

24_{No:} 6229 ORIGINAL

In the
Supreme Court of the United States

TERRELL ARMSTRONG,

Petitioner,

vs.

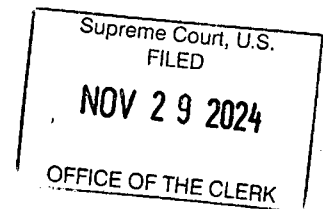
UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHT CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Whether the district court erred in summarily denying an evidentiary hearing on claims that trial counsel was constitutionally ineffective for failing to call two prepared defense witnesses whose testimony was central to the defense.
2. Whether the standard for granting a COA under 28 U.S.C. § 2253(c), as clarified in *Miller-El v. Cockrell*, 537 U.S. 322 (2003), was misapplied by the Eighth Circuit, thereby precluding meaningful appellate review of substantial constitutional claims.

**PARTIES TO THE PROCEEDINGS
IN THE COURT BELOW**

In addition to the parties named in the caption of the case, the following individuals were parties to the case in the United States Court of Appeals for the Eight Circuit and the United States District Court for the District of North Dakota.

None of the parties is a company, corporation, or subsidiary of any company or corporation.

TABLE OF CONTENTS

Questions Presented for Review	ii
List of Parties to the Proceedings in the Courts Below	iii
Table of Contents	iv
Table of Authorities	vi
Opinions Below	2
Statement of Jurisdiction	2
Constitutional Provisions, Treaties, Statutes, Rules, and Regulations Involved	2
Statement of the Case and Facts.....	4
I. Summary of the Case	5
Reasons for Granting the Writ	12
Rule 10 Considerations Governing Review on the Writ of Certiorari ..	12
A. This court should grant certiorari to clarify the "substantial showing" standard for certificates of appealability under § 2253(c)	14
B. The failure to call known, exculpatory witnesses constitutes ineffective assistance of counsel	17
C. The case presents important issues warranting this court's review	20
Conclusion	24

United States v. Armstrong,
No. 24-2467 (8th Cir. 2024) App A

United States v. Armstrong,
2024 U.S. Dist. LEXIS 96521 (D.N.D. May 30, 2024) App B

TABLE OF AUTHORITIES

<i>Armstrong v. United States</i> , 220 L.Ed.2d 116 (U.S. 2024)	<i>passim</i>
<i>Buck v. Davis</i> , 580 U.S. 100, 137 S. Ct. 759 (2017)	22-23
<i>Miller-El v. Cockrell</i> , 537 U.S. 322 (2003)	14
<i>Slack v. McDaniel</i> , 529 U.S. 473	15, 16
<i>Strickland v. Washington</i> , 466 U.S. 668 (1984)	17
<i>United States v. Armstrong</i> , 39 F.4th 1053 (8th Cir. 2022)	4
<i>United States v. Armstrong</i> 2024 U.S. Dist. LEXIS 96521 (D.N.D. May 30 2024)	2
<i>Williams v. Taylor</i> , 529 U.S. 362 (2000)	18

RULES

Rule 10.1(a), (c)	13
-------------------------	----

STATUTES

18 U.S.C. § 2	4
21 U.S.C. § 841	4
21 U.S.C. § 846	4
28 U.S.C. § 1254	2
28 U.S.C. § 1654	<i>passim</i>
28 U.S.C. § 2253	14
28 U.S.C. § 2255	3

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PETITION FOR WRIT OF CERTIORARI

Terrell Armstrong, ("Armstrong") the Petitioner herein, respectfully prays that a writ of certiorari is issued to review the judgment of the United States Court of Appeals for the Eight Circuit, entered in the above-entitled cause.

OPINION BELOW

The opinion of the Court of Appeals for the Eight Circuit, whose judgment is herein sought to be reviewed, was entered on September 3, 2024, *United States v. Armstrong*, No. 24-2467 (8th Cir. 2024) and is reprinted in the separate Appendix A to this Petition.

The opinion of the District Court for the District of North Dakota, whose judgment is herein sought to be reviewed, was entered on May 30, 2024, *United States v. Armstrong*, No. 1:19-cr-031, 2024 U.S. Dist. LEXIS 96521 (D.N.D. May 30, 2024) and is reprinted in the separate Appendix B to this Petition.

