

Appendix A ...

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 6, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SHERMAN LAMONT FIELDS,

Defendant—Appellant.

Application for Certificate of Appealability
the United States District Court
for the Western District of Texas
USDC No. 6:20-CV-527
USDC No. 6:01-CR-164-1

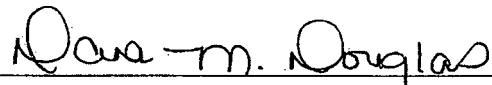
ORDER:

Sherman Lamont Fields, federal prisoner # 15651-180, is currently serving terms of imprisonment on his jury trial convictions of conspiring to escape from federal custody, escape from federal custody, carjacking, using and carrying a firearm during the commission of a crime of violence, and possession of a firearm by a convicted felon. Fields now requests a certificate of appealability (COA) to challenge the district court's denial of his pro se Federal Rule of Civil Procedure 60(b) motion, which Fields filed to seek relief from the judgment denying his first 28 U.S.C. § 2255 motion.

In his COA filing, Fields invokes Rule 60(b)(3) and (b)(6), and he asserts that his Rule 60(b) motion relates back to his first § 2255 motion. He claims that he is actually innocent; the Government engaged in misconduct by introducing and suborning perjury and that the use of perjury constitutes fraud on the court; the introduction of evidence as to the counts of conviction which were vacated in his successive § 2255 motion prejudiced him in the eyes of the jury; the Government violated *Brady v. Maryland*, 373 U.S. 83 (1963); judicial bias with respect to the district court's handling of his trial and this court's adjudication of his direct appeal; his First Amendment rights were violated in connection with his appeal of the denial of his first § 2255 motion because this court refused to consider his pro se filings; and the Antiterrorism and Effective Death Penalty Act is unconstitutional.

A COA may issue only if the movant has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). To obtain a COA from the dismissal of the instant postjudgment motion, Fields must demonstrate that reasonable jurists could debate whether the district court abused its discretion in adjudicating the motion. *See Hernandez v. Thaler*, 630 F.3d 420, 428 (5th Cir. 2011).

Fields has failed to make the necessary showing. Accordingly, his motion for a COA is DENIED. In view of the denial of a COA, Fields's motion to proceed in forma pauperis is DENIED. His motion for the appointment of counsel is also DENIED.


DANA M. DOUGLAS
United States Circuit Judge

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

November 06, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-50368 USA v. Fields
USDC No. 6:20-CV-527

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Melissa B. Courseault
By: Melissa B. Courseault, Deputy Clerk
504-310-7701

Mr. Sherman Lamont Fields
Mr. Zachary Carl Richter

Appendix B...

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SHERMAN LAMONT FIELDS

v.

UNITED STATES OF AMERICA

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W-01-CR-164(1)-ADA

ORDER

Before the Court is Sherman Lamont Fields's "Motion for a Certificate of Appealability; Motion Pursuant to the Relation Back Doctrine; and/or Motion Pursuant to Rule 60(b)(3) and (6)" filed on June 16, 2025 (#424). Fields appears to be seeking the reversal or reconsideration of the Court's decision denying his first Motion to Vacate, Set Aside, or Correct Sentence on September 25, 2012 (#334). In the time since then, however, Fields's third Motion to Vacate, Set Aside, or Correct Sentence was granted in part and his convictions on two counts were vacated (#411).

Fields's current motion reiterates his original claims of actual innocence, perjury, prosecutorial misconduct, fraud, Brady violations, and judicial bias. He also contends that this Court and the Fifth Circuit violated his rights when they ruled against him on his claims.

To the extent Fields reasserts the arguments raised in his previous Motion to Vacate, Set Aside or Correct Sentence, his motion must be regarded as a successive motion and be dismissed. *See Gonzalez v. Crosby*, 545 U.S. 524, 530-32 & n. 4 (2005);

Appendix C ..

