

No.

LS.

-5120

ORIGINAL

25-7487

FILED

DEC 22 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Kimberly Chancellor — PETITIONER
(Your Name)

vs.

UNITED STATES OF America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS For The Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kimberly Chancellor
(Your Name)

U.S.P. TERRE HAUTE P.O. Box 33
(Address)

TERRE HAUTE Indiana 47808
(City, State, Zip Code)

(Phone Number)

RECEIVED

MAY 28 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- ① Does Kimberly Chancellor have a right to the Constitution, and Due Process and Equal Justice of the law?
- ② As a question of law does Kimberly Chancellor have a Constitutional Right to Effective Assistance of Counsel? Does the defense Attorney that was hired to Represent Kimberly Chancellor, have a Sixth Amendment Right to be Effective in the interest of Justice? To investigate his case, interview his witness and to Put on a Complete defense?
The Supreme Court of the United States is the highest Court in the land, would the Supreme Court Carefully review the Appeal and Would Grant Kimberly Chancellor the True Justice from his Attorney's failure to comply with his affirmative duty?
- ③ Should Kimberly Chancellor continue to suffer the harsh Cruel Punishment of a offense that he did Not commit? Kimberly Chancellor Should Not Be Denied DNA TESTING that he has requested. does the interest of Justice upon Kimberly Chancellor Request for DNA should be denied? Would that Be a denial of his Constitutional Right as well as his Due Process? As a defense to Prove his Innocence.
- ④ Does this Honorable Court have a interest with discovering the truth? if so DNA TESTING would be Requested. As others with the same similar cases.
- ⑤ Does Kimberly Chancellor have a Constitutional Right to have his case decided by the Tribal Court or Delaware County within the district where the offense occurred?
- ⑥ Does Kimberly Chancellor by law have a Right to have his case transferred by Court to the Proper Court within the district where the offense occurred?
- ⑦ VENUE CLAUSE: The Supreme Court granted Certiorari under the Constitution's VENUE Clause, ART. III § 2, CL 3 and the Vicinage clause And the 6 Does Chancellor have in the interest of Justice to have his trial held in the proper venue within the district where the offense occurred? The decision of the Supreme Court Prejudicial Error requires a retrial. in the district where the crime occurred. Should the interest of Justice require Chancellor a retrial. as Smith v. United States 143 S.Ct. 1594 (2023). Retire Rule. Chancellor should be Subjective to "Double Jeopardy" due to his conviction that prohibits Punishment for the same offense. Would this Be a conflict with the Constitution? Oklahoma Native American, have Tribal Court, Courts of Indian offense (Amelotte Division) Courts of Indian Appeals, Courts of Indian offense. there's also Cherokee Nation Tribal Courts Chancellor Case should have been Transferred in the interest of Justice.

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows: *Mr. Todd Hembree, defense attorney;*

RELATED CASES

See attached Exhibit....

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

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

- ☒ reported at 5142, 5120; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 2025 2025 U.S. APP. LEXIS 22656, 2025-393819 Affirmed NO. 24-5128 United States v. Chancellor.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: OCTOBER 21, 2025, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including Goodys (date) on Feb. 06, 2026 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).
The District Court of N/D of Oklahoma, Tulsa, OK, did Not have Jurisdiction, territory the offense occurred in Indian country. The proper venue to have the trial should have been by law in the district where the offense occurred Indian country, Tribal Court, Art III

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Sixth Constitution Rights, Due Process

DNA / INEFFECTIVE ASSISTANCE OF COUNSEL

VENUE...

*The Supreme Court and all courts established by the Act of Congress
has the Authority to seek Justice. (that can be determined by DNA.
IN the interest of Justice) NO ONE should be denied the Equal Justice
of the law OR their Due Process.*

STATEMENT OF THE CASE

Chancellor ON July 29 [REDACTED] allegation of Two(2) COUNT of "ATTEMPTED Sexual abuse of minor IN INDIAN Country AND ONE(1) COUNT of Aggravated Sexual abuse of minor IN INDIAN Country. See page 12 the definition of "ATTEMPT OR ATTEMPTED" Sexual abuse of minor. AND the definition AND Aggravated Sexual abuse of minor.

In the interest of Justice AND Equal Justice of the law, UPON being charged with such allegation. The Primary focus would be to have DNA TESTING:

the offense occurred in Indian Country. There was No Evidence Produced. ON the facts OR ON the law, legal INSUFFICIENCY. Chancellor Verdict was against the weight of Evidence Chancellor Should be exonerated.

Chancellor case occurred in Indian Country. that in the interest of Justice should have been held in tribal Court. ON the law and facts.

Chancellor have suffered from the Venue being "improper", and his Sixth Amendment Right Effective Assistance of Counsel. his [REDACTED] Justifies his relief from the

[REDACTED] other reason. Chancellor. Should NOT be denied the Equal Justice of the law when there is similar cases of the same nature that the defendant proved their innocence from "DNA testing" Even some defendant that Plead guilty was granted relief after DNA result. The law and Justice should be impartial if there is such avenue that would prove Chancellor innocence, he should be granted the Relief by law.

The Supreme Court the highest Court in the land. that has the Judicial power to ensure the Principles of the law. Chancellor. should be granted relief from his UNLAWFUL UNJUST CONVICTION. DNA. would determine his faith as he Plead "Not Guilty".

UPON carefully reviewing the totality of the Case, The Supreme Court will recognize the fact that DNA is A Principle of law that should be applied in the interest of Justice. To sentence Chancellor to such harsh sentence is Cruel due to the lack of Credible evidence. and ONLY a battle of words.

Chancellor have demonstrated Ineffective Assistance of Counsel under Strickland v. Washington. MASSEY V. Prince George's County. 907 F.Supp. 138 (D.Md. 1995) See Rompilla v. Beard 545 U.S. 374, 387, 125 S. Ct. 2456, 162 L.Ed. 2d 360 (2005).

