22-6673

No.

ORIGINAL

IN THE

Supreme Court of the United States

LENWOOD MASON,

Petitioner,

v.

SECRETARY PENNSYLVANIA

DEPARTMENT OF CORRECTIONS, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Third Circuit

PETITION FOR WRIT OF CERTIORARI

Lenwood Mason, CY-4048
Pro Se
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CAPITAL CASE

QUESTION PRESENTED

I. **WHETHER THE COURT OF APPEALS ERRED IN DENYING A CERTIFICATE OF APPEALABILITY AFTER THE DISTRICT COURT FAILED TO MAKE AN INQUIRY INTO A TITLE 18 U.S.C. § 3599(e) REQUEST FOR COUNSEL REPLACEMENT**

PARTIES TO THE PROCEEDING*

Lenwood Mason, petitioner on review, was the plaintiff-appellant below.

The following individuals are respondents on review and were defendant-appellees below:

John E. Wetzel, who served as Secretary Pennsylvania Department of Corrections.

Jaime Sorber, who serves as Superintendent of the State Correctional Institution at Phoenix.

Lawrence Krasner, who serve as District Attorney for the city of Philadelphia, Pennsylvania.

***Please see Pet. Appx. F**

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PETITION FOR A WRIT OF CERTIORARI

Petitioner, Lenwood Mason, respectfully petitions this Court for a writ of certiroari to review the judgment of the United States Court of Appeals for the Third circuit in this case

OPINION AND ORDER BELOW

The Third Circuit's order is unpublished, but are attached herein at Pet. Appx. A. The Third Circuit's rehering order is unpublished, but is attached herein at Pet. Appx. B. The opinion of the District Court (Pet. Appx. C) is published at 2021 U.S. Dist LEXIS 157560.

JURISDICTION

The decision of the Third Circuit was entered on April 26, 2022 and Petitioner's timely request for rehearing was denied on May 31, 2017. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title 18 U.S.C § 3599(e) of the United States Code Service provides that "Unless replaced by similarly qualified counsel upon the attorney's own motion or upon motion of the defendant. . . ."

INTRODUCTION

The question is not open as to whether a petitioner, who has been appointed counsel under 18 U.S.C. § 3599, can make a *pro se* request to have new counsel appointed. Equally as closed for interpretation is whether a court is free to negatively decide the request for new counsel without an examination of the basis for the request.

In Martel v. Clair, 565 U.S. 648, 132 S. Ct. 1276, 182 L.Ed. 2d 135 (2012), the Court held that 18 U.S.C. § 3599 "contemplates that appointed counsel may be 'replaced . . . upon motion of the defendant,' § 3599(e). . . ."

When Petitioner became aware of constitutional errors in his trial, a request was made of appointed habeas counsel to amend the petition to add a new claim of prosecutorial misconduct to the prosecutorial misconduct claims counsel had already filed.

Counsel refused to file the claims as he felt it had no value. Thereafter, Petitioner made a pro se request to have habeas counsel replaced. Within that request, Petitioner cited to facts that asserted habeas counsel's poor representation. Those facts regarded habeas counsel's refusal to find value in the trial prosecutor denying Petitioner a fair trial by presenting false and inflammatory testimony from two witnesses. Additionally, Petitioner's Confrontation Clause rights were violated because one of the witness's was never sworn.

Also asserted was the possibility of a conflict of interest, i.e., that counsel may be refusing to address the claim because he may have to implicate the poor representation of his former colleagues, thus impugning their integrity and livelihood.

The District Court, without any examination as to the basis of the request, denied the motion because, in the court's opinion, Petitioner has no right to file *anything* while represented by counsel.

Undaunted, Petitioner filed to amend the habeas petition. The District Court denied that motion for the same reason.

A subsequent request for new counsel was made and that motion was denied for the same reasons as the first. The District Court finally denied the habeas petition and also denied a Certificate of Appealability. Petitioner's and habeas counsel's relationship had become so untenable that Petitioner opted to proceed on appeal pro se. Or more accurately, through the efforts of another prisoner. Pet. Appx. G

The Third Circuit denied Petitioner a Certificate of Appealability and, in so doing, concluded reasonable jurist would not debate the reasonableness of the District Court's order denying new counsel nor leave to amend. Petitioner requested a rehearing and that, too, was denied.

