
No. _____

IN THE

Supreme Court of the United States

TONY DON,

Petitioner,

V.

STEVE HAMMER,

Respondent.

On Petition for a Writ of Certiorari
To the Eighth Circuit Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

Tony Don, PRO SE

OID # 226322

MCF-Oak Park Heights

5329 Osgood Ave North

Stillwater, MN 55082

QUESTION PRESENTED

Does the admission of Identification Testimony at trial contravene the Due Process Clause when the court conducts the first test, but failing to conduct the Full Test when it requires Two Tests?

Does the Due-Process Clause protect against Injustices whereas Officials from both State and Federal systems confirm that your [Unlawfully Imprisoned], but awkwardly fails to remedy the Illegality in other words is that practice Constitutional or Unconstitutional?

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Tony Don respectfully petitions for a writ of certiorari to review the judgment of the Eighth Circuit Court of Appeals.

OPINIONS BELOW

Unpublished Opinion of the Minnesota Court of Appeals, APPENDIX B

JURISDICTION

The 8th Circuit Court of Appeals denied my Petition for Panel Rehearing Pet. App.37a This court jurisdiction pursuant to 28 U.S.C. § 1257 (a) & 28 U.S.C. § 1254(1). This is a State case procedurally appealing to the Federal System.

RELEVANT CONSTITUTIONAL PROVISION

The 14th Amendment to the United States Constitution provides, in relevant part:
 “No State shall . . . deprive any person of life, liberty, or property, without due process of law.”

STATEMENT OF THE CASE

As the Minnesota State of Court of Appeals puts it, In December 2012, appellant Tony Don was charged with aggravated robbery in the first degree. The complaint alleged that appellant and an accomplice robbed a pedestrian at knife point in Northfield. Prior to trial, appellant moved to suppress the evidence of the victim's pretrial identification of appellant, arguing that the show-up identification of appellant was unfairly suggestive and unreliable. The district court denied the motion, concluding that the identification procedure "unnecessarily suggestive," but that "it did not create a substantial likelihood of irreparable misidentification" because the "identification was based upon the distinctive tattoos."

At trial, evidence and testimony was presented establishing that at about 1:00 a.m. on December 11, 2012,, J.H. realized that his car was parked on the street in violation of a winter parking ban. After moving his car to avoided be ticketed, J.H. decided to go for a walk. According to J.H. it had started to snow, and he was listening to music through his headphones when he noticed two "suspicious" men "wearing bandanas around their faces." J.H. testified that he attempted to avoid the men, and when he did not see them anymore, he continued his walk. But when he rounded a corner, and turned around, he saw two men with the heavy coats, hats, and bandanas, approaching him from around the corner, and one was "holding a knife."

The man identified as appellant demanded that J.H. "give him what [he] had," and J.H. gave him his iPod and cell phone. He also gave him a "pile of cards" that he keeps in his front pocket in lieu of a wallet, which included his driver's license and a credit and debit card. According to J.H., appellant looked at his driver's license and warned J.H. that he would remember him and come after him if he went to the police. Appellant also demanded money, so the group went to a nearby ATM where J.H. withdrew \$300 and gave it to the robbers. The two men then left heading north.

After the men were out of sight, J.H. ran to a friend's house where he called 911 to report the robbery. Northfield police were then able to find footprints the snow and followed them until they located appellant and C.W. at the rear of a private

residence. When police detained appellant and C.W., they were not “appropriately attired for the weather,” wearing only shirts and long pants. The men were subsequently arrested and brought to J.H. to see if he could identify them. C.W. was taken out of a squad car first and shown to J.H.

Was unable to identify C.W. because he was not wearing a jacket and had no distinguishing features. But J.H. was able to identify appellant because of the tattoos around his eyes.

REASONS FOR GRANTING THE WRIT

This is a State case in Violation of Federal laws; an “INJUSTICE” stands uncorrected.

