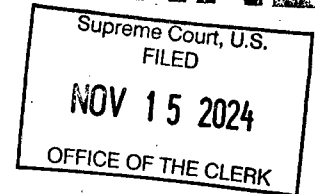


No. 24-6980 **ORIGINAL**



IN THE
SUPREME COURT OF THE UNITED STATES

Washington, D.C. 20543-0001

Redo Lamont Rolling — PETITIONER
(Your Name)

vs.

Hon Julia Smith Gibbons — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals for the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Redo Lamont Rolling
(Your Name)

Butner med. center P.O. Box 1600
(Address)

Butner, NC 27504
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Is there grounds for reversal After lower review court confirmed abuse of discretion and ineffective assistance of counsel To say Plain error
2. Is there grounds for reversal After Lower review court confirmed deprivation of Judicial substantial rights, Due process Fourth Amendment and Equal protection of Law Violation Fourteenth Amendment Violation?
3. Is there grounds for reversal Due to Procedural sabotage and discrimination Violation of Fourth Amendment right to Fair trial?
4. Is there grounds for reversal Due to insufficient evidence to convict confirmed by trial Judge.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 10-17-2024.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 8/20/22.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Fed. Rule of Evidence 404(b)
2. Fed. Rule of procedure 59(e)
3. Fourteenth Amendment: Equal protection of the law.
4. Fourteenth Amendment: Procedural Due process.
5. Sixth Amendment effective assistance of counsel.
6. Judges code of conduct: canon 3
7. Fourth Amendment: Due process.

STATEMENT OF THE CASE

First issue this petitioner wants to address is the abuse of discretion. On 12/15/23 This Petitioner Filed motion to vacate Sentence due to prosecutorial and Judicial misconduct. Order was Filed by Court on 12/20/23 referring matters to merit panel who would decide this petitioners' direct appeal See appendix A Article two court order Letters).

Lower review court confirmed abuse of discretion. See Direct Appeal Opinion in this case pg 8 (9 of 18) Section B First two elaborations Trial Judge conducted proceedings in this case ex parte demonstrating extreme bias to the defense and its position. In Judge Code of Conduct Canon 3: Judge should perform duties of office fairly, impartially, and diligently. Part A of same Canon Rule Four States A Judge should not initiate, permit or consider ex parte communications.

Trial Judge in this case violated these rules by making personal statements See Appendix A Article three trial transcript 17 of 44. She answers the prosecution's says counts "well, how does it mean, if that argument is made, how does the fact that there are six very similar robberies all charged, doesn't that defeat that argument?" In *Ward v. Ohio*, 366 F.Supp 628 (1973): A defendant is entitled to the cold neutrality of an impartial Judge and the Law intends that no Judge shall preside in a case in which he is not wholly free, disinterested, impartial, and independent.

Appendix A Article 3. trial transcript pg 47 of 199 lines 21 to 23 Judge informs and warns Defense counsel that repetitive questioning Ask, I mean "of those on the testimonial and will not be tolerated in the trial proceedings." In 1995,

But when it was time for Defense to present its evidence and witnesses, Judge Allowed prosecution to badger petitioner with the Questions "Did You park In Front? Why Didn't You Park in Front?" and the improper unchanged prejudicial Inference "Isn't it true you gave co-dependant Drugs? Isn't it true co-dependant owed You 'Por' drugs?" See Appendix B Article two trial transcript 84, 85, 86, 106 of 199.

Lines 24 and 25 of pg 24 to line 1 to 6 of 85. Prosecution badgers with Question "Did you park in front? why Didn't You Park in front?" Pg 86 Line 21 to 25 prosecution begins to Intere to me as being a drug dealer something I wasn't on never been charged with. Pg 106 line 1 to 8 lines 5 This petitioner Defense Counsel Finally objects ask and answer. Judge didn't rule on the improper antics which she should have Prosecution must say in line 10 same pg "I'll move on." But in line 122 here vents back the some prejudicial, irrelevant, improper questioning that Judge still ignores and allowed This discrimination deprived this petitioner of his substantial rights to a fair trial. *Garza v. Wolff*, 528 F.2d 208 (8th Cir 1975) is a similar case where repetitive use of leading question was found improper and pervasive rendering accused a unfair trial.

Lyle v. Rife, 60. 420 F. 3d. 1177 (CA 2006)

Judge interrupts Defense Counsel Hart in a way that undermines his presentation of the case. Frequently during the cross-examination of ~~center~~ central witness in the case. But failed to interrupt in a like manner during the prosecution's questioning. Similarly in this case there was always Audio malfunctioning whenever Defense Counsel or this petitioner were presenting our argument. See Appendix B Article three pg 38, 39 of 44. This petitioner and Judge exchanged undisturbed Question and Answers - Communication totaling 7 changes a piece But soon as this petitioner answers unsatisfactory count Rep Recorder claims mic is down and

she can't hear and record our questions and answers, Appendix B Article 4 trial transcript pg 12, 13 of 153. Prosecution introduce himself to the Jury and gives them the names of the witness he might call. There's no issues with audio. But when Defense counsel begins to introduce himself there's a malfunction with audio. Moreover; it's anticipated by Judge before it even happens.