The conclusions of the District Court and Third Circuit conflict with Petitioner's statutory right and this Court's interpretation of that statute.

This case presents an issue that is unusually straightforward on the record: 1) The District Court's conclusion that Petitioner cannot make a request for new counsel is diametric to the language of § 3599 and this Court's interpretation of that statute; 2) The District Court's denial—without inquiry into the underlying reasons—of the motion for appointment of new counsel was an abuse of discretion and contrasts with all other circuits and with this Courts holdings; 3) The Third Circuit's conclusion that a Certificate of Appealability was unwarranted is

diametric to the holdings of Miller-El v. Cockrell, 537 U.S. 322, 123 S. Ct. 1029, 154 L.Ed.2d 931(2003); 4) The Third Circuit's conclusions about habeas counsel's representation being effective based on Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L.Ed. 2d 674 (1984), is inapposite to this Court's holdings; 5) The parties to this matter have not filed *any* objections, corrections of the record, nor responses to any of Petitioner's filings in the District Court nor the Third Circuit. By doing so in the district court, they negated any opportunity to file a brief in the Third Circuit and, it necessarily follows, that having not filed anything in the Third Circuit, they are now unable to file a brief in this Court. Pet. Appx. F.

The Court should grant certiorari.

STATEMENT OF THE CASE

I. THE TRIAL

In February of 1996, Petitioner went on trial for the death of his girlfriend. At trial, the prosecutor contended that Petitioner premeditatedly killed his girlfriend and presented testimony that Petitioner and the victim routinely argued and that there was physical violence in the relationship. However, the most salient evidence—that which demonstrated premeditation—was false and/or unsworn and designed to inflame the passions of jurors.

The victim's mother testified that Petitioner stabbed the victim to death while she was sleeping, that the victim's son was in bed with the victim at the time of the attack, and bathed in blood. This was the polar opposite of what she testified to at the

preliminary hearing, i.e., that the child had gone to the bathroom before the attack. So glaringly contradictory was her testimony that the trial court gave jurors cautionary instructions—specifically referencing the mother by name—that jurors could use her former testimony to gauge the credibility of her latter testimony. Additionally, the mother testified that Petitioner shouted, while exiting the home, "I got her now."

The child testified that he was upstairs and that he saw Petitioner stab his mother.

Petitioner testified that the couple's PCP usage—Petitioner for the first time—left him unaware of what had occurred with his girlfriend and that he only became aware of her death after detectives told him what he had done. Other witnesses confirmed that they had never seen Petitioner, a habitual drug user, in such a state of extreme intoxication. Jurors also heard that at the time of arrest, Petitioner had a "large red whelp [sic]" on his back (the source of which could have been the victim), that the victim did indeed have PCP in her blood—which confirmed the veracity of Petitioner's testimony—and that the victim had defensive wounds on her arms and hands, which negated the claim that the victim was asleep when attacked.

Under these circumstances, Petitioner's defense was that his culpability should rise no higher than third degree murder[1]

Nevertheless, jurors believed the false narrative, convicted Petitioner of first degree murder and sentenced Petitioner to death. That false narrative has plagued Petitioner ever since.

II. DIRECT APPEAL

After sentencing, Petitioner filed a counseled direct appeal to the Pennsylvania Supreme Court challenging both the verdict and the sentence. That court denied relief on all claims of error. In denying relief on the heat of passion defense, the Pennsylvania Supreme Court relied on the false testimony of the child that the victim was attacked while lying on the bed. Com. v. Mason, 559 Pa. 500, 511(1999).

III. STATE POSTCONVICTION

Petitioner then filed a counseled Post-Conviction Relief Act petition that also challenged the guilty verdict and sentence of death. During an evidentiary hearing, the Commonwealth utilized the false narrative to undermine Petitioner's expert's opinion by getting him to agree that Petitioner had the mental wherewithal not to stab the child who was "laying next to [the mother]." The Court of Common Pleas denied relief and another unsuccessful direct appeal to the Pennsylvania Supreme Court followed.