The Minnesota State & Federal Judicial system including the Federal 8th Circuit Court of Appeals decisions conflicts with the United States Constitution and U.S. Supreme Court precedents. The criminal justice system relies heavily upon the “centrality of the truth seeking function of the courts.” (See *Portuondo v. Agard*, 529 U.S. 61 (2000), *Estes v. Texas*, 381 U.S. 532 (1965)

1st Issue

1. On 12-1-15, my State Habeas got denied. The prosecutor set forth in its pleading to the judge as a notification of illegality (“or in the habeas context, that he is imprisoned unlawfully.”) However, the Judge failed to remedy the Injustice. **Pet. App.12a**
2. In the Federal Habeas Corpus in the District of Minnesota, the (Magistrate Judge: Jeffrey J. Keyes) noted in the 1st Report and Recommendation on Page -5-, “ What is in dispute is whether Don’s incarceration is *unlawful* because he is in custody” in violation of the constitution or laws or treaties of the United States.” *Id* (**R&R not annexed because I don’t have any copies, but its Certified in the Record in my case. It should be on file electronically.**)

I set forth in other pleadings as a reminder (Motion for Certificate of Appealability, Petition for Panel Rehearing) about the confirmation of Illegality of my Custody/Imprisonment, but no judicial official took just measures and granted relief, Awkwardly, ignores the predication. Something is Wrong here unjustly.

That’s confirmation from both State and Federal System that my Prison Confinement is ILLEGAL and runs afoul of the U.S. Constitution.

When is person "in custody," so as to make him eligible for remedy, under federal statutory provisions for habeas corpus, for violation of federal constitutional rights. 36 L Ed 2d 1012. The very nature of the writ of habeas corpus demands that it be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach are surfaced and corrected.

The great constitutional privilege of habeas corpus provides a prompt and efficacious remedy for whatever society deems to be intolerable restraints; its root principle is that in a civilized society government must always be accountable to the judiciary for a man's imprisonment; if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release.

In *Preiser v. Rodriguez*, the court said: "In thus expanding federal judicial power, Congress imposed the duty upon all levels of the federal judiciary to give due respect to a suitor's choice of a federal forum for the hearing and decision of his federal constitutional claims. Plainly, escape from that duty is not permissible merely because the state courts also have the solemn responsibility, equally with the federal courts, '... to guard, enforce, and protect every right granted or secured by the Constitution of the United States..., ' *Robb v. Connolly*, 111 US 624, 637 [28 L Ed 542, 4 S.Ct. 544]." *Zwickler v. Koota*, 389 US 241, 248, 19 L Ed 2d 444, 88 S. Ct. 391 (1967). 411 U.S. at 514

If petitioner was held in custody in violation of Constitution or law of United States, or for act done or omitted in pursuance of law of United States, he would be discharged. In re Loney (1890) 134 US 372, 33 L Ed 949, 10 S Ct 584; In re Neagle (1890) 135 US 1, 34 L Ed 55, 10 S Ct 658

When federal court once determined that state court judgment under which petitioner was sentenced to imprisonment in state penitentiary was entered in violation of due process of law, it was court's duty to direct release of petitioner. Voigt v Webb (1942, DC Wash) 47 F Supp 743

In Preiser v Rodriguez, supra, the court said: "It is clear . . . that the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody." 411 US at 484.

Where a State prisoner is concerned, a writ of habeas corpus may issue only when that prisoner is "in custody in violation of the Constitution or laws or treaties of the United States." 28 USC 2241, (3) , 2254(a) [28 USCS 2241 (c) (3), 2254(a)]. See O'NEAL V. McANINCH at 513 US 446.

A defendant whose conviction has been upheld despite the occurrence of such a violation certainly is "in custody in violation of the constitution or laws or treaties of

the United States. 28 U.S.C.S 2254(a). See BRECHT V. ABRAHAMSON at 507 US 646, 123 Led 2d 353, 113 S.Ct 1710 (1993) .

I. The Question Presented Significantly Impacts The Administration of Criminal Justice.

This Court should resolve the constitutionality of the practice of the court failing to grant relief when they confirm Illegality of a person's Imprisonment for this reason.

1. The question presented implicates the reliability and public integrity of criminal trials. There is no doubt that when a court confirms your Unlawful Imprisonment and fails to remedy it, that Justice is not served. The importance of the public to the issue is the citizens enforcement of our Legal Rights.

