UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1019

United States v. Holland

To: Clerk

1) Motion by Appellant for Leave to File Pro Se Supplemental Brief

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The foregoing motion is denied as it is noted that counsel filed a brief on the merits on behalf of Appellant. See 3d Cir. L.A.R. 31.3. See also United States v. Turner, 677 F.3d 570 (3d Cir. 2012) (except in cases governed by Anders, parties represented by counsel may not file pro se briefs). The pro se brief will be forwarded to counsel in accordance with Local Rule 31.3 and Turner. Counsel is directed to review this Court's opinion in Turner regarding counsel's obligations with respect to the pro se arguments.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: November 5, 2025
PDB/cc: All Counsel of Record
Djavon Holland

APPX 1

CERTIFICATE OF COMPLIANCE

No.

DJAVON HOLLAND Petitioner(s)

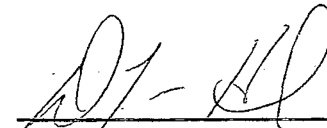
v.

UNITED STATES OF AMERICA Respondent(s)

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains ≤9000 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2026



Djavon Holland #74124-509
Federal Correctional Institutic
Loretto Low
Post Office Box 1000
Cresson, PA 16630

<u>CERTIFICATE OF SERVICE</u>

I, Djavon Holland, do hereby certify and swear pursuant to 28 U.S.C. § 1746, under penalty of perjury that a true copy of the attatched letter/brief/filing, has been placed into the mailing system of Federal Correctional Institution, Loretto per Houson v. Lack, 487 U.S. 26, 276 (1988), on the date shown below, using U.S. Mail First Class Postage Pre-Paid to the following:

Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington D.C. 20543

SIGNATURE

3-25-26

DATE

APPENDIX A.

KeyCite Yellow Flag
Declined to Extend by U.S. v. Schwartz, E.D.Pa., February 20, 2013

677 F.3d 570
United States Court of Appeals, Third Circuit.

UNITED STATES of America
v.
James TURNER, Appellant.

No. 10–4573
|
Submitted Under Third Circuit
LAR 34.1(a) Jan. 26, 2012.
|
Opinion Filed: April 19, 2012.

Synopsis
Background: Defendant was convicted in the United States District Court for the Eastern District of Pennsylvania, Legrome D. Davis, J., of conspiring to make false statements to a firearms dealer, aiding and abetting in making false statements to a firearms dealer, possessing a firearm after being convicted of a felony. Defendant appealed. Defense counsel filed quasi-*Anders* brief and defendant filed supplemental brief.

Holdings: The Court of Appeals, Hardiman, Circuit Judge, held that:

[1] failure to give a limiting instruction regarding codefendant's cooperation with the Government was not plain error;

[2] allowing Government to elicit testimony regarding defendant's Muslim name and codefendant's "dossier," which purportedly contained defendant's criminal records was not plain error;

[3] filing of "quasi-*Anders*" appellate brief was not appropriate;

[4] Court of Appeals would not consider defendant's pro se filings; and

[5] except in cases governed by *Anders*, defendants represented by counsel may not file pro se briefs.

Affirmed.

West Headnotes (14)

[1] **Criminal Law** ⟵ Necessity of Objections in General

To find plain error, Court of Appeals must conclude that (1) there was error; (2) the error was clear or obvious; (3) the error affected the defendant's substantial rights; and (4) the error seriously affected the fairness, integrity, or public reputation of the legal proceeding. Fed.Rules Cr.Proc.Rule 52(b), 18 U.S.C.A.

1 Case that cites this headnote

[2] **Criminal Law** ⟵ Necessity of Objections in General

If the defendant makes a showing of plain error, Court of Appeals may, but is not required to, order correction. Fed.Rules Cr.Proc.Rule 52(b), 18 U.S.C.A.

1 Case that cites this headnote

[3] **Criminal Law** ⟵ Reception of evidence

Any error in district court's failure to give limiting instruction regarding codefendant's cooperation with Government was not clear or obvious, as required to establish plain error.

[4] **Criminal Law** ⟵ Evidence calculated to create prejudice against or sympathy for accused

In prosecution for weapons charges, probative value of testimony adding "X" as defendant's middle initial and regarding codefendant's "dossier," which purportedly contained defendant's criminal records, was not substantially outweighed by danger of unfair prejudice. Fed.Rules Evid.Rule 403, 28 U.S.C.A.

More cases on this issue

APPX 2

FEDERAL PUBLIC DEFENDER

DISTRICT OF NEW JERSEY

K. ANTHONY THOMAS, FEDERAL PUBLIC DEFENDER

1002 BROAD STREET • NEWARK, NEW JERSEY 07102 • (973) 645-6347

November 7, 2025

Attorney/Client Communication

Djavon Holland
Register No. 74124-509
FCI Loretto
Federal Correctional Institution
P.O. Box 1000
Cresson, PA 16630

Re: Appeal

Dear Mr. Holland:

I hope you are doing well. You should have received the initial brief and all five volumes of the appendix.

I have reviewed your recent filings in the Third Circuit Court of Appeals – specifically, (1) your motion to have your pro se supplemental brief considered and (2) your pro se supplemental brief. The Third Circuit denied your motion on November 5, 2025. You should have received a copy of the Order directly from the Third Circuit, but I have enclosed a copy as well.

In light of your motion and the Court's denial, I want to reiterate your options. As we have discussed, the Third Circuit will not consider pro se submissions when an appellant is represented by counsel. This is the Circuit's standard procedure, as explained in *United States v. Turner*, 677 F.3d 570 (3d Cir. 2012) (except in cases governed by *Anders*, parties represented by counsel may not file pro se briefs). The Court cited the *Turner* case in its Order, and I have enclosed a copy.

In your case, therefore, the Court will **not** consider your pro se supplemental brief as long as we represent you and did not file an *Anders* brief. If you want the Court to consider your supplemental brief and/or any issues not raised in the brief we filed, you must file a motion to waive counsel. You must state that you are aware of the risks of proceeding pro se and that you still wish to proceed pro se. If that motion is granted, the Court will advise you as to how to proceed.

APPX 3

As Mr. Thomas and I emphasized in our recent telephone call, it remains our privilege to represent you but if you decide to file a motion to proceed pro se, we would fully respect that position as well.

The government received a two-week extension of time in which to file its response. The government's brief is now due on or before December 3, 2025. I will keep you posted of any developments. In the meantime, be well.

Sincerely,

s/Louise Arkel
Louise Arkel
Assistant Federal Public Defenders

cc. Michael Thomas, Esq.

Encls.

APPX 4

To: Mrs. Arkel Louise
Federal Public defender

11-12-2025

Dear Appeals Counsel,

Please fire yourself so I can proceed pro se. I am not satisfied with your performance on appeal.

Thank you.

Djavon Holland #74124-509
Federal Correctional Institution
Loretto Low
Post Office Box 1000
Cresson, Pennsylvania 16630

APPX 5

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

UNITED STATES OF AMERICA
Apellee,

V.

DJAVON HOLLAND ,
Appellant.

Appeal No. 25-1019

MOTION TO PROCEED PRO SE
OR FOR APPOINTMENT OF NEW COUNSEL

Mr. Holland respectfully ask this court to either allow me to go pro se or appoint me new counsel that will be willing to raise a better appeal than what the public defenders department is doing. My case is an unusual case because I represented myself at trial and intelligently raised a number of objections during the pretrial, trial, and sentencing stages of the proceedings. I made these objections with the full understanding that the district court was going to deny any claim I raised no matter how good of an argument it is or what caselaw I mentioned, or how right the argument was. Evehnthough I knew the courts were going to deny any argument I raised regardless I still raised my objections and pretrial motions with the intent on having my issues fairly heard and adjudicated on appeal. (Issues like entrapment, and the ATF's lack of statutory authority, and prosecutorial misconduct, and sentencing issues like all the ones I raised in the 117 page appeal brief that I sent to you. These are not all my arguments). Since the beginning of this case I have clearly told the public defenders department And the courts that I DO NOT TRUST THE PUBLIC DEFENDERS DEPARTMENT. These lawyers are selling clients out in a sophisticated way. They are waiving all of a persons rights away and calling that effective assistance of counsel. An investigation needs

APPX 6

to be started by congress or the Attorney generals office, to see why the public defenders is doing such a terrible job at representing people in this country and why they only have a 3% success rate while the Attorney general has a 97% conviction rate and has maintained that adverage rate for the past 200+ years.

This court cited L.A.R. 31.3 and United States v. Turner, 677 F.3d 570 (3d Cir. 2012) to counsel in this case and directed them to review this courts opinion regarding counsel's obligations with respect to the pro se arguments. (See ECF #95). But on 10/29/2025, it was counsel who set up a phone call with Mr. Holland unexpectantly, and advised him to file a pro se brief to the courts in order to raise the issues that they deliberately refuse to raise on appeal. Counsel filed a letter to the courts waiving Mr. Holland's sentencing issue arguments but represented to me that they were originally going to raise a sentencing issue on the acceptance of responsibility issue. I asked counsel to file an appeal bail motion and they represented to me that they would. I asked counsel to file a motion to have the ex parte hearing transcript for November 21, 2023 transcibed because if we reviewed it it would disclose how my constitutional rights were violated in a number of ways. I even sent them the motion to file to the courts when they told me that they didn't know how to ask for the ex parte transcript to be transcribed. If I had money to pay a lawyer to get that transcript transcribed they would know how to do so. Why doesn't the public defenders department know how to get this transcript transcribed? I filed a complaint to the Office of Displinary Counsel within the Third Circuit complaining about the issues I am having with the public defenders department. I don't know if y'all recieved it but I will gladly send it again. I know for a fact that the District court recieved it. I sent it to the district court andfthe Third Circuit at the same time with certificates of service. (See District Court Docket.)

APPX 7

The Third Circuit stated in The Turner case that "We caution that a motion to discharge appellate counsel after counsel has filed a brief is likely to be denied. See Martinez v. Court of Appeal of Cal., 528 U.S. 152, 163, 120 S. Ct. 684, 145 L.Ed.2d 597 (2000)(no right to self-representation on appeal). ". But I think that the Third Circuit misunderstands the Supreme Court Martinez case. In this case the Supreme Court did not say that there is no tight to self representation on appeal. That case says that a state appellant cannot be deprived ofaa federal constitutional right to represent himself on appeal. In that case he used the Faretta v. California case, and the 6th Amendment of the United States Constitution.

Mr. Holland says that counsel in my case violated Due Process by filing their brief without giving me a fair opportunity to review their brief prior to them turning it in, in order for me to even have a fair opportunity to ask the Circuit court to go pro se due to my displeasure with the public defenders brief. I do hAve a constitutional right to due process on appeal, and when counsel fails to protect my due process rights and deprives me of my due process rights, like how they did and are doing in this case, not only is it ineffective, it issalso fundamentally unfair to me. They wont have to do the 15 years if I lose appeal I will. They get paid regardless if appeal wins or loses. There is no incentive for appeal counsel to file an appeal arguing more than the bare minimum. Who would want to work harder for the same lousey pay? I should not have to suffer because a lawyer wants to get paid for doing the bare minimum. That is not fair to me! The public defenders has done more arguing and disagreeing with me than they have with the prosecutors and the courts.

APPX 8

Justice Marshall's dissenting opinion in Strickland v. Washington, 466 U.S. 668 (1984), is right when he theorizes that the Strickland standard will do more hurt in the area of assistance of counsel than help. This standard needs tobe reevaluated by the Supreme Court in order to determine whether the public defenders department is breaking down the adversarial process with such a low quality of assistance of counsel that it renders the entire appellate proceedings fundamentally unfair? If we would have asked Supreme Court Justice Brennan this question in 1983, he would have said yes. His dissenting opinion in Jones v. Barnes, 463 U.S. 745 (1983) would testify to that notion. In the Jones case he warned the nation of the effects that the jones case would have, just like Supreme Court Justice Marshall warned the nation of the negative effects that the Strickland standard would have on future counsel's representation. In the Jones case, Justice Brennan sais "what the courts hopes to gain in effectiveness of appellate representation by the rule it imposes today may well be lost to decreased effectiveness in other areas of representation." Jones v. Barnes, 463 U.S. 745 (1983).

The appeals courts are making the right to counsel, as in Faretta, 422 U.S. 806 (1975) and Anders, 386 U.S. 738 (1967), an all or nothing right.

The Sixth amendment and Due Process applies to appellate counsel. Smith v. Robbins, 528 U.S. 259 (2000). And unlike what the Third Circuit said in the Turner case, 677 F.3d 570 (3d Cir. 2012), The Supreme Court did not say an indigent appellate has no right to counsel of choice, they said that "The sixth amendment right to counsel of choice commands that a particular guarantee of fairness be provided, so that an accused would be defended by the counsel which the accused believed to be best." United States v. Gonzalez-Lopez, 548 U.S. 140 (2006).

When an appellate like myself has no money to choose the counsel that would be best for him, he should be allowed to represent himself.

APPX 9

His socio-economic status should not deprive him of his right when he believes that he can do a better job than the low level quality of an appeal job that the public defenders department is doing. Not allowing me to go pro se or have better counsel who will not waive my arguments is a structural defect that violates Due Process as well as other articles and constititional amendments.

In The Jones case Justice Brennan said that indigent clients, such as myself, often mistrust lawyers appointed to represent them. He noted some of the many reason for this mistrust in 1983. He quoted the Faretta case, 422 U.S. 806 (1975) to support the fact that "to force a lawyer on a defendant can only lead him to believe that the law contrives against him."

Justice Brennan and Justice Marshall spoke the warnings of God for this nation, when they dissented in the above mentioned cases. In the year 2025 lawyers are standing next to defendant in the courtroom but saying little to nothing in defense of a client. And the courts and the government are upholding the fact that the mere presence of a lawyer in the court room is constitutionally effective. And if they make an rinky dink argument on appeal it is permissible, even though the lawyers, the government, and the courts know that counsel is making a trash argument.

The lawyer in my case did not give me a chance to review any of the arguments that they filed before filing them. Even if they say that they filed one or two arguments that I asked that still doesn't satisfy me because, It not what they argue but how they argue the claim that will guarentee the lost of the appeal and will satisfy their duty to the government and the courts, of selling a client out. They can say that they raised an susceptibility to inducement claim like I asked, but they could have argued the claim all wrong and in a way that will

APPX 10

assure that the Court will deny the argument. They did this to me already in this case during the bail hearings, and during their written Rule229 judgement of acquittal motion, and they tried to do it at sentencing. They even pulled this stunt of not trying to showeme the arguments they wished to raise at sentencing and tried to file a rinky dink sentencing memorandum after the final PSR report was already filed to the docket.

That's exactly why the public defenders department does not want to file any sentencing objections and refused to turn over the PSR to you. And they didn't even call me or consult with me on this issue. (See Appeal Docket ECF #90 -92). I clearly want sentencing issues raised. I want all of my issues raised and I want none of my issues waived on appeal.

I am clearly telling you that I"D RATHER REPRESENT MYSELF THAN TO STAND BY AND HAVE THE PUBLIC DEFENDER WAIVE ALL OF MY ARGUMENT AND COVER UP ALL THE INJUSTICE THAT HAS BEEN HAPPENING TO ME IN MY CASE!!!

I should be allowed to do that. I should not have to be told on 2255 that I am barred from bringing up any new issues that I did not raise on appeal when I'm clearly telling you right now that I wish to fire the lawyer and raise all of my issues myself and the lawyers in this case did not give me a fair opportunity to see there appeal brief before they filed it so that I could have a chance to ask the court to go pro se prior to them filing whatever they filed. Til this day I still have notyseen the brief they filed or heard one word from them about filing my 117 page appeal brief that they now have. Even though they told me to file a pro se brief if they dont like the way they are handling appeal. (Ask them about the 10/29/2025 phone call).

I do plan on filing Certiorari to the Supreme Court to address these issues and questions of National concern. I hope that every single law student and judge of decent character and law clerk see this case and uses it to study how crooked and corrupt the Criminal Justice System

is and why the Public defenders department only has a 3% sucess rate. It's better for me to represent myself than to be sold out by lawyers. And if you deny me then I will go to the Supreme Court. And if they deny me then I will do a 2255, and once the District Court denies me, I will come back to the 3rd Circuit pro se. Then if you try to cover up your scandal like the public defenders and the district courts of New Jersey is doing then I'll take the 2255 to the supreme Court. Then if they refuse to open the door for me again, by not hearing my case then I'll do a 2241 motion, a 60(b) motion, then Tort claims, and Writs starting in the district court of the prisons jurisdiction and work my way up.