IV. THE DISTRICT COURT'S DECISION

Petitioner then sought relief via a federal habeas corpus action. Counsel was appointed pursuant to § 3599 of Title 18 and he filed an amended habeas corpus petition which also challenged the jury's verdict and sentence. Habeas counsel, in his amended petition, placed the child on the bed at the time of the attack and referenced the pejorative, "I got her now," statement credited to Petitioner.

In the Commonwealth's responsive brief, they resurrected their usual inflammatory refrain that the child was "laying beside [his mother when she was killed]"

and that the child was "covered in his mother's blood."

Petitioner solicited a fellow prisoner, Pet. Appx. G, to examine the record and he realized unconstitutional problems with the testimony of two witnesses (the mother and son—the only two witnesses whose testimony indicates Petitioner's words and deeds prove first degree murder), namely, that their testimony was false, unsworn or both.[2]

Based on this new information, Petitioner asked counsel to amend the habeas petition to add an additional claim(s) of prosecutorial misconduct to the several he had already filed. While habeas counsel did admit to the district court that he made a "mistake" when he cited that the child was on the bed during the attack, he refused to amend the petition to add an additional claim.

Petitioner then sought pro se amendment of the habeas petition and the district court rejected the motion. Petitioner filed for the appointment of new counsel; arguing a prosecutorial misconduct claim and also raising the spectre of a conflict of interest, i.e., that habeas counsel did not want to raise the claim because to do so might tarnish the reputation of his former colleagues, who had represented Petitioner during state post-conviction proceedings. They, like habeas counsel, failed to realize that trial testimony was false, inflammatory and unsworn and allowed the credibility of their expert witness's opinion to be impugned with the false evidence.[3]

The District Court denied the amendment motion. It also denied, *without any inquiry* as to why counsel needed replacement, the new counsel request, Pet. Appx. D, another request for new counsel, Pet. Appx. E, and ultimately the habeas petition and a Certificate of Appealability. Pet. Appx. C.

V. THE THIRD CIRCUIT'S DECISION

On appeal to the Third Circuit, petitioner opted to proceed pro se and sought a Certificate of Appealability. That court ultimately concluded that no jurists of reason would find debatable the District Court's denial regarding the motions for new counsel and amendment and denied a COA. Pet. Appx. A.

A rehearing was sought and no judge asked for voted to rehear the appeal. This appeal followed. Pet. Appx. B.

It should be noted that the Commonwealth did not respond to any of Petitioner's filings below. Pet. Appx. F.

REASONS FOR GRANTING THE PETITION

This case satisfies the Court's crtiteria for certiorari.

The Third Circuit has rendered a decision that severely departs from the acceptable and usual course of judicial proceeding.

The decision below is the only one, among all circuits, espousing the derogation of a statutory right that ultimately will have a deleterious effect on constitutional rights.

I. The Decision Below Squarely Creates A Circuit Rift.

No circuit that has addressed this matter has settled on the side of foregoing an inquiry into the request for new counsel under §3599. This Court has likewise required an inquiry, Martel v. Clair, 565 U.S. 648, 132 S. Ct. 1276, 182 L. Ed. 2d 135(2012).

A. The Third Circuit's Decision Raises A Split As To Whether A District Court Is Free To Forego An Inquiry Into The Rationale For A Request For New Counsel

In its decision, the Third Circuit stated, in part, that: "The foregoing request for certificate of appealability is denied as Mason has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c). The District Court denied Mason's guilt-phase claims as meritless and denied his motions for new counsel and to amend his petition. Jurist of reason would not debate the correctness." Pet. Appx. A. This conclusion deserves review for several reasons.

The Third Circuit breaches from the tranquil unanimity of its sister circuits and distances itself from a long and universally settled prerequisite; that once a request for new counsel has been presented to a District Court, by a represented client, the District Court must delve into the factors giving rise to the request. See United States v. Grado, 1992 U.S. App. LEXIS 3565 (10th Cir. 1992)(The standard for considering a request for new counsel includes. . . [the] adequacy of the court's inquiry into the defendant's complaint; United States v Corporan-Cuevas, 35 F. 3d 953 (4th Cir. 1994) (Same); United States v. Warner, 843 Fed. Appx. 740(6th Cir.) (Same); Grayson v. Mitchell, 2005 U.S. Dist. LEXIS 2458, October 21, 2005 (9th Cir.) (Same).

