

24-6014

No. 23-6044

ORIGINAL

FILED

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

RONALD COX, pro se — PETITIONER  
(Your Name)

vs.

RONALD S. WEBER, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS, FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RONALD COX #355348  
(Your Name)

13800 McMULLEN HIGHWAY, SW  
(Address)

CUMBERLAND, MARYLAND 21502  
(City, State, Zip Code)

none  
(Phone Number)

## QUESTION(S) PRESENTED

- I. Did The U.S. Court of Appeals, Fourth Circuit, Err When It Denied Relief To Ineffective Assistance, Sixth Amendment Claim; Counsel Failed to Present Exculpatory Evidence Of Lt. Weinberg?

## LIST OF PARTIES

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

[X] 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:

RONALD S. WEBER, Warden, West. Corr. Inst.

ANTHONY G. BROWN, Attorney General of Maryland

## RELATED CASES

Arrington v. State of Md., 411 Md. 524, Supreme Ct. of Md.,  
Judgement entered 2009 (only reporter available)

Bell v. Miller, No. 05-5235-pr, U.S. Court of Appeals,  
Second Circuit, Judgement entered August 31, 2007

Foster v. Lockhart, No. 92-3702ea, 92-3884ea, U.S. Court of  
Appeals, Eight Circuit, Judgement entered September 16, 1993

Hart v. Gomez, 174 F.3d 1067, U.S. Ninth Circuit, Judgement  
entered 1999 (only reporter available)

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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☐ is unpublished.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 B 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☒ is unpublished.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 May 23, 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**

Maryland Constitution - Declaration of Rights, Art. 21

Maryland Constitution - Declaration of Rights, Art. 23

United States Constitution, Sixth Amendment

28 U.S.C. § 1254(1)

28 U.S.C. § 2253(c)(1)

28 U.S.C. § 2254(d)

28 U.S.C. § 2254(e)(1)



## STATEMENT OF THE CASE

On December 28, 2007, at approximately 12:38 p.m., Baltimore City Police Officer, William Keitz found Todd Dargan lying face up, bleeding and unresponsive, at the Church Square Shopping Center in Baltimore. Officer Keitz called for a medic and surveyed the scene. He later testified that he found a bullet casing and a "Do-Rag" at the crime scene. The lead detective on the case, Homicide Detective David McDermott, arrived on the scene at approximately 1:00 p.m., accompanied by Detective Chester Norton. At that time, Dargan had already been transported to the hospital. Detective McDermott canvassed the area and observed the head wrap or "Do-Rag" and bullet casing as well.

Baltimore City crime lab tech, Natalie Hoban arrived on the scene with another evidence tech, Payne, at approximately 2:40 p.m. Ms. Hoban preserved the physical evidence at the scene and identified the bullet casing to be a nine-millimeter cartridge casing. Ms. Hoban later testified at trial that, although the casing was dusted for latent fingerprints, none were found. The day after the incident, Dr. Donna Vincenti, an assistant medical examiner with the Office of the Chief Medical Examiner, conducted an autopsy of the victim's body. Dr. Vincenti determined the victim sustained a gunshot wound to the head and the cause of death was homicide.

At approximately 12:30 p.m., same day victim was shot, Baltimore City Police Detectives M. Smith, III, D. Phyll and E. Bush were patrolling in an unmarked car approximately ten blocks away from Church Square Shopping Center when they observed Petitioner driving a blue 2006

Mercedes Benz without his seatbelt fastened. Rodney Johnson, a black male wearing a black hooded sweatshirt, was sitting in the passenger's seat. When the car failed to come to a complete stop at a stop sign, the detectives initiated a traffic stop. Although all three detectives testified at a pretrial hearing involving [Mr. Cox's] motion to suppress, the exact timeline of the events that followed, between the initial stop and [Mr. Cox's] arrest; subsequently, the court granted suppression due to an illegal search and seizure of a firearm.