An Attorney - is expected - to Assess Knowledge of those Plain and Elementary principles of law which are commonly known by well-informed attorneys. and discover those additional Rule of law. Rule 1.3. See Mitchell v. MASON 325 F.3d 732 (CA6 2003) Counsel have a duty to investigate the case at such Critical Period "Pretrial" The Supreme Court has repeatedly made clear that there is a duty in cumbent on trial counsel to conduct Pretrial Investigation Chancellor Sixth Amendment was in fact Violated! NO ONE is above the law, and must comply with the law.

This Honorable Court should Consider the Violations of Petitioner Chancellor Sixth Amendment Right that the Constitution entitle him that was Not Complied with by his defense Counsel. his duty and obligation to his client by the United States Constitution. was Not Complied with. the element of the law and Counsel obligation was Not Complied with because, Petitioner Chancellor, did not fulfill his obligation to his client, that Created a Sixth Amendment Right Violation under the scope of Strickland vs. Washington. because there is more than a reasonable possibility that the jury would Not have convicted petitioner Chancellor of the offense, had his trial Counsel complied with his obligation in the interest of justice to comply with his legal duty with representation of his duty to his client that Plead Not Guilty.

In the interest of Justice this Honorable Court should Give Consideration and Carefully review the facts that have been addressed within the body of his § 2255 habeas petition, and grant him the required relief by law, from the Violations of his Constitutional rights and Due Process.

Rule 46 is intended to inform Court of litigant's position and permit it to correct any errors. The purpose of Rule 46 is to inform the trial Judge of possible errors that he may have an opportunity to consider his ruling and make changes when available. it was available for the trial Court Judge to correct the errors, and to comply with the law and the Constitution of the United States. Petitioner Chancellor have made a Prima facie showing of how is Constitutional rights to have a fair trial was violated, also the errors of the Presiding Judge. Due to the territory Jurisdiction is a very critical factor because the trial should have been held within the district where the offense occurred. this matter should have been corrected by the Court and transferred petitioner Chancellor case to the proper Court within the District where the offense occurred, this is a Constitutional error that violated his Constitutional right to have his case decided by Delaware County. As its stated within the body of Petitioner Chancellor, authorization to file a second or successive § 2255 habeas Corpus. his case and cause if action should have been decided by "TRIBLE COURT" The Court should Not turn a blind-eye to the relevant facts of the Constitution, § 1302, Indian tribes have the right to self-government, and exercise inherent sovereign power over their members and "territory" Petitioner Chancellor, offense occurred in "Indian Country" as a matter of record. Agencies "shall Respect" Indian right to self-government. and sovereignty § 5321 (b)(3) Petitioner Chancellor, Rights to have his case decided by tribel Courts, was Violated.

INDIAN TRIBE "Double Jeopardy" Procedural Due Process:

Indian tribes count as separate sovereigns under the Double Jeopardy Clause,

originally. The United States Supreme Court has noted that the tribes were self-governing sovereign political communities. Possessing (among other capacities) the inherent power to prescribe laws for their members and to punish infractions of those laws. Unless and until Congress withdraws a tribal power including the power to prosecute. The "Indian" community retain that authority in its earliest form. The ultimate source of a tribe's power to punish tribal offenders thus lies in its primeval or, at any rate, pre-existing sovereignty, like a state's is attributable in no way to any delegation of federal authority. And that alone is what matters for the double jeopardy inquiry.

The states (all of them) are separate sovereigns for double jeopardy purposes not because they exercise authority over criminal law, but instead because that power derives from a source independent of the federal government. So too for the tribes.

The United States Supreme Court has held firm and fast to the view that Congress's power over Indian affairs does nothing to gainsay the profound importance of the tribes' pre-existing sovereignty. And the Supreme Court has stated in no uncertain terms that the tribes are separate sovereigns precisely because of that inherent authority. The Supreme Court has emphasized the inherent, primeval and pre-existing capacities of the tribes and state, i.e. and it is why cities fail the Supreme Court's test even when they enact and enforce their own criminal laws under their own, popularly ratified charters:

Heath v. Alabama, 474 U.S. 82, 89, 106 S.Ct. 433, 98 L.Ed. 2d 387, for similar reasons.

Indian tribes also count as separate sovereigns. A tribe's power to punish pre-existed the Union, and so a tribal prosecution, like a state's is "attributable in no way to any delegation ... of federal authority" Wheeler, 435 U.S. at 328, 98 S.Ct. 1079, 55 L.Ed. 2d 303, (1978). For Indian tribes also:

Cherokee Nation v. Georgia, 30 U.S. 1, 5 Pet. 1, 17, 8 L.Ed. 25 (1831) unless and until Congress withdraw a tribal power - including the power to prosecute - the Indian community retains that authority in its earliest form. The "ultimate source of a tribe's

power to punish tribal offenders" thus lies in its "primeval" or at any rate "pre-existing" sovereignty. A tribal prosecution, like a state's is "attributable in no way to any delegation ... of federal authority" Id. at 320, 322, 328, 98 S.Ct. 1079, 55 L.Ed. 2d 303,

The federalist No. 82, p. 245 (J. Hopkins ed. 2d ed 1802) (2008) within that whole is it not "an affront to human dignity" Abbott v. United States 359 U.S. 187, 203, 79 S.Ct. 666, 3 L.Ed. 2d 129 (1959) (Black J. dissenting) "inconsistent with the spirit of [our] Bill of Rights" developments in the law, "Native American tribes retain their sovereignty unless and until Congress

ordains otherwise, Johnson's Lessee v. McIntosh, 21 U.S. 543, 8 Wheat. 543, 588, 5 L.