A State prisoner is entitled to relief under 28 USC 2254 [28 USCS 2254] only if he is held "in custody in violation of the constitution or laws or treaties of the United States." See ENGLE V. ISAAC, 456 US at 119 Part II,[2], 71 L Ed. 2d. 783, 102 S.Ct. 1558 (1982)

I. IMPROPER OVERLY SUGGESTIVE SHOW-UP IDENTIFICATION ADMITTED AT TRIAL

The district court properly found that the show-up identification was improper. However, the district court improperly allowed evidence of the identification at trial. The district court concluded that the identification "did not create a substantial likelihood of irreparable misidentification." **Pet. App.3a**

When it comes to identification procedures, there's a Two-Part Test to be conducted in determining whether identification should be suppressed:

1st Test: Unnecessarily Suggestive 2nd Test: Totality of Circumstances Factors

That step entails considering the witness' opportunity to view the perpetrator, degree of attention, accuracy of description, level of certainty, and the time between the crime and pretrial confrontation, then weighing such factors against the "corrupting effect of the suggestive identification." Brathwaite, 432 U.S., at 108, 114, 97 S. Ct. 2243, 53 L. Ed. 2d 140.

While Hallen had an opportunity to view the suspects, the opportunity was not a good. Both suspects were fully dressed and had bandanas around their faces. (**Omnibus at 8**) Hallen did not have a good opportunity to view the suspects. Hallen also did not appear to pay close attention to the two suspects, as he was not

able to describe the suspects' clothing. (Omnibus at 10, 11) Hallen also believed that they were speaking an unidentified foreign language. (Omnibus at 8)

Hallen was not able to accurately describe the suspects. He described them as being Hispanic. (Omnibus at 8) Despite being able to see the suspects' eyes, he made no mention of the tattoos around my eyes during the 911 call. Officer Gigstad, who present at the show-up testified that Hallen believed I was involved based on the tattoos around my eyes, but gave no indication of his level of certainty. (Omnibus at 30)

The record is not clear as to how much time has passed between when Hallen was mugged and when the show-up occurred, but officer Gigstad believed that it was half an hour. (Omnibus at 26)

The five factors were not analyzed by the district court. The five factors weigh in favor of suppressing the identification and the district court erred when it ruled that the evidence was admissible. In the 'Order Denying the Suppression Motion' the Judge *did not* conduct the 2nd part of the test for such id testimony evidence. Pet. App.3a

The standard of "fairness as required by the Due Process Clause," id., at 113, 97 S. Ct. 2243, 53 L. Ed. 2d 140, Manson v. Brathwaite 432 US 98, 97 S. Ct. 2243 (1977)

This 'Structural Error' denied me fairness in due-process in the 14th Amendment and affected the whole framework of the conviction process. I've been severely Prejudice by this Judicial Misconduct. The court should have not allowed the ID Evidence in because she did not conduct procedural requirements *required* by judicial precedents in Federal U.S. Supreme Court Case law. The conviction is Illegal.

SHOW-UP (SUGGESTIVE ELEMENTALS ERRORS)

1. POLICE TOLD J.H. THAT THERE GOING TO BRING OUT TWO GUYS THAT THEY HAD APPREHENDED.(T.251)
2. I'VE BEEN SEEN DETAINED IN BACK OF A SQUAD CAR.(RESP.APP.AT RC-097)
3. I WAS PRESENTED IN HANDCUFFS. (EXHIBIT-10 Show-Up Video-State Record)
4. I WAS BROUGHT CLOSER SO J.H. COULD OBSERVE MY FACIAL TATTOOS. . (RESP.APP.AT RC-103)

5. POLICE TURN ME AROUND LEFT & RIGHT DURING CLOSER OBSERVATION. (T.677)
 6. POLICE MADE AN IMPROPER REMARK TO J.H. AS IN TELLING HIM TO LOOK AT BOTH SIDES OF MY FACE AND TO LOOK AT THE RIGHT SIDE OF MY FACE TO OBSERVE TATTOOS AND ASKED HIM IF HE HAD OBSERVED ANYTHING ON THE INDIVIDUAL'S NECK AT THAT TIME. (T.260-261)
 7. THE SUGGESTIVE ATMOSPHERE (THE DISTANCE) NOT TOO FAR FROM WHERE THE ROBBERY OCCURRED PLUS, SNOWING AT THE TIME. . (RESP.APP.AT RC-097)
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When police officer unduly influences a witness to make an identification, it undermines the reliability of the id itself. When an officer makes suggestive comments to a witness... it psychologically prompts the witness to focus on the suspect detracting him from making their own independent decision. While this occurs, a witness would have no reasonable impression but to retain the descriptions of the suspect that he is observing that the officer is singling out to be the culprit.