1. Court: "MR. Karafa, if you could introduce yourself."

2. MR. Karafa "Thank You"

3. Court: "That's just so everybody in the Jury assembly room can hear you."

4. MR. Karafa: "Oh, Thank You"

5. Court: "If you walk away from the microphone they won't be able to hear you."

6. MR. Karafa: "Very Good"

7. Court: "Okay"

8. MR. Karafa makes it to his first and last name. The firm he works for and that he's there today representing this petitioner. He begins to give a list of the defense witnesses, the court interrupts.

9. Court: "Hold on, MR. Karafa hang on, we lost you on that mic."

10. MR. Karafa: "is it back?"

11. Court: "yes"

12. "MR. Karafa gives the first witness name, starts to give the second the court interrupts again"

Court: "Hang on, what's going on? we put batteries in these things and it's always a issue"

Judge was clearly bias, because the mics in the courtroom were state of the art / bluetooth and didn't require batteries.

Judge improper actions were to create disinterest in the

The defense and its position, which is clearly a violation of Judge's canons and deprived this petitioner of his constitutional protected rights to promote and participate his position in the trial. Fairly without bias interruptions and hindrance.

Morris v. YLST, 447 F. 3d, 735, 744 (9th Cir. 2006). Failure to investigate known inconsistencies in testimony and inability to do so later supported inference that at least some of witness testimony was false and prosecution improperly presented it. As also did prosecution in this case, Prosecutor presented false immaterial unchanged crimes to Grand Jury, Trial Court, and Trial Jury. Which he shouldn't have shown they were immaterial in all areas. But as Prosecutor says, we appendix C article one trial transcript pg. 165 of 199 line 13 to 15. Prosecutor states he doesn't mind violating procedural Franchises but ^{as he} keeps it taking a chance presenting things not on record.

Prosecution would take these chances ^{chances} ^{threw} out this case.

Prosecution presented two false unchanged crimes under Fed. R. Evidence 404(b) to show intent, plan, motive, and character. Collaborated by co-defendant. See Appendix C article two trial transcript pg. 232 of 263 lines 1 to 17. Not even a third threw their presentation the duo bladders. Prosecution tries to salvage the exposed false testimony by getting co-defendant to say he got a conviction to the immaterial crimes. Co-defendant ~~refuses~~ refuses. Now since this was the same testimony given to the Grand Jury to get a supersede indictment. Awarding of contempt should've been entered and perjury. Napue v. Illinois 360 U.S. 264, 269, 78 S. Ct. 1173, 2 L. Ed. 2d. 1217 (1959). A Prosecutor may not knowingly present false testimony and has a duty to correct testimony that he or she knows is false. ~~Prosecution in this case simply reported "Oh that's okay"~~

Since it's Prosecutors' duty to investigate a co-defendant testimony who was charged in the initial offense but now is witness for the government for a deal and to testify against the defendant

Prosecutor in this case knew he was presenting false crimes because they were immaterial. No police incident reports, no pictures. Nothing indicating the crimes actually took place. Especially the dates of occurrence. Co-defendant was incarcerated during the month of July which was his sixth month of his ten month sentence for two prior robberies. Prosecution was well aware of this. But as he says "He didn't have chances" what was prosecution attitude about the false perjured impeachable testimony line 15 he says "Oh that's okay" This disregard for the law was demonstrated in the public eye throw out trial and is way our justice system. The best system on earth is reviewed with such scrutiny, and there's lack of confidence by public. This same Prosecutor was placed under investigation by the Dept of Justice two months before my trial for falsified docs, discrimination, and obstruction of justice.

In a prosecutors' pursuit to prosecute it is prohibited to use improper methods calculated to bring about a wrongful conviction. Even if the error is invited due to the incompetence and lack of will of defense counsel, it doesn't excuse prosecutorial misconduct.

Darden v. Wainwright 477 U.S. 168, 182, 106 S. Ct. 2464, 91 L. Ed. 2d 144 (1986) This petition of Sixth Amendment right was violated when defense counsel intentionally ineffectively assisted me. Appendix D Article one pretrial transcript pg 6, 7, 8 or 44. pg 6 line 20 to 25 and pg 7 line 1 to 3. Judge questions MR. Kuvaka about the defendant motion he submitted says "Are both sides in agreement there doesn't need to be a hearing because from what I read there isn't... - there aren't any allegations as it relates to the truth or veracity of the affidavits. Correct?"

MR. Kuvaka "That's correct your honor" line 4 to 6 he says "that the Court

Corner Approach is all that needs to be analyzed regarding the Affidavit. Meaning names and signatures of requesting Authorities are in the right spots, and that he's taking the document for face value.