This Court has also taken notice of the accord among circuits: "As all circuits agree, courts cannot. . .properly resolve substitution motions without probing why a defendant wants a new lawyer." (Citation omitted) ('It is hornbook law that '[w]hen an indigent defendant makes a timely and good faith motion requesting that appointed

counsel be discharged and new counsel appointed, the trial court clearly has a responsibility to determine the reasons for defendant's dissatisfaction . . ."" (Citation omitted). Martel, 182 L.Ed. 2d at 149.

With that fundamental principle as a guideline, this Court adopted a "broader" standard that "a court of appeals should consider in determining whether a District Court abused its discretion in denying [a motion for substitution]." Christeson v. Roper, 574 U.S. 373, 135 S. Ct. 891, 190 L.Ed. 2D 763, 767 (2015). One of those expansive factors, the only one relevant here, is "the adequacy of the District Court's inquiry into the defendant's complaint." Id.

1. The District Court's Decision On The Replacement Of Counsel Request Is Debatable

Petitioner's initial request for counsel received a tersely worded response from the district court:

"**AND NOW**, this 3rd day of March, 2020, upon consideration of Petitioner's Motion for Appointment of New Counsel(ECF No. 58), **IT IS HEREBY ORDERED** that Petitioner's Motion is **DENIED**." Pet. Appx. D & H.

The second request received a similarly worded response, Pet. Appx. E, but it also contained an insightful footnote that explained the untenable conclusion by the district court:

"Petitioner Lenwood Mason seeks leave to amend his petition pro se to add additional claims despite being represented by counsel. Third Circuit case law makes

clear that a district court need not consider a counseled party's pro se arguments." Citations omitted.

These denials conflict with the holdings of this Court and all other circuit courts that have considered a standard for substitution requests.

2. The Third Circuit Should Have Granted A Certificate of Appealability

A Certificate of Appealability should issue if the appellant has made a "substantial showing of the denial of a constitutional right." To meet this standard, a Petitioner need only 'demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further.'" Barefoot v. Estelle, 463 U.S. 880, n.4 (1983).

Also, a COA does not require a showing that the appeal will succeed." Miller-El v. Cockrell, 537 U.S. 322, 336-337 (2003). A claim or argument may be debatable, and thus worthy of a COA, "even though every jurist of reason might agree, after the certificate of appealability has been granted and the case received full consideration, that Petitioner will not prevail." Miller-El, 537 U.S. at 338.

I. The Denial Of Substantial Rights Was Shown

Petitioner did show the denial of a constitutional right to a fair trial. When a prosecutor intentionally puts false and inflammatory evidence before jurors, with, as in this case, the intent to elevate the degree of culpability, there can be no debate pertaining to the denial of a constitutional right. "[A] deliberate deception of court and

jury by the presentation of testimony known to be perjured . . . is [ ] inconsistent with the rudimentary demands of justice[.]" Mooney v. Holohan, 294 U.S. 103 (1935). Also, "[it is a] well-established rule that a conviction obtained by the knowing use of perjured testimony is fundamentally unfair," U.S. v. Bagley, 473 U.S. 667, 678-679 (1985).

Also, Petitioner showed a Confrontation Clause violation occurred. The use of unsworn testimony is a substantial denial of a constitutional right. In Maryland v. Craig, 497 U.S. 836 (1990), this Court affirmed prior rulings of the Court and held that [ ] an oath [is] required under the Confrontation Clause: "the right guaranteed by the Confrontation Clause. . .insures that the witness will give his statement under oath. . . ." Id. at 845 (quoting California v. Green, 399 U.S. 149, 158 (1970)).

The same false evidence gives rise to an ineffective assistance of counsel claim. Not only against trial counsel, but against the cavalcade of poor representation stretching from the trial on through federal proceedings. None of these attorneys identified the false/unsworn testimony and habeas counsel, as indicated above, inexplicably referenced some of the false (not in a favorable way either) evidence in his petition. Of course, habeas counsel's poor stewardship cannot form the basis of an ineffective counsel claim, but it may be used to justify counsel's replacement: "The ineffectivenes or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal [post-conviction proceedings] on the basis of the ineffectiveness or incompetence of counsel in such proceedings. Title 28 § 2261(e).