Ed 681 (1823) where this Court once stood firm. today its wilts. After the Cherokee's

exile to what became Oklahoma, "The federal government promised the tribe that it would remain" FOREVER FREE FROM interference by state authorities. The GCA carves out some exceptions. "It provide, that federal law" shall not extend "to crimes involving Indian" crimes by Indian where the perpetrator "has been punished by the local law of the tribe, or where a treaty grants a tribe exclusive jurisdiction. § 1152. Those likely to implicate tribal sovereignty. And it defies the imagination to think Congress would have taken such care to limit federal authority over these most sensitive cases. United States v. Kagama 118 U.S. 375, 394, 6 S.Ct. 1109, 30 L. Ed. 228 (1886), 18 USC § 1153

The Oklahoma Enabling Act in 1906, which endowed the state with "inherent" authority to try crimes by or against tribe members on tribal land. Congress took pains to abide its treaty promises when it adopted the "Oklahoma Enabling Act, and has never revoked them. Nor may this Court abrogate treaties or statutes by wishing them away in passing remarks. Cherokee Nation v. United States, 197 U.S. 644, 25 S.Ct. 458, 49 L.Ed. 1309 (1905).

RULE 18

- Rule 18 "Place of Prosecution and trial" The Government ("must") Prosecute an offense in a (district where the offense was committed) The Court ("must") Set the Place of trial within the district, with due regard for the convenience of the defendant, only victims and the witnesses, and the prompt Administration of Justice).
- Both Federal Constitution and Rule 18 require that Person be tried for offense where the offense was committed. See... United States v. Colorado, 524 U.S. 1, 118 S. Ct. 1772, 141 L. Ed. 2d 1, 11 Fla. L. Weekly Fed. 5, 579, 98 Cal. Daily of. Service 4097, 1998 Colo. J.C.A.R. 2759 98 DAR 5646, 1998 U.S. Lexis, 3568 (1998) U.S. v. Matara 489 F.3d 115, 73 Fed. R. Evid. Serv. (CBC) 722 2007 U.S. App. Lexis 12449 (2nd. cir. 2007)
- In the interest of Justice and the Equal Justice of the law, The Court should recognize the "fact" that Petitioner Chancellor Constitution rights was in fact Violated, Petitioner Chancellor should not be continuously denied "Justice" when Justice of the law requires his case to be dismissed, due to the "improper venue" Halbert v. Michigan, 545 U.S. 605, 610, 125 S. Ct. 2582, 2586, 162 L. Ed. 2d 552, 560 2005) "finding that Due Process and equal protection Clause of the federal Constitution requires that "if an avenue for relief is provided by statute the Government may not bolt the door to "Equal Justice"". The Avenue that requires Petitioner Chancellor, relief, would be his Sixth Amendment "VENUE CLAUSE", a undisputed fact, from the Error that deals with a fundamental aspect of the fairness of Trial Errors... The Errors Violated Petitioner Chancellor Constitutional rights to have his trial in the district where the offense occurred, Errors, should be reviewed in the interest of justice.
- Petitioner Chancellor have made a true Prima facie that justify the dismissal of his case because, Justice is a determination of rights, And Petitioner Chancellor have the right to expect Equal Justice of the law, that should be impartial, the United State Constitution and the Supreme Court of the United State law requires Petitioner Chancellor, case to be dismissed, Petitioner Chancellor case should have been transferred to the proper district, where the offense occurred.
- Petitioner Chancellor, trial Counsel provided Constitutionally-deficient performance, he was not comply with his duty in a functionally manner that counsel guaranteed defendant by the Sixth Amendment, the "deficient performance prejudice Petitioner Chancellor". There is a reasonable probability that, but for Counsel unprofessional errors the result of the proceeding would have been different "Strickland", without the errors at least Petitioner Chancellor would have received Justice, and not being prejudiced by the errors of his trial Counsel, Strickland v. Washington 466 U.S. 668 (1984).
The purpose of our Criminal Justice System is to seek Justice, The Supreme Court should "ensure DNA TESTING be granted to Petitioner Chancellor", 25-5072 As Newly discovered Evidence that would prove that a convicted Petitioner Chancellor is actually innocent it triggers additional due process, especially when it was insufficient evidence and other Constitutional Errors, The Supreme Court should not allow Petitioner Chancellor, to continue to suffer. The Court should refuse to turn a blind eye to the manifest injustice, See ARIZONA v. Youngblood, 488 U.S. 51, 109 S. Ct. 333, 102 L. Ed. 2d 281 (1988) DNA TESTING, Free after spending 17 years in Prison for a crime he did not commit.

• Petitioner Chancellor, brought forth this issue with the body of his §2255 Habeas Corpus. As Newly discovered, that the Court should have been knowledgeable of the principles of the law, and transferred petitioner Chancellor case to the Tribal Court, it is obvious that petitioner Chancellor did not request his trial be held "Elsewhere" outside the district where the offense occurred Indian Country. As a result his Rights as a Native was Violated.

This matter should have been reviewed in the body of Petitioner Chancellor §2255 because his Native Constitutional Rights was Violated by having his trial outside of the district, and Not having his trial held in Tribal Court, that requires his case to be dismissed. The Court should honor the law in the interest of Justice.

A fair just Criminal Justice system can not exist if it abandons foundational principles implemented to ensure proper functioning after all. Committing a crime should not just involve doing something considered BAD. The Court observed that to establish errors.

defendant have a right to bring this matter before the Court, Petitioner Chancellor have made prima facie showing of how his constitutional rights, was violated 28 USC §1404. Petitioner Chancellor, brought this matter before the Court seeking Justice from his conviction, that equal Justice of the law requires, but for the constitutional errors No reasonable factfinder would have found petitioner Chancellor guilty. fact findings seeking "factfinder" relevant reliable facts to base a guilty verdict.

The fact that Petitioner Chancellor have brought forth "New additional issue" with his filed §2255 habeas Corpus, This Honorable Court should reconsider its denial because this Honorable Court has the power to do this on its own. Kuhlman v. Wilson 477 U.S. 436 (1986).

