

APPENDIX A

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

ORLANDO BELL

Defendant.

Case No. 1:17-cr-00234-7 (TNM)

ORDER

In June, this Court denied Defendant Orlando Bell's motion under 28 U.S.C. § 2255 to vacate his conviction. *See United States v. Bell*, 2022 WL 2191688, at *7 (D.D.C. June 18, 2022). Bell argued that his trial counsel, Christopher Davis, was ineffective at various stages of his trial and that his appellate counsel, Mary Davis, was ineffective. She is married to Bell's trial counsel, and Bell contended that she was thus ineffective because of the conflict between his interest as her client and her loyalty to her husband. *See Motion at 7, ECF No. 283.*¹

The Court rejected all of Bell's arguments. As to Mary Davis, the Court analyzed her conflict under *Cuyler v. Sullivan*, 446 U.S. 335, 348 (1980), under which a defendant succeeds if "an actual conflict of interest adversely affected his lawyer's performance." The Court agreed that Mary Davis had a conflict but held that any conflict did not adversely affect her performance because Bell had proffered no "legitimate argument that she failed to make on appeal because of that conflict." *Bell*, 2022 WL 2191688, at *6 (cleaned up). He suggested only meritless arguments. Under applicable precedent, his failure to "articulate a strategy that a reasonable, nonconflicted defense counsel would have pursued[.]" foreclosed the argument that Mary Davis was ineffective. *Id.* (quoting *United States v. Tucker*, 12 F.4th 804, 819 (D.C. Cir. 2021)).

¹ All page citations refer to the page numbers generated by the Court's CM/ECF system.

Bell appealed. *See* ECF No. 306. The D.C. Circuit then remanded for this Court to determine whether Bell deserves a certificate of appealability (COA). Bell's motion for a COA is now ripe for decision. *See* ECF No. 311 (Mot.).

A habeas petitioner receives a COA "only if" he "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make the requisite "substantial showing," Bell must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Bell seeks a COA only as to the Court's decision on Mary Davis's alleged conflict. *See* Mot. at 2. In general, he says that the Court misapplied *Cuyler*. According to him, once the Court determined her conflict, it should have assumed that the conflict affected her representation. *See id.* at 3, 5. Instead, he says, the Court engaged in a "harmless error analysis" not permitted under *Cuyler*. *Id.* at 3.

The Court disagrees. The Supreme Court has clarified that *Cuyler* "requires proof of effect upon representation." *Mickens v. Taylor*, 535 U.S. 162, 173 (2002). For that proof, courts in this circuit must consider whether any conflict led to an "actual lapse in representation." *United States v. McGill*, 815 F.3d 846, 943 (D.C. Cir. 2016) (cleaned up). And as the D.C. Circuit noted recently in *United States v. Tucker*, "[t]o satisfy this standard, [the defendant] must articulate a strategy that a reasonable, nonconflicted defense counsel would have pursued." 12 F.4th at 819. This Court thus faithfully applied binding precedent when it asked whether Bell had articulated some strategy that Mary Davis could have made on direct appeal. The Government's opposition also clarifies that almost every other circuit uses the same standard.

See Opp’n at 9–10, ECF No. 313 (collecting cases). So reasonable jurists would not debate how this Court formulated and applied *Cuyler*.²

Bell then argues that, even if the Court properly formulated *Cuyler*, “[c]onflict-free counsel would’ve raised other issues.” Mot. at 5. But this is not enough. Recall that Bell must articulate “legitimate” arguments that conflict-free appellate counsel could have raised. *United States v. Bruce*, 89 F.3d 886, 896 (D.C. Cir. 1996). He never does so. First, he suggests the same ineffective trial counsel arguments that this Court denied in its prior order. See Mot. at 4, n.10 (appellate counsel could have challenged Christopher Davis’s “forcing Mr. Bell [not] to testify, not adequately investigating the case, and counseling him about a plea[.]”). As the Court explained there, those arguments are meritless and would not have comprised “reasonable” arguments on appeal. *Tucker*, 12 F.4th at 819. And although Bell hints that nonconflicted appellate counsel could have pursued other arguments as to Christopher Davis’s ineffectiveness, see Reply at 2, ECF No. 314, he does not say—either now or in his earlier briefing—what those arguments might be.


Because Bell suggests no legitimate, plausible, or colorable arguments that nonconflicted appellate counsel could have raised, he has not articulated “a strategy that a reasonable, nonconflicted defense counsel would have pursued.” *Tucker*, 12 F.4th at 819. Faced with the D.C. Circuit’s precedent on this point, reasonable jurists could not debate Bell’s failure to show that Mary Davis’s conflict “adversely affected [her] performance.” *Cuyler*, 446 U.S. at 348.

² The Government does not concede that *Cuyler* is the appropriate test, arguing that it applies only in “the context of multiple representations.” Opp’n at 6, n.1. Considering Bell’s failure to meet the *Cuyler* test, however, the Court need not decide if the Government is correct.

For these reasons, it is hereby **ORDERED** that Bell's [311] Motion for a Certificate of Appealability is DENIED.

SO ORDERED. The Clerk of Court shall transmit this order to the D.C. Circuit.

Dated: September 15, 2022

 2022.09.15
09:15:56 -04'00'

TREVOR N. McFADDEN, U.S.D.J.

APPENDIX B

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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-3040

September Term, 2022

1:17-cr-00234-TNM-7

Filed On: April 25, 2023

United States of America,

Appellee

v.

