

In The Supreme Court of The
United States of America
October Term 2023

BRYANT CALLOWAY No 23-6730

V

United States of America

ON Petition for A Writ of Certiorari
To the United States Court of Appeals
for The Third Circuit
(Rehearing)

BRYANT CALLOWAY 76302066
USP CANAAN
P.O. Box 300
WAYMART P.A 18472

Statement of the Case

Before the grand jury, I was identified as the shooter based on the hearsay testimony of Frederick Porter and law enforcement officers. Porter testified that someone told him that someone seen me drive off after the murder. Valdo Guilford's false testimony was the only direct evidence of the murder before the grand jury.

Guilford's evidence was fundamentally different and stronger than all the other evidence presented to the grand jury that connected me to the murder. Without his eyewitness testimony of me approaching the murder scene and retreating with a gun in hand, as well as his report of my confession to the murder this court cannot conclude that the grand jury would've charged me with the crimes for which the petit jury ultimately found me guilty beyond a reasonable doubt.

Guilford's false testimony severely prejudiced the grand jury against me in that it was the primary reason for my indictment and my indictment should be dismissed due to plain error of having to stand trial on an indictment with perjured material testimony.

Reasons For Granting the Petition

The Fifth Amendment provides: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand jury. US Const Amend V

The constitutional requirement of due process is not satisfied where a conviction is obtained by the presentation of testimony known to the prosecuting authorities to be perjured. *Mooney v Holohan* 294 US 103-115 (1935) At the point at which he learns of perjury before the grand jury, the prosecuting attorney is under a duty to notify the court and the grand jury, to correct the cancer of justice that has become apparent to him. To permit a defendant to stand trial when the prosecutor knows of the perjury before the grand jury only allows the cancer to grow. *US v Basuto* 497 F.2d 781 (1974) 9th Cir

Frederick Porter testified before the grand jury on August 31, 2016 more than a year before the grand jury returned an indictment on Sept 27, 2017 VALDO Guilford presented the false testimony on Sept 27, 2017 and it doubtlessly caused the grand jury to indict. By the time of trial Clayton Roberts testifies as well as a crime scene technician who collected evidence from the crime scene and their testimony corroborates each other, but contradicts Guilford's

testimony and the prosecutors never corrected the false testimony of VALDO Guilford.

Accordingly I can establish the denial of a constitutional right and the writ of certiorari should be granted.

Conclusion

For the foregoing reasons, Petitioner Bryant Calloway respectfully requests that the court grant his petition for a Writ of Certiorari.

Respectfully Submitted
Bryant Calloway

Proof of Service

I Bryant Calloway am a pro se litigant who resides at USP Canaan. P.O Box 300, Waymart P.A 18472 and I sent a copy of this petition to the Solicitor General of The United States located at Room 5616 Department of Justice 950 Pennsylvania Avenue, N.W Washington, D.C 20530-0001. The foregoing is true to the best of my knowledge and I declare under the penalty of perjury

Bryant Calloway Pro se
7/8/24

**Additional material
from this filing is
available in the
Clerk's Office.**