STATEMENT OF JURISDICTION

The Judgment of the Court of Appeals was entered on September 3, 2024. The Jurisdiction of this Court is invoked under Title 28 U.S.C. § 1654(a) and 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES AND RULES INVOLVED

The Fifth Amendment to the Constitution of the United States provides in relevant parts:

No person shall be held to answer for a capital, or otherwise, infamous crime, unless on a presentment or indictment of a Grand Jury... nor shall any person be subject for the same offense to be twice put in

jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law

Id. Fifth Amendment

The Sixth Amendment to the Constitution of the United States provides:

In all criminal prosecutions, the accused shall enjoy the right to 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 witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Id. Sixth Amendment

Title 28 U.S.C. § 2255 provides in the pertinent part:

A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

* * * * *

Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto.

Id. Title 28 U.S.C. § 2255.

STATEMENT OF THE CASE AND FACTS

Armstrong was charged by Superseding Indictment on June 5, 2019, with one count of Conspiracy to Possess with Intent to Distribute and Distribute Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1), 846, and 18 U.S.C. § 2 (Count One). The Superseding Indictment alleged that Armstrong and other members of the Drug Trafficking Organization were responsible for trafficking substantial quantities of methamphetamine and heroin from the Minneapolis, St. Paul, Minnesota area to the Bismarck/Mandan, North Dakota area.

On September 18, 2020, following a five-day trial, a jury convicted Armstrong of the charged conspiracy. On January 27, 2021, the United States District Court for the District of North Dakota sentenced Armstrong to 264 months of imprisonment, with credit for time served on Count One. Armstrong filed a timely notice of appeal on February 9, 2021. On July 13, 2022, the Eighth Circuit Court of Appeals affirmed the conviction and sentence. *United States v. Armstrong*, 39 F.4th 1053 (8th Cir. 2022). No writ of certiorari was filed. Armstrong filed a motion for a new trial, based on newfound evidence, that the court denied. The Eighth Circuit Court of Appeals affirmed. This court denied the request for a

writ of certiorari. *Armstrong v. United States*, 220 L.Ed.2d 116 (U.S. 2024)

I. Summary of the Case

In late 2018 and early 2019, Detective Jeremy Seeklander of the Bismarck Police Department received information concerning males from the Minneapolis-St. Paul, Minnesota, area who were allegedly involved in the distribution of significant quantities of methamphetamine and heroin within the Bismarck-Mandan, North Dakota, region. The information provided indicated that the principal individuals involved in this illegal activity were commonly referred to as "Dre" and "Louis." During the latter part of December 2018, an informant and co-defendant named Burt Robillard furnished Detective Seeklander with a license plate number associated with the alias "Dre." Detective Seeklander conducted a registration check on this license plate, which subsequently led to the identification of the registered owner as Danae Mansell. Detective Seeklander then disseminated this information to other law enforcement officers involved in the ongoing investigation. Additionally, law enforcement received further information from additional cooperating sources, including Tia Klein,

which suggested that "Dre" and "Louis" frequented the Ramkota Hotel and Motel 6 in Bismarck while engaging in their alleged drug trafficking activities. In due course, Detective Seeklander would ascertain the true identities of "Louis" and "Dre" to be Terrell Armstrong and Danae Mansell, respectively. As the investigation continued to develop, law enforcement uncovered that the drug trafficking conspiracy dated back to 2015, during which time Armstrong became acquainted with individuals identified as Gorgianna Hepperle and Agnes Reddogg. (Tr. at 29-30). According to trial testimony, Armstrong provided methamphetamine to Reddogg for her use and resale, with the proceeds being returned to him. (Trial Tr. at 30). Despite her incarceration at one point, Reddogg, upon her return to the community, resumed selling methamphetamine, and Armstrong continued to be her supplier. (*Id.* at 37-40). Armstrong not only facilitated the distribution but also introduced Reddogg to other individuals, including Danae Mansell, instructing Reddogg to interact with these individuals as if she were him. (*Id.* at 40-41, 44-46, 81-83). Reddogg's involvement in the drug conspiracy persisted through the beginning of 2019, during which time she collaborated with Armstrong, Mansell, Byron Brown, Christopher

Rubio, and others in the distribution of substantial quantities of heroin and methamphetamine. (*Id.* at 61-65, 78).

In January 2019, Detective Seeklander was informed of Danae Mansell's anticipated trip to North Dakota. (Tr. Trans. at 770-771). On or around January 16, 2019, confidential information reached law enforcement, confirming Mansell's presence in Bismarck. *Id.* This intelligence was promptly relayed to patrol officers, initiating a search for Mansell's red Ford Fusion, which bore Minnesota license plates, in various Bismarck hotels. (*Id.* at 475-476).