Orlando Bell,

Appellant

BEFORE: Millett, Wilkins, and Katsas, Circuit Judges

ORDER

Upon consideration of the motion to dismiss case for lack of certificate of appealability; the motion for leave to amend the motion to dismiss and the lodged amended motion to dismiss; the motion to appoint counsel; and the motion for certificate of appealability, the opposition thereto, and the reply, it is

ORDERED that the motion for leave to amend be granted. The Clerk is directed to file the lodged amended motion to dismiss case for lack of certificate of appealability. It is

FURTHER ORDERED that the motion for appointment of counsel be denied. The interests of justice do not warrant appointment of counsel in this case. See 18 U.S.C. § 3006A(a)(2)(B). It is

FURTHER ORDERED that the amended motion to dismiss be granted, the motion for a certificate of appealability be denied, and that the appeal be dismissed. Because appellant has not “made a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), no certificate of appealability is warranted. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). Specifically, appellant has not demonstrated that “reasonable jurists would find the district court’s assessment of the constitutional claims” contained in his motion to vacate under 28 U.S.C. § 2255 “debatable or wrong.” See Slack, 529 U.S. at 484; Strickland v. Washington, 466 U.S. 668, 687 (1984). Nor has appellant made a substantial showing of the denial of a constitutional right based on the performance of counsel appointed to assist him with his reply in support of his § 2255 motion. See Garza v. Idaho, 139 S. Ct. 738, 749 (2019) (recognizing that “[t]here is no

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-3040

September Term, 2022

right to counsel in postconviction proceedings"); see also Wainwright v. Torna, 455 U.S. 586, 587-88 (1982) (per curiam) (explaining that where a prisoner had no constitutional right to counsel, he could not be deprived of the effective assistance of counsel under the Sixth Amendment). Finally, the court cannot consider the other arguments appellant raises for the first time in his motion for a certificate of appealability because he failed to raise those arguments in the district court. See Waters v. Lockett, 896 F.3d 559, 571 (D.C. Cir. 2018), cert. denied, 139 S. Ct. 648 (2018).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. Because no certificate of appealability has been allowed, no mandate will issue.

Per Curiam

APPENDIX C

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-3040

September Term, 2023

1:17-cr-00234-TNM-7

Filed On: November 15, 2023

United States of America,

Appellee

v.

Orlando Bell,

Appellant

BEFORE: Srinivasan, Chief Judge, and Henderson, Millett, Pillard, Wilkins,
Katsas, Rao, Walker, Childs, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy

Deputy Clerk

22-3040

Orlando Bell
#83130-007
U.S. Penitentiary
Thomson
PO Box 1001
Thomson, IL 61285

APPENDIX D

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IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

OCT 14 2022

Angela D. Casano, Clerk of Court
U.S. District Court, District of Columbia

ORLANDO BELL,

Defendant,

v.

UNITED STATES OF AMERICA

Respondent.

Crim Case No. 1:17-cr-234

United States District Judge

Honorable Trevor N. McFadden

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

Leave to file DENIED

TREVOR N. MCFADDEN
United States District Judge

Fed PCm Pro 49 (b)(4)

RECEIVED

MOTION TO RECONSIDER DENIAL OF 28 U.S.C § 2253(c)

Comes Now Orlando Bell, the undersign Pro Se Defendant, ask the court to reconsider denial of his 28 U.S.C §2253(c). Defendant ask this court to appoint him new counsel to assist in 28 U.S.C § 2253 (c) motion he mailed to this court on August 24, 2022. Defendant also notified the court of not agreeing to any motion his counsel sent to the court in a letter that he mailed to the court dated July 18, 2022 before asking for replacement of counsel in his August 24, 2022 motion.


Defendant proceed to notifying the court on September 1, 2022 in the motion informing this court that he is not agreeing to the motion his counsel submitted on August 26, 2022 without his consent after the U.S Attorney for the District of Columbia submitted it's opposition to defendant's COA on August 5, 2022. Defendant never recieved the motion submitted by his counsel for his COA until after September 3. 2022 and D.A's opposition from his attorney after August 24, 2022.

On September 20, 2022 Defendant mailed his COA brief to the court because the court never responded to any of his motions that he submitted starting with the July 18, 2022 motion informing the court that his counsel is not consenting with him on motions she intend on submitting on his behalf, that she did submitted without her client's consent. On September 26, 2022 Defendant recieved legal mail from his counsel at Leavenworth U.S.P with September 21, 2022 stamped on the envelope with defendant's COA denial by this court. Exhibit A dated July 8, 2022 informing court that counsel is not consenting with her client before submitting motions on his behalf.

Exhibit B defendant ask the court to appoint him new counsel to assist in 28 U.S.C. § 2253(c) that was notorised and mailed to this court on August 24, 2022. Exhibit C Defendant notify court of not recieving or agreeing to motion filed on August 5, 2022 by his counsel for COA on his behalf which she actually filed on july 18,2022. Exhibit C was notorised and mailed to this court on September 1, 2022. Exhibit D Defendant's brief pursuant to title 28 U.S.C § 2253(c) COA supplemental motion to amend 2253(c) COA was notorised on September 20, 2022 and was mailed to this court on that same day.

Exhibit E is the tracking number for Exhibit B, Exhibit F is the tracking number for Exhibit C, Exhibit G is the tracking number for Exhibit D which all shows that these motions was succesfully delivered to this court by certified mail by U.S postal service. Based on these facts this defendant Ask the court to grant his motion of reconsideration for his COA.

Respectfully Submitted


Mr. Orlando Bell

Pro-Se Defendant

Reg. No 831-30-007

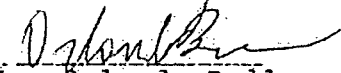
P.O.Box 1000

Leavenworth, KS 66048

CERTIFICATE OF SERVICE BY MAIL

I hereby state that under penalty of perjury that the facts contained herein are true and correct based on this defendant's knowledge pursuant to 28 U.S.C 28 § 1746, that the foregoing motion for reconsideration of 28 U.S.C § 2253(c). A copy has been served to the Clerk's Office of the U.S District Court for the District Of Columbia in Washington D.C 20001 and to the adverse parties by U.S postal mail first class mail by prison official for mailing on this 27 day of September, 2022, pursuant to 28 U.S.C § 1746.

ETHAN L. CARROLL ASSISTANT U.S ATTORNEY
UNITED STATES ATTORNEY'S OFFICE
FOR THE DISTRICT OF COLUMBIA
555 4th street N.W
Washington D.C 20001


Mr. Orlando Bell

Pr-Se Defendant

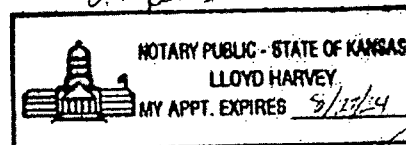
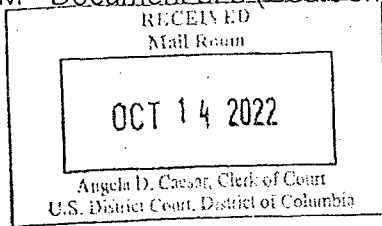


Exhibit A for COA
denial



Judge: McFadden

To the Honorable Court I'm requesting a continuance on my C.O.A. briefing because I'm in transit from North Lake Correctional Facility in Baldwin Michigan from July 7, 2022 to Leavenworth U.S.P. in Kansas. My attorney had an appointment with me through legal call but it was canceled due to my transit. I spoke with my attorney briefly on 7-14-22 and she informed me that this Court denied her my C.O.A. Continuance.

