

No. 24-_____

IN THE
SUPREME COURT OF THE UNITED STATES

TERRACE TYRONE PERKINS, *Petitioner*,

v.

NICHOLAS LAMB, *Respondent*.

APPENDIX

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UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 24-1840

Terrace Tyrone Perkins, Sr.

Plaintiff - Appellant

v.

Nicholas Lamb, Warden Fort Dodge Correctional Facility

Defendant - Appellee

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:21-cv-00270-SHL)

JUDGMENT

Before GRUENDER, GRASZ, and KOBES, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

June 10, 2024

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 24-1840

Terrace Tyrone Perkins, Sr.

Appellant

v.

Nicholas Lamb, Warden Fort Dodge Correctional Facility

Appellee

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:21-cv-00270-SHL)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

July 15, 2024

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Terrace Tyrone Perkins, Sr.

CIVIL NUMBER: 4:21-cv-00270-SHL

Petitioner,

v.

JUDGMENT IN A CIVIL CASE

Nicholas Lamb

Respondent,

DECISION BY COURT. This action came before the Court. The matter has been fully submitted and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is denied. Judgment entered in favor of respondent against petitioner. Case closed. Certificate of appealability is denied.

■

Date: March 28, 2024

CLERK, U.S. DISTRICT COURT

/s/ N. Allison

By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

TERRACE TYRONE PERKINS, SR.,

Petitioner,

v.

NICHOLAS LAMB,

Respondent.

No. 4:21-cv-00270-SHL

**ORDER DENYING
PETITION FOR WRIT OF
HABEAS CORPUS**

Terrace Perkins, Sr., filed this petition for writ of habeas corpus under 28 U.S.C. § 2254. Perkins is in jail in Iowa following his convictions for robbery in the first degree and willful injury causing serious injury. He argues that his convictions were obtained in violation of clearly established federal law because of ineffective assistance of counsel and errors by the state trial court, including in connection with Perkins's *Batson* challenge during jury selection. The Court concludes that Perkins has failed to establish a basis for federal habeas relief and therefore DENIES his petition.

I. BACKGROUND.

A. State Proceedings.

The State charged Perkins with robbery in the first degree and willful injury causing serious injury. *See State v. Perkins*, 884 N.W.2d 223, *1 (Iowa Ct. App. 2016) (unpublished table opinion) ("Perkins I"). Perkins stood trial on these charges and was convicted by a jury. *Id.* at *4. The trial court sentenced Perkins to twenty-five years' imprisonment on the robbery conviction and ten years' imprisonment, consecutive, on the willful injury conviction, for a total of thirty-five years. *Id.* Perkins appealed. *Id.*

Perkins argued on direct appeal that his right to due process was violated when the trial court admitted the victim's identification of Perkins's voice from a recording. According to Perkins, the process for the identification was impermissibly suggestive. *See id.* Perkins also argued "his right to equal protection was violated when the district court found that the prosecutor's use of a peremptory strike to remove a minority juror was not purposeful discrimination." *Id.* at *6. Finally, Perkins argued ineffective assistance of trial counsel "because counsel 'failed to properly argue the motion for new trial.'" *Id.* at *7. The Court of Appeals rejected Perkins's first two arguments on the