

24-6150

In The United States Supreme Court

October 2024 Term

Case No. 23-6024

Reginold C. Steed

Petitioner

v.

Johnny Fitz, Warden

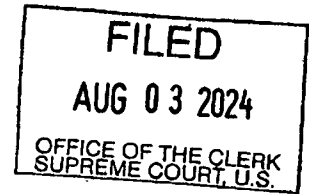
Respondent

WRIT OF CERTIORARI

On Appeal From The U.S. Court of Appeals

For The 6th Circuit

ORIGINAL



Respectfully Submitted,

Reginold C. Steed

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The Questions Presented For Review

- 1.) Was T.C.A. § 40-35-209 violated throughout the adjudication of this case?
- 2.) Is the content of the presentence report ascertainable without it being scanned into the Criminal Court's e-filing system to comply with TN 20th District Court Rules of Practice Rule 6.01?
- 3.) Did the state commit a fraudulent act during Petitioner's Post-Conviction Proceeding by tendering a doctored Presentence Report that the Criminal Court's electronic docket report has no record of, to refute petitioner's claim that counsel was Ineffective at the sentencing hearing for failing to declare a mistrial due to the presentence report containing a recantation in the form of a victim impact statement?

4.) Was T.C.A. § 10-7-201 violated?

5.) Does this case bear the material components needed to qualify for relief available under the scope of F.R.Civ.P. Rule 60(b)(3) and Rule 60(d)(3) proceeding?

6.) Do the material elements the case was adjudicated on during petitioner's Post-Conviction Proceeding and § 2254 proceeding reflect upon the Criminal Court's electronic record in regards to the content and filing date of the presentence report with the Criminal Court?

7.) Does the omission of the presentence report from the Criminal Court's electronic record constitute a Brady Violation?

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TABLE OF CITED AUTHORITIES

T.C.A. Statutes

T.C.A. § 40-35-209

T.C.A. § 40-38-207

T.C.A. § 40-30-114

T.C.A. § 10-7-201

T.C.A. § 10-7-208

T.C.A. § 10-7-121

U.S.C.A.

Article XIV section 1

Article VI

Federal Statutes

18 U.S.C. § 3552

28 U.S.C. § 2241

28 U.S.C. § 2254

Local Rules

TN 20th District Court Rules of Practice Rule 6.01

Case Laws

Gonzalez v. Crosby 125 S.Ct. 2641

Napue v. Illinois 79 S.Ct. 1173

Brady v. Maryland 83 S.Ct. 1194

Strickland v. Washington

Federal Rules of Civil Procedure

Rule 60(d)(3) Appendix B-4

Case History and Opinions Below

- 1.) On May 27, 2016 the Criminal Court issued its disposition for case No. 2015-B-1337 State of TN v. Reginald C. Steed sentencing petitioner to an effective 27 year sentence to be served in the Tennessee Department Of Correction.
- 2.) On May 5, 2017 the Court of Criminal Appeals affirmed the Criminal Court's disposition of the case on direct appeal please see State of TN v. Reginald C. Steed 2017 WL 1830105.
- 3.) On February 28, 2018 the Criminal Court denied petitioner's post-conviction petition for case No. 2015-B-1337.
- 4.) The Court of Criminal Appeals affirmed the Criminal Court's denial of petitioner's post-conviction petition on January 11, 2019 please see. State v. Steed 2019 WL 169265

5.) On July 5, 2020 the U.S. District Court denied

Petitioner's 28 U.S.C. § 2254 Petition please see.

Steed v. Mayes 2020 WL 3642494

6.) On April 20, 2022 the Criminal Court denied petitioner

Writ of Error Coram Nobis Relief for State v. Steed case NO.

2015-B-1337.

7.) On January 10, 2023 the Court of Criminal Appeals affirmed

the Criminal Court's denial of petitioner's Writ of Error Coram

Nobis Petition please see 2023 WL 140350 State v. Steed

8.) On November 14, 2023 the U.S. District Court denied

petitioner's F.R.Civ.P. Rule 60(b) Motion please Steed v. Mayes

2023 WL 7646539

9.) On May 21, 2024 the U.S. Court of Appeals for the Sixth

Circuit affirmed the U.S. District Court's denial of petitioner's

F.R.Civ.P. Rule 60(b) motion please see Steed v. Fitz 23-6024

Basis For Jurisdiction

The jurisdiction of this case is conferred upon by Rule 10 (a) of the United States Supreme Court which provides "a United States Court of Appeals has entered a decision in conflict with the decision of another United States Court of Appeal on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower Court, as to call for an exercise of this Court's supervisory power;

The United States Court of Appeals for the Sixth Cir.

entered an Order affirming the U.S. District Court's denial of petitioner's F.R.Civ.P. Rule 60(b) motion on May 21, 2024. (Please See. Appendix A-2 of Order denying C.D.A.)