It doesn't make no since that I have to go through all of this just to get my claims heard, but if y'all ever read the Bible that your National forefathers left you you will see that moses had to file all types of grievances and appeals to the Egyptian government just to get the King of Egypt to let his people go. All of his motions was denied for about 3 years. He got denied so much that the Israelites did not believe that the Supreme Ruler of the Universe was strong enough to get the Nation of Egypt to free them. That was because the heart of Pharrbh and the egyptian nation was hardened.

Today the hearts of the judges and congress, and lawyers, and prosecutors, and police, and the governmental system's hearts is hardened. Who is poor Americans, that the gopvernment should respect them and give them the same quality of justice as a rich white American?

For a long time in the Bible the Nation of Israel went without the guidance of the Supreme ruler of the Universe. Just like today America and it's people are like sheep without a true leader who know the true way of Justice and follows it.

CONCLUSION

I know all of this is falling on deaf ears. Even the appeal counsel

APPX12

told me that none of my letters or filings to the displinary counsel will do anything to help.

The only thing that will help me is you allowing me to represent myself and adjudicating the appeal claims that I filed.

So I ask you to fire the appeal lawyer and take my claims for appeal.

Thank you.,

Djavon Holland #74124-509
Federal Correctional Institution
Loretto Low
Post Office Box 1000
Cresson, PA 16630

APPX13

To: LouiseeArkel
Assistant Public Defenders

To: All Assistant Attorney Generals
working this Case.,

November 17, 2025

To; Third Circuit Judges working this case,

Dear Mrs. Louise,

On November 17, 2025 I recieved the 55 page appeal brief that you filed on my behalf. After reviewing it, I am highly dissatisfied with the quality of the appeal, and wish to have you fired off my case and I represent myself.

You deliberately did not raise my entrapment argument on appeal after seeing and knowing that I argued that issue for 3 straight years and had my whole heart set on appealing the entrapment issue. You waived a number of my arguments, including my entrapment argument spitefully and hatefully for no reason at all. You waisted 18 pages arguing that stupid parking lot issue that you know the Third Circuit is going to deny. The United States v. Thorton, 1FF.3d 149,155 (3d Cir. 1993), case that you quoted is going to make sure that this appeal gets denied with ease.

You spent 2 pages on an Outrageous government conduct claim that will surely get denied because you ommitted so many facts and argument that will assure that the 3rd Circuit is unable to understand the totality of the circumstances. You ommitted how the ATF lacked the statutory authority to pursue me after the 3rd transactions for the reasons I stated in my appeal that I personally sent to the courts. (See My 117 Page Appeal Brief.)

Like I been saying it's not what you raise it's how you raise it, that will determine whether this appeal is granted or denied, and you and your office deliberately raised the issues that you raised in a way that will assure that they get denied. You are going to try to cover yourself by saying that you raised some of the issues that I wanted but if you argued the issues in a way that you knew was going to have them lose then what good is you arguing my issues? You can't say you didn't know that they were going to lose because I'm not a lawyer and I'm sitting here telling the stupid caselaw that is going to get claims denied, and how you ommitting facts is going to get the appeal denied. Stevie Wonder can see y'all are selling out and this is why I all including the government in this letter because I'm asking them right now to start an investigation into the public defenders department for the crime of selling clients out.

You took my argument on Page 81 of my appeal brief and split it into 2 arguments in your appeal brief. (See Document 84 Pages 46-53; Points 3 and 4). The way you argued this issue about the verdict sheet distorted the argument and assured that it gets denied on appeal. You made the argument a plain error and abuse of discretion argument when I had the standard of review denovo. You used no Supreme Court caselaw which closes the door for me to file a petition for writ of Certiorari. Out of the 44 caselaws that you used in the appeal you wrote, onlyu3 of them are supreme court caselaws. You totally screwed up my arguments and waived other arguments that you knew I wanted to have raised on appeal. You knew

APPX 14

CERTIFICATE OF SERVICE

I, Dlavon Holland, do hereby certify and swear pursuant to 28 U.S.C. § 1746, under penalty of perjury that a true copy of the attatched letter/brief/filing, has been placed into the mailing system of Federal Correctional Institution, Loretto per Houson v. Lack, 487 U.S. 26, 276 (1988), on the date shown below, using U.S. Mail First Class Postage Pre-Paid to the following:

Clerk of the Court
United States Court of Appeals
For the Third Circuit
601 Market Street, Suite 21400
Philadephia, PA 19160-1790

Clerk of the Court
Clarkson S. Fisher Federal Bldg.
402 E. State Street,
Trenton N.J 08608

SIGNATURE

11-18-2025
DATE

APPX 15

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

To: The Third Circuit Honorable Judges on My appeal,

I am writing you to fire appeal counsel and envoke my statutory right, in accordance with 28 U.S.C. § 1654, to conduct my own case personally. Fundamental fairness and Due Process clause of the United States constitution protects and enforces Mr. Holland's statutory right to personally plead his cause in "ALL COURTS of the United States". See 28 U.S.C. § 1654; Price v. Johnson, 334 U.S. 266 (1948). While Mr. Holland right to plead and manage his own cause personally, may be limited, it cannot be denied.

Thank You,

Djavon Holland #74124-509

Federal Correctional Institution
Loretto Low
Post Office Box 1000
Cresson, Pennsylvania 16630

FEDERAL PUBLIC DEFENDER

DISTRICT OF NEW JERSEY

K. ANTHONY THOMAS, FEDERAL PUBLIC DEFENDER

1002 BROAD STREET • NEWARK, NEW JERSEY 07102 • (973) 645-6347

November 24, 2025

Attorney/Client Communication

Djavon Holland
Register No. 74124-509
FCI Loretto
Federal Correctional Institution
P.O. Box 1000
Cresson, PA 16630

Re: Appeal

Dear Mr. Holland:

I hope this letter finds you well. As I mentioned in email, I filed a response to your motion for leave to proceed pro se or for appointment of a new attorney. A copy is enclosed.

I will inform you of any decisions or other developments.

Sincerely,

Louise Arkel
Assistant Federal Public Defenders

cc. Michael Thomas, Esq.

Encl.

APPX 17

Nos. 25-1019

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

UNITED STATES OF AMERICA, :
Appellee, :
v. :
DJAVON HOLLAND, :
Appellant. :

Motion to Withdraw as Counsel in Response to Appellant Djavon Holland's Motion to Proceed Pro Se or to Appoint a New Attorney

The Office of the Federal Public Defender, through Louise Arkel, Assistant Federal Public Defender, submits this response to Appellant Djavon Holland's motion for leave to proceed pro se or for the Court to appoint new counsel. In response, counsel respectfully requests to be relieved as counsel. Counsel states as follows:

1. I am an Assistant Federal Public Defender with the Federal Public Defender's Office for the District of New Jersey and am admitted to practice in the Third Circuit.

APPX 18

2. Mr. Holland was charged with three counts of possession with intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(B).

3. Mr. Holland represented himself pro se throughout most of the District Court proceedings, with stand-by counsel from the Federal Public Defender's office assisting him.

4. A jury found Mr. Holland guilty on two counts and could not reach a verdict on one count. He was sentenced to, *inter alia*, 180 months' imprisonment on each of counts two and three, to be served concurrently.

APPX 19

7. Mr. Holland has filed several pro se letters with this Court indicating dissatisfaction with counsel's representation. *See, e.g.* Doc. 58.[1] Mr. Holland has also filed complaints alleging that counsel has violated rules of professional conduct, Docs. 83, 102, a letter requesting that the Court "fire appeal counsel" and permit him to represent himself, Doc. 103 at 1, and a letter directed to counsel requesting that counsel "fire [her]self so [he] can proceed pro se." Doc. 103 at 2.

8. Mr. Holland has filed a supplemental brief raising issues he would like to pursue on appeal, including issues that counsel did not raise in the opening brief. Doc. 98.

9. In summary, Mr. Holland has stated his clear desire to either proceed pro se or be assigned a new attorney. He has filed a complaint alleging unprofessional conduct by counsel, has indicated his dissatisfaction with counsel's representation and, more recently, [illegible] dissatisfaction with the brief filed by counsel, and has filed a supplemental brief. He has specifically requested that counsel request the Court to be relieved as counsel.

1 "Doc." refers to the docket entry filed in this appeal.

APPX 20

10. Counsel respectfully submits that Mr. Holland and counsel have developed irreconcilable differences and the attorney-client relationship is irretrievably broken. Where Mr. Holland (1) represented himself pro se in the District Court, (2) has filed a supplemental brief in this appeal, (3) alleges counsel has violated professional ethics, (4) has specifically asked counsel to seek withdrawal, and (5) presently asks the Court to relieve counsel and either to allow Mr. Holland to proceed pro se or appoint new counsel, undersigned counsel respectfully requests to be relieved and for the Court to grant Mr. Holland's Motion.

Counsel thanks the Court for its consideration of this submission.

APPX21

CERTIFICATE OF FILING AND SERVICE

I hereby certify that a copy of the foregoing Motion to Withdraw Representation in Response to Appellant Djavon Holland's Motion to Proceed Pro Se or Be Appointed a New Attorney was served via electronic filing upon counsel for the government, Assistant United States Attorney Sabrina G. Comizzoli by the Notice of Docketing Activity generated by this Court's ECF system, and by U.S. mail upon Appellant Djavon Holland, Reg. No. 74124-509, at FCI Loretto, Federal Correctional System, P.O. Box 1000, Cresson, PA 16630.

Respectfully submitted,

s/ Louise Arkel

Louise Arkel
Assistant Federal Public Defender

Attorney for Appellant
Djavon Holland

Dated: November 24, 2025

APPX22

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1019

United States v. Holland

To: Clerk

1) Appellant's Pro-Se Motion to Compel Counsel to Provide Trial Transcripts

2) Appellant's Pro-Se Motion to Proceed Pro Se or for Appointment of New Counsel

3) Appellant's Pro-Se Documents in Support of Motion for Appointment of New Counsel

4) Appellant's Pro-Se Motion to Proceed Pro Se

5) Motion by the Federal Public Defender to Withdraw as Counsel in Response to Appellant's Pro-Se Motion to Proceed Pro Se or to Appoint New Attorney

---

The foregoing submissions are referred to the merits panel.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: November 26, 2025
PDB/cc: All Counsel of Record
Djavon Holland

APPX 23

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

February 13, 2026

Mr. Djavon Holland
Prisoner ID #74124-509
FCI Loretto Low
PO Box 1000
Cresson, PA 16630

Re: Djavon Holland
v. United States
Application No. 25A872

Dear Mr. Holland:

The application for a stay in the above-entitled case has been presented to Justice Alito, who on February 13, 2026 denied the application.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Robert Meek
Assistant Clerk- Emergency

Applications Attorney

APPX 24

FEDERAL PUBLIC DEFENDER

DISTRICT OF NEW JERSEY
K. ANTHONY THOMAS, FEDERAL PUBLIC DEFENDER

1002 BROAD STREET • NEWARK, NEW JERSEY 07102 • (973) 645-6347

December 1, 2025

Attorney/Client Communication

Djavon Holland
Register No. 74124-509
FCI Loretto
Federal Correctional Institution
P.O. Box 1000
Cresson, PA 16630

Re: Appeal

Dear Mr. Holland:

I hope this letter finds you well. As I mentioned in email, the Third Circuit issued an order regarding your motions to proceed pro se or to be appointed a new attorney and my motion to withdraw as counsel. The Court referred the motions to the merits panel, meaning no decision has been made as of yet. A copy is enclosed.

I will inform you of any decisions or other developments.

Sincerely,

Louise Arkel
Assistant Federal Public Defenders

cc. Michael Thomas, Esq.

Encl.

APPX25

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1019

United States v. Holland

To: Clerk

1) Appellant's Pro-Se Letter Motion to Stay Appeal pending Decision on Appellant's Motions to Proceed Pro Se

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No action will be taken on the foregoing motion. The appellant remains represented by counsel, and his counsel filed the operative opening brief in this appeal. While represented by counsel, the appellant may not ordinarily file pro-se motions or briefs. *See* 3d Cir. L.A.R. 27.8, 31.3. The appellant's requests to represent himself and for the Court to consider his pro-se brief have been referred to the merits panel and will be considered after the appellant's counsel and the government file briefs.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: December 29, 2025
PDB/cc: Djavon Holland
All Counsel of Record

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TRULINCS 74124509 - HOLLAND, DJAVON - Unit: LOR-E-S

FROM: Fresh, Manny
TO: 74124509
SUBJECT: danielle
DATE: 11/19/2025 09:06:05 PM

Hey how are you , I'm doing good I put 150 for you I will put 50 more on Friday . Here is wat I found on pacer I love you talk to you soon !

COMPLIANCE RECEIVED. Letter of no sentencing issues received from Appellant Djavon Holland. (MS) [Entered: 11/03/2025 02:23 PM]
11/03/2025
93 (https://ecf.ca3.uscourts.gov/docs1/003015131415)
Pro se supplemental brief. Service made by the Clerk's office via CM.ECF on 11/05/2025. (PDB) [Entered: 11/05/2025 01:12 PM]
11/03/2025
94 (https://ecf.ca3.uscourts.gov/docs1/003015131423)
MOTION filed by Appellant Djavon Holland to file Pro Se Supplemental Brief. Service made by the Clerk's office via CM.ECF on 11/5/2025. (PDB) [Entered: 11/05/2025 01:17 PM]
11/03/2025
98 (https://ecf.ca3.uscourts.gov/docs1/003015135462)
MOTION filed Pro Se by Appellant Djavon Holland for Bail Pending Appeal. Service made by the Clerk's Office via CM,ECF on 11/10/2025. (PDB) [Entered: 11/10/2025 08:14 PM]
11/03/2025
99 (https://ecf.ca3.uscourts.gov/docs1/003015135465)
Pro Se Motion by Appellant for Leave to File Extended Page Brief. Service made by the Clerk's Office via CM.ECF on 11/10/2025.. (PDB) [Entered: 11/10/2025 08:17 PM]
11/05/2025
95 (https://ecf.ca3.uscourts.gov/docs1/003015131427)
ORDER (Clerk) The foregoing motion is denied as it is noted that counsel filed a brief on the merits on behalf of Appellant. See 3d Cir. L.A.R. 31.3. See also United States v. Turner, 677 F.3d 570 (3d Cir. 2012) (except in cases governed by Anders, parties represented by counsel may not file pro se briefs). The pro se brief will be forwarded to counsel in accordance with Local Rule 31.3 and Turner. Counsel is directed to review this Court's opinion in Turner regarding counsel's obligations with respect to the pro se arguments. (PDB) [Entered: 11/05/2025 01:21 PM]
11/05/2025
96
Appellee USA verbally granted an extension of time to file brief until 12/03/2025 pursuant to 3d Cir. L.A.R. 31.4. (EAF) [Entered: 11/05/2025 02:25 PM]
11/10/2025
97 (https://ecf.ca3.uscourts.gov/docs1/003015135121)
ECF FILER: ENTRY OF APPEARANCE from Sabrina G. Comizzoli on behalf of Appellee(s) United States of America. [25-1019] (SGC) [Entered: 11/10/2025 04:05 PM]
11/10/2025
100 (https://ecf.ca3.uscourts.gov/docs1/003015135468)
ORDER (Clerk) No action will be taken on the foregoing motions as Appellant is represented by counsel in the appeal. While represented by counsel, pro-se motions, briefs, and other filings are generally prohibited. See 3d Cir. L.A.R. 27.8 & 31.3. In accordance with the Court's rules, the motions are hereby referred to counsel for whatever action counsel deems appropriate. (PDB) [Entered: 11/10/2025 08:23 PM]
11/10/2025
101 (https://ecf.ca3.uscourts.gov/docs1/003015137273)
MOTION filed by Appellant Djavon Holland for Leave to Proceed Pro Se or for Appointment of New Counsel. Certificate of Service dated 11/06/2025. Service made by US mail. (PDB) [Entered: 11/13/2025 10:30 AM]