According to the findings of the Circuit Court at the suppression hearing, when the police stopped [Mr. Cox] and Mr. Johnson, Johnson's hands were visibly shaking, and [Mr. Cox] appeared calm. As the detectives spoke with [Mr. Cox] and Mr. Johnson, a series of calls came over the police radio reporting the nearby shooting, and Mr. Johnson appeared increasingly nervous as he overheard the calls. Detective Smith asked Mr. Johnson if he possessed anything illegal, and after Mr. Johnson replied he did not, the detective asked if he "could check." Mr. Johnson stepped out of the car and Detective Smith patted him down but did not find either drugs or weapons in his possession. Mr. Johnson was instructed to sit on the curb beside the car.

Based on testimony of the officers at the suppression hearing and police dispatch records, the Circuit Court found that, between fifteen and twenty-three minutes after the initial stop, a description of the suspect in the Church Square shooting was relayed over the radio describing a "black male wearing a black hoodie." Noting that Mr. Johnson matched that description, Detective Phyll asked [Mr. Cox] if

there was anything in the car. In response, [Mr. Cox] stepped out the car with his hands in the air. Detective Phyll testified that he felt this action constituted consent to a search, and while Detective Bush patted [Mr. Cox] down, finding no drugs or weapons, Detective Phyll search the vehicle and found a handgun in the trunk. At that point, both [Mr. Cox] and Mr. Johnson were placed under arrest.

[Mr. Cox] filed a pretrial motion to suppress the evidence obtained during the stop, namely the recovered gun. The Circuit Court granted the motion to suppress the handgun and any testimony relating to the search and arrest. The hearing judge found that the police lacked both consent and probable cause to search the vehicle, see Cox, 194 Md. App at 637-38, 5 A.3d at 734. The State did not challenge the unlawful arrest.

The Circuit Court held a second pretrial suppression hearing regarding testimony of jailhouse informant, Michael West. Mr. West testified that he had been arrested on an unrelated weapons charge, on the same date as [Mr. Cox] and Johnson. According to Mr. West, he saw [Mr. Cox] and Mr. Johnson the next day in Central Booking. Mr. West stated he knew Mr. Johnson for fifteen years. According to Mr. West, Johnson told West about the murder and the subsequent arrest in detail, without provocation, while [Mr. Cox] stood close by, listening and occasionally filling in details. Mr. West continued that, according to Mr. Johnson, [Mr. Cox] and Johnson were driving by the shopping center when [Mr. Cox] identified the victim as someone who had been involved in the murder of an acquaintance. Mr. Johnson told Mr. West that [Mr. Cox] offered him 15,000 to kill the victim. When Mr. Johnson agreed,

Petitioner gave him a nine-millimeter pistol and dropped him off on Caroline Street, adjacent to Church Square Shopping Center. Mr. Johnson shot the victim in the head, then met [Mr. Cox] on Bond Street around the corner, put the gun in the trunk, then got into the vehicle.

Michael West's story to detectives had inaccuracies. West said, the murder happened in the evening, but factually, approx. 12:30 p.m.; also, West stated the murder occurred on the 25th, instead of 27th; finally, West was presented with photo array of six. West picked a photo contrary to [Mr. Cox], consequently, the detective guided him to a different row where [Mr. Cox's] photo was available. The court suppressed the photo in a pretrial hearing. The hearing court denied [Mr. Cox's] motion to suppress statements in violation of illegal detention, search and seizure; stating "fruit of the poisonous tree" doctrine. Cox 194 Md. App at 638, 5 A.3d at 735. The court also determined the alleged statements of Johnson to West were admissible as adopted by Petitioner. To support its ruling, the hearing court cited Henry v. State, 324 Md. 204 (1991) (in which we held that a party can make a "tacit admission" adopting another's statement by his or her silence).

Mr. Johnson, alleged codefendant, was acquitted ten days before [Mr. Cox's] trial began. Due to the acquittal, the State dismissed the conspiracy element to the indictment of [Mr. Cox], but posed the conspiracy theory to jurors and [Mr. Cox] was convicted of first degree murder, use of a handgun in the commission of a felony, carrying a handgun and possession by a convicted felon. [Mr. Cox] was sentenced on April 14, 2009 to life plus twenty years.