Direct Examination of Steve January by Mr. Snyder—1326

1. A. Same -- same thing, fingerprinted, trace lifters,
2. vacuuming.

3. Q. And had it vacuumed and everything, correct?

4. A. I believe they vacuumed it. Yes.

5. Q. And when you say vacuumed it, you're looking for
6. trace evidence, correct?

7. A. Yes.

8. Q. Hairs, fibers, anything you can find?

9. A. Yes.

10. Q. And the results of that was this thing was clean,
11. correct?

12. A. That is correct.

13. Q. Now, did you obtain a set of keys that were in
14. evidence at the Waco Police Department?

15. A. Yes. I did.

16. Q. And these keys were -- the keys had been found in the
17. apartment on Ruby; is that correct?

18. A. Yes. It is.

19. Q. And what did you do with these keys after you removed
20. them from evidence?

21. A. This particular car had -- I took the keys out of the
22. property room is what I did.

23. Q. Okay.

24. A. It had an electronic chip in the key itself and --
25. which indicated it would only start one specific ignition. And

Appendix D...

App. 1

WACO POLICE DEPARTMENT
WACO, TEXAS

SUPPLEMENT
Report

Reported Date: 11/15/01 Time: 07:35 Case: 01-075644 (003) PAGE: 1 of 2
Code: 29.03 1F PC Crime: AGG ROBBERY Class: 030110
Occurrence Date: 11/15/01 Day: THURSDAY Time: 07:30-07:35
Status: AC ACTIVE INVES Closing Officer: 000201 JANUARY S
Location: 3000 HERRING, WA RD: 335
PARKING LOT

----- NARRATIVE -----
On 11/28/01 on coming to work, I found inside the Waco PD Laser Lab at 721 N. 4TH was a GRAY CHEVROLET LUMINA, 4DR, with TX tags D95MFG. I contacted LD TRIC SANDERS, who put the vehicle in the lab and he told me DET. JANUARY found this vehicle which was used in an AGGRAVATED ROBBERY and requested printing of the vehicle to see if any prints could be found. On processing the outside of the vehicle, found a lot of water marks, some smudging, no good ridge detail on the inside. On dusting the inside of the trunk area, I found a set of plates that were F44KPK. On running the #s on these plates, it came back to this 1999 CHEVROLET LUMINA. The plates that were on this vehicle were one rear plate being D95MFG. This also comes back to a 1999 CHEVROLET, but not with the same VIN# of this LUMINA. This one plate that did not belong to the vehicle was removed and printed. Results will be further in this report. The two plates that were found in the trunk area that belonged to this vehicle; one was put on the back and the other one was left in the sack in the trunk area. Also, there was a FORD key with a remote key ring on it. This will also be taken and placed in the property room as evidence. The inside of the vehicle, the windows and the mirrors were fingerprinted with the following results:

- CARD # 1 - PRINTS FROM THE INSIDE DRIVER'S SIDE WINDOW
- CARD # 2 - PRINTS FROM THE INSIDE DRIVER'S WINDOW, AFIS QUALITY
- CARD # 3 - INSIDE BACK RIGHT PASSENGER WINDOW. APPEARS TO BE A PARTIAL PALM
- CARD # 4 - AFIS QUALITY PRINTS FROM THE INSIDE DRIVER'S WINDOW
- CARD # 5 - PRINT OVER PRINTS FROM INSIDE DRIVER'S WINDOW
- CARD # 6 - PRINT OVER PRINTS. SOME OF THESE DO SHOW GOOD RIDGE DETAIL FROM THE INSIDE DRIVER'S WINDOW
- CARD # 7 - VERY LIGHT PRINTING FROM THE INSIDE DRIVER'S WINDOW
- CASRD # 8 - PRINT OVER PRINTS, SOME RIDGE DETAIL FROM THE INSIDE BACK PASSENGER WINDOW BEHIND DRIVER'S SEAT
- CARD # 9 - TWO SMUDGE PRINTS FROM INSIDE BACK LEFT PASSENGER WINDOW BEHIND DRIVER
- CARD #10 - LIGHT PRINTING AND SMUDGING FROM INSIDE BACK LEFT WINDOW
- CARD #11 - PARTIAL PRINT FROM BACK OF LP# D95MFG

App. 1

W A C O POLICE DEPARTMENT
WACO, TEXAS

Continuation
Page

Reported Date: 11/15/01 Time: 07:35 Case: 01-075644 (003) PAGE: 2 of 2
Code: 29.03 1F PC Crime: AGG ROBBERY Class: 030110

CARD #12 - PARTIAL PRINT FROM BACK OF LP # D95MFG

the other plates that belong to the vehicle also printed, F84KK; however, only smudging could be detected and no prints were located. The LP D95MFG will be placed in the property room along with the FORD KEY and the 12 print cards will be given to JOANN in Fingerprints.

