "simply not cognizable in 2255 proceedings." (App. 23). For one, this was exculpatory evidence the government obtained during the period of investigation that disappeared and should have been disclosed to the defense before trial. The district court demonstrated its awareness of the government's violations, yet willfully decided to abuse its procedural

loophole to circumvent the Petitioner's protections, after enabling this loophole by its own error when denying pre-trial motions (*See e.g., Memorandum Order*, "Pretrial Access to Witnesses ... is DENIED") (App. 33).

c. Petitioner Proving "Set of Facts in Support of His Claim" From Brady Evidence Can Not Be Dismissed.

A pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Id.* at 404 U. S. 520-521, quoting *Conley v. Gibson*, 355 U. S. 41, 355 U. S. 45-46 (1957). The Petitioner's motions under 28 U.S.C. § 2255 presented factual material. Over a hundred exhibits were entered into the record; *Brady* evidence pointed to the removal of valid transactions from evidence, the activity of actual owners of the accounts, and over 40 discoverable instances of PayPal actions instead of its users (*See Part A, Sec II(a) of this Petition*). The Petitioner presented facts that contradicted the government's claim that he used mail to "delay" and "assure" buyers in order to release funds early as part of a "scheme" to defraud.

For example, the eBay ID "daniel18525" was forcibly reversed after an item valued over a thousand dollars had been delivered to a buyer. No fraud claim

was filed for the transaction before this reversal occurred, which indicated it was not the result of any user interaction. However, this same eBay ID listed a payment on March 4, 2016, which fell within the period of the investigation. The dates on the cover sheet provided to federal agents were modified to begin in January 1, 2014 and end on August 5, 2016, for the purpose of excluding the transaction entirely from the investigation. This indicated that eBay & PayPal decided what a Defendant received as part of discovery, not a federal agency.

Later, this same transaction was reclassified as a “loss” and Mr. Sliter-Matias held responsible for it in restitution. The scope and extent of these modifications can never be fully known without a hearing or without the absolute and full seizure of eBay & PayPal’s business records. The activity logs or “dot three” sub-exhibits for the transaction that took place under eBay ID “daniel18525” are still missing. The status and location of the reversed funds are unknown.

Although testimony established there were buyers who did not receive their items, there were sellers who could not fulfill their sales contracts due to illegal seizures of accounts by eBay & PayPal. It is irrelevant whether automation or federal action caused these events; **the defendant testified that he did not.** The evil that was done to sellers attempting to complete their obligations to buyers is beyond reprehensible. A variety of the alleged 161 eBay & PayPal “fraudulent” accounts displayed

at trial still had positive balances associated with them a year after the investigation. Either sellers had been victimized when their refunds to buyers remained unclaimed or PayPal engages in a largely inconsistent reimbursement process, moving funds out of investigative view. This is a form of financial manipulation. When federal officials work in unregulated environments like PayPal to perform criminal investigations and pretend issues of financial unaccountability don't exist, how exactly are they legitimate investigations?

d. Government Omissions Removes a Foundation for Justice and Function of Due Process: The Standard of Reasonable Doubt

In re Winship, the Supreme Court constitutionalized the standard of reasonable doubt, finding that "the standard provides concrete substance for the presumption of innocence." *In re Winship*, 397 U.S. 358, 363 (1970). *Id.* (quoting *Coffin v. United States*, 156 U.S. 432, 453 (1895)). Reasonable doubt is based on "the fundamental value that it is far worse to convict an innocent man than to let a guilty man go free." (Harland J. concurring *In re Winship*). This Court has found that the due process guarantees of the Fifth Amendment protect the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. Mr. Sliter-Matias was not afforded a chance to introduce his facts to a jury, making any jury instructions on "reasonable

doubt" at his trial unviable and moot. This Court has held that constitutionally deficient jury instructions on reasonable doubt demand an automatic reversal of conviction. *Sullivan v. Louisiana*, 508 U.S. 275, 281 (1993). Jury instructions are designed for a purpose, but when facts are suppressed, instructions have no meaning.