## POST-TRIAL PROCEDURE --

Mr. Cox noted an appeal to the Appellate Court of Maryland, raising three issues:

1. The trial court erred in admitting the hearsay testimony of Michael West in violation of the Confrontation Clause of the Sixth Amendment;
2. The trial court erred in failing to suppress Mr. Cox's statements allegedly made to Michael West at Central Booking following Mr. Cox's unlawful arrest; and
3. Insufficient evidence to support the convictions.

The Appellate Court of MD issued an opinion on September 17, 2010 affirming Mr. Cox's conviction. Cox v. State, 194 Md App. 629,634 (2010). Mr. Cox filed a petition for writ of certiorari in the Supreme Court of Maryland, which was granted. On September 20, 2011, the Supreme Court of MD affirmed the intermediate court. Cox v. State, 421 Md. 630 (2011).

Mr. Cox sought post-conviction relief with the Baltimore City Circuit Court on July 3, 2017.<sup>1</sup> Mr. Cox's petition asserted the following claims for review:

- A. Ineffective assistance of counsel for failing to effectively deal with key witness, Michael West.
  1. Failure to point out a critical contradiction in Mr. West's testimony
  2. Failure to present evidence of Mr. West's bias
  3. Failure to use available evidence to refute Mr. West's claim that he was in Central Booking at the same time as Petitioner
  4. Failure to request a limiting instruction in connection with the hearsay testimony of Mr. West

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<sup>1</sup> Mr. Cox previously filed and voluntarily withdrew two petitions for post-conviction relief; the petition was timely to preserve §2254(d)

5. Failure to cross-examine Mr. West about coaching he received from Detective McDermott
6. Failure to object to improper vouching by the State's Atty. in closing argument
7. Failure to confront Mr. West's false statement
8. Failure to raise the preserved issue that statements on the back of the photo array had been suppressed at the earlier motion hearing
9. Failure to request a jury instruction that Mr. West was a witness who was promised benefits.

B. Ineffective Assistance of Counsel

1. Failure to argue that the collateral estoppel form of double jeopardy precluded the State from introducing new evidence of his alleged codefendant's involvement in the offense for which he was standing trial
2. Failure to properly advise Petitioner of right to testify
3. Failure to call available witness including acquitted co-defendant, Rodney Johnson

C. Violation of Constitutional Rights

1. Failure to elicit for the jury the relationship between informant, Mr. West, and his handler, Det. Kershaw
2. Failure to show how Petitioner's Confrontation Clause rights were violated
3. Failure to object to the court's improper voir dire that presented multi-part questions allowing jurors to make a self-assessment of bias
4. Failure to object to violation of Petitioner's constitutional and statutory speedy trial rights under 6th Amendment of the U.S. Const.
5. Exclusion of evidence of Mr. Johnson's prior acquittal deprived Petitioner of right to due process.

A hearing was held on December 18, 2017; the court issued an order November 14, 2018 denying relief. A timely application for leave to

appeal the denial of post-conviction relief was filed on December 13, 2018. The application only included six claims from the post-conviction hearing, namely:

1. Ineffective assistance of counsel for failure to investigate and present exculpatory Central Booking records and witness
2. Ineffective assistance of counsel for failure to impeach Michael West
3. Ineffective assistance of counsel for failure to call available witness
4. Ineffective assistance of counsel for failure to object to improper voir dire
5. Ineffective assistance of counsel for failure to object to improper vouching
6. Ineffective assistance of counsel for failure to raise excluded photo array as an error on appeal.

The Appellate Court of MD issued an order on September 9, 2019 denying Mr. Cox's application.

Mr. Cox's Petition, filed by counsel, was submitted to U.S. District Court, District of Maryland on December 2, 2019, along with an accompanying Memorandum in Support filed on December 10, 2019.