Another Subject matter that Petitioner Chancellor, raised in his §2255 habeas Corpus, that was Newly discovered, prosecution misconduct, that in the interest of justice this Honorable Court should recognize because the comments/remarks (prejudice) Petitioner Chancellor from having a fair trial.

the Prosecutor stated to the extent that referring to petitioner Chancellor "this is what a chamo looks like" totally infecting his trial with unfairness the comments was unprofessional and deprived petitioner Chancellor from having a fair trial as his constitutional rights requires, and Violated his Due Process the comment to any extent when relating to petitioner Chancellor in the interest of having a fair trial. Petitioner Chancellor, was prejudice by any unlawful comments that the prosecutor made, indicating petitioner Chancellor this is why its critical for the Court to give reconsideration to the §2255 habeas Corpus, because its Not the repeated request, its Newly discovered issues that the Court should review in the interest of justice, that lead to the Verdict of the jury.

SENTENCING:

• Petitioner Chancellor, brought forth Newly discovered 181.13(b)(6) that applies to the Unusually long Sentence. Petitioner Chancellor brought forth 181.13(b)(6) within the body of his §2255 habeas Corpus petition.

SENTENCE

- Petitioner Chancellor, IN the interest of Justice, AND the Equal Justice of the Law, Should Not be denied Justice from such a harsh UNUSUALLY LONG Sentence
 - (1) Petitioner Chancellor do NOT have "ANY" prior history of the alleged offense.
 - (2) There was absolutely NO PHYSICAL EVIDENCE AGAINST petitioner chancellor.
 - (3) Petitioner Chancellor have a Automatic right to EXAMINE the Grand Jury transcripts to determine the trustworthiness of the witness testimony to the jury. this matter should have been brought forth, to make a "true determination" ON what evidence that the jury used to bring forth and indictment.
 - (4) There was no child abuse expert examination Reports, or
 - (5) a child abuse expert at petitioner chancellor, Sentencing Phase, to properly advise the Sentencing Court, the child reason for manipulation and telling lies, expert testimony to aid Petitioner Chancellor defense at his Sentencing phase was critical because of the confabulation that is often identified in child sexual abuse cases. That consist of "ATTENTION" FAVOR FROM A PARENT WHO MAY BE DISMISSIVE "OR INATTENTIVE" GETTING OUT OF TROUBLE "OR APPEARING ANOTHER ADULT WHO WANT THE CHILD TO TELL THE STORY THIS WAY" FINANCIAL BENEFITS" REUNITING FAMILY MEMBERS" WITHOUT PROVIDING AN EXPERT TO MAKE THE SENTENCING COURT AWARE FROM EXPERIENCE KNOWLEDGE OF A CHILD MOTIVATION, the Sentencing Court relied ON "JUNK SCIENCE" ACCEPTING the motivation of the child. It was discovered that the child recanted testimony this should have lead the Sentencing Court to doubt the allegations. There was absolutely NO reliable Physical evidence or facts.
- Petitioner Chancellor, Counsel failure to have expert testimony to inform the jury at Sentencing of A Child motives, Prejudice Petitioner Chancellor, that resulted with such UNUSUALLY LONG Sentence, from his Counsel failure to protect the rights of his client. Petitioner Chancellor, Counsel failed to investigate and present to the jury the means and motivation of a child fabrication; AND MANIPULATION of the jury.
- Petitioner Chancellor Counsel failure to argue the fact that other defendants have committed the same similar offense upon objections being made to sentence his client to a life sentence, without ANY relevant, factual reliable evidence that petitioner chancellor committed the offense.
- Petitioner Chancellor was prejudiced, as well as denied justice by NOT having his trial and sentence, if he was found guilty in the tribe court. Petitioner chancellor is a Native American, and should have had the jury from his district where the crime occurred to determine his faith, at Sentencing petitioner chancellor, Counsel did NOT appear to know the law and how to put on a defense, by his failure to have DNA forensic expert at the Sentencing hearing. To ensure his client was represented properly at sentence.
- The sentence was harsh because there is absolutely NO Physical that was presented to the jury that would result with petitioner chancellor being sentence to a UNUSUALLY LONG sentence of life in prison. There was NO Physical Evidence that would cause such a harsh punishment. Petitioner chancellor do not have ANY prior history of the allegations.
- Petitioner Chancellor have been incarcerated over 16 years for a crime/allegation that's UNSUPPORTED, only a lot of words.

Under the Scope of 181.13(b)(4) (The language relate to (b) as UNUSUALLY LONG Sentence Relating with the three branches historical role in sentencing and reducing sentence. reduction in term of imprisonment.

Petitioner Chancellor, does NOT have ANY prior criminal history of ANY of charged allegations "there is absolutely NO physical evidence, or ANY other evidence produced that would justify such harsh imposed UNUSUALLY LONG Sentence."

Petitioner Chancellor, proceeded to trial by Pleading NOT Guilty, to make every effort to rely on his attorney to prove his INNOCENCE."

Petitioner Chancellor, have been held in the custody of the Federal Bureau of Prisoner for 11 years for a crime that he did NOT commit. Petitioner Chancellor have been seeking justice, from this UNLAWFUL CONVICTION to prove his INNOCENCE by requesting DNA TESTING AND ANY other means that he CAN prove his INNOCENCE to sentence petitioner Chancellor, to a life sentence for "Attempt."

"Attempt or Attempted:"

Definition - Attempt A: The Crime of having the "intent" to commit, and taking action in an effort to commit a crime that fails or is prevented.

Attempted act: characterized by an intent to commit, and effort taken to commit a specified crime that fail or is prevented.

This Honorable Court should take notice to the language of the definition to include aggravated assault, aggravated assault, whether its sexual or ANY other means would have resulted with bodily injury, or injuries, and if it was ONLY existing aggravated assault there would have required some medical assistance that would have established medical reports of aggravated sexual assault. There was NO evidence disclosed that would justify the harsh sentence of life. The definition of Attempt or Attempted, there is absolutely NO evidence that petitioner Chancellor even attempted ANY sexual act.