The government's claim could not have lived in the contradiction that high-value items were being shipped to buyers during its investigation. Administrative interferences, activity by others, and valid transaction history would have surely upset certitude of guilt. Even the district court's Memorandum Opinion have contradictions bleeding through its misdirection, epitomizing the very essentials of "reasonable doubt" that was denied the Petitioner at trial. For example, the district court provides that [third-parties] conducting "legitimate sales" under these accounts are "not sufficient to show that the result of the trial would have been any different." (App. 21-23). Here, it acknowledges transaction validity, yet later quotes these accounts are "fraudulent" and "fake." It must not deter this Court from examination of the hundred exhibits submitted under § 2255 against the government. (W.D. Pa. No. CR 17-34; Dkt No. 152 (2022)). The district court continues to err, referring to "he" [the Defendant] as the "sole participant" and third-parties' activity, as the defendant's activity yet again, defying an analysis of harmless error. (App. 23). The presence of other users overrides any procedural default utilized by lower courts. *Schlup v. Delo*, 513 U.S. 298, 324 (1995).

The “actual innocence exception also applies to procedurally defaulted claims.” *Sawyer v. Whitley*, 505 U.S. 333 (1992). The Petitioner has met all these requirements under the law.

Thus, the government’s narrative of “mail fraud” required omitting the valid activity of actual owners of the eBay & PayPal accounts who had purchased them from Mr. Sliter-Matias, as well as omitting its own activity. In an unfair trial where a Defendant has been subjected to numerous deprivations of due process, this simply cannot be resolved without a hearing and/or voiding a conviction.

II. Violations of the Fourth Amendment of the U.S. Constitution

The Fourth Amendment protects the right of the People against certain arbitrary and invasive acts by officers of the federal government or those acting at their direction. *Boyd v. United States*, 116 U.S. 616 (1886). In this case, U.S. Postal Inspectors relied upon their integration with eBay & PayPal to plant evidence in these systems, which was observed on the “dot three” sub-exhibits. The government alleged Mr. Sliter-Matias had “added” Click-N-Ship tracking numbers to eBay & PayPal accounts. It even claimed it had established connectivity:

Inspector This is a summary that I created
Weckerly: outlining how the defendant is

connected to all 161 eBay & PayPal accounts.

However, the “dot three” sub-exhibits combined with witness testimony led to traceable proof that eBay & PayPal had added these tracking numbers.

a. Deprivation of Rights Under Color of Law; Evidential Tampering: “Staging” Losses and Probable Cause Using Wire Voids Conviction

Federal statute 18 U.S.C. § 242 makes it a crime to deprive rights under color of law, including evidential tampering during an investigation. Even without a conspiracy, “pervasive entwinement of public institutions and public officials in the private entity’s composition and workings,” establishes traceability of an illegal action to agents of the government. *Brentwood Academy. v. Tennessee Secondary Sch. Athletic Ass’n.*, 531 U. S. 288, 298 (2001).

During Eric Dirksen’s trial testimony regarding his conversation with a seller on eBay, certain facts began to come together. The seller didn’t know how eBay & PayPal “got the tracking number wrong,” but also stated that he was disabled from fixing it. This had occurred prior to any fraud claim being filed:

Erik Dirksen: The seller said that he **didn't know** how eBay got the tracking number wrong, but he **can't fix it**, so he sent me his own tracking number.

The "dot three" sub-exhibits finally explained why Dirksen's tracking number didn't match the sellers. Thirty-four (34) "dot three" sub-exhibits unmistakably show **PayPal populating accounts with data prior to users populating the accounts with the information themselves**. The Petitioner identified over 40 sub-exhibits containing instances of PayPal administrators, not users nor the defendant, acting through an unknown IP address or limiting account access during a federal investigation, which includes the 161 eBay & PayPal accounts. In Dirkson's case, the seller's tracking number had been overwritten with information supplied by Postal Inspectors. Thus, long before a search warrant was issued, Postal Inspectors were engaging in collusive behavior with the intent of establishing a "mail fraud" scheme for Mr. Sliter-Matias. The purpose was to create criminal contexts for probable cause, and generate losses for a federal investigation, losses which later spilled into relevant conduct at sentencing.

Federal statute 18 U.S.C. § 1343, makes it a crime to transmit this data by means of wire in the furtherance of a scheme to defraud a U.S. citizen. These numbers were generated in a separate system held by the U.S. Postal Service known as "Click-N-Ship," which were only otherwise accessible by a

Postal Inspector. Inspector Weckerly admitted at trial that she sent the entire "Click-N-SHIP" report to eBay:

The Government: After talking to Mr. Appley, Mr. Offner, Mr. Dirksen and so on, what did you do?

Inspector Weckerly: I reached out to representatives at eBay and PayPal to obtain records. I was able to send eBay the Click-N-SHIP report so that they were able to pull relative eBay accounts, and then I was able to get the corresponding PayPal accounts.