Procedural Default --

Where a petitioner has failed to present a claim to the highest state court with jurisdiction to hear it, whether it be by failure to raise the claim in post-conviction proceedings or on direct appeal, or by failing to timely note an appeal, the procedural default doctrine applies. See Coleman v. Thompson, 501 U.S. 722, 749-50 (1991)(failure to note timely appeal); Murch v. Mottram, 409 U.S. 41,46 (1972)(failure to raise during post-conviction); Bradley v. Davis, 551 F. Supp. 479, 481

(D. Md. 1982)(failure to seek leave to appeal denial of post-conviction relief).

Counsel failed to raise many of the original claims from post-conviction review in application for leave to appeal denial of post-conviction relief. Subsequently, those procedurally defaulted claims were raised in the U.S. District Court for Dist. of Md. to no avail.

The U.S. District Court affirmed the remaining five claims, and issued a certificate of appealability pursuant 28 U.S.C. § 2253(c)(1). The certificate was issued pertaining to one claim:

1. Ineffective assistance of counsel for failing to refute Mr. West's claim that he was in Central Booking at same time as Petitioner.

The United States Court of Appeals for the Fourth Circuit affirmed, Petitioner did not file for rehearing, instead, chose discretionary review at writ of certiorari in the United States Supreme Court. Due to the issuance of aforementioned certificate, the statute of 28 U.S.C. § 2254(d)(2) has been met for Petitioner to seek review in the most Honorable Court.



## REASONS FOR GRANTING THE PETITION

United States Court of Appeals for the Fourth Circuit, rendered an incorrect application of federal law of Strickland v. Washington, 466 U.S. 668 (1984), just as The Late Honorable Justice Thurgood Marshall admonished in his dissenting opinion to the Strickland court; decided in 1984.

Dissenting opinion:

"My objection to the performance standard adopted by the Court is that it is so malleable that, in practice, it will either have no grip at all or will yield excessive variations in manner in which the Sixth Amendment is interpreted and applied by different courts. To lawyers and the lower courts that counsel for a criminal defendant must behave 'reasonably' and must act like 'a reasonably competent attorney,' is to tell them almost nothing."

(Marshall, at 466 U.S. 707)

The decision rendered by U.S. Court of Appeals for the Fourth Circuit, based its opinion on "trial strategy" for denying relief (see Appendix A). Evidence presented in the light most favorable to Petitioner at trial, post-conviction hearing and throughout the appellate process, is supported by state and federal holdings that Petitioner's trial attorney rendered ineffective assistance when she failed to present a city official, Lt. Weinberg, with superior knowledge of Central Booking's activity log (Appendix E: Lt. Weinberg's testimony w/ log). Exculpatory testimony was provided at post-conviction hearing.

Petitioner asserts the combination of exculpatory testimony and activity log, against, no corroboration with testimony provided by jailhouse informant, Mr. West; in fact, would've raised reasonable doubt to a level for an acquittal -- the same as alleged codefendant, Rodney

Johnson. 28 U.S.C. § 2254(e)(1) The burden is on Petitioner to rebut presumption of correctness by clear and convincing evidence. Testimony of Lt. Weinberg proves Mr. Cox and Mr. West were never in the same room.

#### STANDARD OF REVIEW

A federal court may not grant a writ of habeas corpus unless the state's adjudication on the merits either:

- (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established federal law, as determined by the Supreme Court of the United States; or
- (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding.

"Confronts facts that are materially indistinguishable from a relevant Supreme Court precedent and arrives at a result opposite to [the Supreme Court]." Williams v. Taylor, 529 U.S. 362, 412-13 (2000)(internal citation omitted).

Proving ineffective assistance of counsel entails a two prong test. The first prong, Petitioner must demonstrate that his attorney's performance fell "below an objective standard of reasonableness." Strickland, 466 U.S. at 688. The central question is whether "an attorney's representation amounted to incompetence under 'prevailing professional norms,' not whether it deviated from best practices or most common customs." Harrington v. Richter, 562 U.S. 86,104 (2011)(quoting Strickland, 466 U.S. at 690). The "first prong sets a high bar." Buck v. Davis, 137 S.Ct 759,775 (2017).

