ORIGINAL

No. 25-7446

In The

SUPREME COURT OF THE UNITED STATES

LEROY THOMAS JOYNER, JR.

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

On Petition for Writ of Certiorari to the

United States Courts of Appeals

For the Eleventh Circuit

EMERGENCY RULE 11 PETITION FOR WRIT OF CERTIORARI

Leroy Thomas Joyner, Jr.
FCC Yazoo City (Low)
P.O. Box 5000
Yazoo City, MS 39194
Email: grasschange@gmail.com

TRULINCS 18079002 - JOYNER, LEROY THOMAS JR - Unit: YAZ-B-A

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/24/2026 07:37:58 PM

To:
Inmate Work Assignment: SUPREME COURT

PROCEEDINGS IN FEDERAL TRIAL AND APPELLATE COURTS DIRECTLY RELATED TO THIS CASE

UNITED STATES DISTRICT COURT (M.D. Ala.)

United States v. Leroy Thomas Joyner, Jr., No. 1:20-CR-00033-ECM-SMD (June 21, 2020)

United States v. Leroy Thomas Joyner, Jr., No. 1:21-CR-00339-RAH-SRW (January 27, 2022)

United States v. Leroy Thomas Joyner, Jr., No. 1:22-CR-00242-ECM-JTA (August 9, 2024)

UNITED STATES COURT OF APPEALS (11th Cir.)

United States v. Leroy Thomas Joyner, Jr., No. 21-11928 (July 1, 2021)

United States v. Leroy Thomas Joyner, Jr., No. 21-12175 (November 2, 2021)*

United States v. Leroy Thomas Joyner, Jr., No. 21-13944 (March 23, 2022)

United States v. Leroy Thomas Joyner, Jr., No. 23-10189 (April 11, 2023)

United States v. Leroy Thomas Joyner, Jr., No. 24-12193 (November 21, 2024)

United States v. Leroy Thomas Joyner, Jr., No. 24-12605 (Pending)

United States v. Leroy Thomas Joyner, Jr., No. 25-10616 (July 29, 2025)

* When adjudicating appeal number 21-12175, the Eleventh Circuit pursuant to Parr v. United States held that the initial and all subsequent indictments would be considered one single prosecution. 351 U.S. 513, 518-519 (1956).

TRULINCS 18079002 - JOYNER, LEROY THOMAS JR - Unit: YAZ-B-A

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 04/14/2026 09:48:20 PM

To:
Inmate Work Assignment: SUPREME COURT

EMERGENCY RULE 11 PETITION FOR WRIT OF CERTIORARI

Petitioner, Leroy Thomas Joyner, Jr., respectfully petitions for a writ of certiorari to review the decree of the United States Court of Appeals for the Eleventh Circuit.

OPINIONS AND ORDERS BELOW

The Eleventh Circuit's Opinion dated January 20, 2026 is provided in the petition appendix (Pet. App. at 3a).

JURISDICTION

The jurisdiction of this Court is invoked under Section 1254. Petitioner timely filed this Emergency Rule 11 petition pursuant to this Court's order regarding filing deadlines (March 19, 2020) and Rule 29.2.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Supreme Court Rule 11:

A petition for a writ of certiorari to review a case pending in a United States Court of Appeals before judgment is entered in that court will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U.S.C. & 2101(e).

Federal Rules of Appellate Procedure (Rule 10):

(a) Composition of the record of appeal. The following terms constitute the record on appeal:

(1) the original papers and exhibits filed in the district court

(2) the transcript of proceedings, if any; and

(3) a certified copy of the docket entries prepared by the district clerk.

(b) The Transcript of Proceedings:

(1) Appellant's Duty to Order: Within 14 days after filing the notice of appeal or entry of an order disposing of the last timely remaining motion of a typed specified in Rule 4(a)(4)(A), whichever is later, the appellant must do either of the following:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/25/2026 01:38:21 PM

To:
Inmate Work Assignment: SUPREME COURT

(i) the order must be in writing;

(ii) if the cost of the transcript is to be paid by the United States under the Criminal Justice Act, the order must so state; and

(iii) the appellant must, within same period, file copy of the order with the district clerk; or

(B) file a certificate stating that no transcript will be ordered.