What she did not admit, was that she sent this information to PayPal before she talked to the victims; the entry in the sub-exhibits predates what is indicated in her testimony. Criminal investigators at eBay & PayPal's "Global Asset Protection" team were not 'pulling' accounts, they were 'preparing' and 'staging' them for federal investigators by illegally seizing accounts and adding tracking numbers transmitted to them through wire by a public official without a warrant. *Boyd v. United States*, 116 U.S. 616 (1886). Federal agents and eBay & PayPal colluded in violation of the Fourth Amendment and these criminal statutes.

**b. Evidence Law Enforcement Obtains
During Unconstitutional Search is
Inadmissible and Voids a Conviction**

This Court held in *Mapp*, the prosecution is not allowed to present evidence that law enforcement secured during a search that was unconstitutional under the Fourth Amendment. *Mapp v. Ohio*, 367 U.S. 643 (1961). Seizures from private digital platforms (telecommunication, electronic eavesdropping) by officers of the government or those acting at their direction, are now “fully within the purview of the Fourth Amendment.” *Berger v. New York*, 388 U.S. 41 (1967). Seizing evidence without a warrant for a public official violates the Fourth Amendment. *Boyd v. United States*, 116 U.S. 616 (1886). The “dot threes” show that during the investigation, 161 eBay & PayPal accounts disabled by restrictions, were “seized” and had their funds frozen prior to and without a warrant, while tracking numbers were added to them to create losses and reasonable grounds for federal investigators. *Berger* informs us that authorized searches are “precise and discriminate” procedures, narrowly limited in their objective and scope, describing in particularity what is to be intercepted, be limited in length of time, and what funds are to be seized. *Berger v. New York*, 388 U.S. 41 (1967). See, e.g., *New York v. Burger*, 482 U.S. 703 (1987); *United States v. Chadwick*, 433 U.S. 433 U.S. 1-9 (1977); *Camara v. Municipal Court of San Francisco*, 387 U.S. at 387 U.S. 532 (1967).

As referenced in *Katz*, “Vindicated anticipation of what an illegal search may reveal does not validate a search otherwise illegal.” *Trupiano v. United States*, 334 U.S. 699, 708-709 (1948); *Katz v. United States*, 389 U.S. 347 (1967). Although this Court has held a warrantless search “may be reasonably determined to further a regulatory scheme,” *Donovan v. Dewey*, 452 U.S. 594, 603 (1981), and has balanced expectations of privacy with the needs of the educational environment in *New Jersey v. T.L.O.*, 469 U.S. 325 at 469 U.S. 340 (1985), none of the 161 eBay & PayPal accounts were subject to regulatory oversight nor were under urgent circumstances. Buyers and sellers on eBay’s platform, like Mr. Dirksen and the user under eBay ID “daniel18525” had reasonable expectations of conducting commerce privately without government intrusions and overreach.

**c. Evidence Not Participated in by
Federal Investigators is Inadmissible
and Voids Conviction**

In *Lustig* this Court held, “A search is a search by a federal official if he had a hand in it; it is not a search by a federal official if evidence ... is turned over to the federal authorities on a silver platter.” *Lustig v. United States*, 338 U.S. 74 (1949). See *Elkins v. United States*, 364 U.S. 206, 222 (1960). This Court has also held that “governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government.” *Edmonson v. Leesville Concrete Co., Inc.*, 500 U.S. 614 (1991). However, government activity

does not dominate the investigations at eBay & PayPal. Although federal agents make requests, they have no active, meaningful control over the generative material produced at eBay & PayPal before or during their investigation. Censorship and disabling technologies preexisted these “investigative portals.” Hence, federal agents function only as parasites; there being no metric of merit a federal agency can apply to a transaction due to account users already being restricted in private hands and losing their access under eBay’s summary action prior to any complaint or fraud. Federal agencies completely rely upon private parties to collect evidence for them, determining what a “cyber” crime based on their proprietary protocols of risk only. Just how much control does the government have? eBay’s “criminal investigator” answered this at trial. None:

The Government: What’s your role and responsibility as a criminal investigator for the global asset team?