I notified DET. JANUARY, who was going to contact the owner of this 1999 CHEVROLET LUMINA had have them come retrieve their vehicle from the laser lab.

W A C O Police Department

Continuation Page

Reporting Officer: BLAIR J Number: 000179 Date: 11/29/01 Time: 12:30
Typed by: BROUSSARD Number: 384 Date: 11/29/01 Time: 13:11
Approving Officer: BROUSSARD Number: 000384 Date: 11/29/01 Time: 13:22

Appendix E --

App. 2

W A C O POLICE DEPARTMENT
WACO, TEXAS

SUPPLEMENT
Report

Reported Date: 11/15/01 Time: 07:35 Case: 01-075644 (007) PAGE: 1 of 1
Code: 29.03 1P PC Crime: AGG ROBBERY Class: 030110 CAD#: Date:
Occurrence Date: 11/15/01- Day: Thursday Time: 07:30-07:35
Status: CA CLEAR ADU AR Closing Officer: 000201 JANUARY S
Location: 3000 HERRING, WA RD: 335 Beat:
PARKING LOT

NARRATIVE
On this case I was asked to do a comparison with subject, SHERMAN FIELDS, DOB 7/14/74, and CHRISTIAN CHAE WALKER, DOB 10/11/73. On the comparison there is no match. Latent prints remain on file in the AFIS Lab until needed.

W A C O Police Department

First Page

Reporting Officer: GUERCIO Number: 000361 Date: 12/11/03 Time:
Typed by: HUBBARD Number: 321 Date: 12/16/03 Time: 11:05
Approving Officer: HUBBARD, BETTY Number: 000321 Date: 12/16/03 Time: 11:05

Appendix F...

1 and create trial errors so that if their client is convicted
2 there will be a better chance of that conviction being reversed
3 on appeal. That is a real disadvantage that you would have in
4 trying to represent yourself because those types of decisions
5 and those types of attempts to create error in the record is
6 something that certainly cannot only best be done, but can
7 almost only be done by someone who has proper legal training
8 and experience. So I just want to point that out to you and
9 ask you if you have any questions about that aspect of
10 representing yourself, and if you do, let me know, and if you
11 don't, then this would be your last opportunity to tell me
12 whether or not you want to represent yourself or have
13 Mr. Peterson and Mr. Swanton represent you.

14 MR. FIELDS: First of all, Your Honor, I don't -- I don't
15 even want to get to no -- to the point where I have to go to
16 appeal. I want a -- I want ^{an} acquittal. Do you know what I'm
17 saying? And the way they're going, I can't see it.

18 THE COURT: Mr. Fields, I understand that's the primary
19 goal of everyone who goes to trial anywhere any time. I
20 understand that.

21 MR. FIELDS: And I just want to tell you that I'm not sure
22 I can do this, you know, I have no knowledge of the law and I
23 believe I'll be ~~handicapped~~ by a severe case of stage fright.
24 I want to ask you one last time to appoint me new counsel. As I
25 stated Friday, my attorneys and I have a major conflict of

1 ~~Interest in you releasing new counsel, which is forcing~~

2 ~~me to proceed prosecute against my own self~~

3 Furthermore, I've heard you state on two different
4 occasions that I was attempting to delay the trial. With all
5 due respect, I want you to know that I've been verbally
6 opposing each delay thus far. If you think I'm lying, all you
7 have to do is ask Mr. Peterson and Mr. Swanton. The government
8 is the one whom has delayed the trial this long for various
9 reasons, the last being that they found some physical evidence
10 that needed to be tested, a hair that they claim was found on
11 the victim's body or clothes or somewhere. As I'm sure you
12 know, the delay was a waste of my time but it was beneficial to
13 the government because from my understanding they claim to have
14 found several more inmates that have come forward claiming that
15 I confessed to them or something like that. You've been
16 unfairly admonishing me about delays when it's the government
17 that has delayed the trial in order to gain an advantage.

18 THE COURT: Mr. Fields, my memory is that I told you the
19 last time you decided -- well, you had suggested that you
20 wanted to represent yourself and then you changed your mind and
21 decided you wanted your attorneys to represent you, and at that
22 point I told you that were you to change your mind once again,
23 as you have now done, that that would not constitute or result
24 in a delay in the trial. If I have taken the position that you
25 yourself have been a cause of a delay, I'm not aware of having