28 U.S.C. & 753(f). Court Reporter Act.

"Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He shall not charge a fee for any copy of a transcript delivered to the clerk for the records of Court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act [Section 3006A], or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis shall be paid by the United States out of monies appropriated for those purposes. Fees for transcripts furnished in proceedings brought under Section 2255 of this title .... to persons permitted to sue, or appeal in forma pauperis shall be paid by the United States out of monies appropriated for those purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcript that are to bee paid by the United States."

STATEMENT OF THE CASE

Having been compelled to comply with the final order holding within Parr v. United States for nearly (42) months, after his conviction became final, Joyner sought to challenge all pretrial, trial and sentencing issues he had previously raised under case nos: 1:20-CR-00033-ECM-SMD ("Indictment #1-2"); 1:21-CR-00339-RAH-SRW ("Inictment #3") and 1:22-CR-00242-ECM-JTA ("Indictment #4"). 351 U.S. 513, 518-519 (1956) (explaining that, if a dismissed indictment and a subsequent re-indictment are viewed together as parts of a single prosecution, the order dismissing the initial indictment is neither final nor immediately appealable under the collateral order doctrine); See United States v. Kelley, 849 F.2d 1395, 1397 (11th Cir. 1988)

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/25/2026 06:33:58 PM

To:
Inmate Work Assignment: SUPREME COURT

(explaining that "the rule that emerges from the Supreme Court decision in Parr v. United States is that a criminal defendant may not immediately appeal a district court order ... and that "any challenge ... must await the defendant's subsequent conviction"). Fully understanding the effect of the implemented law of the case doctrine, the Petitioner contacted his trial attorney seeking transcripts needed for sentencing and on appeal. See White v. Murtha, 377 F.2d 428, 431-32 (5th Cir. 1967) (law of the case doctrine dictates that "a decision of a legal issue or issues by an appellate court establishes the "law of the case" and must be followed in all subsequent proceedings in the same case in the trial court or on a later appeal in the appellate court"). With the intent to object to the Pre-sentence Investigation Report ("PSR") and its associated enhancements, Joyner exhausted nearly (5) months requesting access to the desired transcripts. Unbeknowing to him, his trial attorney had objected to the PSR not only without conferring with him, but without extracting exculpatory facts from the requested transcripts. That violation of his Sixth Amendment rights coupled with trial counsel's failure to access the requested transcripts prompted the Petitioner to raise those issues with the district court.

A hearing was held where his right to object to the PSR was restored, but his need to do so with the requested transcripts was not addressed. As a result, that issue was separately raised with that court where the trial judge delegated Joyner's evidentiary and fact-finding concerns to the magistrate judge without his consent. The issued order was not only a plain error, but left him without the requisite transcripts to object to the PSR and carry his burden at sentencing in sufficing any challenge to the Government meeting their preponderance of the evidence burden. See United States v. Ruiz-Rodriguez, 277 F.3d 1281 (11th Cir. 2002) (concluding that Sections 636 and 3401 do not contain any specific grant of authority for a magistrate judge, either independently or on a district court's referral for a report and recommendation, to conduct the evidentiary and fact-finding portion of the sentencing hearing in a felony case). Nonetheless, the magistrate judge made an evidentiary determination where she concluded that Joyner should have access to specific transcripts; to wit: 1) February 24, 2023 Motion Hearing; 2) April 13, 2023 Evidentiary Hearing; 3) May 4, 2023 Evidentiary Hearing; 4) Government Witness #1 Trial Testimony ("star witness"); and 5) Government Witness #2 Trial Testimony ("star witness mother"). A close examination of these transcripts will reveal that the Petitioner was not allowed to raise any questions regarding material and exculpatory facts in support of his innocence, especially the questioning of the FBI Case Agent and two Verizon Wireless employees. Within her ruling, it was also determined that Joyner waited too long to request transcripts despite viewing (5) months of emails

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/25/2026 07:04:11 PM

To:
Inmate Work Assignment: SUPREME COURT

between him and his trial counsels. Additionally, it was determined that the transcripts not provided before sentencing would be available to Joyner on appeal.

When arriving at those determinations, the district court did so despite discovering that 1) trial counsel willfully disregarded Joyner's request for transcripts for nearly six months prior to sentencing and 2) Government removed the January 23, 2019 CAC Interview ("1st Interview") and the February 6, 2019 CAC Interview ("2nd Interview") transcripts from the exhibits given to the jury. Furthermore, it was not considered that by not providing Joyner access to transcripts of proceedings prior to August 16, 2022, including the November 19, 2018 Dale County PFA Hearing ("PFA Hearing") and the 1st and 2nd Interview at sentencing and on appeal, he would be unable to 1) present exculpatory evidence regarding recommended enhancements; 2) provide factual support that his enhanced sentence was unreasonable; 3) lay the foundation of the resultant prejudices from an abuse of discretion, prosecutorial misconduct and ineffective assistance and 4) raise due process, compulsory process and confrontation rights concern to previously filed pre-trial motions and orders.

