

No. _____

24-5534

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
SEP 04 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Anthony Hawkins — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony Hawkins #90827-509
(Your Name)

P.O. Box 150160

(Address)

Atlanta, GA 30315

(City, State, Zip Code)

N/A (Federal Prisoner)

(Phone Number)

QUESTION(S) PRESENTED

- (1) Whether and to what extent the Confrontation Clause of the 6th Amendment should contain the right to address the amount of a benefit that a co-operating co-defendant witness receives because the extent of the considerations provided to the co-defendant should inform the jury of the amount of bias the witness holds against the defendant at trial
- (2) Whether and to what extent the Confrontation and Due Process Clauses of the 5th and 6th Amendments demand the ability to confront the person who entered the information onto "a law enforcement database" for the vehicle having a "trap" or hidden compartment and for entering same into "a law enforcement Groupme message database" for use of tracking the vehicle as it travels and for use of a subsequent pretextual stop of the vehicle.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Anthony Hawkins, United States of America, and Freddie Boyd, Jr (co-defendant)

RELATED CASES

United States v Boyd, 6:22-cr-00186-HMH-1 (D.S.C.)

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STATUTES AND RULES

OTHER

Document 73, Case No 6:22-cr-00186-HMH-2
AXON_Body_2_Video_2021-10-22_1518

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix N/A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 21, 2024.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

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

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

6th Amendment: Confrontation Clause

5th Amendment: Due Process Clause

STATEMENT OF THE CASE

On October 22, 2021, the vehicle that Petitioner was riding in as a passenger was logged into a Groupme message board used by law enforcement as travelling along I-85 through Franklin County, Georgia. This vehicle had apparently been previously logged on either this or a similar database as having a hidden "trap" compartment (the record is unclear as to who or when this information was entered or even where it existed as far as Petitioner can determine).

There is no record of where the "trap" information comes from, nor when presented this information - in short, there is no verifiability of reliability of this information on record prior to the traffick stop conducted on October 22, 2021 by South Carolina Highway Patrol Trooper Blair.

During the course of proceedings, Trooper Blair stated that he began following the vehicle in question due solely to this "trap" information - Doc 73, at 1-2. Trooper Blair then initiated a traffick stop on pretextual grounds of having "drastically reduce[d] its speed and fail to maintain its lane" yet without any mention of such on the bodycam of said Trooper when he spoke to the driver id, at 2; see also AXON_Body_2_Video_2021-10-22_1518

Upon arrest, the driver of the vehicle profferred testimony against Petitioner at trial, and Petitioner's Trial Attorney attempted to question Mr Boyd as to the extent of the benefit he had bargained for in exchange for his cooperation, but was prevented from asking pertinent questions about the amount of time that Boyd faced without the damning testimony against Petitioner. He was prevented from questioning Boyd about his potential maximum penalty, the charges that were dropped, and the sentence he expected to receive after he cooperated.

Subsequently, Petitioner was convicted, largely on Boyd's testimony, and sentenced to 120 months imprisonment.

Petitioner appealed his conviction on the grounds that the Confrontation Clause was violated through the inability to question Petitioner's co-defendant (Mr. Boyd) concerning the breadth of benefit he received in exchange for his cooperation.

Petitioner's conviction was affirmed on appeal.

This Petition follows

REASONS FOR GRANTING THE PETITION

The Confrontation Clause guarantees a criminal defendant the right to confront the witnesses against him or her - *Davis v Alaska*, 415 US 308 (1973). "Cross-examination is the principle means by which the believability of a witness and the truth of his testimony are tested. Subject always to the broad discretion of a trial judge to preclude repetitive and unduly harrassing interrogation, the cross-examiner is not only permitted to delve into the witness's story to test the witness's perceptions and memory, but the cross-examiner has traditionally been allowed to impeach, i.e., discredit the witness" *id.* at 314.

This standard has been interpreted variously by the Appellate Courts, and as noted in *Little v Warren*, 2015 US Dist LEXIS 140922, at * 11 (E.D. Mich Oct 16, 2015), the Supreme Court has not ruled on the specific issue raised here- whether a criminal defendant's confrontation rights are violated by restrictions on the corss-examination of a cooperating witness about the possible penalties or the maximum penalties he avoided by cooperation and testifying in Petitioner's trial where the only evidence to the witness's credibility is elicited through cross-examination.

The circuit split arises between those courts that have held that a defendant's rights are not violated by restrictions which prevent inquiry into the benefits received - see, e.g. *United States v Foley*, 783 F.3d 7, 18-19 (1st Cir 2015); *United States v Duarte*, 581 F. App'x 254, 257-58 (4th Cir 2014) (citing *United States v Scheetz*, 293 F.3d 175, 184 (4th Cir 2002)); *United States v Denham*, 437 F. App'x 772, 776-77 (11th Cir 2011)(citing *United States v Garrett*, 727 F.2d 1003, 1011-12 (11th Cir 2011)); *United States v Walley*, 567 F.3d 354, 358-60 (8th Cir 2009); *United States v Reid*, 300 F. App'x 50, 52 (2d Cir 2008); and *United States v Arocho*, 305 F.3d 627, 636-37 (7th Cir 2002).

A few courts have reached the opposite conclusion, generally finding that the importance of the information outweighs the risk of undue prejudice - See *United States v Larson*, 495 F.3d 1094, 1106-07 (9th Cir 2007); *United States v Chandler*, 326 F.3d 210 (3d Cir 2003); and *United States v Landerman*, 109 F.3d 1053, 1063 (5th Cir 1997).

Because there is a circuit split on this issue, this Court should GRANT Certiorari review in this case.

CONCLUSION

Because a circuit split on the presented issue exists, this Court should GRANT Certiorari review.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony S. Hawkins

Date: 8-29-2024