Depending on what the comments were...it can be unfair leading a witness to identify a particular individual whereas some remarks cannot taint such results. In the nature of tainted beyond repair the damage has already been done. An officer makes suggestive comments to a witness predetermines the witness's decision for him to select that individual.

It leaves no room for a witness to render an unequivocal identification strongly the assuring the likelihood that there is no misidentification. Where a pretrial identification is tainted, the subsequent in-court identification is also faulty. As *the court noted in Wade*: "*It is a matter of common experience that, once a witness has picked out the accused at the [pretrial confrontation], he is not likely to go back on his word later on.*" 388 US, at 229, 18 L Ed 2 d 1149, 87 S Ct 1926, quoting William § Hammelmann, Identification Parades- I, Crim L. Rev 479 482 (1963)

In my case because of the comments by the police officer, the witness believed that I'm the one who accosted him as he confirms it in the courtroom with the answer "YES." (T.260-261)

Q And it is after he was making those comments to you that I take it you then felt like perhaps this was the individual that may have accosted you.

A Yes. The only clarification is—we didn't hear it very well in the audio—but I do believe before officer gigstad mentioned tattoos, I think I mentioned them first.

Its tainted however, in the 911 call the witness J.H. reports that he does not know who mugged him, that it was two young men, bandanas over their faces that he could only see their eyes, that they were speaking in a different language but couldn't tell what the language was, he speculated they were Hispanic not black after 911 dispatch officer leading him to with the racial suggestions and when the 911 dispatcher asked him "okay can you tell me what they were wearing?" He replies "Ah, I didn't get a good look at what they were wearing. They were wearing—you know, they were completely clothed—the 911 officer asked him a couple of times as to what the suspects had on and he certainly indicate that he didn't get a good enough look that one guy was in white clothing and the other was in dark clothing. (Omnibus Hearing T.7-11)

There's no report about any suspects "having tattoos" plus I'm not Hispanic for race wise. I'm Asian (Cambodian & Chinese). There's a substantial difference between those races. J.H. testified equivocally in trial in regards to the id testimony and gave two descriptions of tattoos that I still don't possess on my face.

Even at trial J.H. said: I could say that the man who had approached me with the knife had tattoos that looked very similar to the kinds of tattoos that I saw on this person who was presented to me by the police. And I just recall that they were dark tattoos, and they were just kind of past the rim of the eyes near the temple. So I had clearly seen these almost bead-like, dark ink tattoos right there. So it was very distinctive to me, and I could see that in the person who was shown to me by the police. *Id.* (T.253 Direct Exam.)

J.H. at trial confirm he was unable to give an accurate description of what the tattoos consisted of to the police and that if it's a distinctive tattoo he would be able to describe it to police. Plus J.H. told my defense attorney, "It was clear there was some kind of design thing going on with the tattoos like little blotches." *Id.* (T. 273-274 Cross Exam.)

He contradicted himself on the distinctive nature and tattoo description founded in direct examination and cross examination.

Plus, his tattoo descriptions “does not match Petitioner’s tattoos is with Merit. J.H. is equivocal. Petitioner does not have “any bead like tattoos or blotches tattoos.”

Importantly petitioner is going to describe petitioner’s tattoos:

- A. Below my [left eye] are Dots and a Question Mark
- B. There’s an Arrow at the end of my [left eyebrow above my left eye]
- C. My [right eye] area, consist of Tribal & Dots in Red Greyish Black.
- D. Above my [right eye] eyebrow are Dots

It is, first of all, apparent that the primary evil to be avoided is “a very substantial likelihood of irreparable misidentification. “Simmons v. United States, 390 US, at 384, 377, 88 S. Ct. 967 (1968).

In addition to trial during Cross examination as follows:

Q And at no time during that 911 call did you ever identify the fact that one of the assailants had tattoos around their eyes, did you?

A No. From the call we just listened to?

Q That’s correct.

A Yes.

Q Now, you are telling us today, however, that the most significant thing that you could recall from this encounter with these two guys was the fact that because the only thing you could see was their eyes, that it was the tattoos around the eyes that allows you to make this identification. Isn’t that correct?

A That’s correct (T. 257-258 Cross Exam.)

Q When you were asked to make the on-the-scene identification, one of the factors that you felt would have aided you in making that identification would have been recognizing the clothing that they had worn. Is that correct?