FROM: Fresh, Manny
TO: 74124509
SUBJECT: danielle
DATE: 11/05/2025 07:21:05 PM

10/30/2025
90
TEXT ORDER (Clerk) directing Attorney Louise Arkel, Esq. for Appellant Djavon Holland to file Presentence Report OR a Letter of no sentencing issues. Due on or before 11/03/2025. (MS) [Entered: 10/30/2025 11:53 AM]
11/03/2025
91 (https://ecf.ca3.uscourts.gov/docs1/003015129101)
ECF FILER: Letter from Appellant Djavon Holland advising that no sentencing issues are being raised on appeal. SEND TO MERITS PANEL [25-1019] (LA) [Entered: 11/03/2025 01:43 PM]
11/03/2025
92
COMPLIANCE RECEIVED. Letter of no sentencing issues received from Appellant Djavon Holland. (MS) [Entered: 11/03/2025 02:23 PM]
11/03/2025
93 (https://ecf.ca3.uscourts.gov/docs1/003015131415)
Pro se supplemental brief. Service made by the Clerk's office via CM.ECF on 11/05/2025. (PDB) [Entered: 11/05/2025 01:12 PM]
11/03/2025
94 (https://ecf.ca3.uscourts.gov/docs1/003015131423)
MOTION filed by Appellant Djavon Holland to file Pro Se Supplemental Brief. Service made by the Clerk's office via CM.ECF on 11/5/2025. (PDB) [Entered: 11/05/2025 01:17 PM]
11/05/2025
95 (https://ecf.ca3.uscourts.gov/docs1/003015131427)
ORDER (Clerk) The foregoing motion is denied as it is noted that counsel filed a brief on the merits on behalf of Appellant. See 3d Cir. L.A.R. 31.3. See also United States v. Turner, 677 F.3d 570 (3d Cir. 2012) (except in cases governed by Anders, parties represented by counsel may not file pro se briefs). The pro se brief will be forwarded to counsel in accordance with Local Rule 31.3 and Turner. Counsel is directed to review this Court's opinion in Turner regarding counsel's obligations with respect to the pro se arguments. (PDB) [Entered: 11/05/2025 01:21 PM]
11/05/2025
96
Appellee USA verbally granted an extension of time to file brief until 12/03/2025 pursuant to 3d Cir. L.A.R. 31.4. (EAF) [Entered: 11/05/2025 02:25 PM]

APPX 28

FROM: Ward, Danielle
TO: 74124509
SUBJECT: Pacer
DATE: 03/09/2026 07:51:06 PM

cument: 121 Page: 1 Date Filed: 03/09/2026
No. 25-1019
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
UNITED STATES OF AMERICA
CONSENT MOTION FOR A
FIVE-WEEK EXTENSION OF
TIME TO FILE BRIEF FOR
APPELLEE
v.
DJAVON HOLLAND,
Appellant
Patricia S. Dodszuweit, Esq.
Clerk, United States Court of
Appeals
for the Third Circuit
Louise Arkel
Assistant Federal Public Defender
Attorney for Djavon Holland
Dear Ms. Dodszuweit and Ms. Arkel:
Appellee, the United States of America, moves pursuant to Fed. R. App.
P. 26(b) and 3d Cir. LAR 31.4 for a five-week extension of time to file its
Response Brief in this case, which the Government previously anticipated it
would file today.
This is the Government's fourth written extension request, having
already received a two-week verbal extension and two, one-month written
extensions, as well as having submitted a written request for an additional
thirty days, on which this Court has not yet ruled. D.E. #119.
Case: 25-1019 Document: 121 Page: 2 Date Filed: 03/09/2026
Defendant is raising five claims challenging his convictions for
possession with intent to distribute fentanyl after a jury trial. Opposing
counsel, Louise Arkel, Esq., graciously consents to this motion.
I am the Assistant U.S. Attorney who is responsible for preparing the
Government's brief. As detailed in my prior extension motions, I did not begin
work on this brief until December 30, 2025. In the month of January and early
February, I worked weekends in order to file two briefs and two motions and
edit two briefs and a response to a motion in addition to handling my duties as
a filter advisor, ethics advisor, criminal discovery advisor, appellate liaison to
the National Security Unit, and training coordinator, all of which took time
and attention away from drafting the brief in this case until February. See D.E.
#119.
In mid-to-late February, I was able to complete a review of the record in
this case and draft approximately 23 pages of the Government's response brief,
almost exclusively on weekends. I plan to handle only one additional appellate
motion (in U.S. v. Steven Gant, App. No. 26-1374, due March 23, 2026), before
finalizing and filing my Response Brief in this case. Otherwise, I intend to
devote myself to finishing the Response Brief while still managing my
collateral duties. Because those duties can be overwhelming between Monday
and Friday, I intend to work on the brief in this case on the weekends until a
2
Case: 25-1019 Document: 121 Page: 3 Date Filed: 03/09/2026
draft is completed.
This Court's text order granting my last extension request stated that
"[a]ny further requests for extension of time will be presented to the Court and

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should be based on exceptional circumstances." D.E. #116. I appreciate that this Court will not excuse dilatory behavior by counsel. I do not seek this extension for purposes of delay. And I respectfully ask for the Court's kind consideration of my circumstances.
WHEREFORE, the United States respectfully requests a five-week extension of time to file its Brief for Appellee, until April 13, 2026.
Respectfully submitted,
TODD BLANCHE
U.S. Deputy Attorney General
JORDAN FOX
Chief of Staff to the Deputy Attorney General
Associate Deputy Attorney General
Special Attorney
By:
SABRINA G. COMIZZOLI
Assistant United States Attorney
March 9, 2026
Newark, New Jersey
3
Case: 25-1019 Document: 121 Page: 4 Date Filed: 03/09/2026
CERTIFICATION OF SERVICE
SABRINA G. COMIZZOLI, an Assistant United States Attorney for the District of New Jersey, hereby certifies as follows:
On March 9, 2026, I caused this motion to be filed with the Clerk of the Court by electronic filing in the PDF form using the Circuit's electronic filing system, and caused that Motion to be served by this Court's electronic notification system on:
Louise Arkel,
Assistant Federal Public Defender
Attorney for Djavon Holland
SABRINA G. COMIZZOLI
Assistant United States Attorney
United States Attorney=s Office
District of New Jersey
970 Broad St., Suite 700
Newark, New Jersey 07102
(973) 645-2878
Sabrina.comizzoli@usdoj.gov

FROM: 74124509
TO: Arkel, Louise
SUBJECT: Djavon Holland
DATE: 03/09/2026 09:01:54 PM

I noticed that the courts is not docketing any more of my filings. I also noticed that the government is asking for a five week extension and they are only going to reply back to your brief that you wrote. Can you write the government and tell them to reply back to my brief because I am not satisfied with your brief and I already asked to fire you and go pro se. This is their 4th time asking for an extension and they are not giving the court no exceptional circumstances on why they should be recieving all these extensions. This is a delay in the process. Since they are delaying so much can you also ask the courts to answer my bail motion that they still haven't answered. This process is not fundamentally fair to me at all and violating all of my constitutional rights. (Due Process, Equal Protection, Right to be heard which embodies 28 U.S.C. section 1654). It makes no since how low you people will go to keep me as a 13th amendment slave by manipulating the appeal process. The only reason I am asking you to file these things for me is because the courts refuse to hear from me or even docket any of my filings any longer. The way these proceedings are being handled are forcing me to ask you. And if I be quiet about it then when I complain about it on a 2255 y'all are going to try to say that I never brought it to y'all attention or have no proof of what I'm saying.

Please object to the governments extension. Please tell the government to reply back to the 11 claims on my direct appeal and not just to the 5 claims that you filed that I am dissatisfied with. Please tell the Third Circuit to answer my appeal bail motion.

To: Mrs. Sabrina G. Comizzoli
Assistant United States Attorney
District of New Jersey
970 Broad Street., Suite 700
Newark, New Jersey 07102

March 10, 2026

Dear Mrs. Comizzoli,

My name is Djavon Holland Appeal No. 25-1019. I am writing directly to you to assure that you respond back to my pro se appeal brief that I wrote that has 11 claims within it. I notice that you only intended to respond back to the public defenders 5 claim appeal brief but I clearly fired the public defenders department and asked the courts to proceed pro se in accordance with 28 U.S.C. § 1654. As a minister of Justice I am asking you to acknowledge and protect my statutory rights to plead my own cause, as well as my Constitutional rights to be heard, equal protection, fundamental fairness and a host of other constitutional rights. The public defenders department needs to be investigated because of the currupt way they handle cases and make appeal arguments in order to assure that the attorney generals department is able to maintain their 97% conviction rate while the public defenders department and paid lawyers combined only has a 3% success rate against your department.

Can you also write a motion to compel the Third Circuit Court of Appeals to answer my bail motion that I sent to them. It was filed and submitted in October and the Third Circuit has yet to answer it even though you've now asked for 4 extensions, which I don't agree with and object to. The public defenders department has made a deliberate decision not to represent me or speak on my behalf. They are speaking on behalf of the courts and their paychecks, but not on my behalf because all they keep doing is lying to me off the record and manipulating the record so that it will look like they are doing their job effectively when they are really not, unless their job is to sell me out and make sure I lose appeal by not revealing the whole truth for the Third Circuit to see and adjudicate.

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So I am asking you to please perform your minister of justice function by advocating for my statutory and constitutional rights to be acknowledged, protected, and enforced in the Third Circuit Court of Appeals please. I've also been filing motions and letters to the Third Circuit Docket but they have not been filing my filings to the docket. Can you please make sure that the clerk of the court is recieving my filings and filing them. I wouldn't mind doing these things myself but the Courts are not respecting my right to plead my own cause and unfortunately I am still locked up as a 13th amendment slave. My daughter has her first daddy daughter day dance coming up but she can't go because her dad is locked up and the courts wont answer my appeal bail motion./

I know that it is the job of the attorney general to hurt me but on the laws on paper, it says that it is also the job of the attorney general to help me and protect my rights when you see them being violated right in your face. So please help me..

Thank You.

Djavon Holland #74124-509
Federal Correctional Institution
Loretto Low
Post Office Box 1000
Cresson, Pennsylvania 16630

Appeal No. 25-1019

Crim. No. 4:21-cr-00871-RK

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

UNITED STATES OF AMERICA
Plaintiff-Appellee,

V.

DJAVON HOLLAND
Defendant-Appellant

APPELLANT'S MOTION FOR BAIL PENDING APPEAL

Appeal No. 25-1019

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MOTION FOR BAIL PENDING APPEAL

Pusuant to 18 U.S.C. § 3143(b) and Fed. R. App. P. 9(b), Djavon Holland respectfully moves this Honorable Court for release on bail pending appeal.

STATEMENT OF THE CASE AND FACTS

Mr. Holland was convicted after trial in the District of New Jersey of two counts of drug distribution, following a lengthy government investigation that involved persistent inducement by a confidential informant (Edward Parkhill), joint state-federal coordination, and substantial government orchestration and escalation of the charged conduct. The trial featured critical issues including entrapment, outrageous government conduct, supression of exculpatory and impeachment evidence, Confrontation Clause violations, and fair cross- section jury selection challenges, as well as other substantial issues such as ATF lack of stautory Authority and abuse of discretion claims.

Throughout the proceedings, Mr. Holland preserved numerous substantial legal issues including repeated pretrial, trial, and post-trial motions on entrapment, outrageous government conduct, prosecutorial misconduct, Brady violations, sentencing factor manipulation, sufficiency of the evidence, and improper jury instructions and verdict forms.

From the comencement of this case through trial Mr. Holland was release on bail conditions in order to assure his appearance in court. From 2021-2024 Mr. Holland maintained clear conduct and made every court appearance. Mr. Holland's bail conditions were modified numerous times without opposition from the government. Mr. Holland was even taken off of curphew and ankle monitoring due to his compliance withthe courts and pretrial services. Mr. Holland has no history of flight or violence, and his pretrial and presentence conduct demonstates full compliance with all conditions of release

Mr. Holland's bail was revoked on April 15, 2024 immediately after the

reading of the verdict. On December 23, 2024, Mr. Holland was sentenced to 180 months imprisonment. He timely filed a notice of appeal on January 2, 2025.

ARGUMENT

Under 18 U.S.C. § 3143(b), a defendant shall be detained pending appeal unless the courtsfinds by clear and convincing evidence, the person is not likely to flee or pose a danger to the safety of any other person or the community if released; and the appeal raises a substantial question of law or fact likely to result in reversal, a new trial, a sentence not including imprisonment, or a reduced sentence.

A "substantial question" is one that is"fairly debatable", "fairly doubtful", or "one of more substance than would be necessary to a finding that it was not frivolous" United v. Smith, 793 F22d 85,89 (3d Cir. 1986) (quoting "United States v. Miller, 753 F.2d 19,23 (3d Cir.1985)); see also United States v. Strong, 775 F.2d 504, 506 (3d Cir. 1985).

Mr. Holland's appeal presents substantial questions that will likely result in reversal or a new trial. Mr. Hollands's appeal presents a substantial question under Sherman v. United States, 356 U.S. 369 (1958); Jacobson v. United States, 503 U.S. 540 (1992); and United States v. Twigg, 588 F.2d 373 (3d Cir. 1978), the government's protracted inducement and orchestration of the charged offenses required acquittal as a matter of law. The record shows months of persistent government pressure, exploitation of Mr. Holland's mental health and financial vulnerabilities, and escalation of the offense's scale facts that mirror or exceed those in Twigg and Sherman.

The district court also erred by denying Mr. Holland's motion to dismiss Count 3 for lack of statutory authority and for failing to apply the appropriate standard of review under 5 U.S.C. § 706 as Mr. Holland requested the courts to do via written motion (ECF #113-4). Under Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2120 (2024) courts must independently review agency statutory authority and may not deferto agency interpretations.

The ATF's actions after the second transaction were ultra vires, and all evidence and charges stemming from those actions should be dismissed or supressed. See United States v. Lopez 514 at 561 (1995).

The third transaction, which drove the severe sentence, was orchestrated by the government after it confirmed Mr. Holland was not a gun trafficker. This constitutes sentencing factor manipulation under United States v. Lacy, 446 F.3d 448 (3d Cir. 2006); United States v. Barth, 990 F2d. 422 (8th Cir. 1993), and raises a substantial legal question given the circuit split on this issue.

The government's supression of exculpatory/confidential informant records and unfair suprise in flipping a defense witness raise substantial Brady, Giglio, and due process questions under Brady v. Maryland, 373 U.S. 83 (1963); Kyles v. Whitley, 514 U.S. 419 (1995); and United States v. Bagley, 473 U.S. 667 (1985). Mr. Holland's motion to reveal the confidential informant (ECF #116, ECF #157) should have been granted also prior to trial. The government's misrepresentations to the courts heavily influenced the courts to erroneously deny Mr. Holland's motions to compel the government to turn over exculpatory evidence pertaining to his entrapment defense. See Hazel-Atlas Glass Co. v. Hartford, 322 U.S. 238, 244 (1944) (The Courts have the power to vacate it's judgement when it's been procurred by fraud.).

The government's use of forensic chemist reports without the original testing chemist, and the district court's answer to the jury that purity does not matter despite a 70% confidence level in the presence of less than 1% of fentanyl within the mixture, presents a substantial question under Jackson v. Virginia, 443 U.S. 307 (1979); Daubert v. Merrell Dow Pharm., Inc. 509 U.S. 579 (1993); and United States v. Barbosa, 271 F.3d 438 (3d. Cir. 2001

The Court's decision to exclude Dr. Neil Blumburg's expert testimony as to Mr. Holland's susceptibility to inducement constitutes an

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abuse of discretion, and deprived Mr. Holland of a fair trial in violation of his Fifth and Sixth Amendment rights. Mr. Holland gave notice of his intent to have expert evidence in accordance with Fed. R./Crim. P. 12.2(b) (See ECF #110). On June 15, 2023 the courts held a status conference to determine whether the case, United States v. Castro 776, F.2d 1118, 1130 (3d Cir. 1985) warranted Dr. Blumburg the authority to evaluate whether Mr. Holland was susceptible to inducement, in order for Mr. Holland to meet his burden of production for his entrapment defense. (See ECF #124). On July 25, 2023 the Courts filed a memorandum and order denying Mr. Holland's application to have "particular susceptibility" language incorperated into the Courts Order form for the evaluation criteria of Dr. Blumburg. (See ECF #125). During trial the Court's denied standby counsel the opportunity to question Dr. Blumburg on whether Mr. Holland's conditions made him more susceptible to inducement. (See T.R. Vol. 7 Pg. 907-912). The Courts abused it's discretion by not allowing Mr. Holland or standby counsel to ask Dr. Blumburg about Mr. Holland's susceptibility to inducement in front of the jury.