My attorney informed me that she has not had the opportunity to review my case and that the court gave her until 7/22/22 to file my C.O.A. briefing. She also informed me that she will file and submit C.O.A. on set date which I'm not consenting with because I need more time to prepare and review the C.O.A. response that this court is awaiting. Due to me been in transit as ~~was~~ I'm writing this letter. I don't have any legal information from the court or my counsel at this moment in time as all my legal material are currently in transit.

Sincerely, Orlando Bell July 18, 2022

IN THE

Defendant,

V.

Respondent.

7021 2720 0001 6463 7510

COUNSEL TO ASSIST IN 28 U.S.C. § 2253 (C)

or file any further motions on his behalf she is ineffective.

2022 if any was not disclosed in writing or was agreed upon by the defendant.

request for a new counsel.

Respectfully Submitted

Orlando Bell

Mr. Orlando Bell

Pro se Defendant

Reg. No. 831-30-007

P.O.Box 1000

Leavenworth, KS 66048

CERTIFICATE OF SERVICE BY MAIL

I hereby state under penalty of perjury that the facts contained herein are true and correct based on this defendant's knowledge pursuant to 28 U.S.C. § 1746, that the foregoing motion for appointment of new counsel to represent defendant in a Certificate of Appealability Brief. A copy has been served to the Clerk's Office of the U.S District Court for District of Columbia in Washington, D.C. 2001 and to the adverse parties by U.S Postal mail first class mail by prison official for mailing on this 24 day of August, 2022, pursuant to 28 U.S.C. § 1746.

ETHAN L. CARROL ASSISTANCE U.S ATTORNEY

UNITED STATES ATTORNEY'S OFFICE

FOR DISTRICT OF COLUMBIA

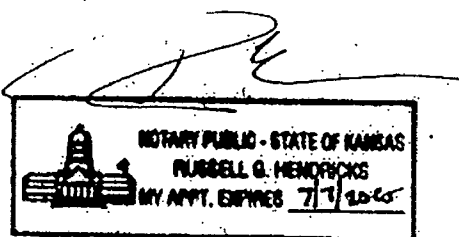
555 4th street, N.W

Washington, D.C 20001

Orlando Bell

Mr. Orlando Bell

Pro se Defendant



ORLANDO BELL,

Crim Case No. 1:17-cr-234
United States District Judge
Honorable Trevor N. McFadden

V.

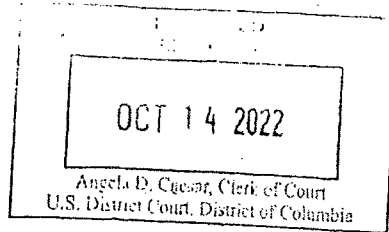
Respondent.

Movant's counsel never formally introduce herself that she is representing him in his 2255. On January 13, 2022 Mr. Bell ask counsel to send him a letter about all the motions and updates of his 2255, counsel's response was why do you need a letter. Mr. Bell only had a skype interview with counsel that took place on December 2, 2021 and a follow up phone call. Counsel only communicate through Mr Bell's counselor at North Lake Correctional Institution, never through any legal mail to formally establish communication that she is representing Mr. Bell only through Mr. Bell Counselor's email at the institution he is currently incarcerated.

Movant's is asking the court to encourage counsel to address all legal proceedings and motions that counsel prepared and submitted in writing for formality. At this moment in time Mr. Bell is told by counsel that she submitted at least two continuance and one F.O.I.A to get information from the U.S Park Police to assist in movant's 2255, movant's have not received any of these proceedings in writing. Mr. Bell hope to have a good relationship with counsel moving forward in his 2255 proceedings.

January 14, 2022

Exhibit b



Judge: McFadden

To the Honorable Court I'm requesting a continuance on my C.O.A. briefing because I'm in transit from North Lake Correctional Facility in Baldwin Michigan from July 7, 2022 to Leavenworth U.S.P. in Kansas. My attorney had an appointment with me through legal call but it was canceled due to my transit. I spoke with my attorney briefly on 7-14-22 and she informed me that this Court denied her my C.O.A. Continuance.

My attorney informed me that she have not had the opportunity to Review my Case and That the Court gave her until 7/22/22 to file my C.O.A. briefing. She also informed me that she will file and submit C.O.A. on set Date which I'm not consenting with because I need more time to prepare and Review the C.O.A. Response that this Court is awaiting. Due to me been in transit as ~~was~~ I'm writing this letter. I don't have any legal information from the court or my Counsel at this moment in time as all my legal material are currently in transit.

Sincerely, Orlando Bell July 18, 2022

RESPONSE TO INMATE REQUEST TO STAFF MEMBER
(COP-OUT)


Inmate's Name: BELL, Orlando
Reg. No.: 83130-007
Unit: BL LCP
Cell: B03-263U

This is in response to your Inmate Request to Staff received on dated August 22, 2022, wherein you request the conversation voice recordings with your attorney.

The Trust Fund Inmate Telephone System is for inmates to supplement written correspondence to maintain family and community ties. Additionally, Program Statement 1351.05, Release of Information, precludes the release of requested recordings to any person requesting access to records about himself/herself.

If you wish to request any information, it can be requested through the Freedom of Information Act Section.