A Specifically, the coats. (T. 263 Cross Exam.)

The Minnesota Court of Appeals & MN Attorney’s General Agency acknowledged that J.H. did not positively identify me but that J.H. was fairly certain that I was one of the robbers base on my distinctive tattoo. (Resp. App. at RC-002, RC-077)

The Minnesota Court of Appeals applied the Totality circumstances factors governing eyewitness testimony and found that there was no likelihood of irreparable misidentification but that the 3rd Factor: the accuracy of the prior suspect's description weighs against that the identification was reliable.

However, the fairly certain is irrational cause there is no positive identification and the Court made an "Unreasonable determination of the facts in light of the evidence presented in the state court proceeding." When the Minnesota Court of Appeals conducted a "DE NOVO" review of the ID issue... it obviously ignored the Suggestive Elemental Errors that cause J.H. to Blame me for the robbery which undermines the reliability of the eyewitness identification.

Under § 2254 (d)(2), a decision involves an unreasonable determination of the facts if it rests upon fact-finding that ignores the clear and convincing weight of the evidence. Ward v. Sternes, 334 F.3d 696, 704 (7th Cir.2003) . Goudy v. Basinger, 604 F.3d 394 (CA7 2010)

The prosecution may not introduce witness identification testimony that it has unduly influenced before putting the witness on the stand. Foster v. California, 394 US 440, 89 S. Ct. 1127 (1969); See also Manson v. Brathwaite 432 US 98, 97 S. Ct. 2243 (1977). If the state "[i]n effect,...repeatedly [says] to the witness, "This is the man," ' the witness's testimony becomes tainted beyond repair. Foster, 394 U.S. at 443.

Where the prosecution sought to use evidence of a questionable pretrial identification, Stovall required its exclusion, because due process had been violated by the confrontation, unless the necessity for unduly suggestive procedure outweighed its potential for generating an irreparably mistaken identification. Manson v. Brathwaite 432 US at 122, 98, 97 S. Ct. 2243 (1977).

Here, the police officer told J.H. to look at both sides of my face and to look at the right side of my face to observe tattoos & asked him if he had observed anything on the individual's neck at that time. Because of these comments...it led J.H. to make an "Irreparable Mistaken Identification." Not including the other suggestive elements that compounded the degree inherent in the suggestion in the manner I was presented. (T.260-261)

Stovall thus established a due process right of criminal suspects to be free from confrontations that, under all the circumstances, are unnecessarily suggestive. Manson v. Brathwaite 432 US at 120, 98, 97 S. Ct. 2243 (1977).

"Suggestive confrontations are disapproved because they increase the likelihood of misidentification"--and "[i]t is the likelihood of misidentification which violates a defendant's right to due process." *Id.*, *Neil v. Biggers* 409 US at 198, 93 S. Ct. 375, 34 L. Ed. 2d 401; see also *United States ex rel. Kirby v. Sturges*, 510 F.2d 397, 406 (CA7 1975) (Stevens, J.) ("The due process clause applies only to proceedings which result in a deprivation of life, liberty or property. . . . [I]f a constitutional violation results from a showup, it occurs in the courtroom, not in the police station"). In short, "what the *Stovall* due process right protects is an evidentiary interest." *Brathwaite*, 432 U.S., at 113, n. 14, 97 S. Ct. 2243, 53 L. Ed. 2d 140.

Reliability is the linchpin in determining admissibility for identification testimony for confrontations occurring both prior to and after *Stovall v. Denno* 388 US 293, 87 S. Ct. 1967 (1967) *Manson v. Brathwaite* 432 US at 120, 98, 97 S. Ct. 2243 (1977).

The U.S. Constitution protects defendants from convictions where the evidence is of questionable reliability. *The US Supreme Court in Foster v. California holds that:* "[J]udged by the 'totality of the circumstances,' the conduct of identification procedures may be 'so unnecessarily suggestive and conducive to irreparable mistaken identification' as to be a denial of due process of law. ...*Id* at 394 US 447,448. Judged by that Legal standard in that precedent...supra, the facts I present concludes that my due process was violated in the 14th Amendment of the U.S. Constitution.

The admission of this Overly Suggestive Show-Up ID Testimony from J.H. caused harm at my jury trial.