Jury Selection and Fari Cross-section violations raises a substantial question under Jackson v. Virginia, 443 U.S. 307 (1979); Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993); and United States v. Barbosa, 271 F.3d 438 (3d Cir. 2001), of whether the district court's jury selection process violated Mr. Holland's Sixth Amendment right to a jury drawn from a fair cross- section of the community by systematically excluding residents of Trenton, New Jersey a predominately poor, Black community and -disproportionately including homeowners, thereby excluding renters and minority jurors.

These arguments, while substantial, does not represent all of Mr. Holland claims or full arguments.

MR. HOLLAND DOES NOT POSE A FLIGHT RISK OR DANGER TO THE COMMUNITY

From November 12, 2021 through April 15, 2024 Mr. Holland has demonstrated compliance with all pretrial release conditions, and poses no threat to the community. Mr. Holland has strong family and community ties that will assure that Mr. Holland continues to abide by all court orders throughout the appeal proceedings while out on release. Mr. Holland has a 5 year old daughter that is just starting school in Prince Georges County Maryland and doesn't have any adult that will be able to take her to school or pick her up. She is not old enough to walk the busy highway street to and from school, and the school does not provide bus transportation. While out on bail Mr. Holland will be working for Doordash and tending to his children whom he will be living with. Mr. Holland also looks forward to getting married while out on release to Danielle Ward. The prison that he is now in does not allow him to exercise his Constitutional right to marriage due to BOP jail policies. Mr. Holland also has a mom named Cynthia Holland that is having health hardships and is causing her to have a hardship in her state registered transportation business. While out on appeal Mr. Holland will be helping his mother.

Prior to Mr. Holland's trial verdict on April 15, 2024 the courts made no findings that Mr. Holland was a flight risk or a danger. Mr. Holland has no new infractions while arguing his case. Mr. Holland promises to continue his good conduct and also promises to return to jail if his appeal is not granted in his favor.

CONCLUSION

For these reasons, Mr. Holland respectfully moves for release on bail pending appeal.

Respectfully Submitted,

Djavon Holland #74124-509
Federal Correctional Institution
Loretto Low
Post Office Box 1000
Cresson, P.A. 16630

APPX 39

IN THE DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, Plaintiff, v. DJAVON HOLLAND Defendant	Crim. No. 3:21-cr-00871

MOTION TO UNSEAL EX PARTE HEARING TRANSCRIPT AND RELATED DOCKET ENTRIES

TO THE HONORABLE ROBERT KIRSCH,

Mr. Djavon Holland, respectfully moves to unseal the transcript and all related docket entries from the ex parte hearing held on November 21, 2023 concerning Mr. Holland's motion to reveal the confidential informant (ECF #116), and other related motions to compel the government to turn over exculpatory Brady material from the Ocean County Prosecutors Office (OCPO) and to reveal the time frame and status of when Edward Parkhill became a informant for the OCPO. In support, Mr. Holland states as follows:

FACTUAL AND PROCEDUAL BACKGROUND

On November 21, 2023, this court conducted an ex parte hearing to determine whether the government was required to turn over evidence from the OCPO investigation including when confidential informant Edward Parkhill became an informant for use in Mr. Holland's entrapment defense. Mr. Holland had specifically moved for such discovery under United States v. Rovario, 353 U.S. 53 (1957), and for exculpatory material under Brady v. Maryland, 373 U.S. 83 (1963). The government represented to the courts on September 13, 2023 that they did not possess information about the timing or nature of Parkhill's informant status or the five month inducement period.

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Mr. Holland argued that this was a joint investigation between the OCPO and ATF and that such evidence was within the government's constructive possession.

Following the ex parte hearing, the Court denied Mr. Holland's motion to reveal the confidential informant and to compel the government to turn over any related OCPO discovery.

During trial, when stand-by counsel requested the same exculpatory and discovery material, the court ordered the government produce it, and it was provided to Mr. Holland mid-trial.

The transcript and any related filings from the November 21, 2023 ex parte hearing remain sealed.

ARGUMENT

There is a strong presumption of public access to judicial records and proceedings, including pretrial hearings and transcripts, especially where those records directly impacta defendant's constitutional rights. Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 509 (1984); United States v. Antar, 38 F.3d 1348, 1358, 59 (3d Cir. 1994). The right of access is even stronger where the transcript issneeded for meaningful appellate review and to ensure due process.

The ex parte hearing led to the denial of Mr. Holland's motions for exculpatory and impeachment evidence essential to his entrapment defense. The Court later ordered the government to produce this very discovery at trial, demonstrating that the initial denial may have been in error or based on incomplete or inaccurate representations. Unsealing is necessary: (1) to determine whether the court abused its discretion in denying Mr. Holland's motions; (2) to permit appellate review on whether the denial violated Brady, Rovario, Faretta, due process, or any other constitutional rights; and (3) to establish what factual or legal assertions were made by the government or considered by the Court.

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Any government interest in confidentiality or witness safety is no longer present, as the relevant discovery has already been produced, the case has proceeded to verdict, and the facts are now part of public record. Antar, 38 F.3d at 1359 (continued sealing must be justified by compelling interests, and the court must consider less restrictive means).

The suppression of exculpatory and impeachment evidence, and the denial of Mr. Holland's motions after an ex parte proceeding, implicate his rights under the Fifth and Sixth Amendments. These include the right to due process, confrontation, compulsory process, Faretta right to present a defense in his own way, and effective appellate review. Brady, 373 U.S. at 87; Rovario, 353 U.S. at 60, 61; Faretta v. California, 422 U.S. 806 (1975); McKaskle v. Wiggins, 465 U.S. 168, 177,78 (1984).

CONCLUSION

For the foregoing reasons, Mr. Holland respectfully request that the Court unseal the transcript and all related docket entries from the November 21, 2023 ex parte hearing and other filings or orders concerning Mr. Holland's motion to compel OCPO discovery and to reveal the confidential informant.

Respectfully Submitted,

Djavon Holland #74124-509

Case No. 3:21-cr-00871

Appeal No. 25-1019

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

CC

UNITED STATES OF AMERICA, Appellee,	
V.	Appeal No. 25-1019
DJAVON HOLLAND, Appellant	

MOTION FOR LEAVE TO FILE AN EXTENDED PAGE BRIEF

TO THE HONORABLE, THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Pursuant to Fed. R. App. P. 32(a)(7)(B) and Third Circuit Local Appellate Rule 31.4, Appellant Djavon Holland respectfully moves for leave to file an opening brief in excess of the standard word/page limits. In support of this motion, Mr. Holland states:

1. Relevant Procedural History and Complexity of the Case

This appeal arisies from Mr. Holland's conviction on multiple counts following a lengthy and complex federal criminal trial in the District of New Jersey. This case involves: 1.) Multiple transactions and a multi-month joint investigation by the Ocean County Prosecutor's Office (OCPO) and the ATF, 2.) Extensive issues regarding government inducement, entrapment, outrageous government conduct, and agency overreach, 3.) Allegations of prosecutorial misconduct, including Brady and Giglio violations, and suppression of exculpatory evidence, 4.) Significant evidentiary disputes regarding expert testimony, confrontation clause challenges to the government's use of lab reports and witnesses, and other Federal Rules of Evidence, and Constitutional issues, 5.) Jury selection, jury rulings, and fair cross-section challenges implicating both racial and socioeconomic exclusion, 6.) Complex issues of law and fact regarding agency statutory authority and jurisdiction, as clarified by recent Supreme Court precedent (Loper Bright Enterprises v. Raimondo, 144 S.Ct. 2120 (2024)). 7.) Multiple preserved

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constitutional, statutory, and procedural claims, each requiring developement and citation to a substantial trial record (including but not limited to issues relating to self-representation, unfair surprise, and cumulative error).

2. Need for an Overlength Brief

The standard word limit for principal briefs under Fed. R. App. P. 32(a)(7)(B)(I)(13,000 words) is insufficient to adequately addres the many preserved and interrelated issues on appeal, given the factual complexity and the number of distinct legal theories required for full and effective appellate review. See United States v. Bonds, 12 F.3d 540, 567 n.27 (6th Cir. 1993)(extended briefs are appropriate in complex multi-issue cases); United States v. McVeigh, 153 F.3d 1166, 1177 (10th Cir. 1998)(granting leave for oversized briefs in complex, multi-defendant criminal appeals).

3. Good Cause for Extension

Good cause exist for an extended brief because:

This appeal presents at lease eight distinct legal issues, including entrapment and predisposition, outrageous government conduct, cumulative prosecutorial misconduct, Brady/Giglio/Confrontation Clause violations, jury instructions, and Sixth Amendment jury selection claims. Each issue is fact-intensive and requires citation to a lengthy record.

The factual and procedural background is unusually detailed. The record includes a multi-month inducement campaign, undercover operations, and extensive pretrial and trial litigation. There are detailed and disputed facts regarding that conduct of confidential informants, government witnesses, and the interplay between state and federal agencies.

Appellant preserved each issue in meticulous pretrial and trial motions, oral and written objections, and post-trial filings (e.g., ECF #94, #116, #133-3, #262, #264, #279, #328). The factual record spans over four thousand pages, and proper advocacy requires careful citation and development.

Resolution of this appeal requires analysis under recent Supreme Court and Third Circuit precedent (e.g., Loper Bright, Jacobson, Sherman, Russell, Twigg, Taylor, Duren, Brady, Kyles, Sullivan, Sorrells, Hampton), including some issues of first impression in this Circuit post-Loper Bright.

A rigid word/page limit would force the omission or superficial treatment of critical claims, undermining Appellant's right to meaningful appellate review. See United States v. White, 743 F.2d 488, 494 (7th Cir. 1984)(granting extension where necessary for fair presentation).

Proposed Length

Appellant respectfully request leave to file a principal brief of up to 100 pages. This request is tailored to the specific need to fully present all preserved issues and provide adequate record citation and legal argument.

Consultation with Opposing Counsel

Mr. Holland is incarcerated and am presently not in a position to consult with opposing counsel on the issue of an extended page brief.

Conclusion

WHEREFORE, for all the reasons stated above and for good cause shown, Mr. Holland request that this Court grant leave to file an opening brief of up to 100 pages.

Respectfully Submitted,

Djavon Holland #74124-509

Appeal No. 25-1019

To The Presiding Honorable
Judges Assigned To My Appeal

October, 28, 2025

L.A.R. § 27.8 PRO SE MOTION TO FILE A SUPPLIMENTAL BRIEF

Dear Honorables,

I am writing today to ask you to please consider my supplimental appeal brief along with the Public Defenders brief. I told the public defenders department multiple times that I do not wish for them to waive any of my rights or claims on appeal, because this is my one and only chance to have my issues heard, or I am barred from bringing them up in a later proceeding. There is no way for me to have all my issues heard in a 28 U.S.C. § 2255 motion because there are so many procedural bars and hurdles against bringing claims that have not been raised on direct appeal.

It is fundamentally unfair to me to have an appeal lawyer waive all of my claims that I am unequivocally telling them to raise. Counsel's deliderate refusal to file an appeal bail motion, have the ex parte transcripts transcibed so that they can be reviewed and briefed on appeal, counsels lack of communication about what issues they are going to file and how they are going to word it when they file it, violates my right to be heard on appeal, due process and is ineffective assistance of counsel that needs to be adjudicated now in this appeal because the district courts are in cahoots with whatever sceme that the government and the public defenders department has going on that I been complaining about since the beginning of my case when I first fired the public defenders department. I dont trust them and am forced to use them because I am poor and don't have the money to pay for a lawyer whop will effectively argue the claims the way I ask them to. The trick that has been going on in the courts with lawyers is, They will bring up the claim you ask them to, in order to please the defendant they are

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representing, but will argue it in a way that will assure the claims denial, in order to please the government and the courts/judges who are signing their paychecks. So basically It's not what they are arguing but how they are arguing it that is selling defendats out. That is just one of the ways that the lawyers can't be trusted, they are also waiving every right that a defendant has, and not filing any meaningful motions or making any meaningful arguments on defendant's behalf. Then when a person tries to bring this up on a 2255 ineffective motion, the government argues hard to defend the terrible job that these lawyers are doing, and has most 2255 motions thrown our on some type of procedural error before it even gets to the merits.I ask that you look at my whole case de novo because it was so easy for the district court judges to deny all of my motions in order for the standard on appeal to be in light most favorable to the government. That is not fair to me when the entire district court proceedings was rigged and corrupt, and violated my constitutional rights.And it is unfair to ma to have to write a whole direct appeal brief under federal lockdown conditions, and extreme stress. This is the national concern and reaSON WHY the nation's confidence is very low when it comes to the criminal justice system, and the Supreme Court should redecide Jones v. Barnes, 463 U.S. 745 (1983), because Justice Marshall and Justice Brennan's dissenting opinion was right and the ruling is causing more harm to the administration of justice than it is helping. It is giving the public defenders department and lawyers the ability to call their 3% success rate in cases, effective counsel, why the government maintains a 97% conviction rate since 1790. That is terrible, and should be alarming to the nation and the Supreme Court and the question to consider is ; Why is the Public defenders department and lawyers success rate so low. Are they really defending the public or

is there representation just a hoax.

The Third Circuit has already said that an appeal advocate delivers deficient performance and prejudice a defendant by ommitting a "dead-bang winner". Justice Brennan, in the Jones Supreme Court case stated that clients, if they wish, are capable of making informed judgements about which issues to appeal, and when they exercise their prerogative their choices should be respected.

Why should I have to wait to have the Appeals courts deny the public defenders rinky dink claims before I have an opportunity to be heard. This is why the Supreme Court said that tactics like the ones being used in these proceedings will have the public and a defendant believe and witness the law being used against them and the constitution just being a old piece of paper that is rotting in the National Archives, that no one can really trust and believe in any more. This is also the evil work of factions the President George Washington warned this nation about in his Farewell address to the Nation. The political Democrat and Republican gangs that are running the nation are perverting justice from truly being rendered, because of the political war that they are having against each other.

These lawyers and Public defedners dont want to make tough arguments and ask tough questions to the courts. They don't want to argue against the unconstitutional tactics that the government and prosectutors are using. This is why they only have a 3% success rate nation wide. Only way to get a lawyer to really work is to either have money to pay or by being a big business that is filing a civil suit. Justice for the poor is not existant and justice for African Americans has never been realistic in this country.

I'm asking to pleas have my issues heard on Appeal. This is

not all of my appeal issues but it is the best that I could do under the lock down circumstances. Please forgive the typos within my appeal. I am not trying to be disrespectful to the courts but there is no other way for me to have my issues heard by you especially if the public defedner is unwilling to argue anything I am telling you and then is just going to submit a brief to you without even showing me what they are submitting. That is not fair to me at all. They didn't want to show me anything before they submitted it because they knew that I would be displeased with their work and wither ask them to do it over or would have asked the courts to appoint me a new counsel that would not sabotage my appeal.

I didn't go all the way to trial pro se, and bring up all the issues I brought up just to have the public defenders waive everything I done, by not filing any of the issues on appeal. That is not fair to me, And it is not fair to me to have to try to raise an appeal pro se while I am locked up. Do you know how hard it is to do this. The public defenders have a whole team of people on this appeal and I bet that there brief does not look half the size of my 117 page brief. I got an 4,500 page docket into 117 pages. If I was home I could have done a better job and brought all the issues I wished to argue, like how Ms. Cimento should have never been able to over argue side bar issues during the trial, especially when she wasn't there to hear all of Edward Parkhill's testimony. I didn't get a chance to bring other issues as well especially when it came to the chemist and the reports that the courts should have never allowed in. Also I wanted to bring up my coram Nobis issue because Delaware left a charge on me that I should not have on my record. That whole indictment should have been dismissed as a remedy for reversing my appeal

on the grounds of vindictive prosecution. I have this and more issues

Could you please ask the Suprmem Court a certified question as to whether Jones v. Barnes, 463 U.S. 745 (1983) should be revisited because of the terrible job that these lawyers are doing. The 3% success rate they have is basically the equivolent of a defender not being represented by counsel at all. In the Faretta v. California colloquy the courts warn me about the dangers of representing myself but in actuality it is more dangerous to have the public defender represent you because everyone locked up knows that the public defenders are selling out, nation wide so the best thing to do is take the plea, because if not you going to get cooked by going to trial.