Prior to trial and no later than sentencing, the district court, Government and defense counsel ("parties") knew or should have known that the PFA Hearing contained exculpatory evidence where 1) an element of the offense was completely denied and 2) five of the six enhancements would have made it impossible to overcome the preponderance of the evidence standard. Just as was the case with the PFA Hearing, the 2nd Interview evidence was omitted from the jury's consideration due to it being transported within interstate commerce with the intent to engage in unlawful sexual activity. There is evidence available within both that would prevent the application of enhancements stemming from the instant conviction relating to any sexual conduct or sexual act. Nevertheless, a sentencing hearing was held on August 8, 2024 where Joyner was equipped with transcripts that not only failed to support any of his positions, but included testimony where he was barred from questioning 1) FBI Case Agent (February 24, 2023 Motion Hearing); 2) FBI Case Agent (April 13, 2023 Evidentiary Hearing); and 3) two Verizon Wireless employees (May 4, 2023 Evidentiary Hearing) as well as testimony from two government witness who testified falsely regarding 1) intent of traveling from Alabama to Georgia and 2) knowledge of intent of traveling out of state. The exclusion of the requested transcripts prevented Joyner from sufficiently disputing enhancements. This was followed by the filing of a timely appeal.

TRULINCS 18079002 - JOYNER, LEROY THOMAS JR - Unit: YAZ-B-A

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/26/2026 08:36:41 PM

To:
Inmate Work Assignment: SUPREME COURT

Because the clerk of court had previously held Joyner's pleadings for days before docketing then, the notice of appeal, motion for transcripts and motion for release pending appeal was mailed in two days before the sentencing hearing. The clerk in an unexpected move filed the pleadings on August 7, 2024 which prompted the Eleventh Circuit to issue a jurisdictional question. The Government also moved to dismiss the appeal. As it related to the requested transcripts, Joyner motioned the court to add the August 2, 2024 Status Conference and August 8, 2024 Sentencing Hearing to his previous request for transcripts. The district court, eventhough authorized by the Diveroli Court holding, have not adjudicated neither of those motions. 729 F.3d 1339, 1341 (11th Cir. 2013) (when notice of appeal is filed, the district court maintains jurisdiction to take actions only in aid of the appeal). Although the unadjudicated transcript requests fall within the gambit of the district court order denying all transcript for proceedings prior to August 16, 2022, both transcriptions were for proceedings held after that date; to wit: August 2, 2024 and August 8, 2024, respectively. Joyner still does not have either transcript in his possession. Those transcripts were denied based upon the district court findings within its December 19, 2024 order which was in contrast to the Eleventh Circuit holding issued on November 21, 2024. That order stated "the district court duty to produce documents must be shown to be clear and indisputable because a direct appeal is decided based on the record from that case." Not only was the Parr Court holding clear and insidputable, but the law of the case doctrine is equally clear and indisputable. See Parr, at 518-19; White, at 431-32).

The district court refused to adjudicate the motion as directed by Parr, White and Diveroli Courts and their willful refusal to provide Joyner transcriptions, he appealed the denial order. Having to defend against a dual prosecution at the trial and appellate level prompted Joyner to protect his constitutional, statutory and substantive rights. Despite that exercise as a matter of right, the Government sought a summary affirmance. The Eleventh Circuit granted that request and this Court denied the certiorari. Prior to the affirmance of the appeal under appellate case no. 25-10616, there were two motions to compel the district court to provide the requested trnscripts. Following the initial motion to compel, the Eleventh Circuit was asked to stay the appeal under appellate case no. 24-12605. That request was denied and followed by the filing of a Rule 11 petition within this Court. There, the Petitioner filed three separate briefs after having to correct deficiencies in his filings. A stay was applied for, but a transfer from FCI Jesup to FCC Yazoo City (Low) concealed the outcome of that motion.