FOIA/PA Section
Office of General Counsel, Room 924
Federal Bureau of Prisons
320 First Street, N.W.
Washington, DC 20534



D. Hudson, Warden

9-6

Date

TRULINCS 83130007 - BELL, ORLANDO - Unit: LVN-B-C

FROM: 83130007

TO: WARDEN

SUBJECT: ***Request to Staff*** BELL, ORLANDO, Reg# 83130007, LVN-B-C

DATE: 08/09/2022 08:32:59 PM

To: Warden of LeavenWorth

Inmate Work Assignment: n/a

I'm requesting a recording of my conversation between me and my attorney on 7/14/22 if you are not able to give me the actual voice recording of the conversation the transcript will do. If you are not able to provide any of my request give me the recourse that will provide the information that I'm seeking. This is for a court filing of a Certificate of Appealability that my attorney stated that was due on the 24th of this past month. I also need the recorded conversation for today which is the only conversation that I had on the institution phone with my attorney stating that the date was different for the C.O.A filing that she submitted without my consent. If you cant assist in giving me the recording of 7/14/22 and 8/9/22 give me a recourse to assist in acquiring these material, thank you and have a nice day.

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

ORLANDO BELL,

Defendant,

v.

UNITED STATES OF AMERICA

Respondent.

Crim Case No. 1:17-cr-234
United States District Judge
Honorable Trevor N. McFadden

7021 2720 0001 6463 7527

DEFENDANT NOTIFY COURT OF NOT RECEIVING OR AGREEING TO MOTION
FILED ON AUG 5, 2022 BY HIS COUNSEL FOR CERTIFICATE OF
APPEALABILITY ON HIS BEHALF

Comes Now Orlando Bell, the undersign Pro Se, to notify this court that this defendant did not authorized the Certificate of Appealability submitted by his counsel on August 5, 2022. COA counsel did not notify or consented with defendant before submission of caption motion. Defendant ask the court to send him a copy of the motion his counsel submitted on Aug 5, 2022 without his review or consent.

Defendant submitted a motion asking this court to replace currently appointed counsel with a new counsel on August 25, 2022 based on her unethical performance reflected in this motion of notification and previous motion for lack of professionalism. Defendant also ask this court to subpoena the requested recording on July 14 and 2 August 9, 2022 containing counsel's deceptive conversation misleading her client on dates and deadline for filing his COA, in his motion for new counsel Exhibit C.

Exhibit C is a letter to the warden of Leavenworth USP asking for recorded conversation between defendant and his counsel which will clarify defendant's claim of counsel's erroneous performance in her duties of attorney. The Warden told defendant that only a FOIA or a court subpoena can provide the recorded conversation. It is in the court's and the defendant's interest to subpoena the recorded conversation as it is also in the interest of counsel to better herself in her profession going forward.

Respectfully Submitted

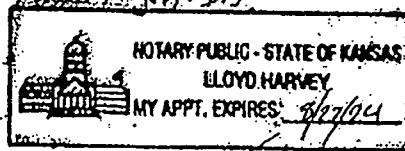
Orlando Brill
Mr. Orlando Brill
Pro-se Defendant
Reg. No. 831-30-007
P.O. Box 1000
Leavenworth, KS 66048

CERTIFICATE OF SERVICE BY MAIL

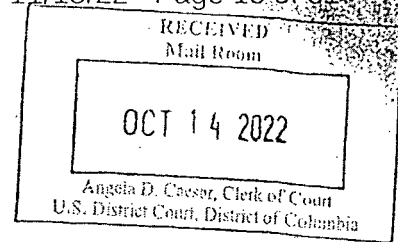
I hereby state under penalty of perjury that the facts contained herein are true and correct based on this defendant's knowledge pursuant to 28 U.S.C. § 1746, that the foregoing motion of notifying this court about not receiving or agreeing to motion filed on Aug 5, 2022, by his counsel for COA on defendant's behalf. A copy has been served to the Clerk's Office of the U.S District Court for District of Columbia in Washington D.C 20001 and to the adverse parties by U.S Postal mail first class mail by prison official for mailing on this 1 day of Sept, 2022, pursuant to 28 U.S.C. § 1746.

ETHAN L. CARROLL ASSISTANT U.S ATTORNEY
UNITED STATES ATTORNEY'S OFFICE
FOR DISTRICT OF COLUMBIA
555 4th Street N.W
Washington, D.C 20001

Orlando Brill
Mr. Orlando Brill
Pro se Defendant



IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA



ORLANDO BELL,

Defendant,

v.

UNITED STATES OF AMERICA

Respondent.

Crim Case No. 1:17-cr-234
United States District Judge
Honorable Trevor N. McFadden

7021 2720 0001 6463 7817

DEFENDANT'S BRIEF PURSUANT TO TITLE 28 U.S.C. § 2253(c)
CERTIFICATE OF APPEALABILITY
SUPPLEMENTAL MOTION TO AMEND § 2253(c) CERTIFICATE OF
APPEALABILITY

Comes Now Orlando Bell, the undersigned Pro-Se Defendant, and files his brief pursuant to 28 U.S.C. § 2253(c). In support of this court granting defendant relief from these collateral proceedings, he states as follows based in law and fact.

Defendant respectfully asks this court to grant him approval of his COA based on the facts that his trial and appellate counsel was ineffective when they refused and denied him his compulsory process for obtaining witnesses in his favor, violating his Sixth Amendment. Citing, 95 S.Ct. 2525, 45 L.Ed.2d 562, 422 U.S. 806 Farreta V California, "Since the Sixth Amendment rights providing that an accused shall be informed of the nature and cause of the accusation, shall be confronted with the witnesses against him, shall have compulsory process for obtaining witnesses in his favor, and shall have the assistance of counsel for his defense, are basic to our adversary system of criminal justice, they are part of the due process of law that is guaranteed by the Fourteenth Amendment to defendants in the criminal courts of the states",

Trial and appellate counsel violated the defendant's Sixth Amendment as well as his Fourteenth Amendment when trial counsel refused to call the interviewing officer as a witness to advocate the defendant's claims against that officer, and appellate counsel violated when she failed to advocate the same claims against the officer at defendant's request to both counsel.

These violations by counsels make them ineffective. Both counsels are unable to advocate defendant's cause because they are a married couple promoting their own interest at the defendant's expense.

This court already found trial and appellant counsel in conflict of interest and the witnesses defendant's counsels refused to call to the stand in question as to who arrested, and transported the defendant. ~~Who was not~~ mentioned in his 2255 only by description in this brief, interviewing and unknown officers. In this brief defendant believe that ~~this court will have~~ to reconsider why it denied his 2255 when it review accounts of the defendant's recollection of events that counsels willfully omitted from this district and appellate court.

