

25-6163

FILED
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SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Terrance Cash

— PETITIONER

(Your Name)

vs.

U.S. Attorney/Assistant

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United Appeals Court for the Fifth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Terrance Cash

(Your Name)

Federal Correctional Institution

P.O. Box 5000

Yazoo City, MS. 39194

(Address)

Yazoo City, Mississippi 39194

(City, State, Zip Code)

None available

(Phone Number)

QUESTION(S) PRESENTED

Petitioner Cash contend that his constitutional rights was violated before the Fifth Circuit Court of Appeals due to the stated facts raised before the court in his writ of certiorari stipulating applicable case-laws, and in support of Cash arguments, in the court ruling in *Crawford V. Washington*, 541 U.S. 36 (2004).

Petitioner Cash contends that the appellate court for the Fifth Circuit failed to render a decision on the two constitutional claims raised before the court. Petitioner Cash willfully argued that his Due Process under the Fifth Amendment was violated during his jury trial proceedings, and his Sixth Amendment rights under the Sixth Amendment was violated under the confrontation clause. The evidence is clear that officer Ductan's testify about statements made by Lauren Danielle Davis, in regard to her association with petitioner Cash, office Ductan consistently made assertions toward petitioner Cash during jury trial proceedings, which result in a direct violation of Cash constitutional rights under the Fifth Amendment, and the hearsay rule by allowing officer Ductan to testify about statements Ms Davis made during her interview with other police officers, such statements was totally inconsistency with Ductan testimony before the district court. Petitioner Cash argues that Respondent/Government used Ms. Davis out of court statements to assert before the court testimony that was flawed and misinterpreted and demonstrated prejudice before the jurors.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Jencks V. United States (1957) 353 US 657, 1 L. Ed. 2d 1103, 77 Ct. 1007, 75 Ohio L Abs 465
United States V. Hinton, 631 F. 2d 769, 203 U.S. App. D.C. 187, 1980 app. after remand, 909 F. 2d 554, 285 U.S. App. D.C. 315 (D.C. 1990)
Rule announced in Brady V. Maryland (1963) 373 US 83, 10 L. 2d 215, 83 S. Ct. 1194 that prosecutor must provide defendant with all evidence likely to exculpate him, not pretrial remedy and is not intended to override Jencks Act (18 U.S.C.S. 3500). United States V. Scott, 524 F. 2d 465, 1975 U.S. App. LEXIS 11587 (5th Cir. 1975). Davis V. Alaska, 414 U.S. 308, 316-17, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974). Wilkerson V. Cain, 233 F. 3d 886, 890 (5th Cir. 2000). Wilkerson, 233 F. 3d at 892 (quoting Woods V. Johnson, 75 3d 1017, 1026 (5th Cir. 1996). Crawford V. Washington, 541 U.S. 36 (2004). Bruton V. United States, 391 U.S. 123 (1968).

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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

[X] For cases from federal courts:

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

reported at No. 24-10243; 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 N/A; 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.

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JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was August 8, 2025

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).

28 U.S.C. 1254

For cases from state courts:

The date on which the highest state court decided my case was _____.
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

Petitioner Terrance Deshun Case was convicted by jury trial before the U.S. District Court for the Northern District of Texas Fort Worth Division, in case number 4:23-CR-256-0, in violation of 21 U.S.C. 821(a)(1), (b)(B).

Petitioner Cash applied his conviction on five grounds, 1. the district court response to a jury note inquiry, 2. admission of photographs of cocaine and heroin, 3. physical evidence of cocaine and heroin, and 4. testimony summarizing text message that was alleged that petitioner Cash received, and 5. an out-of-court statement by a government declarant who did not testify at petitioner Cash jury trial.

ARGUMENTS BEFORE THE COURT

Petitioner Cash contends that the records are clearly established before this Honorable Court that his constitutional rights under the Sixth Amendment was violated during jury trial proceedings under the Supreme Court ruling in *Crawford V. Washington*, 124 Ct. 1354, 158 Led. 2d 177, 541 U.S. 36. Even where the defendant had such an opportunity, we excluded the testimony where the government had not established unavailability of the witness.

Cash, further argues that where testimonial statements are involved, "we do not think the Framers meant to leave the Sixth Amendment's protection to the vagaries of the rules of evidence, much less to amorphous notions of "reliability." Certainly none of the authorities discussed above knowledges any general reliability exception to common-law rule. Admitting statements deemed reliable by a judge is fundamentally at odds with the right of confrontation. To be sure, the Clause's ultimate goal is to ensure reliability of evidence, but it is a procedural rather than a substantive guarantee. It commands, not that evidence be reliable, but that reliability be assessed in a particular manner:

by testing in the crucible of cross examination. The Clause thus reflects a judgment, not only about the desirability of reliable evidence (a point on which there could be little dissent), but about how reliability can best be determined. The courts later cases conform to Mattox's holding that prior trial or preliminary testimony is admissible only if the defendant had an adequate opportunity to cross-examine. See *Mancusi V. Stubbs*, 408 US 204, 213-216, 33 L. Ed. 2d 293, 92 S. Ct. 2308 (1972); *California V. Green*, 399 US 149, 165-168, 26 L. Ed 2d 489, 90 S. Cy. 1930 (1970); *Kirby V. United States*, 174 US 47, 55-61, 43 L. Ed. 890, 19 S. Ct. 574 (1899). Even where the defendant had such an opportunity, we excluded the testimony where the defendant had such an opportunity, we excluded the testimony where the government had not established unavailability of the witness. See *Burton V. United States*, 391 US 123, 126-128, 20 L. Ed. 2d 1100, 88 S. Ct. 1620 (1968).