TRULINCS 18079002 - JOYNER, LEROY THOMAS JR - Unit: YAZ-B-A

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/27/2026 07:13:43 AM

To:
Inmate Work Assignment: SUPREME COURT

His brief under the instant appeal in the Eleventh Circuit was due on or before November 26, 2025 and without the requested transcripts he was forced to request leave to supplement the record with declarations of each and every non-disclosed proceeding. The non-disclosure of transcripts has placed him in non-compliance with his appellate duty. See F.R.A.P. 10(b)(2) (noting that if the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion). Joyner filing of the brief was an attempt to comply with the briefing deadline because the appellate court would not stay the case and compel the lower court to produce the transcripts. On Deember 23, 2025, the Eleventh Circuit stayed the appeal after the brief was filed and then proceeded to deny a request to supplement the brief and the record with declarations of the non-disclosed proceedings.

REASONS FOR GRANTING THE WRIT

Havng determined that constitutional violations occurred during the pre-trial, trial and sentencing phases, transcriptions were sought to raise that the 1) Government withheld Verizon Wireless records for nearly (35) months; 2) February 6, 2019 CAC Interview ("2nd Interview") was withheld from the defense for over (43) months; 3) Government, in bad faith, sought to withhold material and exculpatory testimonial statements; 4) Government employed a Rule 48(a) motion to escape a position of disadvantage; 5) District Court erred when not providing funds for a forensic expert; 6) jury was not presented material and exculpatory evidence; 7) Witness for the Government gave false testimony; 8) Prosecution knowingly used false testimony in its closing argument; 9) Prosecutor removed exculpatory transcripts from trial exhibits; 10) Prior witness testimony exonerated defendant; and 11) Magistrate Judge disregarded prohibition of conducting fact-finding during the sentencing phase (hereinafter "constitutional violations", collectively). Because the requested transcripts contain evidentiary support for those violations, the denial to supplement the record and brief was not proper. When denying that motion, the appellate court did not provide a reason for why the granting of the motion would not be proper. There was no denial that the proceedings, such as the November 19, 2019 Protection From Abuse Hearing ("PFA Hearing") as well as the January 23, 2019 and February 6,

2019 Child Advocacy Center Interviews ("1st and 2nd Interview", respectively) did not contain testimonial statements from the Governments star witness. This was a plain error. In Crawford v. Washington, this Court clearly listed that materials such as

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/27/2026 07:38:45 AM

To:
Inmate Work Assignment: SUPREME COURT

affidavits, custodial examinations, prior testimony or statements reasonably expected to be used prosecutorially are considered testimony. 541 U.S. 36,51 (2004); Melendez-Diaz v. Massachussetts, 557 U.S. 306, 310 (2009). As reflected by the record, the following transcripts has been requested from the district court and the Eleventh Circuit, but not has been disclosed by either court below:

* November 19, 2019 Dale County Protection From Abuse Hearing
* January 23, 2019 Child Advocacy Center Interview
* February 6, 2019 Child Advocacy Center Interview
* April 26, 2021 Faretta Hearing
* June 1, 2021 Motion Hearing
* September 21, 2021 Pre-trial Conference
* September 27, 2021 Faretta Hearing
* October 13, 2021 Pre-trial Conference
* January 21, 2022 Motion Hearing
* January 22-23, 2024 Trial Proceedings*
* August 2, 2024 Status Hearing
* August 8, 2024 Sentencing Hearing
* There was only portions of the trial transcript provided for sentencing

Five out of the twelve transcripts supra contain material and exculpatory testimonial statements as well as evidence which casts serious doubts regarding the conviction, especially an element of the charged offense. Additionally, those evidentiary items were never considered by the jury. At least two months before sentnecing, the district court ("lower court") and the court of appeals ("appellate court") knew that the jury had not heard material and exculpatory testimonial statements within the PFA Hearing and 2nd Interview. Nonetheless, both courts disregarded clear and convincing evidence that exculpatory support existed and the contents of these hearings were the primary subject discussed at the non-disclosed proceedings. Nevertheless, both courts denied Joyner access to thoses transcriptions which reflected that exculpatory testimonial statements were not only withheld from the Petitioner, but was not presented to the jury.

TRULINCS 18079002 - JOYNER, LEROY THOMAS.JR - Unit: YAZ-B-A

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/27/2026 09:42:43 AM

To:
Inmate Work Assignment: SUPREME COURT

I. This Court's review is warranted pursuant to Rule 11 because the issues of the case is of such imperative public importance as to justify deviation from normal appellate practice in accordance to the holding in Moyle v. United States, 603 U.S. 324, 332-338 (2024).