According to Farreta this defendant have rights to confront witnesses, "Federal Constitutional right to confront witnesses. 23 LED2d 853". Trial counsel ignored defendant's right to confront the only officer who could have set the record straight, the transporting officer who the defendant identified as the interviewing officer. Counsel did not even call officer Mc Dormatt to the stand to clarify what officer David Keness said according to page 300 line 13-14 of the trial transcript "I don't remember if it was officer Tagross or me and McDormat transported him", Trial counsel had a duty to call Macdormatt and interviewing officer to the stand to clarify who really transported the defendant.

Trial counsel violated his duty of Attorney's Duties when he got his spouse involved in Appellant's proceedings. He willfully, adamantly without a doubt or concern for the defendant's interest advocated for him and also his spouse business interest to be the appellant counsel for his client. Citing Strickland v. Washington, 466 U.S. 668, 1045, Ct. 2052, 80 L.ed 674 (1984) "Attorney must avoid conflict of interest", under Attorney's Duties.

Trial counsel was in conflict of interest when he adamantly promoted his spouse in insisting that the defendant's only chance for acquittal is guaranteed if defendant uses his spouse on direct appeal in appellate court because the district judge is bias. Defendant's trial counsel was never interested in his client's potential acquittal. His only interest was in him and his wife business interest at defendant's expense.

On March 8, 2017 the defendant was pulled over by two United States Park Police Officers. Of which the officer with the beard who interviewed Lorenzo Moore an informer working for the F.B.I asked the defendant if he had any drugs or weapon in the car or on his person. defendant response was "I don't answer questions" and presented his drivers license to the interviewing officer along with his partner, who the defendant will never see again asked the defendant to step out of the vehicle.

Defendant complied while the interviewing officer began to back the defendant's vehicle onto the curb of 695 highway while his partner the unknown officer hand-cuffed the defendant and put on a pair of gloves. Unknown officer began searching the defendant's testicles after he pulled a p.t 25 Taurus Automatic from the defendant's right front pants pocket after the interviewing officer parked the defendant's vehicle.

He and the unknown officer placed defendant in the back-seat of an unmarked Crown Victoria. Interviewing officer drove while the unknown officer placed his elbow on the defendant neck, while using his other hand to squeeze the defendant's testicles with gloves on. While one elbow was placed on the defendant's neck he also inserted his fingers in the defendant's anus while squeezing on his testicles for the duration of the ride. That the interviewing officer drove after backing the Crown Victoria off of the 695 ramp on to the Anacostia Park trail heading towards Anacostia sub-station.

The defendant thought that the two officers was going to kill him. While the interviewing officer was yelling from the front of the Crown Victoria saying, "you a nigger who like to play with guns and you don't like to answer fucking questions" while pointing his gun at the defendant's head after a quick stop on the trail. From the driver's seat of the car. while facing the defendant. When the defendant arrived at the station the interviewing officer strip-search defendant and presented contraband.

After five minutes interviewing officer say "it's goto be more contraband on you", then he re-strip and searched defendant presenting more contraband in the presence of other officers while they all mocked the defendant, degrading, traumatising and terrorising him was an intended goal well accomplished by the interviewing officer. While smiling at defendant throughout entire mockery.

The trial counsel promised defendant that he will file motion for potential video footage of the strip-search at Anacostia Park sub-station, along with March 8, 2017 traffic stop. The defendant informed his trial counsel that he believed that he observed a body-cam on one of the two arresting officers even though he could not recall exactly which one. Defendant did observe a camera in the cell that he was strip-search one hundred percent.

Trial counsel rebuttaled the defendant's accusation of the interviewing and unknown officers saying that, "one of the officers killed a terrorist on a military base in Washington D.C. Who opened fire on the base, that officer is considered a hero. So it would not look good for our case if we attack the officer's credibility".

From that point on counsel relentlessly tried to coerced his client into taking a plea deal and to work as a C.I for the government. "it is the only option available" according to counsel's advice. Defendant expressed his innocence to trial counsel insisting on a trial that his counsel agreed to regretfully. Defendant made it clear to his counsel that he was going to trial when counsel was adamant against him taking the stand to challenged the two officers who took the stand who was mentioned in his 2255 as the arresting and transporting officers who is not the interviewing or unknown officer mentioned in this C.O.A brief.

Counsel threatened his client with psychological evaluation from this court had he decided to take the stand, "those allegations are baseless I'm going to have you see a shrink if you insist on taking the stand" against the two officers mentioned by name in his habeas-corpus as the arresting and transporting officers in his arrest on March 8, 2017. Defendant informed his counsel Christopher Davis at trial about an informant working for the F.B.I by the name of Lorenzo Moore that his interviewer with the beard is the actual transporting officer. Mr Davis told the defendant, that "all of these guys look alike so you must be mistaken him for some other person". Counsel also informed his client that "I will not be calling that officer to the stand" to testify in his client defense.

"Because all of the arresting officers in this case look alike". Defendant also informed Mr Davis that the two arresting officer that never took the stand impounded his car after they detained him on March 8, 2017. Upon his release the next day he picked up his car and took notice that his

9mm Jazminine Automatic was missing from the trunk of his car as well as his Leatherman pocket knife that was in arm-rest in the front of the car.

Both items was absent in the defendant's property manifest. Counsel promised his client that he would raise the issue about the missing knife and gun in court but he did not. The defendant never told anyone about him been a victim of sexual assaulted by the unknown officer not even his fiancé only his counsels Mr and Mrs Davis. Defendant wrote Mrs. Davis his appellant counsel a letter during the appeal in detail as well as verbally to Mr. Davis during the trial explaining to them how he was a victim of sexual assault by the two officers. Defendant was adamant to his trial counsel during numerous status hearing in this court and meeting at him and his wife office about his terrifying encounter with the two officers.