Going pro se is by force not by choice because the public defenders in this country is not working so I have a better chance of doing things myself. I ask that if you are not willing to accept my brief, then at least give me a chance to look at the brief that the apeal lawyers wrote so that I can at least make a decision on whether I wish to exercise my Constitutional Right to Fire them and Proceed on this appeal By myself pro se. I should have that option and the Public Defenders Department should not be able to violate my right by filing a brief without first showing it to me in advance. That is ineffective assistance of counsel because the appeal counsel should always allow me to make an informed decision on whether I wish to exercise my right to go pro se and they should have showed me a completed draft version of what they were planning on filing before they took it upon thereself to file it.

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The right to defend and advocate for myself is personal and, as Justice Brennan said in Jones. v. Barnes, to force a lawyer on a person would lead me to believe that the law contrieves against me. Anders v. California recognizes that the advocate's role "requires that he/she support his client's appeal to the best of his ability". I know that whatever they filed is not the best of their ability.

In Jones v. Barnes, Justice Brennan said in so many words, that while the courts does not reach the question on whether counsel's failure to raise nonfrivolous constitutional claims on appeal, which a client insisted, constitutes "procedural default" for § 2255? His answer was yes and I think so as well., but the courts thinks other wise. Because the courts thinks otherwise, there is no other way for my claims to be heard and will be forever waived if this courts does not adjudicate them.

I humbly ask this court to accept my supplimental appeal brief and adjudicate my issues please. Please consider my motion for an appeal bail because I asked the public defender to file one on my behalf and I guess they made the strategic decision not to do that just like they chose not to transcribe the ex parte transcripts. Justice Brennan siad in, Jones v. Barnes, that an attorney, by refusing to carry out his client's wishes, cannot forever foreclose review of nonfrivolous constitutional claims, as he also noted in Faretta v. California. "For such overbearing conduct by counsel, there is a remedy," citing Brookhart v. Janis 384 U.S. 1 (1966); and fay v. Noia, 372 U.S. 391, (1963). Even though he said this there is no real remedy because § 2255 motion bars a person from doing so.

CONCLUSION

I ask the courts to please consider my appeal brief.

Thank you.

Djavon Holland #74124-509

Federal Correctional Institution

Loretto Low

Post Office Box 1000

Cresson, Pennsylvania, 16630

Appeal No. 25-1019

No. 25-1019

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

UNITED STATES OF AMERICA

v.

DJAVON HOLLAND
Defendant-Appellant.

On Appeal From The United States District Court
For The District Of New Jersey
No. 3:21-cr-00871-RK (Hon. Robert Kirsch)

BRIEF OF APPELLANT

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Cresson, Pennsylvania 16630

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Constitutional Authority

The Whole Constitution Applies to Mr. Holland ....

Mr. Holland reserves all of his Rights
and waives none of them ....

Judicial Authority

Mr. Holland envokes the Judges to use their
Sua Sponte Authority to adjudicate all issues
that are briefed and unbriefed in this case.
in the interest of justice, to avoid a miscarriage
of justice, and for fundamental fairness, and well
as for justice to not turn a blind eye to any errors,
or constitutional violations that should have been addressed
and brought up but were not ....

HIGHER AUTHORITY

Mr. Holland request the Supreme Ruler to step in and
adjudicate the matter, if the Court of Appeals
secretly plots in their mind, or with others, to
pervert justice in this case like the distict court
government, and public defenders department has done thus
far, because if the Appeals Courts doesn't correct it, and
the Supreme Court doesn't open their door, then there is
no other authority to appeal to but the Supreme Ruler of
The Universe, that was appealed to in The Declaration of
Independance ....

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JURISDICTIONAL STATEMENT

The District Court had jurisdiction under 18 U.S.C. § 3231. This Court has jurisdiction under 28 U.S.C. 1291. Mr. Holland filed a timely notice of appeal on January 2, 2025 (ECF #328).

STATEMENT OF THE ISSUES?QUESTIONS PRESENTED

I. Whether counts 1,2,& 3 of the indictment must be dismissed on the grounds of entrapment, outrageous government conduct, lack of statutory authority, sentencing factor manipulation, and/or due process?

B. Whether fundamental fairness has been violated in this case?

C. Whether the courts should use an objective test to determine entrapment instead of the subjective test? Hampton v. United States, 425 U.S. 484 (1976).

D. Whether the ATF exceeded their statutory and regulatory jurisdiction as set forth in 28 C.F.R. § 0.130,/and whether this claim should should have been adjudicated in accordance with 5 U.S.C. § 706, and which is now clarified by Loper Bright Enterprises v. Raimondo, 144 S.Ct. 2210 (2024)?

E. Whether the Third Circuit should adopt the sententencing entrapment/ sentencing factor manipulation doctrine and set a clear standard and precedent for the district courts to follow?

II. Whether the prosecutor committed misconduct by failing to turn over exculpatory Brady material at an ex parte hearing that the Court ordered and held?

Mr. Holland filed a Rovario motion to reveal the confidential informant, and multiple Brady request and motions to compel the government to turn over the time frame on when the Ocean County Prosecution Office (OCPO) activated the confidential informant in this case to start working for them. Mr. Holland requested this exculpatory information for the purpose of preparing his pro se entrapment defense. The courts held an ex parter hearing with the government and asked them to produce a witness that could

provide information about the OCPO's investigation prior to the first drug transaction in this case. The courts determined that an expparte hearing was necessary because the 5 months of inducement that Mr. Holland claimsd that the confidential informant perform from April to August, was concerning/alarming to the courts. The courts asked the government to produce all evidence the OCPO had about this time frame.

After the ex parte hearing was held the courts denied Mr. Holland's motions for this information, and exculpatory evidence for his entrapment defense. Because of this denial and the surprise of the government unexpectantly turning confidential informant Edward Parkhill into a government witness once they definitively found out that Mr. Holland was, in fact, calling him as an exculpatory defense witness; Mr. Holland could not effectively prepare a pro se trial strategy to effectively represent himself thereby forcing him to ask stand-by counsel to question Edward Parkhill.

The multiple acts of prosecutorial misconduct violated Mr. Holland's constitutional rights and caused him to not represent himself as effectively as he could have.

B. Whether the vindictiveness of the prosecution warrants the courts to dismiss the indictment?

III. Whether the District Court abused its discretion by allowing the OCPO's confidential informant, and government's witness Edward Parkhill to invoke his 5th Amendment right on cross examination after he opened the door to being questioned and cross examined, via direct examination?

IV. Whether the District Court Abused its discretion by refusing to allow Dr. Blumburg to evaluate or testify to Mr. Holland's susceptibility to inducement?

V. Whether the verdict sheet in this case was unconstitutionally vague by failing to require the jury to render a clear and specific verdict on the elements of entrapment?

The verdict sheeet in this case did not insure that the government

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disproved entrapment, or the elements of entrapment beyond a reasonable doubt.

VI. Whether the District Court abused its discretion or erred as a matter of law by instructing the jury that the purity of fentanyl does not matter?

B. Whether the courts erred by determining that United States v. Chapman, 500 U.S. 453 (1991) controlled this issue?

If Chapman did control then the courts should question whether the principles of the Chapman case needs to be reconsidered in light of the delimma with the jury in Mr. Holland's case?

VII. Whether 21 U.S.C. § 841, the federal drug trafficking statute, is unconstitutional as applied to Mr. Holland (and Black African Americans), because its origins and legislative purpose were rooted in an intent to criminalize and oppress Black Americans and political dissendents, in violation of the 5th Amendment's guarantee of equal protection and due process, as well as the 1st, 4th, 5th, 8th, 9th, 14th, 13th, and 21 Amendment of the United States Constitution?

VIII. WHETHER MR. HOLLAND'S CONSTITUTIONAL RIGHTS WERE VIOLATED WHEN HE WAS DENIED HIS RIGHT TO EFFECTIVELY REPRESENT HIMSELF AT THE GRAND JURY HEARING

IX. Whether New Jersey Robbery convictions are "crimes of violence" for career offender purposes?

X. Whether the district court erred in treating Mr. Holland's Delaware drug conviction as a controlled substance offense under U.S.S.G. § 4B1.2

XI. Whether the District Court Abused its dicretion by not granting a 2-level deduction for acceptance of responsibility under U.S.S.G. 3E1.1

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STATEMENT OF THE CASE

In October of 2020, Mr. Holland recieved 1 year of probation from the state of Delaware for a nonviolent drug charge. After the conviction Mr. Holland stopped selling drugs and changed his life around. In January of 2021 Mr. Holland started a business. (See Trial Defense Exhibit). In Febuary of 2021, he regained his citizens rights. (See Trial Defense Exhibits). Despite dealing with physical and mental health issues, as a result of being shot, Mr. Holland was doing his due diligence to be a law abiding citizen.

On March 18, 2021, the Ocean County Prosecutor's Office (OCPO), in conjunction with other law enforcement agencies executed a search warrant to arrest Edward Parkhill, and his girlfriend, on heroin distribution charges. (See ECF#). In order to save his girlfriend from criminal charges and reduce his sentence, Parkhill signed a confidential informant agreement on April 1, 2021. (See Exhibit ;also see Trial Transcript pg). Parkhill began setting up a number of indivisuals on behalf of the OCPO.

Mr. Holland and Parhill had known each other since 2017, having met in New Jersey state prison where they discussed aspirations for a law-abiding life. After Mr. Holland was shot in the head in 2019, Parkhill offered support and condolenses, and they stayed in contact frnquently via telephone Facebook, and social media.

On or around April 1, 2021, Parkhill started asking Mr. Holland to bring him drugs. The reason he told Mr. Holland that he needed the drugs was because he needed extra money to leave his family once he went to jail. For 5 month, under OCPO and ATF direction, Parkhill persistently pressured Mr. Holland to travel from Maryland to New Jersey to sell him drugs. Mr. Holland repeatedly refused, and even asked Parkhill for a job at his pavement company that he owned. Mr. Parkhill agreed to add Mr. Hollan to the list of workers and even sent Mr. Holland a work shirt. Parkhill knew that Mr. Holland was struggling mentally and financially while

being in an unstable relationship with his girlfriend and having a newborn baby to take care of. Instead of Parkhill giving Mr. Holland a legitamate job like he asked for he continued to pressure Mr. Holland to bring him drugs.

In June of 2021, doctors from EVMS in Virginia, documented Mr. Holland's worsening mental health conditions and referred him to psychiatric care. However, Mr. Holland was unable to obtain psychiatric treatment, or the proper medications due to the rejection of his insurance.

In July of 2021, Mr. Parkhill continued to pursue Mr. Holland to sale drugs even though Mr. Holland repeatedly told him no. Mr. Parkhill even reported to the OCPO, for a status update, and told them that he didn't think that he would be able to set Mr. Holland up. The OCPO instructed Parkhill to keep trying, and the pressure to set Mr. Holland up continued.

In August of 2021, after repeated unrecorded Facebook, social media, and telephone messages from Parkhill, Mr. Holland agreed to find some drugs to bring to him. The OCPO supplied inaccurate information to the ATF that Mr. Holland was supplying both guns and drugs to Parkhill. The ATF and the OCPO began a joint investigation into Mr. Holland.

The First Transaction

On August 12, 2021 Parkhill introduced Mr. Holland to ATF confidential informant Ralik Gore, a.k.a (Doe) as his business partner. The meeting took place in Mr. Gore's government issued BMW. The meeting was recorded via audio and video surveillance. During the meeting Gore opened and initiated conversation with Mr. Holland about the drugs. Critically, the first thing Mr. Holland made clear was that prior to this August 12, 2021 meeting, he was out of the drug trade and "just getting back into it". (See audio/video surveillance). No evidence of prior sales between Parkhill and Mr. Holland were ever produced by the OCPO. At the conclusion of this meeting Parkhill provided ATF agents with Mr. Holland's phone number.

During the first sale neither Parkhill nor Gore, mentioned guns to Mr. Holland.

Between the First and Second Transaction

Between August 12, and August 18, 2021, confidential informant Gore initiated further recorded and unrecorded, telephone communications with Mr. Holland. Gore attempted to persuade Mr. Holland to sell him guns, but Mr. Holland told him that he was not a gun trafficker. Mr. Holland communicated that he only dealt with Parkhill and Gore with drugs, and if they did not need more, he would not get any. Mr. Gore insisted that Mr. Holland get more drugs because he was going to get it. On a subsequent unrecorded call Parkhill asked Mr. Holland to meet with him to bring him some drugs. This was done without the knowledge of the OCPO or ATF. Mr. Parkhill informed Mr. Holland that he would let him know how he liked the stuff. Assuming that Gore and Parkhill were business partners, Mr. Holland called Gore a day or so, after seeing Parkhill to see how they liked the stuff that he gave to Parkhill. On a recorded phone call Gore stated that he did not know that Parkhill had met with Mr. Holland. Gore said that he would call Parkhill to see what was going on. Mr. Holland told Gore that he was waiting on them to call back because he only dealt with him and Parkhill and if they didn't need the stuff then he would just give it back to his supplier and be done with it. Gore abdimantly told Mr. Holland to never give anything back to his supplier. He told Mr. Holland that he would call Parkhill and get the stuff from Mr. Holland This shows that Parkhill was still involved with influencing Mr. Holland to deal with ATF informant Gore after the first transaction.

The Second Transaction

ATF informant Gore met with Mr. Holland for the second drug transaction on August 20, 2021. Gore told Mr. Holland that once he had the drugs, he would not let him give them back and encouraged him to get more so they could continue doing business.
continue doing business. These statements shows that the government did not

give Mr. Holland an opportunity to withdraw, but instead they pushed him to continue selling drugs despite his reluctance and offer to give the drugs back. During the second transaction Mr. Holland was still suffering from untreated and worsening mental health conditions. during this

After The Second Transaction

On or around August 24, 2021 Edward Parkhill was arrested on new drug charges in Trenton New Jersey. He was arrested while still being an informant for the OCPO. It is unclear whether Parkhill was arrested in Trenton for getting drugs from Mr. Holland without the ATF or OCPO's authorization. In September of 2021, Mr. Holland still had drugs waiting for Gore and Parkhill as requested by them. After unsuccessful attempts to reach Gore and Parkhill, and being unable to now give the drugs back, Mr. Holland gave the drugs to someone who never paid him. This put Mr. Holland in debt with his supplier. When Mr. Holland told Gore what happened, Gore offered to buy guns, from Mr. Holland as a way to get him out of debt with his supplier. Mr. Holland once again refuse the offer to sell guns by stating that guns were "not his department." Gore threatened, on unrecorded phone calls, that if Mr. Holland did not find him guns, he would not buy more drugs. Mr. Holland told Gore that he could not sale him guns but gave him the phone number to a licensed gun dealer that he knew in Virginia. After giving him the phone number, Mr. Holland ended communication and the sale of drugs with Gore and Parkhill. In September of 2021 the ATF confirmed that Mr. Holland was not a gun trafficker as the OCPO had claimed.

The Third Transaction

On November 2, 2021, ATF informant Gore reinitiated telephone communication with Mr. Holland, seeking to induce him into a nonviolent drug transaction for the sole purpose of making an arrest on Mr. Holland. Gore exploited Mr. Holland's drug debt and offered to help him out of the debt by puchasing a large quantity of drugs. Mr. Holland told Gore that he

was working for UberEats, Mr. Holland explained over several days of discussion that he could get the drugs but did not want to get the drugs, especially if Gore did not need them because once Mr. Holland got the drugs he could not give them back. On or around November 8, 2021 Gore called Mr. Holland once again about the drugs and said that he was waiting for Mr. Holland to call him but Mr. Holland never did so. If Gore would not have called Mr. Holland on November 2, 2021, and again on November 8, 2021, Mr. Holland would not have sold drugs and would have still been working UberEats. On November 9, 2021 Mr. Holland called Parkhill and asked him if he should go to meet with his business partner Gore, because he didn't know if they were still partners. Mr. Parkhill told Mr. Holland to go and see Gore (See Mr. Holland's discovery and trial exhibits with the November 9, 2021 Facebook communication between Parkhill and Mr. Holland. It was unrecorded but still shows that Mr. Holland spoke with Mr. Parkhill that night.) Mr. Holland adamantly expressed to Gore that he did not want to drive to New Jersey and asked him to meet him in Maryland. Gore agreed to come to Maryland, but later claimed that he had car trouble and ultimately told Mr. Holland to come to New Jersey.