Stephen Hunkhe: **So I investigate crimes that occur on eBay platform both proactively on behalf of eBay but reactively through law enforcement to make sure they understand the crime that would occur or potentially occur on eBay.**

Further, the government’s “restitution file” was generated by eBay’s predictive “behavioral model.” Generative evidence, being more ‘magic’ than organic

discovery under a factual audit, violates Constitutional protections of search and seizure. *Lustig v. United States*, 338 U.S. 74 (1949). *Elkins v. United States*, 364 U.S. 206, 222 (1960). Furthermore, the restitution file was flagrantly calculated to encompass the entirety of the Defendant's seized assets (no more, no less), notwithstanding his participation or not. The file contained a commingled collection of accounts, wherein third-parties related and unrelated to the case had also gotten mixed in. Unrelated accounts were collaterally implicated in fraud, as well as the balances of these third-parties. Essentially, eBay & PayPal used their user's personal information without their knowledge. This reinforced the fact the investigation was by no means federal, but conducted by a third-party.

"A private entity vested with state authority poses a special threat to constitutional values just as clearly as a state agency." *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 936-37 (1982). As private businesses, eBay & PayPal bypass due process altogether. They do not provide their users with any opportunity for remedy through limited contractual arbitration, nor do they always give legal notice. They seize accounts and do freeze funds for up to six months according to their own policies. For eBay & PayPal, real profit is not from transaction fees but investing the funds that they hold. From time to time, they conduct mass purges. They are at liberty "to be irrational, arbitrary, capricious, even unjust" and are entitled to a measure of protection from government interference. (Justice Harlan's dissent in *Peterson v.*

City of Greenville, 373 U.S. 244 (1963)). In other words, they are antithetical to our Constitution. Hence, the standard that now qualifies them to effectively and lawfully gather evidence for federal officials escapes this Court. In *Terry*, “A State may not deliberately delegate a task to a private entity in order to avoid its Constitutional obligations for convenience.” *Terry v. Adams*, 345 U.S. 461, 473 (1953). When entwined with federal agencies, these corporations own the public policy. Likewise, the federal government’s ‘public slippage’ betrays its intent to be private and lawless; its jurisdiction is forfeit.

**d. *Sherman* Holds There is No Standing
for State Entrapment Schemes That
Give eBay Sellers No Alternative
Action And When Funds Are Released
Without a Seller’s Participation or
Knowledge**

Sherman defined entrapment by referencing *Sorrells*, and is firmly recognized by the “conception and planning of an offense by an officer, and his procurement of its commission by one who would not have perpetrated it except for the trickery, persuasion, or fraud the officer.” *Sherman v. United States*, 356 U.S. 369 (1958); *Sorrells v. United States*, 287 U.S. 435 (1932). The collusion between federal officers with PayPal to add tracking numbers to seized accounts, in some cases before the users added them, allowed for the “release” of funds in these PayPal accounts soon after the tracking numbers were added without the

sellers' participation nor knowledge. This allowed the government to entrap Mr. Sliter-Matias in a "scheme" that neither he nor the sellers knowingly participated in.

Further, the obstructive seizures of accounts before or afterwards placed them beyond any reasonable means of users' control. The eBay & PayPal users who encountered problems with their accounts were restricted from accessing them, sellers and buyers from resolving issues mutually, and sellers from issuing refunds, making completing their obligations to buyers impossible, as testified by Mr. Dirkson and revealed by the eBay ID "daniel18525" in the § 2255 motions. Sellers have no control over the actions of these platforms when these obstructions happen, and buyers have no knowledge these obstructions are occurring. The sellers have no other option but decide to withhold items under signs of forced reversals and transactional obstructions beyond their control. The conditions under which seized and restricted accounts, having been violated through evidential tampering, made funds available for release without a seller's participation and left no alternatives but to cancel shipments, meets the definition of an entrapment scheme, for which the government, eBay & PayPal have no standing. *Sherman v. United States*, 356 U.S. 369 (1958); *Sorrells v. United States*, 287 U.S. 435 (1932).

e. Sham Raids: "As to What Is to Be Taken, Nothing Is Left to the

Discretion of the Officer Executing the Warrant."

The unusual search at Mr. Sliter-Matias' residence deserves attention. *Marron*, "prevents the seizure of one thing under a warrant describing another. As to what is to be taken, nothing is left to the discretion of the officer executing the warrant." *Marron v. United States*, 275 U.S. 192, 196 (1927). Therefore, any search and seizure curiously leaving behind major relevant evidence may be construed as "unreasonable" since it is performed under false pretenses and imposes upon the People searches that are for a purpose other than those claimed. In *Stanford*, the Fourth Amendment's particularity of the things to be seized is a requirement of the most scrupulous exactitude in warrants. *Stanford v. Texas*, 379 U.S. 476 (1965). Postal Inspectors, after directing PayPal to add tracking numbers to accounts, obtained a warrant under probable cause that specified "wire fraud," yet left all pertinent hardware behind. They did not seize modems, routers and other networking hardware that is typically used by businesses and located in the residence related to providing Internet-based digital services through AT&T, which would have provided evidence that accounts were owned and being used by people other than a Defendant. Federal investigators had no interest in proving access or wire fraud through evidence found in a residence, since they had already prefabricated 161 eBay & PayPal accounts to link to the Defendant through the attachment of "Click-N-SHIP" tracking numbers. This was done prior to users