Sexual abuse allegations are difficult to detect, and to prosecute due to the motive a child might have against the person. Maybe the child was coerced the child to make such allegations without ANY evidence that would justify the allegations. There are also manipulation. The normal would be not to tell the victim child have been informed on how to stage their emotions before the jury see United States v. Haw Petross (7th Cir. Sept 9, 2005) Four (4) years later.]

To actually challenge the allegation of the victim petitioner Chancellor, attorney should have complied with Evidence Code Section 801 permit a party to introduce expert testimony that may assist the trier of facts.

Petitioner Chancellor, attorney deprived him of putting on a defense, in the instant case that was vital with representing petitioner Chancellor, by his failure to present an expert in forensic psychology to challenge key aspect of the victim's account, and the prosecutor petitioner Chancellor, attorney unexplained failure to consult with experts that have knowledge of why a child lie, was vital. his unexplained failure to consult with expert of forensic tend to show that his failure was not a result of a tactical or strategic, because a attorney knows the law but, he failed to properly defend petitioner Chancellor at such critical stage of his trial.

1. Petitioner chancellor attorney should have put forth every possible defense to prove the statement or testimony was unreliable, and untrustworthy. United States v. Kilpatrick 594 Supp. 1324, 1339-341 (D. Colo. 1984), 921 F.2d 1456 10th Cir. 1991]

• The unreliable prejudicial testimony would have been acknowledge to the court through the expert testimony from a forensic nurse or specialist. The fact that this unfortunate case was only a battle of words with no physical evidence the victim's statement were not necessarily as credible as presented. It was discovered that the testimony was recanted by the victim, a known non-scientific theory, has been largely debunked in the scientific community as unreliable and inaccurate.

Petitioner chancellor was prejudice by his attorney being ineffective not being skillful, or knowledgeable of his duty, as a attorney. Petitioner chancellor, attorney did not make ANY "objection" as to the insufficiency of evidence. And prosecutor, duty to disclose exculpatory evidence, that the prosecutor have a obligation by law to disclose exculpatory evidence prior to pretrial. This is a violation of petitioner chancellor constitutional right under the scope of the Sixth Amendment to include effective assistance of counsel, petitioner chancellor had to rely on his trial counsel, skills, and knowledge of the law to ensure justice trial counsel unprofessionalism deprived petitioner chancellor from having a fundamental fair trial.

Petitioner chancellor attorney performance fell below an objective standard of reasonableness, and there is a reasonable probability that, but for his counsel's unprofessional errors, the result of the trial proceeding would have been different (Strickland v. Washington Supra, 466 U.S. at 687-88). Strickland obligates defense attorney to make reasonable investigation, before setting on a trial strategy or at least, to conduct sufficient inquiries to make a informed decision about whether further investigation is needed.

Petitioner chancellor, [REDACTED] attorney, under the Sixth Amendment he did not prepare for trial. Neither did he conduct ANY investigation that would support his duty to his client. There was no date or time of the allegations, trial attorney did not investigate ANY family members, or Rebecca Ballard, that knew the girls: there was no inquiry of ANY evidence being collected. No professional expert, was investigative, due to the knowledge that the expert of child molestation have about the child motive for making fabricated allegations. Petitioner chancellor, was deprived of putting on a defense, that prejudice him of his God-given rights to prove his innocence; the lack of his trial attorney skillfulness; and lack of knowledge that he demonstrate by not complying with his constitutional obligation to his client, the unprofessional errors of his attorney prejudice petitioner chancellor from his rights to have a fair trial. his attorney should have been competent of his sworn duties as a attorney he did not demonstrate ANY skillful, to show that he was competent.

Petitioner chancellor trial attorney did not make ANY "objection" to the harsh unusually long sentence of life in prison or attempt or attempted, AGGRAVATE; without ANY evidence whatsoever that would justify such imposed sentence. Petitioner chancellor, attorney should have made the jury aware of the fact that there was absolutely NO evidence presented that would justify such harsh sentence. And the expert testimony of the Medical Expert would have made the jury aware that young victim, have motivation for lying. A forensic expert should have testified at petitioner chancellor trial, this is part of putting on a defense, the jury could have witness the testimony from the expert analyst testimony why a child lie.

- Petitioner Chancellor have showed his "attorney's failure to comply with his" Sixth Amendment: he has a sworn duty to his client to "investigate" or present evidence on his client behalf was unreasonable; Petitioner Chancellor Sixth Amendment to have effective Assistance of Counsel was Violated *Wiggins v. Smith* Supra 539 U.S. at 587; *Frierson v. Woodford* (9th Cir. 2006) 463 F.3d 982, 989

A review of Petitioner Chancellor's trial attorney file would prove that he did not comply with his duty to investigate; Neither was any of Petitioner Chancellor witnesses interviewed; or advised of his trial. There was no appointment for an expert or specialist. There was no notes regarding any consulting with the use of potential expert for the purpose of rebutting the prosecution. Confabulation, and secondary gain particular to child witnesses, Petitioner Chancellor, attorney failed to offer any "expert testimony";

By Petitioner Chancellor attorney failure to consult with such experts, trial counsel failed to make an informed decision about whether to present such evidence critical to the defense. This constituted deficient performance (see e.g. *IN RE Fields* (1990) 51 Cal. 3d 1063, 1069 [an informed and rational decision based on strategy and tactics can be made only after adequate investigation and preparation *People v. Ledesma* (1987) 43 Cal. 3d 171, 215] Ex A. 11 7-9 Declaration of Fay Arfa Esq.) the motivation for confabulation is often identified in child sexual abuse cases to include: attention, favor from a parent who make be dismissive or inattentive, getting out of trouble, pleasing or appearing another adult who want the child to tell the story this way, financial benefits and/or reuniting family members.

Trial Counsel performed deficiently by failing to consult with readily obtainable experts in the field which could have reviewed the case and aided in the defense. Petitioner Chancellor attorney failure to present such "expert testimony fell below an objective standard of reasonableness" (see Ex A. 11 7-9 Declaration of Fay Arfa Esq.)