Having demonstrated constitutional and statutory rights were substantially negated, Petitioner turns to the methodology of establishing the substantial denials of rights.

Petitioner sought to present the unconstitutional violations to the district court through counsel amending the petition. Counsel refused although the Federal Rules of Civil Procedure promulgates favorable rules regarding amendment. Rule 15 provides that "[l]eave to amend. . .should be 'freely given when justice so requires,'" Riley v. Taylor, 62 F.3d 86, 89-90 (3d Cir. 1995) and this Court has interpreted "freely given" as a mandate to be heeded and a limit on the district court's discretion. Foman v. Davis, 371 U.S. 178, 181-182 (1962), and if the claims relate back to the original filing, Rule 15(c) "does not leave the decision whether to grant relation back to the district court's equitable discretion," but rather the "[rule] ***mandates*** relation back once the rules requirements are satisfied. Krupski v. Costa Crociere, S.p.A., 177 L.Ed 2d 48, 60 (2010).

Given the liberal amendment rules, counsel's obstinance in refusing to even attempt an amendment was, at best, suspicious, and, at worst a conflict of interest. Petitioner tried amending the claims into counsel's petition and the district court rejected the amendment because it did not have to accept hybrid filings from represented parties. Pet. Appx. E.

Such a blithe and untenable policy cannot be allowed to thrive, and yet, the court of appeals stamped its imprimatur on the order. That was a direct contravention of the holdings in *Martel,* supra, wherein this Court defined several factors that a court of appeals should address when deciding a substutution motion. The most relevant, in this case, of the three is "the adequacy of the district court's inquiry into the defendnt's

complaint. *Martel*, 182 L.Ed. 2d at 148.

The court of appeals' examination simply should have started there, ended right there and a remand order should have been issued. Rather, it held the district court's denial was beyond debate.

That facile conclusion was just plain wrong.

3. The Third Circuit's Decision And Strickland v. Washington

Although Petitioner believes it to be irrelevant, to the extent the circuit court's decision implies counsel's performance prevailed under the two-prong Strickland v. Washington, 466 U.S. 668 (1984), test, Petitioner would argue *Strickland* does not apply to § 3599(e) motions due to this Court clarifying that: "In providing statutory rights to counsel, Congress declined to track the Sixth Amendment; accordingly, the scope of that Amendment cannot answer the statutory question presented here," i.e., was counsel "laboring under a conflict of interest."

II. This Case Is Worthy Of This Court's Review

Title 18 U.S.C. § 3599 grants capital habeas petitioners enhanced rights of representation. This is so because of the "seriousness of the possible penalty...." § 3599(d)(2006 ed.). In order to foster those "enhanced rights" of § 3599, it provides better pay for qualified attorneys and capital for investigative and expert services, see §§ 3599(f)(2006 ed.) and (g)(2)(2006 ed., Supp.IV), all in an effort to ensure the "fundamental fairness in the imposition of the death penalty." McFarland v. Scott, 512 U.S. 849, 855 (1994).

To further ensure the statutory right to quality representation, Congress added a clause, § 3599(e) whereby a habeas petitioner can motion the court for new counsel. The Court and every circuit that has addressed a § 3599(e)-based motion, even in cases preceding the enactment of § 3599, see U.S. v. Grado and Corporan-Cuevas, supra, has required an inquiry into that request.

That lengthy history of circuit unity has been inappropriately interrupted and Petitioner prays that the Court, utilizing its supervisory powers, will restore judicial unanimity on substitution motions pursusnt to § 3599.

Any other conclusion will render § 3599 feckless. Petitioners, like the instant one, will have credible challenges to their counsel's stewardship, but no avenue through which to present it to the courts and Congress' grand vision of qualified counsel assiduously championing her clients cause will wither.

2. The Import Of Factual Accuracy To The Anti-Terrorism And Effective Death Penalty Act

Another compelling reason for granting this writ would be importance of factual accuracy under AEDPA, which reads that relief can only be granted if it is determined that a "state court's adjudication of the claim. . . 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 proceedings. 28 U.S.C. § 2256(D)(1)(2). Because factual accuracy is of paramount importance for the grant of habeas relief, and Petitioner's conviction was built on a base of false testimony, the Court should grant the writ.