The issues supra have been considered by the lower and appellate court. It would not be premature for this Court to grant certiorari. See New York v. Uplinger, 467 U.S. 246 (1984) (dismissing as improvidently granted where constitutional questions would otherwise be considered prematurely). Contrary to this Court holding in Cf. The Monrosa v. Carbon Black Export, Inc., the destruction, concealment and suppression of material and exculpatory testimonial statements does not constitute a miscalculation, because as it relates to those evidentiary items, the parties positions are not still evolving. Because the issues were raised before the lower as well as the appellate court and the issues are not evolving; a deviation from normal appellate practice in this case would not only prove to be wise, but would protect the constitutional rights of the Petitioner. See Moyle, at 336-337. A grant of certiorari before judgment presumes that further proceedings below are unnecessary to the Court's resolution of the question presented.

There does not exist any dispute as to whether or not the non-disclosed transcriptions contain material and exculpatory testimonial statements and evidence nor whether or not the discussion were had at the requested proceedings. The record explicitly express that the proceedings and their testimony by parties support that Joyner has been unawful convicted of a crime that he did not commit. Without the April 26, 2021 Faretta Hearing, the Petitioner can not demonstrate that the Government denied the existence of additional Verizon Wireless ("VZW") records as well as the 2nd Interview. The issues was raised with the court as the primary reason why self-representation was being exercised. It can not be demonstrated that VZW records were missing nor that defense counsels ignored this fact. Additionally, the Petitioner can not show that the Government willfully misrepresented their Rule 16 obligation in regards to the Protective Order. Also, Petitioner can not exhibit that defense counsels during the hearing did not represent to the court that additional VZW records existed nor that the defense was in possession of the 2nd Interview. Specifically, a transcription of that hearing would reveal that the Government was directly asked if the two records complained of by the Petitioner were the only ones provided from Verizon Wireless. It must be noted that the June 11, 2020 Protective Order never stated that the Petitioner could not possess the 1st and 2nd Interviews outside of a prison. In bad faith, the Government sought to have the court issue a second protective order

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/27/2026 12:57:04 PM

To:
Inmate Work Assignment: SUPREME COURT

in an attempt to prevent him from viewing the 2nd Interview exculpatory testimony. As prescribed by Supreme Court Rule 11, these issues warrants a deviation from normal appellate practices.

Absent the June 1, 2021 Motion Hearing, the Petitioner can not demonstrate that VZW records as well as the 2nd Interview non-disclosures were raised at that hearing. It can not be illustrated that the magistrate judge specifically questioned the Government as to the alleged victim's VZW records only containing two reports. They denied the existence of additional records. Moreover, the Petitioner is unable to point out their bad faith attempt to conceal exculpatory evidence within the 2nd Interview. The Government knew that their star witness had stated and implied that transportation across state lines were "just for tennis." It is here where their bad faith is most visible. See Fed. R. Evid. 401 (evidence suggesting that right's or privileges were violated by the prosecution's collection and handling of evidence is not relevant to his guilt. Evidence is relevant if "it has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action). Because the charged offense, 18 U.S.C. & 2423(a) require proff of intent to engage in unlawful sexual activity across state lines, exculpatory testimonial statements challenging any attempt to establish that intent not heard by the jury, is relevant to Petitioner's guilt or innocence. As prescribed by Supreme Court Rulle 11, this fact warrants a deviation from normal appellate practice.

Outside the September 21, 2021 Pretrial Conference being accessible to the Petitioner, there is no way to identify the continued denial and misrepresentation of the Government nor display defense counsels' inactivity on securing the addtional VZW records and the non-disclosed 2nd Interview. As it relates to the September 27, 2021 Faretta Hearing, the Petitioner can not highlight the magistrate judge refusal to discuss the missing VZW records and an associated subpoena as well as the non-disclosed 2nd interview. There, an order was issued laying the guardrails on how the items raised should be adjudicated. Parties all took notice of the directives and proceeded accordingly. In regards to the October 13, 2021 Pre-trial Conference, the magistrate judge did not allow the Petitioner to raise the non-production of the VZW records nor the 2nd Interview. Without these transcriptions, Petitioner can not demonstrate the concealing of the 2nd Interview, especially the requesting of a 2nd protective order for the sole purpose of expanding paragraph (2) to prevent him from having access to the exculpatory testimonial statements. Eventhough not supported by facts, an inference can be drawn that the protective order was needed to conceal that the Federal Bureau of Investigations had ommitted that testimonial statement from the audio recording and