I informed MR. Karafa of some contradictory testimony given by investigating Det. in state proceedings that were different from the one he was currently given in Fed. proceedings. Line 16 to 24 He tells Judge about the Det. and allegations and it's something he has to investigate and perhaps a evidentiary hearing will be needed.

Judge says "Is that included in this motion, because I don't know if I saw it?"

MR. Karafa "that is not included in this motion, your honor."

Judge denied motion as deficient until MR. Karafa brought forth information to complete it, which he never did. But MR. Karafa felt that this same motion should be the number one issue of argument in my Direct Appeals Opening brief. A issue that he knows will be rejected.

See Appendix D Article two opening briefs Issues of argument pg. 2 of 7.

MR. Karafa intentionally tried to sabotage my Direct Appeal when asked about this act of deceit by merit panel MR. Karafa refused to address clearly obvious issue. MR. Karafa allowed prosecution to tailor the literary composition of the trial proceedings to his case without any objections.

The Sixth Amendment right to counsel orders right to effective Assistance of counsel *Memo v. Richardson* 397 U.S. 759, 770 n.14, 90 S. Ct. 1441, 25 L. Ed. 2d 763 (1970). This right extends to "all critical stages of the criminal process" *Iowa v. Tovar*. Prosecution in this case solely created statement of case and its elements and then lied about it to court. Judge catches him in lies about it being a Joint-Statement. Appendix D Article Three trial transcript pg. 5 of 153. Court: well, hold-on. If you prepared it it shouldn't be a joint statement. The elements of case robbed the defendant of his position to take an adversarial stand in the trial.

Due to the discrimination and depriving affect ~~they~~ had an defense argumental position. The First: That Mr. Juhl unlawfully took money in the presence of another against that persons with Second: that Juhl did so by actual or threaten force or violence or fear of injury immediately to the person. Third: that Juhl did so knowing.

These elements are so prejudicial to the defendant Because Mr. Juhl's Deliberate act isn't proof of this petitioners guilt. especially when Mr. Juhl admitted and testified to just being released from Brown Jail 10 months prior to this case.

I told defense counsel twice before trial started to object to and challenge them, but he refused stating that they're already record now and it's nothing he can do about it. Another lie to betray his client. Mr. Kanaka provided and presented this petitioner with a sham defense, intended to produce a wrongful conviction. Due to the Sixth Amendment right to effective assistance of counsel violation and the other ~~errors~~ cumulative errors. Plain errors this petitioners conviction should be reversed.

REASONS FOR GRANTING THE PETITION

The reason why this petitioner should be granted certiorari/ reversal of conviction. Because to do so would bring the true and proper Justice to this matter.

Moreover, It would bring light of understanding and help the Lower courts with the issues I raised, Issues that seem to be occurring more frequently. Issues that'll erode our Justice system. Affecting two best and most powerful elements of the system that has placed our system at the top of all other systems of the world and made us the most sought after tribunal to be heard. Speaking of Liberty and Justice.

Probable cause protected by the Fourth Amendment is a social jewel that gives citizens of this Great country peace of mind that they'll be safe from intrusion motivated by greed. It secures them from the desperate officer who's trying to close a cold case from a overflowing case load who uses false info to attain a warrant. Like in Taylor v. Mealy. In this case officer presented bare bone affidavit to get a tracking device to place on my car and use it as a fishing tool for probable cause. Clearly this is a violation of the Fourth Amendment, officer was just because it was said that this petitioner was recently associated with investigators prime suspect of this case with him in my car. This was enough for probable cause for a warrant for the tracker. Clearly a violation of the Fourth Amendment.

Abuse of discretion and Prosecutorial Misconduct:

Just because a person is charged doesn't mean he's guilty, and in pursuing a conviction one should result to the fact finder and standards established by the unique cases that were heard in our great tribunal.

Effective assistance is something that is demanded by the Sixth Amendment.

Assistance is most times 50% the reason for achieved goal. It builds confidence and it employs. This threshold to trust should be respected more than what it is by Appointed counsel and Prosecutors

This petitioner Sixth, Fourth, and Fourteenth Amendment rights protected by the US constitution were violated rendering this Petitioner a unfair trial, cumulative errors. Justisfing a reversal of conviction. Thank You For your time

In conclusion this petitioner would like to add that not only did the lower review court agree that there was a abuse of discretion and plain error in this case, But the trial Judge who was also Sentencing Judge admits that the evidence and testimony used to convict me was False and contradictory. See, Appendix Article Four sentencing transcripts pg. 17 of 43 Line 10 to 14.

This petitioner did not have a fair trial, moreover, was wrongfully convicted. I ask this honorable Supreme court to reverse this petitioners wrongful conviction and send me home to my family to live out whatever time I may have left. Thank You for your time. May you have a blessed holiday and New year.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Redo Rolling

Date: 12-31-2024