populating their accounts and after their accounts already contained a tracking number on file, all prior to any search warrant. Interestingly, the government during the trial did not present evidence of Mr. Sliter-Matias' access to eBay or PayPal platforms, of his interaction with buyers, nor any evidence he received and kept fraudulent payments. It also never presented one item seized from the residence that matched any item he allegedly sold. The leap of faith required here is insane.

The 161 eBay & PayPal accounts are inadmissible because they were unconstitutionally seized without a warrant, are tampered accounts of no merit, and totally generated by private non-federal "investigators." In the instant case, agents of the government profoundly violated Mr. Sliter-Matias' Fourth Amendment protections and came for his assets.

III. Violation of The Sixth Amendment of the U.S. Constitution

The Sixth Amendment states, "the accused shall ... have compulsory process for obtaining witnesses in his favor." If the accused cannot marshal a defense, then it is not a Court. The government's control of evidence and witnesses to deprive the Defendant of this was central to a conviction. The defense's Motion for Dismissal stated, "the Government has taken all of the defendant's business records so it is impossible for him to review said

records.” It is now apparent that federal investigators had access to information available to them through eBay of actual account owners, including names and addresses they censored under “personally identifiable information,” knowing full well that they were redacting crucial exculpatory evidence. These redacted files were never completed. **These were not victims; they were sellers.**

Without the “dot three” sub-exhibits, these files could not be examined carefully in their entirety. Ultimately, the disclosure of these files was delayed until post-conviction. The defense’s Motion in Limine stated, “the particular facts of this case, the complexity and vague nature of the investigation make pretrial notice of 404(b) evidence essential.” The district court’s Memorandum Order denied the defense’s motions for pre-trial access to witnesses, to interview government’s witnesses, and bill of particulars, based on the false presumption “the Government [had] provided the requested information during discovery and supplied additional detail ...” on the two victims, when it had planned to create more of them. (App. 33). This order assured the government would be able to proceed forward in obfuscating additional witnesses from the defense.

For example, the eBay ID “cresson_tx” had at least six IP entries in the government’s restitution file from Internet services never connected to the Petitioner, took place within the period of the investigation, and was part of “seized” electronic evidence. **Yet, this account and others**

disappeared from the government's investigation, but reappeared under restitution. The extensive redactions themselves were violations of "compulsory process." Federal officials performed these 'magic tricks' for the purpose of obfuscating these accounts from a defense in violation of the Sixth Amendment. The IP addresses were found to be registered with Internet services that were never used by the Defendant, belonging to other individuals in different States. Additionally, 1,330 other sales listed were user accounts with successful transaction histories never associated with any fraud claims, unrelated to the Defendant, and were not part of seized evidence, including the so-called "cheat sheet" shown at trial. This is a generated commingled mess of an investigation. These examples were provided to the Court to illustrate just how severe these violations were.

The restitution file in fact revealed 'left-over' data of witnesses Mr. Sliter-Matias was blocked from obtaining, redacted proof that he never devised a fraud scheme; but rather that some sellers encountering obstructions couldn't ship their items as opposed to 1,330 sales which successfully did. It was proof that sellers whose refunds sat unclaimed in the various illegally seized 161 eBay & PayPal accounts shown at trial had been victimized by these private entities under federal direction.

B. The Decision Below Is Incorrect. Sliter-Matias' Claim Presents An Ideal Vehicle to Not Enable Acts Inconsistent with Fair

Dealing and Harmonize the Courts In Directing Compliance with Constitutional Controls.