On November 10, 2021 Mr. Holland was arrested at the arranged meeting by ATF and OCPO officers. Law enforcement conducted warrantless searches at Mr. Holland's Maryland home and his mother's house in Virginia. Both searches yielded no guns or drugs. During this period, Mr. Holland's psychiatric condition continued to deteriorate due to lack of treatment.

Procedural History

On November 12, 2021 Mr. Holland elected to represent himself, pro se, during his bail hearing in front of Magistrate Jessica Allen. Mr. Holland was released on bail witht the conditions of 24 hour home confinement and ankle monitoring./ On that same day the courts filed a written order to the docket which order the government to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland

373 U.S. 83 (1963). The courts further stated that failure of the government to do so in a timely manner may result in consequences, including, but not limited to, the Court's order to produce information, the granting of a continuance, the exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court. (See ECF #9).

On November 17, 2021 Mr. Holland was indicted without him having a fair opportunity to represent himself or make any challenges in accordance with Fed.R.Crim.P 6. (See ECF#10.). On November 22, 2021 Naazeen Khan, and Rachael Honig, entered there appearance as United States Attorney's on this case. On November 22, 2022 Mr. Holland filed a motion have a proper opportunity to raise the proper challenges to the Grand Jury Proceeding. (See ECF #12; 12-1.). On November 24, 2021 Mr. Holland filed a discovery motion, requesting discovery in it's entirety. (See ECF#13; See also ECF#14). On November 30,2021 Mr. Holland filed a motion to know the governments intent to use any evidence that the defendant may be entitled to discover. (See ECF#15). Mr. Holland also filed a notice in accordance with Fed.R.Crim. P. 12, of his insanity defense and his entrapment defense. (See ECF#15-1).

On On December 29, 2021 a standing order was issued which suspended judicial proceedings due to COVID-19. (See ECF#21).

On January 10, 2022 Mr. Holland asked Assistant Attorney General Naazneen Khan, for early disclosure of discovery, due to COVID-19 delay. (See ECF#22).

On On Febuary 15 2022 Mr. Holland filed a motion to have a opportunity to challenge the grand jury for the superseding indictment proceeding which was scheduled for Febuary 17, 2022. (See ECF #23; #24.). Mr. Holland was indicted on a superseding indiment on Febuary 17,2022 as scheduled. (See ECF #28), but was not giving a fair opportunity to challenge the grand jury in accordance with Fed. R. Crim./P. 6(b)(1). (See ECF #29).

On Febuary 22, 2022 the government asked Judge Sheridan to conduct a pro se colloquy in light of the Third Circuit's decision in United States

v. Taylor, 20-3158 (3d Cir. 2021). (See ECF#30).

On Febuary 22, 2022 Mr. Holland filed a motion to dismiss on the grounds of Vindictive Prosecution. (See ECF #31), On Febuary 24, 2022 Mr.Holland also filed a notice of expert evidence of a mental condition in accordance with Fed. R. Crim. P. 12.2(b). (See ECF #34). On Febuary 28, 2022 Mr. Holland filed another motion in accordance with Fed. R. Crim. P 16 to be supplied with all discovery evidence in it's entirety. (See ECF #39-1). Mr. Holland also filed a motion to disclose the identity of confidential informants and for discovery regarding the informants. (See ECF #40).

On September 30, 2022, Special assistant United States Attorney Timothy Shaunessy appeared and filed a reply brief to Mr. Holland's grand jury challenge motions, his letters seeking discovery, his motion to reveal the confidential informant and his vindictive prosecution motion. (See ECF#55). In this motion the government said that they will comply with discovery obligations when the courts set a discovery schedule. (See ECF pg. ID. 410). The government then suppied Mr. Holland with an incomplete chemical analysis report. (See ECF #55-1). Mr. Holland filed a reply brief on October 4, 2022. (See ECF#57). On October 4, 2022 Mr. Holland also asked the government to once again turn over Rule 16 discovery in it's entirety. (See ECF # 57-7.).

On October 7, 2022 the Courts filed a scheduling order to the docket. (See ECF #59). On October 11, 2022 Mr. Holland filed a request for the proper papers to challenge the Grand and Petit Jury. (See ECF #62). On this day Mr. Holland also wrote a letter for the record to address him waiving his right to a speedy trial more out of fear than a tactical decision. (See ECF #64). It was at this time that Mr. Holland realized that he was not going to get any real relief or fair hearing proceedings in the court.

On October 6, 2022 the Courts held a hearing on Mr. Holland's motions. On October 11, 2022 the courts denied all of Mr. Holland's motions. (See ECF#63

On October 17, 2022 Pretrial services requested the courts to remove ECF #33 and 35 as unnecessary. (See ECF # 44). Mr. Holland filed a motion

to have ECF #33 & 35 placed back onto the docket. (See ECF #70). The government did not oppose Mr. Holland's request. (See ECf #76). On November 18, 2022 the Corts denied Mr. Holland's oral application to withdraw the continuance order but granted his motion to have ECF #33 &35 restored to the docket. On November 10, 20222Mr. Holland once again requested the inspection of jury records in connection with jury selection process. (See ECF #78). The courts also denied this motion as well. (See ECF # 79).

On November 22, 2022 the Court Clerk, William T. Walsh, also denied Mr. Holland's request to inspect the records. (See ECF #84). On November 23, 2022, Mr. Holland once again requested to recieve the proper papers to challenge the grand and Petit Jury in his case. (See ECF #85). The clerk once again denied Mr. Holland's request on December 5, 2022. (See ECF #88).

On December 1, 2022 Mr. Holland requested to have complete applications of the warrants and affidavits of all warrants, and also all rule 16 discovery pertaining to the joint investigation that included the OCPO. Mr. Holland also asked for the full lab reports and photos. (See ECF #86 & 87). Mr. Shaughnessy was the appropriate person to request this from because he was a special states attorney that worked for the OCPO in this case.

On Febuary 28, 2023 James Donnelly, substituted for Special Assistant U.S. Attorney Timmothy Shaughnessy, who withdrew from the case. (See ECF #93). On March 16, 2023 Mr. Holland filed a request to Mr. Donnelly asking for him to return Mr. Holland's cellphones that were confiscated. (See ECF #94 & 95). On March 20, 2023 Megan Linares and Jenny Chung filed there apeearance to the docket. (See ECF #96 & 97).

On April 07,2022 a memorandum was filed, under seal, which ordered an evaluation on Mr. Holland in order to determine whether he was compentent to stand trial and represent himself. (See ECF #104). On April 21, 2023, Mr. Holland filed a letter motion requesting to have a qualified forensic psychologiost evaluate him for his entrapment and insanity defense. (See ECF

#105). On May 14, 2023 Mr. Holland filed another notice of expert evidence of a mental condition, in accordance with Fed. R. Crim. P. 12.2(b). (See ECF #110). On May 17, a status conference was held and the courts granted Mr. Holland's motion to have an expert witness appointed to evaluate Mr. Holland for the purpose of his entrapment defense. (See ECF #112). On May 23, 2023 the court filed a draft proposed order for neuropsycholgist Dr. Neil Blumburg, for the government and Mr. Holland to revise. (See ECF #113). Mr. Holland filed a revised draft to the docket. (See ECF #119-1). On June 15,2023 the courts held a status conference in order to determine whether the case that Mr. Holland encorperated into the draft proposal, United States v. Castro 776, F.2d 1118,1130(3d Cir. 1985), warranted Dr. Blumburg the authority to evaluate whether Mr. Holland was susceptible to inducement, in order for Mr. Holland to meet his burden of production for entrapment. (See Transcripts for minute entry ECF #124). Mr. Holland argued that his notices of having expert evidence, in accordance with Fed. R. Crim. P. 12.2(b) is the authority which should allow him to have Dr. Blumburg evaluate and testify to Mr. Holland's susceptibility to inducement. On July 25, 2023 the Courts filed an Memorandum and Order denying Mr. Holland's application to have "particular susceptibility" language incorperated into the Courts Order form for the evaluation criteria of Dr. Blumbuirg. (See ECF #125).

On May 15, 2023, Mr. Holland filed another motion to compel the government to turn over Brady/Discovery material. (See ECF #111). On May 24, 2023, the Courts denied Mr. Holland's motion, once again on the grounds of mootness. (See ECF #115). On August 2, 2023 a amended trial scheduling order was issued. (See ECF #129). On August 4, 2023, Mr. Holland filed another motion to compel the government to turn over dicovery (See ECF #131). In this motion Mr. Holland asked for all evidence that would exculpate and mitigate his culpability in accordance with Fed. R. Crim. P. 12(b)(1), and Brady v. Maryland, 373 U.S. 83 (1963). Mr. Holland also quoted Napue v. Illinois, 360 U.S. at 269 and United States v. Hill, 976 F.2d 132, 134-35

(3d Cir. 1992), which highlighted that impeachment evidence falls within the brady rule and the truthfulness and reliabilty of a given witness may well be determinative of guilt or innocence... and subtle factors can determine the guilt or innocence of Mr. Holland. Mr. Holland made clear that the government has "a duty to learn of any favorable evidence known to the others acting on the governments behalf, in cluding the police." He quoted Brady, United States v. Giglio, 405 U.S. at 154, 92 S.Ct. 763 (1972) and Kyles v. Whitley, 514 U.S. 419, 437, 115 S. Ct. 1555, 131 L.Ed 2d. 490(1995). He also cited to United States v. Joseph, 996 F.2d 36, 39 (3d Cir. 1993); and U.S v. Risha, 445 F.3d 298, 303 (3d Cir. 2006) to support the fact that the government in this case should have had constructive possession of discovery material from the OCPO. (See ECF 131).

On August 5, 2025, Mr. Holland filed a motion to supress the arrest warrant (See ECF 133 & 133-1); a motion to dismiss the indicment or in the alternative, Count 3 for lack of Delgated Authority (See 133-2); a notice of an insanity defense, entrapment defense, notice of expert evidence of a mental condition, and a notice of an investigative expert as a witness, (See ECF # 133-3); a motion to dismiss the indictment for Outrageous Government Conduct (See ECF # 134-4); Fed. R. Crim. P. 16(b)(1) defense discovery (See ECF 134). Mr Holland also filed a motion for the courts to reveal the confidential informant. (See ECF #116 which has been removed from the docket without the knowledge or consent of Mr. Holland.) The government filed a reply motion on June 21, 2023, (See ECf #120). Mr. Holland filed a reply to the government's motion on June 22, 2023 (See ECF #122). Mr. Holland also filed a motion to amend the language in the Psychiatric evaluation order. (See ECF #136). Mr. Holland filed a motion to diclose the full personnel file of Special Agent Greg Sheridan (See ECF 139).

On September 13, 2023, a motion hearing proceeding was held on all of the above stated motions. (See Transcripts for minute entry ECF # 146); (See ECF #170).

During the hearing the government stated to the Courts that the

they did not intend to call the Ocean County Prosecutor's Office informant as a witness. (See ECF #170 Transcript Pg. 5 Lines 21-25). The government further stated that if they called the ATF informant then they would obviously have that witness on the witness list and would provide any other impeachment information just like any other witness. (See ECF #170 Pg. 6 Lines 1-3.) The government stated that there is no information that could possibly be disclosed to support a defense of entrapment. see ECF #170 Pg. 4 Line 22-24). The government stated that Mr. Holland had a heavy burden to show that there is a specific need for this information beyond a mere speculation. And they called Mr. Holland's ECF #116 motion mere speculation. (See ECF #170 Pg.3 Line 22-25.) Mr. Holland responded by saying that there was a specific need, specifically for the confidential source for the OCPO pertaining to his entrapment defense. (See ECF #170 Pg. 6--9). The government stood by there position on saying that what Mr. Holland was claiming was pure speculation and that they had no exculpatory information to turn over. The Court then granted Mr. Holland's ECF #130 motion to hire a investigator to speak to the OCPO informant. (See ECF #170 Pg. 12-13). The Courts then moved to ECF #131, which was Mr. Holland's motion to compel Brady material. The Government claimed that Mr. Holland's request were speculated but Mr. Holland argued that his request wer specific. The courts claimed that Mr. Holland's arguments on the papers sounded speculated but then the Courts read from the specific list of request in Mr. Holland's ECF #131 paper motion and specifically asked the government if they disclosed the time frame of when the Ocean County offered the Confidential informant the opportunity to be an informer. (See ECF #170 Pg.17-20). The government told the Courts that they haven't produced this material. (ECF #170 Lines 11-25). Based off of this hearing, the Courts order an ex parte hearing in which the government was to produce a witness who could testify to the OCPO's role in the investigation. After Having the ex parte hearing the Courts denied Mr. Holland's ECF #116 motion. (Please See ECF #116 motion). (See also

ECF #156 Memorandum and Order denying ECF #116; see also ECF #157 Mr Holland' motion for reconsideration. It should be noted that Mr. Holland never recieved this motion.)

On November 2, 2023 the government filed a reply motion to Mr. Holland's ECF #157 motion for reconsideration. The government did not oppose Mr. Holland's motion for reconsideration because they did not dipute that a witness for the OCPO informant should have been called to the ex parte hearing, and a reconsideration would be warranted in order to correct a clear error of law or manifest injustice. United States v. Davis, Crim No. 05-0482, 2012 WL 1950217, at 1 (D.N.J. May 30, 2012). (See ECF #162 government's reply motion). Even though the government did not oppose reconsideration, the courts still denied reconsideration (See ECF #173) and then sealed off the records and documents (See ECF #174). On November 28, 2023 Mr. Holland appealed the courts ECF #173 decision (See ECf #175). On December 8, 2023 the Courts denied Mr. Holland's motion for interlocutory appeal (See ECF #180). On December 11, 2025 Mr. Holland sent a letter motion to the courts to complete his argument on the reasons why the court should have reconsidered his ex parte motion. (See ECF #183). In this letter Mr. Holland laid out a detailed reason why he needed the information from the OCPO as exculpatory discovery evidence. This letter completed his argument for the December 11, 2023 oral status conference hearing. The courts denied this request as well.

On January 29, 2024 Mr. Holland objected to the verdict sheet not specifically allowing the jury to clearly make a verdict as to the issue of entrapment. (See ECF #206-1 PageId:1872).

On January 25, 2024 the government filed their limine motion. (See ECf #202). Mr. Holland responded on January 31, 2024 (See ECf #208). On Febuary 1, 2024 Mr. Holland filed a motion in limine (See ECF #209). On Febuary 27, 2024 the Courts rescheduled the limine motion hearing. (See ECF #211).

APPX 99

On March 11, 2025 Mrs. Adrea Burgman was appointed a position as a judge and Mr. Michael Alexander Thomas entered his appearanc as standby counsel. (ECF #213).

On March 18, 2025, a telephone oral argument was held on the fild limine motions. (See ECF #216 and transcripts). During this hearing the government argued why they believe that Mr. Holland should not be able to argue entrapment within his defense at trial. (See ECF #216 Pg. 11-39). Mr. Holland quoted Fed. R. Crim. P. 704(a) to show that Dr. Blumburg should be able to testify to the ultimate issue of entrapment. Mr. Holland also cited to Mathews v. United States, 485 U.S. 58 and Jacobson v. United States 503 U.S. 540 (1992), to show that a person can have the intent to commit a crime but still be entrapped. (See Transcript page 14 line 1-21) (See also Pg. 16 Line11-17). The courts asked Mr. Holland what main points I would be asking to Dr.Blumburg as a witness (See pg 15. L.17-19), and the courts also asked Mr. Holland to put on his best presentation of his defense at the present time. (See Trans. Pg. 18 L.12-13). Mr. Holland referred back to the Mathews Supreme Court case 485 U.S. 58, which clearly states that the entrapment defense is a question for the jury rather than the courts, and he shouldn't have to disclose his whole defense to the government at this stage of the proceedings. (See Trans. Pg. 18 L.1-25). When the courts had cut Mr. Holland off midsentence and said that he had heard enough from Mr. Holland standby counsel asked the courts to briefly interject to ask the courts if it would make sense to conduct at least portion of the questioning of Mr. Holland's defense ex parte. (See Trans. Pg 19 L1-5). The government objected and stated that "Trial is the time for Mr. Holland to prove that he committed the charged offenses. Trial is not the time for him to prove that he was entrapped." (See Trans, Pg 19 L.12-15.). The courts ultimately decided to reserve making a decision on the limine motion. (See ECf 216).