Expert testimony challenging the reliability story was critical because it could have explained the many factors tending to show the unreliability the victim version of events. Petitioner Chancellor attorney failure to present such expert testimony prejudice Petitioner Chancellor because significant issues existed regarding the credibility of victim statement. Yet the jury was left with the prosecution's version of events and without any educated way to assess that credibility. Petitioner Chancellor trial was fundamentally flawed by trial counsel's failure to properly educate the jury by presenting expert testimony on the relevant scientific

Petitioner Chancellor has showed that but for counsel's deficient performance there is a reasonable probability the jury would have acquitted him, Petitioner Chancellor have met the threshold of showing a reasonable probability sufficient to undermine confidence in the outcome. Had Petitioner Chancellor Counsel adequately researched, investigated, and presented an expert witness in forensic psychology to advise the jury regarding the critical concepts, confabulation, taint and secondary gain often present in child victims account of sexual misconduct the jury would have been able to better assess that credibility and point out the possible fallacies. A "reasonable probability" exist that had the jury been given accurate information upon which to base its verdicts. The result would have been more favorable to Petitioner Chancellor. Trial Counsel's deficient performance created a "probability sufficient to undermine confidence in the outcome" (*Strickland v. Washington* Supra, 466 U.S. at 649)

[A] court may find unfairness and thus prejudice from the totality of counsel's errors and omission (*United States v. Tucker* (9th Cir. 1983) 716 F.2d 576, 595.) Petitioner Chancellor Counsel performance deficient and prejudicial, namely, the lack of expert testimony to challenge the credibility of victim, there was unreliable testimony.

• Trial Counsel's conduct so undermined the proper functioning of the adversarial process that the trial counsel cannot be relied on as having produced a just result (Strickland v. Washington, supra, 466 U.S. at 686) Any remedy must "neutralize the taint" of a constitutional violation (See United States v. Mechanik (1986) 475 U.S. 66, 72.) An adequate remedy here would be to the interest of Justice, and Grant Petitioner Chancellor, Time Served.

• it would be a miscarriage of justice and the violation of Petitioner Chancellor Constitutional Rights, and Equal Justice of the Law not to grant him the relief from his conviction that he is innocent of committing any of the offense. There is insufficiency of evidence, and recanting of testimony this is why it was so vital to have expert testimony. And this is why Justice should not be denied to Petitioner Chancellor, his Sixth Amendment Rights to have a fair trial was violated because he was deprived of putting on a complete defense, to prove his innocent. his Counsel failed to comply with his duty to represent him.

PLAIN ERROR.

• A plain error is an error that was obvious and affected the defendant's substantial rights and it should be corrected if it seriously affected the judicial proceeding United States v. Olano 507 U.S. 725 (1993). IF the Sentencing Court bases its Sentence on erroneous information, an error occurs. United States v. Fleming 994 F.3d 764 (6th Cir. 2018) Counsel did not make any objections at Petitioner Chancellor Sentencing. Petitioner Chancellor Sentence was extremely harsh and cruel. Petitioner Chancellor do not have any prior history, of the allegation, his conduct was not supported by the preponderance of the evidence United States v. Watts 519 U.S. 148 (1997). The Eighth Amendment is similar to the Sixth in that it is suppose to protect the rights of the accused and forbid the use of such cruel harsh unusually long Sentence. due to the insufficiency of evidence.

manifest injustice, in the instant case of Petitioner Chancellor due to the manifest weight of the evidence under which reversal of a decision or verdict requires showing that it is obviously erroneous and unsupported by the evidence to be sentenced to a life Sentence on allegation without any evidence that would justify the harsh Sentence. trial counsel made no objection at Sentence. due to the lack of evidence. the false recanted testimony affected the judgement of the jury. this Court should employ the Perjured evidence standard. It is a matter of record of the recanting of testimony. existed.

Petitioner Chancellor, attorney was constitutionally in effective assistance of counsel at trial Lockhart v. Fretwell 122 L. Ed. 2d 180, 113 S. Ct. 838 (1993)

Petitioner Chancellor in the interest of Justice, Sentence should be reduced to Time Served.

Another Factor, TURNING to the Venue and Vicinage clause: The Court stated that it "Provides that clause guarantees the right to ... AN impartial jury of the state and district wherein the Crime shall have been committed And 6 according to the Court, The Vicinage clause just reinforces the coverage of the Venue clause, because, in protecting the right to a jury drawn from the place where a crime occurred.

Petitioner Chancellor, was prejudiced by his attorney not making any "objection" to his client Constitutional Rights to have the jury drawn from the district of where the offense occurred, which was "Indian Country" and the fact that it functionally prescribes the place where a trial "MUST BE" held. United States v. Rodriguez-Moreno 526 U.S. 275 (1999). Petitioner Chancellor, attorney performance fell below an objective standard of reasonableness by his unprofessional errors. Strickland v. Washington 466 U.S. 688.

The Jury was not drawn from Indian Country, or within the district where the offense occurred petitioner chancellor, in the interest of justice should have had the Jury from the fair cross-section of the community. then the constitutional requirements are met.

Native, Indian is a distinctive group in the community. The fourteenth Amendment, and the Sixth Amendment to the United States Constitution guarantees petitioner chancellor, the right to trial before a jury selected from a representative cross-section of the community "EVANS v. State 926 F.2d 265 (Nev. 1996) Valentine v. State 454 F.3d 709 (Nev. 2019) Petitioner chancellor have alleged specific facts that could establish the underrepresentation... of Native) is an inherent in the jury selection process, that affected his substantial rights, and the errors seriously affected the fairness, integrity of justice, Batson v. Kentucky 476 U.S. 79 (1986).