The jurisdiction of this court is also invoked by title 28 U.S.C. § 2241 and 28 U.S.C. § 2254 of the United States Code and The fourteenth Amendment of the United States Constitution which provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are Citizens of the United States and of the State wherein they reside. No state shall enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law: nor deny to any person

Within its jurisdiction the equal protection of the laws.

The jurisdiction of this Court is also invoked pursuant to Article VI of the United States Constitution which

provides: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been

committed, which district shall have been previously ascertained by law, and to be informed of the nature and Cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel to his defense."

United States Supreme Court Rule 14. 1(f)

The constitutional provisions involved in this case are as follows: Article XIV section 1 and Article VI of the United States Constitution, T.C.A. § 40-35-209, T.C.A. § 40-38-207, T.C.A. § 10-7-201, T.C.A. § 40-30-114, T.C.A. § 10-7-208, T.C.A. § 10-7-121, 28 U.S.C. § 2241, 28 U.S.C. § 2254, and TN 20th District Court Rules of Practice Rule 6.01

Statement of the Case

The issue presented to this court for review was originally presented during petitioner's state court post-conviction proceeding pursuant to T.C.A. § 40-30-114 under an Ineffective assistance of counsel claim in which petitioner alleged Counsel was ineffective at the sentencing hearing for failing to declare a mistrial due to the presentence report containing a recantation of the victim's identification of the petitioner as the perpetrator of the offense in the form of a victims impact statement. The state then refuted petitioner's claim by tendering a doctored

presentence report that they claim was filed with the Criminal Court in January 2016, and contained no recantation. The Criminal Court issued its ruling on February 28, 2018 after holding an evidentiary hearing on February 20, 2018 in which it found that counsel was not ineffective at the sentencing hearing for failing to declare a mistrial due to the presentence report not containing a recantation of the victims identification of the petitioner as the perpetrator. Petitioner then appealed the Criminal Court's ruling to the Court of Criminal Appeals in which the court affirmed the Criminal Court's ruling on January 11, 2019 please see State v. Steed 2019 WL 169265, next petitioner then filed a 28 U.S.C. § 2254 Petition with the U.S. District Court citing the same claim made during petitioner's post-conviction proceeding in

Which the U.S. District Court affirmed the state court's ruling on July 5, 2020 please see *Steed v. Mayes* 2020 WL 3642494. Petitioner did not appeal the District Court's ruling to the U.S. Court of Appeals. One year after the District Court denied the petitioner Federal Habeas Relief petitioner wrote the Criminal Court Clerk's office to request a copy of the Criminal Court's electronic docket report for case No. 2015-B-1337 *State v. Steed*. The clerk then mailed a seven page document entitled Criminal Case Summary for Case # 2015-B-1337 *State v. Steed* which detailed all the entries to the record as well as all the court appearances. This document fails to show where a presentence report was filed and docketed with the Criminal Court which is a material fact that is contrary to the Criminal Court's determination that a

presentence report is apart of its record and was filed with the Criminal Court in January 2016. Page 6 of this 7 page document reveals that nothing was filed in January of 2016.

Petitioner then filed a writ of error Coram Nobis petition

With the Criminal Court with the Criminal Court's electronic docket report appended to the petition to demonstrate the

fraudulent pretext the case was adjudicated on during

petitioner's post-conviction proceeding. The Criminal Court

denied the petition on April 22, 2022. Petitioner appealed the

Criminal Court's ruling to the Court of Criminal Appeals in which

the Court affirmed on January 10, 2023 please see. State v.

Steed 2023 WL 140350. Please also see the appended exhibit

A-1 of the Criminal Case Summary for Case # 2015-B-1337 State v. Steed page 6. Petitioner then filed a F.R.Civ.P. Rule 60(b)(3)(d)(3) motion with the U.S. District Court in November 2023. The U.S. District Court denied the motion on November 14, 2023 please see. Steed v. Mayes 2023 WL 7646539. Petitioner then appealed the District Court's order to the U.S. Court of Appeals for the 6th Cir. in which the Court affirmed the District Court's denial of the motion on May 21, 2024 please see. Steed v. Fitz 23-6024 appendix A-2. Petitioner now appeals to this court for redress.