It **"Misleads"** the jury and caused the jury to **"Credit Inaccurate Eyewitness Testimony."** Furthermore, It had **"Substantial and Injurious Effect"** with this type of trial error of constitutional dimension that was admitted. The right to a fair trial has been violated.

"the impetus for Stovall and Wade was repeated miscarriages of justice resulting from juries' willingness to credit inaccurate eyewitness testimony. Manson v. Brathwaite 432 US at 126, 98, 97 S. Ct. 2243 (1977).

In Brecht v. Abrahamson, the Kotteakos standard, under which an error requires reversal only if "had substantial and injurious effect or influence in determining the jury's verdict." Brecht v. Abrahamson, 507 US, at 631 [2c], 619, 637, 113 S. Ct. 1710 (1993), Kotteakos v. United States, 328 US, at 776, 750, 776, 66 S. Ct. 1239 (1946).

The Minnesota Court of Appeals decision concerning this issue is contrary to the US Supreme Court Precedent in *Foster v. California* and resulted in an "Unreasonable determination of the facts in light of the evidence presented in the state court proceeding."

In Foster v. California, the suggestive elements in this identification procedure made it all but inevitable that David would identify petitioner whether or not he was in fact "the man." In effect, the police repeatedly said to the witness, "This is the man." See Biggers v. Tennessee, 390 US 404, 407, 19 L Ed 2d 1267, 1269, 88 S Ct 979 (dissenting opinion). This procedure so undermined the reliability of the eyewitness identification as to violate due process. Id. Foster at 394 US 443. For the Court has in effect decided here that the officers of the law have so "arranged" lineups that the eyewitness to the robbery has been led to make an "irreparable mistaken identification." Id. Foster at 394 US 446.

In my case, the suggestive comments from the officer to J.H. caused him to blame me for the robbery aside from other compounding suggestive elements involved in my case...it's the improper remarks that triggered that unduly influencing psychological power where J.H. was susceptible to suggestion..."if this wasn't the truth in fact then J.H. would of never answered YES to a clear question that produces the result that gets no more convincing then the answer YES."

The procedure employed in both cases reaches the same result...whereas the suggestive elements led a witness to generate a "*Irreparable Mistaken Identification*," in violation of due process.

The court said that prior to the decision in Biggers, except in cases of harmless error, "a conviction secured as the result of admitting an identification obtained by impermissibly suggestive and unnecessary measures could not stand." Ibid. Manson v. Brathwaite 432 US at 108, 98, 97 S. Ct. 2243 (1977). The court also concluded that for post-Stovall identifications, Biggers had not changed the existing rule. Thus: "Evidence of an identification unnecessarily obtained by impermissibly suggestive means must be excluded under Stovall...No rules less stringent than these can force police administrators and prosecutors to adopt procedures that will give fair assurance against the awful risks of misidentification." 527 F.2d, at 371, See Brathwaite 432 US at 108-109, 98, 97 S. Ct. 2243 (1977).

In Stovall v. Denno 388 US 293, 87 S. Ct. 1967 (1967), the court held that the defendant could claim that "the confrontation conducted ... was so unnecessarily suggestive and conducive to irreparable mistaken identification that he was denied

due process of law.” Id., at 301-302, 18 L Ed 2d 1199. Neil v. Biggers 409 US, at 196, 188, 93 S. Ct. 375 (1972).

A conviction which rests on mistaken identification is a gross miscarriage of justice. Stovall v. Denno 388 US, at 297[1], 293, 87 S. Ct. 1967 (1967),

When the State Court in a State Trial allowed the state to reflect in the Record this Constitutional Error of Dimension of Mistaken Identification...my Due Process Right in the U.S. Constitution has been Violated. “ The Verdict is Unconstitutional along with the Warrant of Commitment to the Minnesota DOC.” I was prejudiced by this trial court error. The error is not harmless...it caused me to be in “Custody in violation of the constitution or laws or treaties of the United States, “ under 28 U.S.C.§ 2254 (a). “ The Causal Connection.”

I’m claiming I’m Innocent because of the Police Identification Procedure that is conducive to Misidentification.

Impermissible Show-Up

CONCLUSION

For all reasons stated herein, Specifically, Appellant prays this Court Order Petitioner’s released forthwith.

Date: 4-12-18

Petitioner



Tony Don, PRO SE

OID # 226322

MCF-Oak Park Heights

5329 Osgood Avenue North

Stillwater, MN 55082