Trial counsel informed the defendant after defendant told him about the missing gun that he would raise his client concerns about potentially been framed for criminal activities not excluding homicide for the gun that allegedly went missing from the March 2017 impoundment of his car by the interviewing and unknown officers on the first or second status hearing. Counsel never raise any of the issues. The defendant wants the court to know that even though he was sentenced in march of 2019, judgement for him began on march 8, 2017 and was enhanced on march 9, 2017 upon him taking notice that his Jazminine 9mm Automatic was absent from the United States Park Police manifest.

Defendant was handed his car keys, wallet with a traffic ticket for a improper lane change for the March traffic stop at the Anacostia sub-station. Defendant's nightmare started after he walked from Anacostia station in South East to the impound lot on Benning Road and NewYork Ave North East. When he placed the key into the trunk of his car he was expecting to find his Jaminine pistol in it's holster under the spearfare cover. It was not there, or was it listed on the manifest from the United States Park Police.

Defendant searched the entire car. His leatheman pocket-knife was missing as well and it wasn't listed in the manifest either. Defendant bought another gun after obtaining another conceal permit out of fear for his life. At this point in time it would have been exactly nine months before the defendant encounter any law enforcement again when the F.B.I confiscated the new gun and newly issued conceal permit at his fiancé's apartment in Alex-

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- (3) Add Tether to Coinomi as well as Omni. Tether is a stable coin that is tethered to the USD. Omni Coin is needed for Tether's opperation in Coinomi's wallet as it is covering the transaction fees for Tether. Keep at least \$20 in Omni, converted from one of the coins mentioned in step one, using Changelly or Shapeshift exchanges ,~~nor any other exchanges that is built inside of Coinomi's wallet.~~
- (4) If any of the coins mentioned in step one rises, example, if Bitcoin rises from 20k to 50k , you would use anyone of the exchanges in step three to change the Bitcoin to Tether.at 50k. You'll do the same in changing Bitcoin from Tether to Bitcoin should the Bitcoin drop back to 20k.to maximize /increasing Bitcoin holdings.
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- (7) Exchanges: Yobit.net, Changelly.com, Shapeshift.com and ~~Binance.com~~
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- (9) Credible coins; Aurora, Binance Coin, Bitcoin, Bitcoin Cash, Bitshare, Crave, Cannabis Coin, Dash, Doge, Digibyte, Ethereum, Ethereum Classic, Gas, Hemp Coin, Iconomi, Lite Coin, Monoco Coin, Monero, Neo Coin, NYC, Potcoin, Putin Coin, Ripples, Stellar, Steem, Syscoin, ~~Unobitum~~, ~~Verge Coin~~, ~~Vent Coin~~, ~~Waves Coin~~ and Z-Cash.

andria Virginia while arresting him on indictment for this case. Defendant was relieved that it was the F.B.I that arrested him who treated him with dignity and respect while explaining to him what the arrest was about on December 8, 2017 and not the United States Park Police who traumatised the defendant, terrorising him by pointing their gun at his head while sodomising him at the same time.

In the mean time the defendant could not go to sleep at night. He was having nightmares about the sexual assault, been framed for every possible crimes including homicide by arresting officers who arrested and frame him with contraband during their strip search. Defendant was constantly dosing off while driving for Uber, Lyft and others, putting his and the ride-share customer's lives at risk while dosing off because he is lacking sleep due to nightmares that he endures from the missing gun.

On multiple occasion the defendant almost got into a accident while driving for the ride-shares, driving his adopted family which includes his step-children and his fiance. The defendant would have had a little comfort if his counsels would have advocated his concerns about the missing gun, and sexual assault throughout his trial and appellate proceedings. Both counsels failed to advocate the victim's interest who's their clients. Counsels went against the legitimate interest of the victim putting the public lives and the victim life at risk by covering up the monstrous act of the individuals who terrorised, traumatised, violated their client's humanitarian and civil rights that the police is suppose to protect.

Trial and appellate counsel did not honor their duties by completely ignoring the alledge violations of their client's civil and humanitarian rights by the United States Park Police practically torturing the defendant. To this very day the defendant is not able to sleep for one night through-out his almost four years of incarceration when a jury convicted him on a 924c on october 30, 2018 due to trauma inflicted upon him by the United States Park Police. Defendant find his-self dosing off in the population of D.C jail and other institution including the one he's currently housed at during conflicts between inmates stabbings of one another due to lack of sleep from the terrifying experience he endures from the two United States Park Police Officers.

The missing gun is a most stress-full topic more than even the sexual assault which is just as bad or even worst than the gun been pointed at the defendant's head by the interviewing officer to quope with. He believe that he could still be frame by the unknown and interviewing officers for any future crimes or criminal activities if it's not already happening right now. The sexual assualt will play a more critical role emotionally as he is already going through emotional distress from the whole ordeal hoping that the truth will come out especially about the missing gun.

The defendant only disclosed the sexual assault to his lawyers, criminal and appellant counsel is the only individuals who was informed about the assault. But the missing gun was disclosed to his fiance after all trial and appellate court porceedings was asserted. Defendat's counsels was infromed about the missing gun, sexual assault and the pointing of a gun by the interviewing officer to the defendant's head during all court proceedings, criminal and appellate.

No one know about the sodomising of the defendant to his knowledge. he did not disclosed such informatoin except with his counsels out of fear that the parkpolice would have frame him with the missing gun. He did not even feel safe in telling his attorneys any thing about the gun or the assault but he did trusting them with his life until he took notice of bits of information from a letter he wrote to his counsel Mrs Davis from the denial of his habeas-corpus complaint from this court. Even though counsels never disclose the assault to the court during his trial and direct appeal proceedings as was promised to him by them.

The defendant is still traumatised about the missing gun and moles-tation he endured from the unknown officer with a gun pointed at his head by the interviewing officer. Defendant claims that his trial counsel told him that "it's not a good idea to ask for a speedy trial. I'll beat this case hands-down because the indictment was amended without a grand-jury". When this court denied the motion to vacate based on ammended indictment counsel said, "the judge denied you because he's a Trump appointee". Counsel said to his client, "one of the D.A quitted because the judge refused to take a 20 year plea from Wayne Holdroy" a co-defendant of the defendant, "because he feel that Holdroy could have gotten more time than what the D.A was asking for".