APPX 100

Due to the biasness of the courts on fully hearing Mr. Holland argument on March 18, 2024, the public defenders department filed a motion with the consent of Mr. Holland and in accordance with Supreme Court caselaw McKaskle v. Wiggins, 465 U.S. 168, 182 (1984). (See ECF #224). In there motion they argued that Mr. Holland had already made a prima facie case of entrapment and needed no further proffer. They cited to United States v. Watson, 489 F.2d 504,509 (3d Cir. 1973) to show when a defendant is entitled to an entrapment instruction. (It should also be noted that this case also points out that a entrapment instruction does not cure the lack of entrapment not being mentioned on a verdict sheet clearly for the jury to consider.).

On March 26, 2023 a telephone conference oral argument was held to address the ECF #202 limine motion that the Courts reserved making a decision on. (See Transcript March 26, 2024; See also ECF #226). The courts asked if Mr. Holland or the Public defenders department would like to argue. Mr. Holland asked the Public Defenders Department to make the argument due to the way the last hearing went. The court made clear that Mr. Holland is representing himself but would allow Mr. Thomas to make the argument. (See Trans. pg.4). At the end of Mr. Thomas's argument the Courts ruled to make the determination on whether to give an entrapment instruction after he heard the proofs at trial. (See Trans. Pg.9 L.8-25). The government clarified if the courts was allowing Mr. Holland to move forward with his entrapment defense at trial. The Courts confirmed that they were and they were not putting any boundries on Mr. Holland's defense. (See Trans. Pg.10). The government was taken aback and not prepared for the Courts to rule in favor of Mr. Holland being able to proceed at trial on his defense of entrapment. The government tried to get the Courts to exclude Dr. Blumburg from testifying and to not allow Mr. Holland to argue entrapment during his opening. The Courts was unwilling to make that ruling. (See Trans. Pg 11-15).

Even After the Courts ruled to allow Mr. Holland all exculpatory Brady material that they had in there possession. (See ECF #228).

TRIAL

On April 1, 2024, Trial began. On that day a number of issues were raised and argued. (See Transcript for April 1, 2024. It should be noted that Mr. Holland does not have that transcript in his possession right now on 8-12-2025 while he is typing so it makes it difficult to go into the details of that day.).On that day Mr. Holland filed a limine motion to preclude the expert report of the retested drug evidence. (See ECF #231). Mr. Holland was provided exhibits 194 & 195 on Marth 27, 2024, which was 3 days before trial. These exhibits contained hundreds of pages of chemical analysist on the tested drugs which was very difficult for Mr. Holland to review or formulate a defense strategy to in a 3 day time frame. In Mr. Holland's motion he asked the Courts to preclude the retested report on the grounds of the reports being untimely (Fed. R. Crim. P 16. (See ECF# 231 Exhibit A-D). Mr. Holland also asked for Forensic Chemist Rebecca Wang and James DiSarno's reports to be excluded because they violated the Confrontation Clause of the Sixth Amendment of the United States Constitution. (See ECF #231 Page ID: 2037; See also Exhibit E.). On April 2, 2024 the Courts filed a Denial Order to the docket for ECF #231. (See ECF #234).

On April 2, 2024, Jury selections for trial commenced. At the end of the jury selection process Mr. Holland made an objection to the jury selection process on the grounds of Gerrymandering. (See Jury Selection Transcripts Pg.162-163). Mr. Holland noticed that everyone, with the exception of maybe 2 people, relayed to the Courts that they were home owners when they were asked question #12. Mr. Holland noticed that the jury selection process excluded areas of people who were predominately populated with people who rented houses or apartments. This process systemically excluded people based on socio-economic status and race.

the Court's denied Mr. Holland's motion because they said that they did not see the merits of the argument. On this day the government also raised an objection to allowing Mr. Holland's and standby-counsel perform a hybrid representation, but they Courts denied there motion and allowed it. (See Jury Selection Trans. Pg.176 Line 14-22). Standby Counselor Mr. Benjamin West also asked the Courts to adjudicate Mr. Holland's motion concern about the jury hearing argument about firearms and molly, while they were passing through to exit the courtroom. (See Jury Selection Trans. 176-180).

On April 3, 2024, the Courts began the day by adjudicating the Batson Challenge that Mr. Holland the previous day. The Court's denied Mr. Holland's Batson Challenge. (See Trial Transcript Volume 1. Pg.5-8). After the Courts read the jury instructions to the jury, opening statements were presented. (See T.R. Vol.1 Pg 31-46). Dur the governments opening they argued that they will prove beyond a reasonable doubt that Mr. Holland's sold the drugs. In Mr. Holland's opening statement he told the jury that he will show and produce evidence to show that he was induced, entrapped and not predisposed to committing the alledged offenses. He also told the jury that the drugs were not fentanyl like the government alledged they were. (See Vol 1, Pg. 37-46). After the opening statements the government objected to Mr. Holland's opening statement and asked the Courts to give the jury an instruction on Mr. Holland's opening statement. Mr. Holland objected to any instruction being given at all and said that the instruction that the government was proposing would be bias towards Mr. Holland and his pro se status. (See Vol 1. Pg.46-50). The courts granted the governments objection and gave the jury the instruction as asked by the government and over Mr. Holland's objection. (See Vol. 1. Pg.53). The first witnes called to the stand was Det. Anthony Quigley from the ATF. (See Vol 1. pg. 64-165). At the end of his direct examination and the end of the day Mr. Holland asked the government who there next

witness would be and asked them to provide a numerical list of there witnesses. (See Vol 1. Pg. 169). The government stated that they already provided Mr. Holland with a witness list but would also tell him the next witness as they went along. (See T.R. Vol 1. Pg. 169 Line 16-18). On the witness list that the government provided they did not have Edward Parkhill listed as a government witness. (See ECF #264 Exhibit F.). Mr. Holland also objected to the chain of custody on the grounds of F.R.E. 901. The Courts ruled that the chain of custody has been established and admitted Exhibits G-3, G-3A, G-13B through G13G, G-13I through G-13N, G-13O and G-13R. (See Vol. 1 Pg. 160 L.8-19).

As of right now Mr. Holland does not have T.R Volume 2 to remeber in detail what happened or what objections were made. It was not provided to Mr. Holland as of yet 8-13-2025.

On April 5, 2025 Mr. Thomas objected on behalf of Mrt. Holland, to an audit trail or log not being provided. The government explained that they reached mout to the chemist and she does not have an audio trail or log. (See T.R. Vol. 3 Pg. 336 L.7-10). They explained that the reason why Mikaela Romanelli's name appeared on the reports, instead of Chemist Rebecca Wang's name is because she accidentally opened the program and it automactically logged her name in. (See T.R. 336 L.11-17). Mr. Thomas informed the Courts that there should have been an audit trail or log and it was an important issue in light of Smith v. Arizona that was currently in front of the Supreme Court at the time along with Bullcoming, Melendez-Diaz, and Crawford. Mr. Thomas also expressed that this information would be important in order to protect Mr. Holland's Sixth Amendment right. (See T.R. Vol. 3 Pg. 337-338). Mr. Thomas also made clear for the Courts that this was a discovery issue as well. (See T.R. Vol.3 Pg 339). The Courts ruled that we would have to question the witness to see what happened with the reports. (See T.R. Vol. 3 Pg. 339-340). Mr. Holland also made an objection to the manner in which the side bars were being

conducted. (See T.R. Vol. 5 Pg. 541-542). The Court agreed that this was the Courts standard practice but there were objections that were argued in front of the jury that were prejudicial to Mr. Holland and may have biased the jury. (It should be noted that Mr. Holland does not have all the trial transcripts to show the objections but he believes it happened on April 3, 2024. See also ECF #239, Citing Jackson v. denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L. Ed. 2d 908 (1964)). Somewhere in the cross examination/ direct examination of Det. Quigley he admitted that the ATF knew that Mr. Holland was not a gun trafficker.

On April 8, 2024 ATF informant Ralik Gore testified to Mr. Holland talking to Splash (OCPO informant) after the first transaction on August 12, 2021. (See T.R. Pg542). He also testified to recalling that I told him that Mr. Holland met with Splash and gave him something. (See T.R. 542). Mr. Hooland asked Mr. Gore if he recalled telling Mr. Holland not to give the drugs back. (See T.R. Pg. 542 L. 23-25 & Pg. 543 L. 1-2). Mr. Gore said that he recalled telling Mr. Holland not to give the drugs back. (T.R. 543 L.1-2).

Mr. Holland was not provided Volume 5 & 6 of the Trial record and todays date is August 13, 2025. Within these transcripts Mr. Thomas questioned the forensic Chemist Makaela Romanelli, OCPO informant Edward Parkhill, and the Private investigator. (See Trial Record Transcripts). During Edward Parkhill's testimony there were a whole lot of Constitutional violations. (Please review his testimony.) The government unfairly surprised Mr. Holland by calling Edward Parkhill as there witness when they repeatedly told Mr. Holland that they were not going to call him and they did not include his name on the witness list. (See government's witness list.) Mr. Thomas was asked to question Parkhill due to this unfair surprise. Had the Government not surprised Mr. Holland like this he would have had a fair opportunity to exercise his Faretta rights to self representation in a meaningful way. Mr. Thomas asked

Parkhill if he became an informant on April 1, 2021. Mr. Parkhill confirmed that he had in fact became a confidential informant on that day. Mr. Thomas called a side bar in order to ask the courts to compel the government to turn over the confidential informant agreement that Mr. Parkhill testified to signing. The Courts excused the jury and had a heated discussion with the government. The government left the Court room and returned with a big box filled with discovery fron the OCPO investigation. After going through the box with the Courts and outside the precence of Mr. Holland and standby counsel, they courts compelled the government to turn over the confidential informant agreement and other reports that pertained to the OCPO's investigation and that were exculpatory evidence within Mr. Holland's entrapment defense. (See Trial Record Testimony for Edward Parkhill.). During the Course of Mr. Thomas's cross examination a lawyer named Ms. Cimento came in to sit on the stand next to Edward Parkhill as he was testifying. While being questioned by Mr. Thomas, Parkhill was advised by his lawyer to plead the Fifth to a number of Mr. Thomas's questions that were highly relevant in getting to the truth of whether Mr. Holland was entrapped or not. Him pleading the Fifth also did not give the jury a fair opportunity to consider whether Mr. Parkhill was a part of the inducement for counts two and three of the indictment. The unfair suprise of the government turning Parkhill into a government informant after they said they would not call hjim and knew that Mr. Holland had him coming as a defense witness, cumulated with him saying that he didn't know how to answer certain questions while on the stand due to him not wanting to get in trouble with the government for damaging there case if he testified truthfully to entrapping Mr. Holland, cumulated with his lawyer sitting next to him and advising him to plead the Fifth while being questioned by Mr. Thomas hinder Mr. Holland's entrapment defense, violated Mr. Holland's Sixth Amendment Confrontational clause right, was a clear Brady violation, Violated his Faretta rights, Due process rights, Fundamental fairness rights,

and is a clear case of Prosecutorial misconduct.

When the private investigator testified on the stand he made clear that when he first visited Parkhill, Parkhill clearly told him that it took him about 10 times before he was able to convince Mr. Holland to bring him drugs. Even within the confidential informant agreement, there was a status report update in July where Parkhill told the OCPO that he didn't think that he would be able to set Mr. Holland up. They told him to keep trying. Mr. Thomas did not ask Parkhill about the phone call between him and Mr. Holland on November 9, 2021 which was the day before the November 10, 2021 sale and arrest.

When counsel question romanelli she testified to the drugs have a purity rate of less than 1% of fentanyl in it. Because Mr. Holland does not have his paper work he can not remeber the rest of the testimony and whether counsel asked her about how her name got onto the other reports. (See Trial Transcript for Romanelli). (It should be noted that Mr. Holland maintained his objection that reports that Romenelli did not draft should have been precluded and not moved into evidence.

On April 11, 2024 Dr. Blumburg was being called to the stand. Prior to him being called the government objected to him testifying by stating "We have argued that his testimony is irrelevant and he should not testify. However, if he is going to testify, medical documents that he did not-- th he maybe reviewed but he did not draft himself are irrelevant and they should not be admitted through him." (See Trial Transcript Volume 7. Pg. 868 Line 4-10.). The Courts decided to rule on the issue when it comes up. (See T.R. Vol. 7 Pg. 869 l. 4-5). When the issue came up the Courts denied Mr. Thomas from moving the evidence in as exhibits, even though Mr. Thomas cited to Williams v. Illinois 132 S. Ct. 2221. (See T.R. 885-888). Dr. Blumburgetestfied to conducting test on Mr. Holland to determine whether he was malingering or faking. After conducting the test he was able to come to the conclusion that Mr. Holland's severe problems were not

exaggerated. (See T.R. Vol. 7 Pg. 889-890). He testified that he arrived at an opinion to a reasonable degree of medical certainty that at the time of the offenses, Mr. Holland was suffering from two conditions; posttraumatic stress disorder, and major depression that was caused by the brain damage that he sustained when he was shot in 2019. (See T.R. Vol. 7 Pg. 892 L.8-25). The Doctor clarified that sometimes people can have drain injuries and still retain their cognitive ability (See T.R. Vol. 7 895-896). He explained the surgeries and procedures that Mr. Holland had to go through after being shot. (See T.R. pg. 896-902). He explained that after Mr. Holland being hospitalize for five weeks he continued physical therapy and mental health treatment in Virginia. But it wasn't until after he was arrested for the current offense when he started recieving a more thorough treatment. (see T.R. Vol. 7 Pg. 902-903). The Doctor also stated that the COVID pandemic also had adimpact as well. (See Trial transcript Vol. 7 Pg. 907 L. 1-8). Mr. Thomas asked Dr. Blumburg if he had an opinion on whether depression, due to brain damage, can have an impact on someone's ability to be manipulated? When the doctor said that he did have an opinion the government objected. (See T.R.Vol. 7 Pg 907-908). During the sidebar the government said that this line of testimony was about predisposition and should not be allowed. Mr. Thomas said that this line of questioning was not going into predisposition, it was going into inducement and the impact his mental health had on his ability to be induced. (See T.R. Vol. 7 Pg 908 L.1-16). The courts excused the jury so that the Courts could hear the doctor's reply before determining whether Mr. Thomas could ask the question or not. (See T.R. Vol. 7 Pg 908-909). Once the jury was excused Mr. Thomas asked Dr. Blumburg , "based on everything that Mr. Holland was going through, did you form an opinion on whether someone in his condition could be more easily manipulated?" (T.R. Vol. 7 L. 19-21). The doctor replied "what my opinion is, is that these conditions significantly impacted his decision-making that ultimately led him to engage in the current offense. (See T.R.

Vol. 7 Pg 910 L. 22-24). Mr.Thomas further asked "And for individuals who have been diagnosed with depression, does that have an impact on their ability to be manipulated?" (T.R. Vol. 7 Pg. 910 L.25-Pg. 911 L.1-2). The doctor answered that "it can" (T.R. Vol. 7 Pg. 911 L.3). Mr. Thomas then asked is it possible that with Mr. Holland's history of depression, he "could have been more susceptible to manipulation?" (T.R. Vol 7 Pg. 911 L.7-8). The doctor said "yes, that's possible". T.R. Vol. 7 Pg. 911 L. 9). The Courts sustained the governments objection and did not allow Mr. Thomas to ask this question in front of the jury. (See T.R. Vol. 7 Pg. 912). The Courts thought that the word manipulated was leading. The Courts suggested asking whether the depressionand PTSD impact Mr. Holland's mental state at the time of the incident. (See T.R. Vol 7. Pg 912 L 13-21). The Courts said that the doctor could not testify to anything that was possible but could testify to anything that was probable. In Dr. Blumburg's original report he wrote that during the time of the offense Mr. Holland was susceptible to inducement. The report was amended in order to take that language out due to the prior ruling of the Courts not wanting Mr. Holland to be evaluated for susceptibility to inducement or allowing the doctor to testify about Mr. Holland being susceptible to inducement. This was not possible it was probable that Mr. Holland was susceptible to inducement and as Mr. Holland written in his ECF #119-1 revised draft and the hearing on June 15, 2023, United States v. Castro 776, F.2d 1118, 1130 (3d Cir. 1985), warranted Dr. Blumburg the authority to evaluate and testify to whether Mr. Holland was susceptible to inducement. Mr. Holland's Fed. R. Crim. P 12.2(b) motion should have allowed Dr. Blumburg the opportunity to present testimony of whether Mr. Holland was susceptible to inducement in the presence of the jury for them to consider. When Mr. Holland was questioned, on the stand Mr. Thomas never asked him about the November 9, 2021 phone conversation between him and Parkhill. (See T.R. Vol. 7 Pg.921-1017). This line of questioning was crucial in showing that Parkhill played a major part in influencing Mr. Holland

to meet with ATF informant Gore for the third transaction. At the end on of the day the Courts held an off-the-record charge conference. (See T.R. vol. 7 Pg. 1025 Line 7-9).

