

No. 25-

288

FILED

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In the
Supreme Court of the United States

VINAYKUMAR PATEL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the introduction of speculative lay opinion by a law enforcement officer, asserting a staged robbery without personal knowledge or expertise, violates the petitioner's rights under the Fifth and Sixth Amendments, and contravenes evidentiary limitations under Federal Rule of Evidence 701 and this Court's rulings in *United States v. Anderskow* and *Daubert v. Merrell Dow*.

2. Whether the government's use of testimonial hearsay in the form of narrative recitations by law enforcement agents—despite judicial rulings excluding the co-defendant's statements—violates the Confrontation Clause of the Sixth Amendment as articulated in *Crawford v. Washington*, 541 U.S. 36 (2004).

3. Whether a conviction under 18 U.S.C. § 1035 (a)(2) for a false healthcare-related statement can stand absent evidence of material falsity, where treatment was in fact rendered, and no witness refuted the legitimacy of the petitioner's medical need.

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Third Circuit

No. 24-1798

United States of America, *Appellee* v.

Vinaykumar Patel, *Appellant*

Final Opinion: June 4, 2025

Rehearing Denial: July 11, 2025

U.S. District Court, Middle District of Pennsylvania

Case No.: 4:21-CR-00235-02

United States of America v. Vinaykumar Patel

Final Judgment: April 17, 2024

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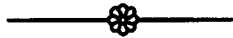
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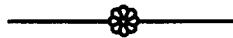
OPINIONS BELOW

The Third Circuit's opinion affirming the conviction is unpublished and dated June 4, 2025 (App.1a). The panel and en banc rehearing were denied on July 11, 2025. (App.26a).



JURISDICTION

The Court of Appeals entered its judgment on June 4, 2025. (App.1a, 6a). A timely filed petition for rehearing was denied on July 11, 2025. (App.26a). This petition is filed within 90 days of the denial, under 28 U.S.C. § 1254(1) and Supreme Court Rule 13.



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const., amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence 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; nor shall private property be taken for public use, without just compensation.

U.S. Const., amend. VI

In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Fed. R. Evid. 701

Opinion Testimony by Lay Witnesses

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702

Fed. R. Evid. 802

The Rule Against Hearsay

Hearsay is not admissible unless any of the following provides otherwise:

- a federal statute;
- these rules; or
- other rules prescribed by the Supreme Court.

18 U.S.C. § 1035(a)(2)**False statements in health care matters**

(a) Whoever, in any matter involving a health care benefit program, knowingly and willfully—

[. . .]

- (2) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 5 years, or both.

18 U.S.C. § 1349—**Conspiracy to commit health care fraud**

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

diagnosis, supported the legitimacy of treatment. No physician testified that Mr. Patel misrepresented symptoms.

4. Prosecutorial Misconduct and Prejudice

Throughout the trial, the prosecution repeatedly referred to “faked robberies” and offered speculative commentary. The cumulative effect of the hearsay, unsupported law enforcement opinions, and prejudicial language deprived Mr. Patel of a fair trial.



REASONS FOR GRANTING THE PETITION

I. The Courts Are Split on the Use of Lay Opinion from Law Enforcement

Circuits differ on whether a police officer’s subjective opinion—absent firsthand observation—may be admitted under Rule 701. The Third Circuit’s ruling undermines the evidentiary framework that prevents speculative testimony from influencing juries. This question recurs frequently in fraud and conspiracy trials and merits review.

II. The Ruling Contravenes the Confrontation Clause

Despite co-defendant Summers testifying, his prior hearsay statements were used against Mr. Patel without contemporaneous cross-examination. This is precisely the harm *Crawford* prohibits. The admission of secondhand narratives from law enforcement agents converted testimonial hearsay into a trial centerpiece.

III. The Conviction on Count 10 Violates Due Process

The government failed to show that Mr. Patel's statements regarding mental health treatment were false, let alone knowingly false. The reliance on speculation, rather than direct contradiction of the medical need, dilutes the constitutional requirement that guilt must be proven beyond a reasonable doubt.

IV. The Case Presents Compelling Immigration Consequences

Mr. Patel is an asylum applicant whose eligibility for U visa protections was prejudiced by the outcome of this trial. The Court has expressed interest in cases implicating criminal prosecution and collateral immigration effects (*Padilla v. Kentucky*, 559 U.S. 356 (2010)).



CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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