A.

Petitioner is not claiming the attorney, per se, was incompetent; rather, the attorney was charged with a critical, incompetent mistake that nullified all previous tactic or strategy during a critical stage of the trial, e.g. Van v. Jones, 475 F.3d 292 (6th Cir. 2007)(Critical stage doctrine analyzed). To present Lt. Weinberg and her testimony of Central Booking's activity log, was not only a strategic choice, but arguably the only choice to prevail. If failure to make an only choice is proven, that choice has been proven unreasonable, lacking any possibility of strategy or tactic. For the jury to hear her say, Michael West and Ronald Cox were never in the same room (according to bracelet monitoring of all inmates)<sup>2</sup> would have impeached his credibility beyond a reasonable doubt.

A similar holding in Foster v. Lockhart, 9 F.3d 722 (8th Cir. 1993) (Attorney failed to investigate further and present evidence of inmate's impotency.) Foster was charged, convicted and sentenced for rape. His counsel was informed of client's impotency with ample time before trial. Due to previous motorcycle and auto accidents involving the inmate, there was sever nerve damage. Medical test were performed a month after trial to determine accuracy of impotence claim. Medical professionals testified at a subsequent post-conviction hearing, indeed,

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<sup>2</sup> Central Booking issues bracelets to all incoming inmates for purpose of monitoring movement. All movement is logged in a data base and can be retrieved at any time to review date, time and location of inmates

stating paralysis in Foster's saddle from a spinal injury that created nerve damage descending to the right leg. It was "highly unlikely" of him being the culprit, considering the contradicting testimony of the victim. The Foster court considered the weight of the evidence not presented that could have bolstered the defense, rather than, the lack of investigation. Bell v. Miller, 500 F.3d 149 (2nd Cir. 2007)(U.S. Court of Appeals found ineffective assistance when counsel failed to present medical expert). See also, Hart v. Gomez, 174 F.3d 1067 (9th Cir. 1999)("A lawyer who fails adequately to investigate, and to introduce into evidence, records that demonstrate his client's factual innocence, or that raise sufficient doubt as to that question to undermine confidence in the verdict, renders deficient performance.")

When assessing the probative value of Lt. Weinberg's testimony, counsel appeared intimidated by knowledge the opposition possessed to Central Booking's procedures. The first assigned Asst. State's Atty., Douglas D. Guidorizzi, according to Ms. Flynn (Mr. Cox's trial Atty.) Mr. Guidorizzi had a working relationship of some kind in the past; wherein, he had knowledge of Central Booking activity log. The decision not to present contradicting evidence to Mr. West, jailhouse informant, can only conclude that counsel's error was rooted in fear, ultimately to avoid confrontation. "...if the process loses its character as a confrontation between adversaries, the constitutional guarantee is violated." U.S. v. Cronin, 466 U.S. 648 (1984) Id. at 656

Maryland Declaration of Rights, Art. 21, has followed holdings to U.S. Constitution, Sixth Amendment for claims of ineffective assistance, where to, trial counsel failed to present exculpatory evidence before a jury, i.e. Arrington v. State, 411 Md. 524 (2009)(The court found counsel rendered ineffective assistance for failing to test and present exculpatory blood evidence at trial which would have shed light on defendant's innocence claim. The post-conviction court erred in denying defendant relief.)

B.

The history of Michael West, jailhouse informant, is well documented involving criminal activity as a gang member, subsequently, gaining leniency from the government in exchange for incriminating testimony to pending criminal investigations. Below are cases of interest, illustrating Mr. West's involvement:

- \* State v. Cox; Case no.: 108018023,27
- \* State v. Johnson; Case no.: 108018024
- \* Jones v. State (2000) 753 A.2d 587
- \* State v. Plenty; Case no.: 116160030
- \* Coleman v. State (2007)

The State of Maryland, currently has devoted attention to policy handling testimony of jailhouse informants (Appendix D). Unfortunately, this process was unavailable to the case at matter; the new policy could have added safeguard against irresponsible prosecution tactics, necessary to gain convictions.