In light of the entire record petitioner chancellor was deprived of having a fair trial United States v. Cusimano, 148 F.3d 824, 831 (7th Cir. 1998) petitioner chancellor, was prejudiced by the unprofessional misconduct of the prosecutor as a matter of record stated this is what a "CHOMO LOOK LIKE" the unprofessional misconduct of the prosecutor was not objected" by petitioner chancellor attorney infecting petitioner chancellor's trial with such unfairness, and unprofessional comment. that the court should not tolerate. See Berger v. United States, 295 U.S. 78 (1935) STRIKING Foul Blows. Petitioner chancellor conviction was the results of his constitutional rights, and due process of law, and his procedural due process the statement of the prosecutor was improper and so flagrant as to render the entire trial fundamentally unfair. the unprofessional misconduct of the prosecutor was unconstitutional see Donnelly v. DeChristoforo, 416 U.S. 657 (1974)

No one not even a federal prosecutor is above the law, President Mr. LARRY S. POZNER of DENVER said CONGRESS has set the record straight and put amend to the department abstray. the prosecutor made the prejudiced statement against petitioner chancellor that requires his case to be reversed. it is the only cure because, once the prosecutor made the unprofessional comment the jury can not take back something that they heard from the prosecutor. that violated petitioner chancellors God given rights to have a fair trial.

In the interest of justice, that petitioner chancellor, have been denied and deprived of, Equal Justice of the law should stand. and petitioner chancellor should be granted the relief, from his conviction, and sentence that was the results of his constitutional rights procedural due process, due process.

"Petitioner chancellor attorney have a duty to ensure the law upon representing him and to know the law. his attorney should have filed the proper motion to have his client, case transferred to tribal court prior to pretrial or trial. The court lack jurisdiction may be made at any time. Petitioner chancellor attorney was ineffective (Strickland v. Washington).

- ON JANUARY 20, 2025 President Donald Trump stated: its time to bring back Equal Justice of the law to include our Constitution and it shall be impartial. President Donald Trump Pardon 1500+ that was involved with the riot that occurred at the Whitehouse IN Washington D.C.

President J. Biden, before departing his office as President Pardon 39 prisoners with harsh Crimes off Death Row.

- In the interest of justice, and Equal Protection of the law, Petitioner Chancellor should be treated impartial, its Numerous defendant that have Plead guilty, stating their guilt, and received for less sentence than life in Prison. Petitioner Chancellor Plead Not guilty. To protect his rights to have a fundamental fair trial because of his innocence; There was no physical evidence used against him at his sentencing Phase. Counsel for defendant Chancellor, made no objections that would have shown a interest of justice, for such harsh sentence without any supporting evidence, and the fact that the allegations, of the victims was unreliable, it was recanting testimony, without any evidence. the due process require a fair procedure, for determining the facts, and evidence; Strickler [v. Green 527 U.S. 263 (1999)] Petitioner Chancellor, Counsel insufficient diligence in investigating was unreasonable, false testimony. There was no objections by Counsel to the unreliable testimony. Counsel errors prejudice Petitioner Chancellor.
- Petitioner Chancellor was prejudice by his trial Counsel failure to make objection to the impose harsh sentence alone with insufficient evidence, and to have his client sentence dismiss. Mayfield 141 U.S. 107, 112-16 (1891) reviewing whether Victimless Crimes by Indians should be treated under statute Prohibing certain acts by one Indian against another, that should have been transferred to tribe Court due to the district tribe Court should have decided the faith of Petitioner Chancellor Case, 525 U.S.C. §1303., his case should have been held in tribe Court first.
- MATT V. HANNISAN 910 F.2d 684, 685 (10th Cir 1990) (Question whether Child's hearsay Statement about Sexual abuse were sufficiently "Reliable") Martinez v. Sullivan 881 F.2d 921, 926 n. 2 (10th Cir. 1989)
- In the interest of justice this Honorable Court of Appeal should Pardon Petitioner Chancellor for his imposed sentence, and Grant him time served, because of Not having his Case Not decided by his tribe Court, Petitioner Chancellor is a Cherokee Native, his offense occurred in the district of Indian Country, he also lived in Indian Country, his case should have been decided by the Tribe Court, Petitioner Chancellor, was prejudice by Not having his attorney to ensure the fundamental justice, and equal justice of the law was applied. The Venue is relevant, because its the district where the jury should have been selected. Trial Counsel prejudice Petitioner Chancellor representation of being effective, that requires Petitioner Chancellor, to be releaved from his Conviction, as Justice requires, reasonable Jurists would find it debatable due to the Courts having Jurisdiction to have sentence him to such harsh Punishment when his offense occurred in Indian Country.

- This Honorable Court in the interest of Justice should take judicial review of the Unusually harsh Sentence of Petitioner Chancellor that was sentenced to a life sentence, Without ANY factual evidence or ANY physical that would justify such harsh punishment that Violate his Eighth Amendment, to the fact that it was Cruel and Unusually harsh Punishment, without ANY evidence that would justify the allegations of the alleged Victim.
- There was NO evidence presented to the jury that would have caused for such harsh Punishment. Petitioner Chancellor do not have ANY prior criminal history of committing the allegation that he was convicted and sentenced. Equal Justice of the law requires Petitioner Chancellor to be treated in the interest of Justice similar to those that have been charged with the same Nature of the offense. However, Evidence is the major key that would have proved that Petitioner Chancellor committed the offense.
- 53553 imposition of A sentence, factors to be consider in imposing a sentence the Court shall impose a sentence sufficient, but, Not greater than Necessary to comply with the purpose set forth in Paragraph (2) of this subsection, (1) the fact that its No Evidence and Petitioner Chancellor do not have a prior history, there, was No sufficient Need to impose such harsh Unusually long Sentence.
- 1 Bl. II ON accurate guideline range calculation may still properly require "consideration" and correct application of the departure. U.S. v. Mix 450 F.3d 375 (4th Cir. Court of Appeals, June 8, 2006) he contends that the imposition of a life sentence was unreasonable and inconsistent due to insufficient evidence.
- There was INSUFFICIENT EVIDENCE that would have justified the Unusually long harsh sentence. There was No expert testimony, of Child Sexual abuse, No date or time No 911 calls, No medical reports, the testimony was unreliable. there should have been a "Judgement of Acquittal Challenging the insufficiency of evidence" Government did Not establish when sexual allegation occurred, see United States v. Peters 277 F.3d 963 (7th Cir. Court of Appeals Jan. 122/2002 "Reversed" reversed District Court Judgement of conviction)
- Petitioner Chancellor trial was a "SHAM" Because No evidence was presented that placed him at risk of such Unusually long harsh sentence, there was No presentation of evidence that concern ANY of the factual elements of the offense charged, and there was No risk that Petitioner Chancellor would have been found guilty. § 2106 "Determination" Modify Vacate, set aside or Reverse ANY Judgement. "legally insufficiency" against the weight of the evidence that should be reversed on the law. People v. Scott 67 A.D.3d 1052, 1054, 884 N.Y.2d 279, 281 (3d Dept. 2009) ("We will necessarily consider [] Legal insufficiency"] in reviewing the weight of the evidence []").
- Petitioner Chancellor requesting by the appellate division to conduct a weight of the evidence review. People v. Danielson 9 M.V.3d 342, 348 800 N.E.2d 1, 4, 849 N.Y.S.2d 480, 484 (2002) Burks v. United States 397 U.S. 1, 18, 98 S.Ct. 2141, 2150-2151, 57 L.Ed.2d 1, 14 (1978) ("Finding in the interest of Justice should make the relevant fact whether insufficiency of evidence occurred that resulted with Petitioner Chancellor, being convicted, and Reverse his case. in which it was insufficiency of evidence")