At the Motel 6 parking lot officers began to follow the vehicle. *Id.* In following the vehicle, officers observed a traffic violation—the registration sticker was covered in snow and, therefore, not visible—and a traffic stop was initiated. *Id.* Upon contact with the vehicle, the driver was identified as Deondra Kight, and the passenger as Danae Mansell. (*Id.* at 477). Knight admitted to having a suspended license and was subsequently arrested. *Id.* Mansell was removed from the vehicle for officers to deploy a canine for a free air sniff. (*Id.* at 477-478). The canine indicated on the vehicle for the odor of controlled substances. (*Id.* at 478-479). A search of the vehicle yielded approximately 7 grams of

heroin, US Currency, and a firearm. (*Id.* at 479-480). A search of Kight and Mansell revealed key cards for the Motel 6. (*Id.* at 481). Officers took these key cards to Motel 6 and confirmed a room registered to Kight and Mansell. (*Id.* at 776). A search warrant was applied for and granted for the hotel room registered to Mansell. Execution of that search warrant yielded over 3 pounds of methamphetamine, 170 grams of heroin, digital scales, a Glock firearm, paperwork belonging to Kight, and cellular phones. (*Id.* at 482-485).

During the same period when North Dakota law enforcement officials were conducting their investigation into Armstrong, Mansell, and other associates, a parallel investigation was underway by the Northwest Metro Task Force (NWMTF) based in the Minneapolis/St. Paul, Minnesota, region. In January 2019, the NWMTF employed a confidential informant who provided information suggesting that Armstrong was involved in the trafficking of methamphetamine and cocaine in the Minneapolis/St. Paul, Minnesota, area. This intelligence was used by law enforcement to secure a Pen Register Trap and Trace, which revealed Armstrong's frequent trips to North Dakota, including one on January 19, 2019. (Tr. Trans. at 568-572, 620-622). Co-

conspirators also corroborated this information, attesting that they had received controlled substances from Armstrong. Even following Mansell's arrest, Armstrong was reported to continue his involvement in trafficking controlled substances. (*Id.* at 357-421, 633-698, 719-722).

The NWMTF continued their investigation by conducting surveillance and subsequently obtaining a search warrant. (Tr. Trans. at 568-579). In April 2019, before acquiring the search warrant, law enforcement stumbled upon several items discarded in Armstrong's curbside garbage, including two .45 automatic handgun training rounds, mail addressed to Yazaunie Vanderbilt at a residence in Grand Forks, North Dakota, a U.S. Bank receipt indicating a \$500 cash deposit, a money order receipt totaling \$600, a THC vape cartridge, a THC package from California labeled with 91.47% THC content, and plastic wrap that, upon ion scanning, tested positive for methamphetamine. *Id.* A search warrant application was subsequently submitted to and approved by the Dakota County District Court in Minnesota. (*Id.* at 579). The execution of the search warrant at Armstrong's residence yielded firearms, ammunition, over \$66,000 in U.S. currency, and additional evidence. (*Id.* at 579-590). Investigator Nicholas Courtright briefly interviewed

Armstrong, who claimed to be employed at Top Dog Automotive. However, law enforcement could not locate any records establishing the existence of such a business. (*Id.* at 590-592).

As the North Dakota investigation advanced, in February 2019, law enforcement received information from an anonymous source who preferred to remain unidentified. (Tr. Trans. at 780-781). This tip led law enforcement to the Quality Inn hotel in Bismarck, North Dakota. *Id.* Upon contacting the hotel, officers requested access to the hotel registration, which contained the names and room assignments of all guests. *Id.* One name, in particular, drew attention: Gorgianna Hepperle. *Id.* Hepperle's name held significance for law enforcement because they were aware of her connections to Agnes Reddogg. *Id.* Additionally, law enforcement had information that Reddogg was linked to an ongoing, long-term drug trafficking investigation. Moreover, law enforcement had obtained a Pen Register Trap and Trace (PRTT) warrant for Reddogg, revealing her travel to and from the Quality Inn hotel. *Id.*

Hepperle was under the supervision of North Dakota Parole and Probation, which included a clause allowing for searches. (Tr. Trans. at

190). Consequently, a probation search was conducted in Hepperle's hotel room. (*Id.* at 190-191). Law enforcement announced their presence and knocked on the door of room 305, the room registered to Hepperle. *Id.* However, upon opening the door, they were met by a black male, later identified as Byron Brown, who immediately displayed combative behavior towards law enforcement. *Id.* Given the exigent circumstances, officers entered the hotel room and observed an unzipped backpack on a chair next to the couch. This backpack contained a substantial sandwich bag filled with methamphetamine, exceeding a quarter-pound in weight, and a smaller plastic bag containing approximately one ounce of heroin. (*Id.* at 191-194). Subsequently, a search warrant was sought and granted to further investigate the contents of the room.