State level petitions and appeals were laden with claims of Michael

West's testimony and motives, many allegations were lost to attrition upon reaching U.S. Court of Appeals, Fourth Circuit.

The State asserts a finding of corroborated evidence through corpus delicti interpretation of the circumstances and evidence provided. In Woodson v. State, 325 Md. 251 (1992) that court explained, "there was not sufficient corroborative evidence adduced by State..." Woodson fought against testimony of a cell mate.

The theory of the case remained the same, after the acquittal of Rodney Johnson, ten days before Petitioner's trial; but contrary to state law, the State dismissed conspiracy counts. If the government offers a jury two or more assailants operating as aiding and abetting, conspiracy charges must attach. See Thompson v. Calderon, 120 F.3d 1045 (9th Cir. 1997) "It is well established that when no new significant evidence comes to light a prosecutor cannot, in order to convict two defendants at separate trials, offer inconsistent theories and facts regarding the same crime." Id. at 1062

Maryland Declaration of Rights, Art. 23 states that "Jurors are Judges of Law and Facts," it's a fact, the jury was deprived of the presentation of testimony provided by a city official, Lt. Weinberg to contradict Mr. West; therefore, deliberating on the credibility issue where only a jury is instructed. Petitioner bodes confidence of that jury siding with Lt. Weinberg, more than a noted gang member with much to gain.<sup>3</sup>

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<sup>3</sup> A sealed supplement of federal deal was withheld from the jury of its contents. Moreover, credibility of Mr. West was/could have been highlighted

The second prong of Strickland analyzes the prejudice thereafter, if the first prong has been met. ("Any deficiencies in criminal defense counsel's performance must be prejudicial to the defense in order to constitute ineffective assistance under the Constitution.") Id. at 692 Strickland's proposed outcome is defined. i.e. ("The defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.") Id. at 694

Petitioner observes the two prong test as an example, for the sake of argument, reverse the two prong. Would it prejudice Mr. Cox if counsel fails to present Lt. Weinberg's exculpatory evidence, refuting Michael West's testimony? Petitioner asserts "actual prejudice."

### C.

It is established that appellate review will not take jurisdiction in reviewing credibility of trial witnesses, it's the sole duty of jurors, with instructions to assist them while deliberating. Petitioner contends the credibility of the State's case collectively.

During the investigation, there was no evidence to support the alleged motive by Michael West, no friend or associate was determined to exist that supposedly was murdered beforehand; that lead to a revenge plot and subsequent murder for hire. Detectives had no investigation or finding of Todd Dargan being a murder suspect, before eventually,

being murdered. Just the same, there was no record of Petitioner grieving from the loss of an associate or family member, that would have bolstered the State's case.

The alleged murder for hire shows no corroboration of cash money available at Petitioner's residence or paper trail of \$15,000; nor did law enforcement seize any currency from Mr. Johnson.

Again, credibility of Michael West, jailhouse informant, leaves much to be desired on its face of the prosecution. During trial, Mr. West's federal attorney testified that Mr. West was cooperating in many cases, (Tr. 1/29/09: pg. 4). Mr. West said he was not cooperating in any case. Mr. Hurson, federal attorney for Mr. West, testified that Michael West was facing fifteen years to life imprisonment, thereafter Petitioner's trial, Mr. West received seven years with the federal government for his cooperation. The sealed documentation was suppressed from Petitioner's jury, furthermore, Mr. Hurson testified that Mr. West was involved in many cases during that period of Petitioner's trial.



### CONCLUSION

Wherefore, for these reasons, Petitioner, Ronald Cox request that the Court reverse the decision of the Fourth Circuit and District Court and remand with instructions to grant writ of habeas corpus.

Respectfully submitted,

Ronald Cox

Date: 11-14-24

CERTIFICATE OF COMPLIANCE

No. 23-6044

RONALD COX

Petitioner

v.

RONALD S. WEBER, et al

Respondent(s)

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 3,842 words excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-14-24, 2024

Ronald Cox