The Petitioner Cash argues before the court that the danger in 'substitute reading excerpted testimony to the jury is that the district court will substitute its judgment for that of the jury, or invade its province as fact-finder. See *United States V. Rose*, No. 98-10533, 1999 U.S. App. LEXIS 41100, 1999 WL 195232, at *1 5th Cir. 1982). (Quoting *United States V. Alonzo*, 681 F. 2d 997, 1003 5th Cir. 1982). The appellate court concluded the following, "however, our own review of the record compels further discussion because we located testimony from Jorgensen about page eight of Exhibit Six in person on the scene and held it, and that the picture accurately represented what he saw on the scene." The testimony did not use the word herion and was thus not included in the excerpts the district court read to the jury even though it was directly relevant and responsive to jury Note Three.

The testimony by officer Ductan's clearly demonstrate misleading testimony of behalf of Ms. Davis. The records show that Ms. Davis was taken into custody, interviewed with officers, and never testified to assertions and allegations of illigal activity of petitioner Cash, however, in officer Ductan testimony before the jurors he made sereval different asserts regarding petitioner Cash utilization of phone contact, before the jurors, assertions of a mexican source, which was never substantiated before the court. After an indeph interview with Ms. Davis, by the stated officers that took Ms Davis into custody Respondent/Government was afforded the opportunity to subpoena Ms. Davis before the district court and to provide testimony as to the stated hearsay evidence relating to petitioner Cash name, Mexican souce of alleged criminal activites that has been totally unsupported by Ms. Davis and that was the main reason Respondent/Government neglected not to use Ms. Davis testimony, but introduce her testimony through the court in violation of the confrontation clause. As argued before hte court the Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him. U.S. Const. amend. VI. Generally, a confrontation violation occurs where prosecutors are allowed to introduce the testimonial statement of a witness who did not appear at trial, unless the witness was unavailable to testify, and the accused had a prior opportunity to cross-examine them. See United States V. Ballesteros, 751 F. App'x 579 (5th Cir. 2019); (citing Crawford V. Washington, 541 U.S. 36, 59 (2004). Petitioner Cash argues that the confrontational clause's goal

of "ensuring [the] reliability of evidence is a procedural rather than a substantive guarantee" such that "it commands: Not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination. Petitioner Cash asserts before the court that his constitutional rights under the Sixth Amendment was violated before the district court during his jury trial and the records established before the Fifth Circuit Appeals Court conclusively established that arguments before the court, by their failure to conclude the facts relevant to petitioner Cash denial of being able to confront out of court testimony against him directly in violation of the Supreme Court's ruling in *Crawford V. Washington*, 541 U.S. 36, 59 2004).

Cash, further argues before the court that only testimonial statements can cause the declarant to be a "witness" within the meaning of the Confrontation Clause. *United States V. Noria*, 945 F. 3d 847, 851 (5th Cir. 2019) (quoting *Davis V. Washington*, 547 U.S. 813, 821 (2006)).

A "statement" for these purposes refers to a person oral assertion, or nonverbal conduct. *Ballesteros*, 751 F. App^x at 580 (quoting Fed. R. Evid. 801(a)). Given the goal of the Confrontation Clause, which is "to prevent the accused from being deprived of the opportunity to cross examine the declarant about statements taken for use at trial. *Michigan V. Bryant*, 562 U.S. 344, 358 (2011). During officer Ductan's testimony at petitioner Cash jury trial the Respondent/Government consistently attempt to persuade the jurors that there exist a link between Cash and the text message when the facts of the evidence show that Ductan's testimony was without no supporting evidence before the court, out side the fact officer Ductan's

STATEMENT OF THE CASE

On September 6, 2023 petitioner Terrance Deshun Cash was indicted before the United States District Court for the Northern District of Texas Fort Worth Division, for violation of 21 U.S.C. 841.

Respondent/Government alleged that on August 9, 2023, in the Fort Worth Division of the Northern District of Texas, petitioner Cash, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a schedule II controlled substance, in case number 4:23-CR-256-0.

On September 6, 2023 a supersedes indictment was filed before the U.S. District Court for the Northern District of Texas Fort Worth Division. The Respondent/Government alleged that, On or about August 9, 2023, in the Fort Worth Division of the Northern District of Texas, petitioner Cash did knowingly and intentionally possess with intent to distribute 100 grams or more of a mixture and substance containing a detectable amount of heroin, a schedule I controlled substance. In violation of 21 U.S.C. 841(a)(1) and (b)(1)(B). Case Number 4:23-CR-256-0.

On November 28, 2023 petitioner Cash was found guilty by jury trial before the U.S. District Court, on Count I, and 2. based upon Count I, and II superseding indictment filed before the district court.

On February 7, 2027 petitioner Terrance Deshun Cash was sentence before U.S. District Court judge Reed O'Connor, to 189 months.

See Indictment exhibit [B]... Dated September 6, 2023.

See Supersending Indictment dated November 8, 2023...

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REASONS FOR GRANTING THE PETITION

Petitioner Cash respectfully request the court to GRANT, his motion for writ of certiorari, based upon the revelant arguments set forth before the court and additional relief that the court may feel that are warranted due to violation of Cash Constitutional rights.

Respectfully submitted

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

T. Clark

Date: 11/14/25