Defendant ask his trial counsel, "why don't you try to recuse the judge for been bias". Counsel's response was, "I will". Then he said, "to be honest with you this judge will go against you in every possible and impossible way, so your best bet will be on appeal with my wife representing you. She will get you acquitted on this case one hundred percent and I never gurantee a hundred percent before".

Before the trial date was set trial consel represented the defendant at his bond hearing. Counsel told the defendant, "unlike the black judge who released you on P.R at your bond hearing, the trial judge was appointed by Prsident Donald Trump who don't like black and minority people of color". The trial counsel expressed to his client, "the new judge use to be a sheriff out in Virginia and you and your co-defendant's are litterally the first case this judge is assign to". Counsel was adamant about using the newly assigned judge as a scare-tactic to coerced his client into avoiding going to trial based on political and racial alliance the judge had with the sitting president at the time.

Defendant's counsel informed him that, "this is a conservative republican who will not give a black man of color a fair trial". The defendant was going through emotional distress because trial counsel was adamant about not going to trial with a white republican judge who will be administering his trial based on a person's ethnicity and poltical affiliation. Counsel told his client that, "you will get the most severe ruling handed down to you by this judge so we are not going to trial with this new judge".

Appellant counsel submitted the defendant's direct appeal without giving him the oppertunity to review the appeal. She mailed a copy to him after he confronted her about the unknown officer who assaulted the defendant in this C.O.A brief in a letter he mailed to her. Appellant counsel wrote defendant a letter before his certiorari was ruled on signed by her husband, stateing in the fourth sentence, "you can ask for it again when you file your 2255".

Both appellant and trial counsel tricked the defendant taking money from the government without full-filling Atorney's Duties under Strickland v. Washington, 466 U.S 668, 1045. Ct 2052, 80 L.ed2d 674 (1984) attorney must avoid conflict of interest. Under Stickland appellant and trial counsel violated when they failed to raise and attack the cre-

dibilities of the arresting and interviewing officers. Defendant's counsels shielded the officers from potential prosecution at their client's expense by refusing to call interviewing officer to take the stand and raised his and the credibilities of those two officers who did take the stand in his direct appeal.

The omission of the interviewing officers by the defendant's appellant counsel was due to spousal relation she had with the trial counsel putting her in violation of not advocating the defendant's interest according to Attorney's Duties while citing Strickland. The defendant's trial and appellant counsels were both in conflict of interest. (1) defendant's trial and appellant counsel's both promised defendant that they would raise his claim about the missing gun and knife from his car, (2) the video footage of the March traffic stop and sub-station strip-search, (3) calling interviewing officer to the stand at defendant's trial, (4) failing and attempting to change presiding judge based on trial counsel's input to his client about the judge been bias towards people of color.

Trial counsel's only interest was to hand the defendant over to his wife to generate bussiness for her in the appellate court. His wife only interest was to protect her husband bussiness in the district court at the defent's exspense when they both failed to raise the issues of the missing gun and aggreseous acts by the United States Park Police, allegedly by the defendant. Defendant's counsels did not care about their client's emotional distress that he suffered or the violation of his civil and humanitarian rights by those two offices who are suppose to protect his rights.

Defendant's counsels did not addressed the violation of their client's rights pointed out to them by him from the interviewing and unknown officers which put them in the same catagory as thos two officers. Counsels are officers of the law when they recieved their bar license it made them gaurd rails of the law. The defendant will never fully recover from the trauma that he experienced from that March 2017 traffic stop by the two officers no matter the outcome of his habeas-corpus complaint his wish is for his two counsels along with the two officers, interviewing and unknown never give them the oppertunity to error and inflict so much pain to anyone ever again.

This court should not deny the defendant COA on the assumption that a jury would have found him guilty knowing all that is been disclosed in this brief about the terrorist tactics the United States Park Police inflicted upon him for a simple traffic stop. The participant of the stop isn't even certain from the point of view of this court. This court also pointed out that defendant's counsel are in conflict of interest, which put them in violation of Criminal Law § 46.4(12) while citing Strickland. "In representing a criminal defendant, counsel owes the the client a duty of loyalty, a duty to avoid conflict of interest, and a duty to advocate the defendant's cause".

Counsel's omission of the interviewing and unknown officers showing their disloyalty towards their client's interest has been denied by this court which should reconsider it's denial based on the facts that trial and appellant counsel omitted the two officers from all of their client's legal proceedings by granting him his COA. Counsel's also omitted the missing gun the defendant brought to this court's attention in Exhibit A that he submitted out of frustration due to the lack of advocacy by the married couple acting as his counsels advocating their firm's interest at his expense while dismissing the missing gun claim by defendant, who is their client egregiously misrepresented by the couple.

Counsel's representation fell below an objective standard under prevailing professional norms in counsel's effective reasonableness. Counsel failed to raise or advocate defendant's 924c, conflicting testimonies of officers Lagross and Keness in all court's proceedings, failed to call in interviewing officer to the stand to reveal and exposed identity of the sodomizing officer sexual assault of the defendant. Trial and appellate proceedings did required both counsel to take the allegation of their client and to investigate claim vigorously, but they failed to do so. In this brief this defendant urge this court to get the video footage from substation of the Ancostia United States Park Police that was not advocated by trial or appellant counsel to shed some light as to defendant's claim of what took place during the strip search by interviewing and potential unknown officer.

Counsel violated defendant's six Amendment under Criminal Law § 46(6) when they denied him is right to make his defense. Citing Farreta, "the Six Amendment does not provide merely that a defense shall be made for

the accused, but rather it grants to the accused personally the rights to make his defense; it is the accused, not counsel, who must be informed of the nature and cause of the accusation, who must be confronted with witnesses against him, and who must be accorded compulsory process for obtaining witnesses in his favor".

The defendant brought the missing gun and knife to this court's attention when he filed for discovery before his certiorari was ruled on by the Supreme Court submitted by appellant's counsel and was brought to both counsel's attention throughout trial as well as appellate proceedings. Both counsels refused to compelled the interviewing officer or mention him for the record as a potential witness on their client's behalf. Defendant would have more than likely been acquitted of the 924c as he was the conspiracy in his indictment, but they denied him his rights to the witness in front of the jury that convicted in part and acquitted in part.