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/28/2026 09:09:13 AM

To:
Inmate Work Assignment: SUPREME COURT

only wanted the defense to visit their office to view the interview in order to ensure that their editing of the interview was not detected. An analysis by a forensic expert will reveal that the audio recording was edited in 2019 or early 2020. Finally, not being able to rely on the January 21, 2022 Motion Hearing not only deprives the Petitioner of showing the Government's continued denial and misrepresentation of exculpatory evidence, but their insufficient explanation for charging, dismissing, re-charging and then seeking a dismissal of that indictment by way of a Rule 48(a) motion. Also, there will be no way to show the district court specific question to the Government asking "how many times does the Government plan on re-indicting this defendant?" The Government's response displays what the "leave of court" requirement was intended to do. See Rinaldi v. United States, 434 U.S. 22, 29, n.15 (1977) (noting that "leave of the court" requirement protects a defendant against prosecutorial harassment, e.g., charging, dismissing and re-charging). Under the deprivation of the transcriptions supra, Petitioner can not get meaningful appellate review which demonstrate that the denial of his request to supplement the record and initial brief rises to such imperative public importance and warrants a deviation from normal appellate practice.

In support of a deviation, the conduct of the clerk of court at the appellate and Supreme Court has violated the procedural due process rights of the Petitioner. On January 20, 2026, a phone call on the behalf of Joyner was made to the Supreme Court inquiring about a request for a re-hearing of a stay application previously denied on November 18, 2025. See Case No. 25-6087A. The gentlemen who responded represented that no such application had been received by the clerk's office. After consulting with the mailroom at FCC Yazoo City (Low), it was verified that the letter was forwarded to the Supreme Court. On January 21, 2026, a second phone call was made to the Supreme Court, where the assigned clerk represented that she did not see anything on the docket relating to a stay application for a re-hearing. It was recommended that the re-hearing application be resent to the clerk's office and back dated to represent the date it was originally filed. To the surprise of the Petitioner, on January 23, 2026, Joyner received a letter order from the Supreme Court denying the sought after re-hearing application. See Attachment #1.

That occurrence left him agrieved and reminded of the holding in Faretta v. California where that Court noted that a violation of a pro se litigant's right "can only lead him to believe that the law contrives against him." 422 U.S. 806, 834 (1975). In making matters worse, the appellate record reflects that an emergency stay of appellate case no. 24-12605 was entered on

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 04/15/2026 06:33:07 AM

To:
Inmate Work Assignment: SUPREME COURT

December 23, 2025. See Attachment #2. That stay was due to be lifted (60) days thereafter unless ordered otherwise by that court. An order lifting that stay has not been issued, however, on January 20, 2026 there were two orders entered; to wit: 1) denial of a motion to supplement the record and initial brief as well as the renewal of that motion; and 2) denial of a motion to recall the February 28, 2025 mandate. See Attachment #3-4. This was a willful violation of the stay. The appellate clerk in an attempt to correct the plain error, issued a briefing schedule with a notation that the stay had expired on January 22, 2026. See Attachment #5. Although the Supreme Court clerk's failure to docket Joyner's application for a rehearing to Justice Kentanji Jackson and the appeal court's violation of the stay constituted a procedural due process violation, there coordinated efforts creates the appearance of bias and rises to "such imperative public importance" where a denial of a parties rights to due process at the hands of the clerk of court warrants a deviation from normal appellate practice.

It can not be ignored that the emergency motion to stay was filed in the appeal court in early November, 2025. An application for re-hearing to stay was filed in the Supreme Court in late November, 2025. It was not until December 23, 2025 that the appeals court granted the stay for (60) days. See Attachment #2. However, when the Supreme Court denied the stay application on January 20, 2026 (See Attachment #6), the same day the appeals court denied three pending motions in that court. See Attachment #3-4. Again, an order was not issued lifting the stay. This occurrence creates the appearance that there was a coordinated effort to sidestep the chambers of Justice Kentanji Jackson in order to further conceal material and exculpatory testimonial statements and evidence not heard by the jury. Without question, this misconduct and well documented others propels this case to "such imperative public importance as to justify deviation from normal appellate practice. See Supreme Court Rule 11.