Law enforcement subsequently revisited the hotel room and carried out the search authorized by the granted search warrant. (Tr. Trans. at 193). This search yielded multiple pieces of evidence, including cellular phones, a digital scale exhibiting traces of methamphetamine, an approximate quantity of 3 pounds of methamphetamine, 37 grams of heroin, a substantial sum of U.S. currency, zip lock bags, and an assortment of paper documents. Among these documents was a Cricket

Wireless receipt made out to a person identified as "King Brown." (*Id.* at 193-204). Once again, co-conspirators provided corroborating information linking the controlled substances discovered during this search to Armstrong. (*Id.* at 357-421, 633-698, 719-722).

Throughout the trial, several co-conspirators provided testimony, including Agnes Reddogg (Tr. Trans. at 27-111), Tia Klein (*Id.* at 138-173), Gorgianna Hepperle (*Id.* at 261-306), Burt Robillard (*Id.* at 306-357), Amanda Backman (*Id.* at 357-472), Deondra Kight (*Id.* at 495-565), and Christopher Rubio (*Id.* at 633-755). Each of these individuals recounted either receiving controlled substances directly from Armstrong or witnessing Armstrong in possession of substantial quantities of controlled substances. Many of these co-conspirators also described making multiple trips between North Dakota and Minnesota to facilitate drug trafficking, with the proceeds from these drug sales being funneled back to Armstrong.

REASONS FOR GRANTING THE WRIT

THIS COURT SHOULD ISSUE A WRIT OF CERTIORARI BECAUSE THE UNITED STATES COURT OF APPEALS FOR THE EIGHT CIRCUIT COURT OF APPEALS HAS DECIDED A FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE APPLICABLE DECISIONS OF THIS COURT

Supreme Court Rule 10 provides relevant parts as follows:

Rule 10

CONSIDERATIONS GOVERNING REVIEW ON WRIT OF CERTIORARI

(1) A review of writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only when there are special and important reasons, therefore. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of reasons that will be considered:

(a) When a United States Court of Appeals has rendered a decision in conflict with the decision of another United States Court of Appeals on the same matter; or has decided a federal question in a way in conflict with 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 power of supervision.

(b) When a ... United States court of appeals has decided an important question of federal law which has not been but should be, settled by this Court, or has decided a federal question in a way that conflicts with applicable decision of this Court.

Id. Supreme Court Rule 10.1(a), (c).

ARGUMENT

I. THIS COURT SHOULD GRANT CERTIORARI TO CLARIFY THE "SUBSTANTIAL SHOWING" STANDARD FOR CERTIFICATES OF APPEALABILITY UNDER § 2253(c)

This Court has consistently underscored the relatively modest threshold required for granting a Certificate of Appealability (COA) under 28 U.S.C. § 2253(c). As articulated in *Miller-El v. Cockrell*, 537 U.S. 322 (2003), the standard does not demand that a petitioner demonstrate that their claim is likely to prevail on the merits. Rather, it suffices if "jurists of reason could disagree with the district court's resolution of [the] constitutional claims" or "conclude the issues presented are adequate to deserve encouragement to proceed further." *Id.* at 327. This standard reflects Congress's intent to ensure that potentially meritorious claims are not prematurely dismissed without meaningful judicial scrutiny.

In this case, the district court summarily dismissed the petitioner's affidavits, offering only a cursory conclusion that they "did little to cast doubt upon the verdict." This assessment fails to engage with the affidavits' substantive content, which presented detailed, uncontested evidence that directly challenged the government's narrative. The district court's perfunctory rejection undermines the principle articulated in

Miller-El that the COA process requires more than a rubber-stamp denial; it demands a threshold inquiry into whether the claims are debatable among reasonable jurists.

The Eighth Circuit compounded this error by denying a COA without acknowledging the *Miller-El* directive that any doubts about the debatability of constitutional claims must be resolved in favor of the petitioner. By neglecting to grapple with the petitioner's affidavits and their potential to substantively impact the outcome, the lower courts disregarded the critical function of a COA as a gateway for meaningful appellate review.