Defendant was under duress from trial counsel threatening to have a shreek evaluate him if he decided to take the stand and from the two officers responsible for the missing gun that the defendant told his trial counsel about to no avail. On 12-1-20 defendant filed a discovery motion to ask this court for the identities of the two interviewing officials who interviewed Lorenzo Moore to assist in his 2255 of which the one with the beard was pointed out to counsel as the officer that pointed the gun to their client's head, counsels ignored and failed to raise their client's allegation by calling the officer as a witness at trial as well as the appellate and Supreme Court proceedings.

After the Supreme Court denied defendant's 2255 he submitted a motion dated 2-8-21 asking this court about the whereabouts of his missing gun and knife that was never advocated for discovery by counsels during trial, appeal and Supreme Court. The married couple had major conflicts of interest while representing their client that prevented them from upholding his Sixth Amendment rights to the interviewing officer with the beard when they refused their clients's request to attack that officer's credibility as a witness in all of the defendant's legal proceedings. Exhibit B shows the motion dated 12-1-20 and Exhibit A shows the motion dated 2-8-21.

In Sum the married couple acting as this defendant's counsel throughout the trial, appellate and the United States Supreme Court's ruling

against defendant's interest was undoubtable due to the conflict of interest trial and appellant counsel was in while representing this defendant throughout the various stages of his legal proceedings. The couple representing defendant is not conflict free putting their interest in the or cross-air of their client's interest violating his Six Amendment. Appellant counsel never alerted the Court of Appeals about any allegations her husband dismissed and omitted from the District Court because of loyalty to her husband, she was not able or willing to challenge her spouse in any and all error he was in which put her client at a disadvantage in his appellate proceedings even though she could have lost. This court should allow the defendant a fair opportunity that was deprived him in the Court of Appeals by conflicted interest of trial and appellant counsel by granting his Certificate of Appealability.

Respectfully Submitted

Orlando Bell
Mr. Orlando Bell

Pro-se Defendant

Reg. No 831-30-007

P.O.Box 1000

Leavenworth, KS 66048

P.O.Box Leavenworth

CERTIFICATE OF APPEALABILITY

I hereby state under penalty of perjury that the facts contained herein are true and correct based on this defendant's knowledge pursuant to 28 U.S.C § 1746, that the foregoing motion for 28 U.S.C § 2253(c) Certificate of Appealability Supplemental Motion for amend. 2253(c) Certificate Of Appealability. A copy has been served to the Clerk's Office of the U.S District Court for District of Columbia in Washington D.C 20001 and to the adverse parties by U.S postal mail first class mail by prison official for mailing on this 20 day of Sept, 2022, pursuant to 28 U.S.C § 1746.

ETHAN L. CARROLL ASSISTANT U.S. ATTORNEY
UNITED STATES ATTORNEY's office
FOR DISTRICT OF COLUMBIA
555 4th Street N.W
Washington, D.C 20001

Orlando Bell
Mr. Orlando Bell
Pro Se Defendant

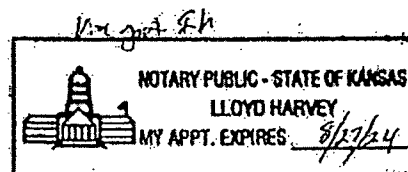


Exhibit B

12-1-20

To the honorable and respectable Justice Mr. Fadden:

On 10/4/20 I spoke with my attorney Christopher and Mary Davis concerning my transcript. They insisted that I don't need the bond hearing and they are not going to provide it to me. They did provided the trial transcript missing pages 193-220 out of 220 and another pages 61-84 of 84. Christopher also sent me an email printout dated 2/22/18, asking Mohanty Nihar for any video footage in the station house or body camera worn by the officers after the March traffic stop. Mr Nihar response was, "Well check, but I don't think there is any video or body camera footage". I was wondering if you may ask Mr. Nihar, maybe he have it by chance because Mr Davis never showed a response from Mr Nihar concerning the footage. Also if you could mention to Mr Davis or Nihar to provide me a picture of the two agent/officer who interviewed Lorenzo Moore on the video footage with their name beside each picture for identifying purposes, when I file my 2255. Your bondservant only ask Mr Davis for what you mentioned to him on my behalf on 10/30/20. I only ask of you to remind him that I need all the materials that I mentioned even though we have opposing views, me and counsel that is. May Allah make you forever wise ~~is~~ on his behalf. Peace and esteem be on and with you by the hands of Yahuah's on your dates.

Sincerely
Orlando Bull

fingerprint of the drug package that the agents
need testified that they retrieved off of my person. I
knife to know what happened to the leatherman pocket knife
from and the Seminez nine mm pistol that was retrieved
Rest the trunk of my car. the knife was in the arm
of my car. These items was never mentioned in my
search property manifest, the gun and the knife, of the march.

Sincerely
Orlando Bell

Exhibit a

2/8/21

United States v Orlando Bell 1:17-cr-00234-2(TN)
Pro-Se

Court Now I'm making pro se in my 2255, I'm motioning the Co
to provide all necessary information to assist in this case
calls under 5 U.S.C § 552 (A)(B). I need all monitored phone call
and made to phone number 202-234-1348, of Christopher and
Mary Davis from the start of my incarceration, from
the Nov, 2018 to August 2020. I also need a picture and a
name of the park police who transported me from the
Anacostia holding station on March 8, 2017 to the D.C
all Superior court holding station. I need the transcript of
oral argument in my direct appeal and writ of
Ceterari as well as the full video interview of Lorenzo
the Moore by the two officer/agent that was presented on the
of second day of my trial. I also need the video footage
the myself entering and picking up my property from the
holding park police. after my release from D.C superior court ho
station station on March 9 2017 in the Anacostia holding st
and with the name of the officer who released my property
the Me Exiting the building afterward, I also need the
the Name of the officer who searched and impounded my
there Vehicle in March 2017, with the video footage if there
the is any. I also need the recorded conversation of
Meeting of me, Mr. Davis and the FBI agents along with
is at Rosenberg in April or May of 2018, I suspect there
observed the least an audio recording of the Meeting because I observe
there is lead agent recording the meeting on his iPhone, if there
a video footage, I'll need it as well. I also need the

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Exhibit G for COA

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