A grant of certiorari and reversal of conviction would not enable acts inconsistent with fair dealing and give pause to the absolutism in federal power that now looms over this country. The crux issue is whether federal agents' aggressive expansion of powers inside privately-owned technology companies can meet the demands of effective criminal investigations and law enforcement Constitutionally. They cannot. The instant case is an important vehicle to direct compliance with the limits of the Constitution so that private entities do not usurp federal authority over criminal investigations and federal agencies do not unduly delegate their duties to third-parties to circumvent due process and all other guaranteed protections and together commit illegal actions against U.S. citizens. Justice Frankfurter's warning over the blurring of the lines between public and private was never truer, "that somewhere, somehow, to some extent, there be an infusion of conduct by officials, panoplied with State power, into any scheme" to deny protected rights. *Terry v. Adams*, 345 U.S. 461, 473 (1953).

More importantly, when government partners with corporations, they realize their benefits and profits at the expense of the public. The Fifth Circuit is already speaking this language in the area of the First Amendment, though far short of naming it a conspiracy of government authoritarianism. In a

shocking statement concerning federal official's activities in social media to censor free speech, it stated, "The Supreme Court has rarely been faced with a coordinated campaign of this magnitude orchestrated by federal officials that jeopardized a fundamental aspect of American life." *Missouri v. Biden*, No. 23-30445, 5th Cir (2023) [2023 WL 6425697, *27]; *See also*, current dissent in *Murthy v. Missouri*, No. 23A243 (23-411) (2023)). Government agencies desire access where they do not belong. The entrenched conflict of interest between the government and private enterprises undermines the ethics and morals of all involved. Private enterprises like eBay & PayPal can realize net gains from convictions as they are not held to regulatory standards for reversed funds they continue to hold. Similarly, Postal Inspectors through their informal oversight over these platforms can target individuals by examining purchase history of precious metals just as easily as they can concoct evidence to seize that property. Finally, prosecutors can fail to disclose complex private proprietary systems to support convictions and forfeitures. What stops all of them?

The government's implication in a "fraud scheme" could not have been raised on Mr. Sliter-Matias' direct appeal. After the "dot three" sub-exhibits emerged, these claims were far from "frivolous," and reach beyond the scope and application of any procedural bar. *Schlup v. Delo*, 513 U.S. 298, 324 (1995). The government can no longer prove a case against Mr. Sliter-Matias, which has no other basis than the revelation of its own participation

in criminal behavior. Mr. Sliter-Matias no longer meets the “mail fraud” statute under 18 U.S.C. § 1341 and is entitled to “just compensation” under the Fifth Amendment. While workarounds by government agencies to subvert Constitutional principles with modern technologies continue at a faster rate than the courts can react and endanger the public at large, the Third Circuit fails to address the complexity. This case has now demonstrated that the government commits illegal actions against U.S. citizens regularly through its reciprocal arrangements inside the private. The district court’s obligation is not to protect government fraud, it is to see that justice is done. The Third Circuit Court of Appeals has side-stepped the issue, confirming the decision for “substantially the same reasons” and offering no further opinion. (App. 3). Finally, the Third Circuit Court of Appeals continued to ignore the facts alleged by the Petitioner, and did not correct this upon request for a rehearing. (App. 1).

Ultimately, the Petitioner has standing to challenge these rulings on their merits. It is the duty of the government to afford protection of Mr. Sliter-Matias’ inalienable rights by the power that it possesses for that purpose. *United States v. Cruikshank*, 92 U.S. 542 (1875). The courts have now deviated from normal appellate procedures with prejudice. (App. 29). The Petitioner has standing to contest these facts on his own behalf, as well as all users who have been similarly affected by the government’s pervasive entwinement in these private platforms.

A grant of certiorari and reversal of conviction would not enable acts that are inconsistent with fair dealing, and harmonize the courts to halt the overreach of federal power into privatized “law-enforcement portals.” Declaring any evidence illegally collected and fabricated by third-parties like eBay & PayPal as *inadmissible*, and activity logs withheld from a defense as intentional *Brady* violations voiding a conviction, will cease this subversive behavior and protect the liberties of all. “It will be an evil day for American liberty if the theory of a government outside of the supreme law of the land finds lodgment in our constitutional jurisprudence.” *Downes v. Bidwell*, 182 U.S. 382 (1901).

The Petitioner’s pro se Petition for a Writ of Certiorari has attempted to synthesize a multitude of variables that are part of this complex case and can’t simply be reduced to a handful of maxims. This Petition for a Writ of Certiorari is hereby submitted to the Supreme Court of the United States of America, and justice prays that this petition is granted.

FINALLY, a vehicle to the conclusion of all the Government’s privatized and illegal relationships.

CONCLUSION

For the foregoing reasons, the Petitioner requests this Court grant the Petition for a Writ of Certiorari.

Respectfully submitted,

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APPENDIX