This Court has previously admonished lower courts for conflating the COA standard with the merits inquiry. In *Miller-El*, the Court explicitly warned against "deciding the merits of an appeal" at the COA stage, emphasizing that such an approach contravenes § 2253(c)'s purpose of allowing an appellate court to assess claims of constitutional error through full briefing and argument. *Id.* at 337-38. Similarly, in *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), this Court reinforced that the COA threshold is a "low standard" designed to ensure that reasonable claims are not prematurely extinguished.

In the present case, reasonable jurists could—and indeed should—debate whether the district court’s dismissal of the affidavits was procedurally flawed and substantively erroneous. The affidavits were not speculative or generalized; they offered specific, detailed testimony that directly rebutted critical elements of the government’s case. At a minimum, these affidavits deserved careful consideration by the district court, accompanied by a reasoned explanation for their rejection. The failure to provide such an explanation, coupled with the Eighth Circuit’s summary denial of a COA, reflects a profound misapplication of this Court’s guidance in *Miller-El* and similar precedents.

The affidavits in question were not speculative; they directly supported a legitimate explanation for Petitioner’s income, refuting the prosecution’s narrative. The district court’s failure to hold an evidentiary hearing left these pivotal issues unresolved, depriving Petitioner of a meaningful opportunity to vindicate his constitutional rights. This oversight satisfies the “debatable” standard for further proceedings as delineated in *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

II. THE FAILURE TO CALL KNOWN, EXCULPATORY WITNESSES CONSTITUTES INEFFECTIVE ASSISTANCE OF COUNSEL

Under *Strickland v. Washington*, 466 U.S. 668 (1984), the standard for ineffective assistance of counsel involves a two-pronged inquiry: (1) whether counsel's performance fell below an objective standard of reasonableness, and (2) whether there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. Both prongs are satisfied here.

The affidavits provided by Wells and Williams offered compelling, specific testimony that directly undermined the prosecution's central theory: that Petitioner's income derived exclusively from illicit drug activities. Mrs. Wells's affidavit detailed her professional dealings with the Petitioner, explaining how he assisted in rehabilitating a property, which was subsequently sold at a substantial profit—evidence that provided a clear, lawful source of income. Similarly, Mr. Williams's affidavit corroborated the legitimacy of Petitioner's employment, demonstrating that he worked at a licensed car dealership, earning income through the purchase and resale of vehicles. This evidence not only countered the government's narrative but also could have bolstered the defense's

credibility before the jury, offering an alternative explanation for Petitioner's financial transactions.

The omission of such testimony constitutes a severe deficiency in counsel's performance. As this Court recognized in *Williams v. Taylor*, 529 U.S. 362 (2000), counsel's failure to investigate and present readily available evidence that is critical to the defense violates the Sixth Amendment right to effective representation. There, this Court emphasized the obligation of defense counsel to thoroughly explore and present mitigating evidence, noting that such failures undermine the adversarial process and the reliability of the trial's outcome. Similarly, in *Strickland*, this Court made clear that a reasonable probability of a different outcome is sufficient to satisfy the prejudice prong—there is no requirement to prove that the evidence definitively would have changed the verdict.

The district court's conclusion that the testimony "would not have changed the outcome" improperly applies a stricter standard than that required by *Strickland*. The proper inquiry under *Strickland* is not whether the missing evidence guarantees acquittal, but whether its absence undermines confidence in the fairness and reliability of the trial.

Here, the testimony from Wells and Williams would have provided jurors with a plausible, lawful explanation for Petitioner's financial activities—evidence that could have created reasonable doubt and swayed their decision. The affidavits directly contradict the prosecution's portrayal of Petitioner as financially dependent on illicit drug trafficking, thereby addressing the crux of the government's case. Moreover, the omission cannot be dismissed as a strategic decision. Unlike cases where defense counsel chooses not to call witnesses based on potential risks or limited utility, here the record indicates that these witnesses were prepared, available, and willing to testify. Their exclusion reflects an unreasonable failure to present critical exculpatory evidence. This failure to utilize evidence that was readily available to rebut the government's central allegations is the type of egregious error that falls below the objective standard of reasonableness articulated in *Strickland*.

The significance of the omitted testimony is further amplified when viewed in the context of the trial as a whole. The prosecution's case rested heavily on circumstantial evidence, including cooperator testimony and inferences drawn from financial records. Wells and Williams's testimony would have directly undermined these inferences, offering the jury a

legitimate alternative explanation. By failing to present this testimony, defense counsel deprived the jury of crucial information necessary to evaluate the credibility of the government's case and the plausibility of the defense.