3. The Lack Of A Challenge From The Respondent

The resolution of this matter would seemingly be uncomplicated for two reasons. First, the Respondent did not respond to any of Petitioner's requests for new counsel, nor the motions to amend and did not participate in the Third Circuit appeal. See Pet. Appx. F.

They never even rebutted Petitioner's version of the record.

4. The Third Circuit's Decision Is Wrong

A district court cannot deny a substitution motion without an inquiry into the underlying allegations. Nevertheless, the court of appeals upheld the denial; concluding no jurist would find the district court's denial debatable. Petitioner asserts that every jurist in the circuits that have addressed § 3599 motions would find the decision debatable.

The Third Circuit's decision was wrong and the Court should grant certiorari in order to correct the erroneous decision

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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FOOTNOTES

[1]**Title 18 Pa. C.S.A. § 2503 Voluntary Manslaughter(a) General rule.**—A person who kills an indIvidual without lawful justification commmits voluntary manslaughter if at the time of the killing he is acting under sudden and intense passsion resulting from serious provocation by . . . ***the individual killed . . . .***

Title 18 Pa. C.S.A. § 308. Intoxication or drugged condition.

Neither voluntary intoxication nor voluntary drugged condition is a defense to a criminal charge, nor may evidence of such conditions be introduced to negative the element of intent of the offense, except that evidence of such intoxication or drugged condition of the defendant may be offered by the defendant whenever it is relevant ***to reduce murder from a higher degree to a lower degree of murder.***

[2]Further proof of the trial prosecutors zeal to convict petitioner of first degree murder was evinced when he tried to question Petitioner about an alleged threat toward the victim and to a jailhouse informant. The prosecutor informed the court that he had a "good faith basis" for his line of questions as he had evidence that Petitioner said that he was going to "OJ the bitch when [petitioner] g[o]t out [of prison]." After counsel brought to the court's attention that Petitioner was released from prison on June 6, 1994, six days ***before*** Nicole Brown Simpson was killed on June 12, 1994, the trial prosecutor did not present the jailhouse informants testimony.

[3]At a state evidentiary hearing, the Assistant District Attorney undermined Petitioner's expert witness by getting him to agree repeatedly that the child as on the bed

Q. Are you aware that while he was stabbing her, he had the mental wherewithal not to stab her three-year old son that way ***laying in bed [with] her***?

A. Yes, ***I'm aware that he didn't stab the son and all anger was directed toward her so I'm aware that he didn't choose to stab the son. Id.***

Q. He was able to conform his conduct by ***not stabbbing the son***, don't you agree?

A. I would agree that ***he was able to conduct himself to stab one person***, yes.

Q. ***So he was able to conform his conduct to the requirements of law by not stabbing thelittle boy laying next to [her]?***

A. ***I agree he did not stab the boy next to her.***

[4]At the trial, an uninterested witness testified that the child was not upstairs "at all" and when asked if he saw blood on the child, the witness responded that the child was just "hyper" (the child also testified that he did not get any blood on him). Additional testimony by the child demonstrated that he was, like the uninterested witness said, downstairs. Both the child and the mother testified that Petitioner rushed into the home, pushed past the mother, that the mother called 911 twice, that as Petitioner left the home she threw a knife at Petitioner, and that the neighbor restrained her from chasing Petitioner (the neighbor also testified to this). If the child witnessed all these activities, the objective evidence demonstrates that he was downstairs, which renders false his testimony about being upstairs and seeing his mother get stabbed.

Although the uninterested witness's testimony seemingly presents a scenario where jurors are presented with a situation where they are required to make credibility determinations between witinesses, the Court has held that: "[W]e did not believe the fact that the jury was apprised of other grounds for believing that the witness [ ] may have had an interest in testifying against Petitioner turned what was otherwise a tainted trial into a fair one." Napue v. Illinois, 360 U.S. 164, 270 (1959). In other words, a defendant can still realize relief on a presentation of false testimony claim, even though jurors heard evidence from when they could have concluded a witness was not being truthful.