II. This Court's review is needed to resolve whether a federal court can deny a motion to supplement the record with an alternative to non-disclosed material and exculpatory transcripts in light of the guarantees promulgated by Griffin v. Illinois, 351 U.S. 12 (1956).

The substantial question here is whether two federal courts properly determined that the transcripts requested was not needed for an effective appeal. The Griffin Court established the principle that the courts must, as a matter of due process, provide indigent prisoners with basic tools of an adequate defense or appeal when those tools are available for price to others. While the outer limits of that principle remains unclear, there can be no doubt that the courts must provide an indigent prisoner with a transcript of prior proceedings when those transcriptions are needed for an effective defense or

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/28/2026 11:23:49 AM

To:
Inmate Work Assignment: SUPREME COURT

appeal. In prior cases involving an indigent defendant's claim of right to a free transcript, this Court has identified two factors that are relevant to the determination of need: 1) the value of the transcript to the defendant in connection with the appeal or trial for which it is sought and 2) the availability of alternative devices that would fulfill the same functions as a transcript. See Britt v. North Carolina, 404 U.S. 226, 227 (1971). Neither of these two factors were considered by the lower or appellate court. There, it was erroneously represented that the requested transcripts, specifically the PFA Hearing as well as the 1st and 2nd Interview were not containing testimonial statements. Had the value of those transcriptions been considered, it would have been discovered that the statements within were testimonial. Their contents dealt spwcifically with an element of the convicted offense; to wit: ".... with the intent that the individual engage in prostitution, or in a sexual activity for which any person can be charged with a criminal offense ...". Those statements have the ability to negate any intent to engage in any unlawful sexual activity. Further, had the availability of alternative devices that would fulfill the same functions as a transcript not been denied as attached to the motion to supplement the record and initial brief on appeal, the lower and appellate court could have not established that the requested transcripts contained testimonial statements, but that the attested to declarations fulfilled the same functions as the transcripts.

As noted supra, the lower court reasoned that it was refusing to order trancripts because Petitioner failed to make a particularized showing of need. The Supreme Court has been consistent in holding that "there would be serious doubts about the decision if it rested on petitioner's failure to specify how the transcript might have been useful to him." See Britt, at 228. Their cases have consistently recognized the value to a defendant of a transcript of prior proceedings without requiring a showing of need tailored to the facts of the particular case. Even in the absence of specific allegations, it can ordinarily be assumed that a transcript would be valuable to the defendant in at least two ways: 1) as a discovery device in preparation for an appeal and 2) as a tool on appeal for impeachment of prosecution witnesses. See Britt, at 228. Eventhough the lower court did not use lnguage of particularized need, it rested the decision on Petitioner not "sufficiently explaining why he requires written transcripts of this evidence under the circumstances of the case." The lower court willfully or in an inadvertent mistake did not consider that the testimonial statements negated an element of the convicted offense. This type of discrimination as it relates to cases of indigent defendants has long been discouraged by this Court. Many Supreme Court cases recognize the value of a transcript without a showing a need based upon the facts. United States v. Smith, 605 F.2d 839,

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/28/2026 12:20:58 PM

To:
Inmate Work Assignment: SUPREME COURT

842-43 (5th Cir. 1979); United States v. Dixon, 330 Fed. App'x 805, 808-09 (11th Cir. 2009); United States v. MacCollum, 426 U.S. 317, 323 (1976). In the MacCollum Court, justices established that an indigent defendant has a statutory right to appeal and pursuant to Sectuin 753(f), he has a statutory right to public funds to furnish him any transcript on his part. See MacCollum, at 323. This holding and the value of that statutory right has been expounded upon by lower courts. See Smith, at 842-43 ("transcript ... valuable help to the defense in preparing for trial and challenging discrepancies in testimony of prosecution witnesses"). See Dixon, at 808-09 ("transcript .... aluable to the defense in preparing for trial and an indigent defendant is entitled to a complete transcript free of charge without showing a particular need for the transcript"). Because the Petitioner's requested transcripts had a value of helping the defense at trial and on appeal, to deny him transcripts was in violation of his rights to due process, including a right to exercise all afforded by the Sixth Amendment. According to this Court in Britt v. North Carolina, two factors are relevant when determining a need for a transcript. Britt, at 227. In the instant case, the Petitioner has demonstrated in the sections supra, the value of the denied transcripts. As it relates to the PFA Hearing as well as the 1st and 2nd Interviews, the Petitioner raised their value, at the latest, with the lower court when he mentioned their contents in a motion for transcripts docketed on August 8, 2024. The lower court knew that those hearing and interview transcripts contained material and exculpatory testimonial statements and evidence reflecting that no sexual contact or acts occurred between the Petitioner and the star witness according to her testimony in multiple proceedings. Additionally, in regards to the August 2, 2024 Status Hearing and the August 8, 2024 Sentencing Hearing, their value were expressed in the motion for transcripts also. Because the lower and appellate court refuses to compel the disclosure of the requested transcripts, the notarized declarations submtted to the appeal court are the only alternative to the non-disclosed transcripts. As set forth in the Griffin line of cases, for the Petitioner to not be in possession of his sentencing transcript for over (500) days run afoul of the standard set by this Court, especially when the Government had possession of it no later than September 19, 2024. To provide the Government a transcript of that hearing, but deny the Petitioner access to the same transcript is clearly a violation of his constitutional rights. See Jones v. Rivers, 338 F.2d 862, 876 (4th Cir. 1964) (citing Coppedge along with other in the Griffin progeny by holding "in unmistakeable language .... that it will not sanction discrimination between indigents and those who possess the means to protect their right"). When the lower court provided