ARGUMENT

Petitioner was convicted on Charges of Especially Aggravated Robbery, Aggravated Assault, and Attempted Voluntary Manslaughter and given a 27 year Sentence by the Davidson County Criminal Court. After affirmance of his conviction on direct appeal petitioner filed a Post-Conviction Petition pursuant to T.C.A. § 40-30-114 alleging that counsel was ineffective at the sentencing hearing for failing to declare a mistrial due to the presentence report containing a recantation of the victims identification of petitioner as the perpetrator, in the form of a victims impact statement. The State then refuted petitioner's claim by tendering a doctored presentence report that they claim was filed with the

Criminal Court in January 2016. This document they say

was filed with the Criminal Court contained no recantation.

The criminal court found that counsel was not ineffective

because of the "presentence report" that was tendered at the

petitioner's evidentiary hearing. Due to the Criminal Court's deter-

mination that a presentence report is a part of its record when

the Court made its ruling on petitioner's post-conviction petition

and denied the petition on this pretext the case is currently adjudicated

on a fraudulent claim regarding the content and filing date of the present-

ence report with the Criminal court. When petitioner made a claim

that counsel was ineffective at the sentencing hearing for failing to declare

a mistrial due to the presentence report containing a victim impact statement

that was a recantation of the victim's identification of the perpetrator

the Criminal Court should have referenced its own electronic record to

ascertain the veracity of this claim. A reference to the appended
"exhibit A-1 The Criminal Case Summary for Case # 2015-B-1337
State v. Steed page 6" would have revealed that there is no
presentence report apart of the Criminal Court's record which
is an electronic record pursuant to TN 20th District Court Rules
of practice Rule 6.01. The Criminal Court's ruling does not
reflect upon the Criminal Court's own record therefore, the ruling
on petitioner's post-conviction petition is fraudulent. The absence
of the presentence report from the Criminal Case Summary Venue
precludes the Court's determination of whether or not Counsel was
ineffective at the sentencing hearing and the court's ruling
should have reflected upon the truth of the matter. The absence
of the presentence report from the Criminal Case Summary Venue
is an act of consequence pursuant to T.C.A. § 10-7-201 and T.C.A. §

10-7-208. In Gonzalez v. Crosby 125 S.Ct. 2641 the language of the Court is clear that in order to prevail on a F.R.Civ.P. Rule 60(b) motion a Petitioner must demonstrate a defect in the Federal Habeas Proceeding, this case falls up under the narrow scope of relief available to a petitioner through the F.R.Civ.P. Rule 60(d)(3) proceeding, because fraud is a contributing factor to the Criminal Court's findings. If petitioner can be afforded a full and fair evidentiary hearing with the victim Mr. Lyons present to ascertain whether or not the allegations set forth in Petitioner's post-conviction petition are true since the presentence report was omitted from the Criminal Court's electronic record, a venue that enables a records content to become ascertainable, we can be given context of the findings of the presentence investigation. If the allegations set forth in petitioner's

post-conviction petition are true then a Brady v. Maryland 83 S.Ct. 1194 violation has manifested as well as a Napue v. Illinois 79 S.Ct. 1173 violation due to the petitioner being convicted by way of perjured testimony. It is not as if a presentence report was ^{not} used throughout the prosecution of this case because, the sentencing hearing transcripts show that's not the case. The content of the presentence report is not ascertainable without it being docketed to comply with T.C.A. § 40-35-209. Please see State v. Steed 2019 WL 169265, Steed v. Mayes 2020 WL 3642494, Steed v. Mayes 2023 WL 7646539, and (Steed v. Fitz case no. 23-6024 appended as exhibit A-2) Please also see Appendix B-1 and B-2 of the provisions of those two statutes to give context to the criminal aspect of the missing file.

Conclusion

Petitioner now respectfully asks this court to provide redress in this matter by reversing and remanding this case for a new trial or an Evidentiary hearing with the victim Mr. Lyons present to ascertain whether or not Petitioner's claim made during his post-conviction proceeding is true.

Respectfully submitted

Reginald C. Steed

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