In light of these considerations, the district court's summary dismissal of this ineffective assistance claim as immaterial to the outcome was erroneous. Under *Strickland* and subsequent jurisprudence, such failures require careful scrutiny to determine whether they undermined the trial's fairness. Here, the omitted evidence clearly satisfies the "reasonable probability" threshold, as it had the potential to alter the jury's perception of the case and its ultimate verdict. This Court should reaffirm that the Sixth Amendment guarantees defendants not only the presence of counsel but effective representation, particularly when evidence crucial to the defense is readily available and unreasonably excluded.

III. THE CASE PRESENTS IMPORTANT ISSUES WARRANTING THIS COURT'S REVIEW

The denial of an evidentiary hearing on critical constitutional claims, as occurred in this case, strikes at the very heart of the judicial process's integrity and fairness. This Court has long recognized that the opportunity to develop and present evidence supporting substantial claims of

constitutional error is essential to ensuring justice is not only done but seen to be done. When a petitioner, such as Mr. Armstrong, presents uncontested evidence of potential prejudice stemming from ineffective assistance of counsel, the summary denial of an evidentiary hearing undermines confidence in the judicial process and risks depriving a defendant of their fundamental rights.

This Court's precedents, particularly *Miller-El* and *Strickland*, establish clear procedural safeguards designed to protect against such outcomes. In *Miller-El*, this Court emphasized the importance of carefully scrutinizing claims that are "debatable among jurists of reason" or "adequate to deserve encouragement to proceed further." Denying a petitioner the opportunity to fully develop their claims—especially when supported by affidavits or other evidence—thwarts this Court's mandate that reasonable claims must be given meaningful consideration. Similarly, *Strickland* provides the substantive framework for evaluating claims of ineffective assistance of counsel, requiring an analysis of whether counsel's performance fell below an objective standard of reasonableness and whether such deficiencies prejudiced the outcome. Both precedents highlight the necessity of a fact-intensive inquiry that cannot be

accomplished without an evidentiary hearing when genuine disputes of material fact are present.

The district court in this case dismissed Mr. Armstrong's § 2255 motion without convening an evidentiary hearing, despite the fact that he presented sworn affidavits from witnesses whose testimony directly challenged the government's theory of the case. These affidavits, uncontested in substance, detailed specific, exculpatory evidence that could have influenced the jury's decision. The failure to hold a hearing disregarded this Court's instruction in *Strickland* that ineffective assistance claims require a thorough evaluation of both counsel's performance and the resulting prejudice. By summarily rejecting these affidavits, the district court sidestepped its responsibility to assess the credibility and impact of this evidence, thereby undermining the reliability of its conclusion.

This procedural error was compounded by the Eighth Circuit's denial of a Certificate of Appealability (COA), which precluded meaningful appellate review of the district court's actions. This Court has repeatedly cautioned against such outcomes, recognizing that procedural barriers must not foreclose review of substantial constitutional claims. In *Buck v.*

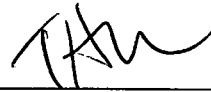
Davis, 580 U.S. 100, 137 S. Ct. 759, 774 (2017), this Court reiterated that any doubts about the debatability of constitutional issues must be resolved in favor of the petitioner, emphasizing the importance of ensuring that claims raising significant constitutional questions are fully and fairly adjudicated. The stakes in this case are substantial. The affidavits presented by Mr. Armstrong detailed evidence that could have fundamentally altered the jury's perception of his financial activities and cast doubt on the government's allegations. Without an evidentiary hearing, the district court denied the petitioner any opportunity to demonstrate how this evidence could have affected the outcome of his trial. This denial not only undermines the procedural safeguards this Court has established but also diminishes public confidence in the fairness and reliability of the judicial process. This Court's intervention is necessary to ensure that the procedural safeguards established in *Miller-El* and *Strickland* are uniformly applied across all jurisdictions. A failure to do so risks allowing inconsistent and inadequate adjudication of claims involving fundamental constitutional rights. This case presents an ideal vehicle for reaffirming the principle that courts must provide a meaningful opportunity to develop and present evidence when genuine issues of

material fact are raised, particularly in cases involving claims of ineffective assistance of counsel.

CONCLUSION

Based on the foregoing, this Court should grant this request for a Writ of Certiorari and remand to the Court of Appeals for the Eight Circuit.

Done this 29, day of November 2024.



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