---

FROM: 18079002
TO: Legal
SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A
DATE: 01/28/2026 12:53:59 PM

To:
Inmate Work Assignment: SUPREME COURT

the sentencing hearing and status conference transcripts to the Government, but denied access to the Petitioner. That ruling mirrored the holding in Perry v. Ralston explaining the difficulties an indegent faces requesting transcripts. 635 F.2d 740, 742 (8th Cir. 1970) (distinguishing between paid indigent appeals in that "we have no procedure to screen paid cases before briefing stage .... all paid cases ... come before us with a complete record and plenary briefing"). It is well established that a defendant's inability to pay can discourage his ability to defend himself. See Jacob v. United States, 350 F.2d 571, 573 (4th Cir. 1965) ("unquestionably in the proceedings below the defendant, if financially able would have had the right to cll a .... witness .. [and] ... his inability to pay .... prevented presentation of his case"). The Petitioner by being deprived of a defense tool was not only unable to exercise his right to self-representation, but was prevented from enjoying the judicial process on appeal as a matter of right. See Rinaldi v. Yeager, 384 U.S. 305, 310 (1966) (ruling that judicial mechanisms like appellate review must be kept free of unreasoned distinctions that can only impede open and equal access to the courts); United States v. DeBright, 730 F.2d 1255, 1259-60 (9th Cir. 1984) ("present law has made an appeal from a .... conviction .. what is, in effect, a matter of right"). Because the lower court continues to deny the Petitioner access to the PFA Hearing as well as the 1st and 2nd Interviews, he is unable to show that the star witness not only testified to not having sexual contact with him, but in a clear and intelligent manner denied that any intent existed for her to engage in unlawful sexual activity when traveling within interstate commerce. It was represented to the jury by the Government that she gave testimony in the 2nd Interview that intent existed to engage in unlawful sexual activity. That was false testimony and the lower and the appellate court are fully aware of this fact. For the lower court to grant transcripts from proceedings that occurred after August 16, 2022 and then deny Petitioner access to the August 2, 2024 Status Hearing and the August 8, 2024 Sentencing Hearing displays a sinister intent. The lower court knew according to United States v. Ruiz-Rodriguez, 277 F.3d 1281 (11th Cir. 2002) that the Federal Magistrate Act prohibits magistrates from conducting an evidentiary hearing or making a finding of facts during the sentencing phase in a felony case. At the status hearing, as the lower court knows, the Government admitted to removing the 1st and 2nd Interview transcripts from the exhibits given to the jury. Also, that court knows that the standby counsel admitted to not responding to the multiple requests via email to produce the requested transcripts.

Under these case facts, among others, the the Eleventh Circuit, in good faith can not establish that the Petitioner's petition of his denial of an alternative to the non-disclosed transcripts is not a constitutional right that rises to imperative public

importance that justifies a deviation from normal appellate practice.

WHEREFORE, Joyner request that this Emergency Rule 11 petition for writ of certiorari be granted

Date: January 28, 2026

Leroy Thomas Joyner, Jr. #180790-02
FCC Yazoo City (Low)
P.O. Box 5000
Yazoo City, MS 39194
Email: grasschange@gmail.com