On april 12, 2024, the day started with the Courts addressing the changes that he made to the jury instructions. (See T.R. Vol. 8 Pg. 1030-1036). Standby Counsel Mr. West argued the objections on the record. He also renewed the defenses motion under Rule 29 for the Court to direct a judgement of acquittal in this case due to the government not presenting sufficient evidence that proves beyond a reasonable doubt that Mr. Holland was entrapped. (See T.R. Vol. 8 Pg 1036 L.14-24). Also prior to the defense resting it's case it informed the Court's of Mr. Holland's therapist Jeff Kail being willing to come up from Virginia and testify on Mr. Holland's behalf for purposes of his entrapment defense. The Court's denied Mr. Thomas request to have Dr. Jeff Kail come to testify.

On April 12, 2024 Mr. Holland mentioned, during his closing arguments how the verdict sheet will only mention Mr. Holland's defenses and not specifically say anything about entrapment. (See T.R. Vol. 8 L.11-25). This shows that Mr. Holland still disapproved and objected to the vagueness of the verdict sheet not being specific in addressing entrapment. After closing argument were completed the Courts read the jury instructions. Within the jury instructions they went through the verdict form with the jury. (See T.R. Vol. 8 1137-1140). The verdict sheet did not give the jury and specific option for entrapment or specifically mention entrapment. The third Circuit has already clarified that a jury instruction is not a cure for a vague verdict sheet. United States v. Watson, 489 F 2dd 504 (3d Cir. 1973). At 2:33p.m..The Courts recieved a question from the jury which asked for clarification on whether the percentage of fentanyl in the mixture matters? (See T.R. Vol. 8 Pg. 1142-1159). The government argued that the percentage does not matter in determining a detectable amount of fentanly within the mixture and Mr. Thomas argued that the percentage does

matter when determining a detectable amount of fentanyl within the mixture and he also argued that the Supreme Court Chapman case was wrongly decided. He also argued that this was not just an issue of the purity level but also a issue of the low level of the confidency level of the test. The Courts ultimately decided to read the question to the jury and tell them that the answer to thewquestion is no. (See T.R. 1159 L.23-25). During the answering of the juries question, the Courts wanted to bring in the alternate juror to hear the answer to the question. The government and standby counsel did not agree to the alternate joror being in the room. The Courts wanted to have her in the room but ultimately decided to go with the decision of the parties. Mr. Holland would have liked the alternate in the room to hear the answer to all questions just in case they had to step in to deliberate. After the question was read the alternate was sworn in to replace a juror who was being excused. (See T.R. 1161-1170). The end of the trial day came without the jury reaching a verdict.

On April 15, 2024 Mr. Holland filed a motion to dismiss the indictment or recieve a New Trial on the grounds of prosecutorial misconduct. Mr. Holland also asked the courts to review his Outrageous Government Conduct claim (See ECF #264). The Courts denied Mr. Holland's motion. Mr. Holland's motion to add a Voir Dire question was filed on April 1, 2021 asking the Courts to ask the jury if they were racist due to New Jersey being a very racist state, populated with very racist people. (See ECF #166) The Courts also denied this motion. The jury verdict was read and Mr. Holland was found guilty on Counts 2 and 3 of the indictment. Count 1 was undecided. Due to their being nowhere on the verdict sheet for the jury to specifically make a decision on entrapment, it is unclear why the jury was hung on Count 1. Mr. Holland bail was immediately revoked after the reading and dismissal of the jury and Mr. Holland was sent straight to jail, pending sentencing. (It should be noted that it is now 8-14-2025 and Mr. Holland has not been supplied with the trial transcripts for 4- 15-2024.)

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POST TRIAL

On April 16, 2024, an order appointing the federal public defenders department was signed by the Courts. (see ECF #267).

On May 28, 2025, a judgement of acquittal motion was filed by the public defenders office. See ECF #279.

On June 12, 2024, the case was reassigned to Judge Robert Kirsch, due to Judge Sheridan's retirement. (See ECF #280).

On June 13, 2024, a bail motion was held in front of Magistrate Judge Jessica S. Allen. (See ECF #281). Mr. Holland does not have the transcripts to that proceeding, but he recalls the governemt arguing ferociously to keep Mr. Holland in jail for this nonviolent drug offense and the public defenders department making a little to no vague argument to have Mr. Holland released. (See ECF #281 Transcripts). Judge Allen denied Mr. Holland's bail motion that was submitted by the public defenders office. (See ECF #282).

On June 28, 2024 the government filed a response motion to the public defenders motion for judgement of acquittal. In there motion they argued that there was no entrapment and that the chain of custody was not broken. They rejected the defense's motion argument that Chapman v. United States was wrongly decided. Chapman v. UMited States 500, U.S. 453, 460 (1991). (See ECf #284).

On august 2, 2024, the public defenders department filed a reply motion to the judgement of acquittal. (See ECF #288)./

On September 16, 2024 Judge Robert Kirsch denied the public defenders judgement of acquittal motion, by agreeing with the government that the public defenders arguments are vague (SeeeECF #292 Page Id: 3803) (see also ECF # 284 at 13).

In October of 2024 Mr. Holland was shown an unfinished draft of the objections that the public defender's department wished to file on Mr. Holland's behalf. Mr. Holland was not satid fied with the draft that he

he heard because it did not contain a good factual background of the case, nor did it represent Mr. Holland's objections correctly. The public defenders department asked if Mr. Holland would like to proceed proceed pro se to make sure that his objections are represented on the record correctly. Due to Mr. Holland being incarcerated he knew that he would not be able to effectly represent himself due to the strict restrictions and frequent lockdowns of the jail and him not being able to produce certain evidence to back up some of his sentencing objections.

On October 21, 2024, Mr. Holland filed a letter of objections with the Courts in order to notify them that Mr. Holland had objections to the PSR that needed to be addressed. (See ECF #296). (It should be noted that Mr. Holland was not supplied with the actual letter for ECF #296. today's date is 8-14-2024). Mr. Holland also filed a motion for a new trial that was never supplied to him so he can't remeber the details of that motion. (See ECF #295).

On October 23, 2024 the courts denied the public defenders request for an adjournment. (See ECF #297). In the courts order, they stated that the sentencing memorandumsobjections was due to the Courts from the public defender by October 8, 2024. (See ECF #297 Pg. ID: 3831) The courts said that the date was October 23, 2024 and they still haven't recieved any objections from the defense counsel. (See #297 Pg. ID: 3831-3832). The Courts then gave a detailed procedual history related to this request (Pg. ID:3832). TheyCourts identified that the final PSR report was filed on July 18, 2024. (SEE ECF #287). (Please take notice that ECF# 287 has been removed from the docket. It was there and Mr. Holland seen it prior on the docket sheet. Now it's NOT there.) Mr. Holland was never made aware that the final PSR report was filed to the docket 3 months before he was asked if he an any objections to the draft PSR report.

On October 29, 2024 Mr. Holland went in front of the Courts for the scheduled sentencing date. (See Minutes for ECF #298). (Please note that ECF # 326 is not the correct minute transcripts for October 29, 2024. On October 29, 2024 Mr. Holland argued on the record that day that Judge Sheridan should have sua sponte recused himself from trial once he heard about the lawsuit issue that Mr. Holland was raising pertaining to OCPO Det. Sgro. It was revealed that Judge Sheridan handled a lawsuit pertaining to and involving Det. Sgro. He did not reveal that during trial and I believe that I argued that United States code says that when there is an appearance of biasness the courts Judge must recuse himself. Judge Kirsch denied Mr. Holland's motion for a new trial and postponed the sentencing so that the Magistrate Judge Allen can hold a colloquy to determine whether Mr. Holland was knowingly and intelligently waiving his rights to counsel.

On November 18, 2024 Magistrate Judge Allen held a Feppers colloquy with Mr. Holland. Mr. Holland clearly and definitively stated on the record that he wished to exercise his Constitutional right to proceed to sentencing pro se. The judge denied Mr. Holland this right and allowed standby counsel to remain the appointed counsel.

On November 21, 2024, Mr. Holland filed a motion to compel the probation office to comply with Federal Rules of Criminal Procedure 32(e)(2). (See ECF #308). In that motion he addressed the issue of the draft PSR report being filed on 6-26-2024, and then the Final PSR being filed on 7-18-2024 without him knowing or being allowed to make objections. (SEE ECF #308 Pg. ID; 3864). Mr. Holland complained about the Courts getting ready to sentence him to a whole lot of time using a sham procedure. (SEE ECF #308 Pg ID:3865) He complained about hoow the sentencing proceedings were violating his Constitutional rights and how he couldn't get effective assistance of counsel from the public defenders department because they only had a 1.5% win-success rate., (See PG Id: 3865).

Mr. Holland brought up how the criminal justice system was perpectuating the "badges of slavery" and cited to Jones v. Alfred H. Mayer Co., 392 U.S. 409, 439, 88 S. Ct. 2186, 20 L. Ed. 2d 1189 (1986) (See PG ID: 3866).

On or around November 23, 2024 a final revised and amended PSR was filed to the docket. (Please note that this filing has been taken off the docket.)

On November 27, 2024, Mr. Holland wrote a letter to the Courts expressing his desire to have objections filed to the revised final PSR report. (See ECF #313).

On December 9, 2024, the government filed a letter motion expressing there concerns about Magistrage Judge Jessica Allen's decision to deny Mr. Holland his Constitutional right to represent himself. They requested Judge Robert Kirsch to make his own independent inquiry to determine whether Mr. Holland knowingly, voluntarily, and intelligently waived his right to counsel. (See ECF #316).

On December 12, 2024, a hearing was held in front of Judge Robert Kirsch. (See ECF #326. Please note that this transcript is wrongly dated 10-29-2024.) During this hearing the Courts made sure that Mr. Holland recieved the revised PSr report and denied his motion to compel as moot. (ECF #308). After having a colloquy, Judge Kirsch found that Mr. Holland had knowingly, intelligently, and voluntarily waived his right to counsel. (See ECF #326 Pg.Id 4066-4082). The Courts found Mr. Holland's motion for a new trial on the grounds that Judge Sheridan should have recused himself and his motion for Judge Kirsch to recuse himself for lack of familiarity of the case absurd. (See ECF #326 Pg ID: 4081). The Courts gave Mr. Holland the date of December 18, 2024 to file his objections to the final PSR report. Mr. Holland would not be able to mail his objections to the Court in a timely manner so the Courts Ordered standby counsel to go to the jail and pick up Mr. Holland's objections personally. The Courts also ordered the jail to allow Mr. Holland to give his legal material to standby counsel.

(See ECF #317). The Courts gave the government until December 20, 2024 to reply.

On December 23, 2024, Sentencing was held in front of Judge Kirsch. During the sentencing hearing a number of objections were addressed. the first objection raised by Mr. Holland was his objection to the Courts adopting the PSR report. (See ECF #336 Sentencing Transcripts Pg. 12 Lines 17-19). The Courts denied excluding the entirety of the PSR report. (See Pg. 13 L.1-2). The Courts also denied Mr. Holland's objection to not recieving points for acceptance of responsibility. (See Sen. T. Pg. 18-24). The Court's stated that there reason for denying Mr. Holland acceptance of responsibility is because Mr. Holland raised an entrapment defense, therefore he will follow Third Circuit precedents and use his discretion to deny Mr. Holland. The Courts cited to United States v. Barr, 963 F.2d 641 at 657 (3d Cir. 1992); United States v. Demes, 941 F.2d 220 at 222 (3d Cir. 199 and United States v. Jackson, 827 F.App'x 209 at 213 (3d Cir. 2020)(See Sen. T. Pg. 20-21.). During sentencing the Courts adjudicated whether Mr. Holland qualified as a career offender or not. The government argued that Mr. Holland qualified as a career offender. Mr. Holland argued that the definition of New Jersey state robbery is defined more broadly than the federal definition and therefore does not qualify as a career offender offense. (See Sen. T. Pg. 26-40). The government also argued that New Jersey robbery statue is divisible and Mr. Holland argued that since he went to trial that his case of robeery is distinguished from the McCants case and should be look at as indivisible. The Courts denied Mr. Holland's argument and ruled that his New Jersey robbery offense was a eligible offense for career offender. Mr. Holland argued that his Delaware drug conviction should not have qualified as a career offender offense. (See Sen. T. Pg. 40-48). The Court's ruled that even though Mr. Holland recieved only one year of probation for the 2020 Delaware drug offense, it still qualified him as a career offender. The Courts also denied Mr. Holland's motion for a downward departure on the

grounds of diminished capacity and mental and emotional conditions during the time of the offense. (See Sen. T. Pg. 48-58). The Courts denied Mr. Holland's motion that his criminal history is overstated. (See Sen. T. Pg. 58-65). The Courts considered charges that were dismissed and acquitted while stating his criminal history. Even though Mr. Holland was acquitted of charges that the Courts mentioned and considered, the Courts still determined that Mr. Holland's criminal history was not overstated. The Court, next quoted Gori, 224 F.3d 234 at 239 (3d Cir. 2003) which also cites to Upthegrove, 974 F.2d 55 (7th Cir.) to deny a departure for Mr. Holland on the grounds of a low drug purity. (See Sen. T. pg 65-66). The Courts denied a departure on the grounds of family ties. (See Sen. T. Pg. 66). The Courts then denied Mr. Holland's argument regarding sentencing factor manipulation. (See Sen. T. Pg. 67-69). The Courts acknowledged that the Third Circuit has neither adopted or rejected the doctrine of sentencing factor manipulation, or sentencing entrapment. U.S. v. Kirschner, 995 F.3d 327 331 (3d Cir.)(SThe Courts then relied on the Third Circuit case United States v. Sed, 601 F.3d 224, 231, in denying Mr. Holland's argument. (See Sen. T. Pg. 67 L. 17-25). The Courts denied Mr. Holland's Outrageous Government Conduct claim. (See Sen. T. Pg. 69-70). The Courts addressed Mr. Holland's sentencing memorandum objection, which objected to the War on Drugs, which was created by President Richard Nixon in order to criminalize blacks, and hippies. The Courts liberally construed Mr. Holland's argument to be a 8th amendment argument, but Mr. Holland's argument also included a challenge to the Constitutionality of 21 U.S.C. § 841, the 13th amendment, due process and all other constitutional violations that were created with President Nixon's purpose for enacting the War on Drugs through Title 21 United States Code legislation. (See Sen. T. Pg. 70). The Court also denied all ancillary motions that Mr. Holland written and raised which included his Writ of Coram Nobis motion pertaining to the 2016 Delaware conviction. (See Sen. T. Pg. 87 L. 14-25). The Courts then went

through the 3553(a) factors. (See Se. T. Pg. 72-101). After the allocution from Mr. Holland the Courts gave Mr. Holland a five level downward varience for his mental and emotional condition at the time of the offense and for lack of guidance as a youth. (See Sen. T. Pg 101-108). The Courts sentenced Mr. Holland to 180 months of federal prison time.

On December 26, 2024 Mr. Holland filed a release from custody bail motion for appeal. The motion was never sent to the appeal courts or answered.

On January 2, 2025 a notice of appeal was file on behalf of Mr. Holland by the Federal Public Defenders department. (See ECF #328).

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