The United States Sentencing Commission Amended its Guideline "Judge Block" makes a vigorous case for giving Judges wide discretion to "REVISIT" sentencing decision such changes. it said may indeed be "CONSIDERED" at least when the Prisoner has Served 10 Years, and the Sentencing disparity is significant.

Judge DANA M. Douglas was appointed by President Biden. Judge Douglas wrote "That there are so many people incarcerated based on [Now UNCONSTITUTIONAL] or otherwise illegal laws. who have been incarcerated for 10 years or more whose sentence would be drastically different today."

- But for the "Constitutional Error" that occurred with Petitioner Chancellor Case No reasonable Jury would have found him guilty. Petitioner Chancellor have showed Prima Facie from the Constitutional Errors, that deprived him of having a fair trial under the Scope of his Sixth Amendment.

Within the body of Petitioner Chancellor §2255 habeas Corpus. he has shown how his Constitutional Rights was Violated. Petitioner Chancellor have showed that his Counsel Performance was Professionally deficient and that the deficient Performance Prejudiced him. See Strickland v. Washington (1982)

- Conviction based on "insufficient Evidence"; resulting from "Ineffective Assistance of Counsel". The District Court Error by Not recognizing Petitioner Chancellor, Counsel legal obligations to his Client. As the Court of Appeals reviewed the District Court legal Rulings on a §2255 habeas Corpus. motion "DE NOVO" and its finding of fact for Clear Errors. See United States v. Wiseman. 297 F.3d. 975 (10th Cir. 2002).

- Petitioner Chancellor have made a "Substantial Showing" of the denial of his Constitutional Rights, to include the "Affidavit of Donna Cooper" that stated. TEN Thousand dollar was paid to Todd Hembree, and "he did Not do Nothing". and they want to Prep her. This is obviously a Violation.

Petitioner Chancellor should Not be denied or deprived of his Rights to Prove his INNOCENCE with DNA testing that he have requested that his attorney, should have request to Prove his Client innocence, Prior to Pretrial/Trial.

Petitioner Chancellor, as a Pro Se litigator, the Courts in the interest of Justice should have advised Petitioner Chancellor of the "STANDARD" that would "SATISFY" Filing A §2255 Habeas Corpus. Petitioner Chancellor have brought forth his legal standard of the law of his Constitutional Rights. He is entitled to the "Equal Protection of the law".

Petitioner Chancellor. Aves. that his trial Counsel did Not comply with his duty to properly represent him. Justice should Not be denied to Petitioner Chancellor. he have served over 10 years, of a conviction that he is innocence of committing the Court should Grant Petitioner Chancellor. Time served, because his conviction was the result of the Violation of his Constitutional Rights, and Due Process.

- The Appellate Division should consider it in the interest of justice, as Due Process Petitioner Chancellor, seeking reversal "on the facts" from the Appellate Court. The Appellate Court can reverse a case if it finds that the evidence was not strong enough to convict Petitioner Chancellor. There was absolutely no physical evidence presented at Petitioner Chancellor trial. Evaluating legal insufficiency is a "necessary" part of weighing evidence. A claim of legal insufficiency may succeed even if the issue was not preserved. "People v. Scott 67 A.D. 3d 1052, 1054 (89, N.Y.S. 2d 279, 281 (3d Dept. 2009) ("We will necessarily consider [legal insufficiency] in reviewing the weight of the evidence. ["]"); People v. Loomis 56 A.D. 3d 1046, 1046-1047 867 N.Y.S. 2d 772, 773 (3d Dept. 2008) (Considering sufficiency of evidence although not preserved while considering weight of evidence). Furthermore, if a defendant requests "The Appellate Division must conduct a weight of evidence review." Petitioner Chancellor, is requesting that the Appellate conduct a weight of the evidence. In the interest of justice, and Equal Justice of the law. This is a concern that Petitioner Chancellor, Counsel should have requested, because there is insufficiency of physical evidence, that Petitioner Chancellor, committed the offense. Petitioner Chancellor is requesting DNA testing to prove his innocence. Counsel should have had a legal interest with protecting his client rights. He failed to apply the law, and legal skills. The indictment does not state "Elsewhere, Neither is it only sufficient evidence to have indicted Petitioner Chancellor, but law there must be some reliable evidence. Territory or territorial jurisdiction for a trial court will depend on where the alleged incident took place. There were errors dealing with a fundamental aspect of the fairness of Petitioner Chancellor trial. In the interest of justice, due to Petitioner Chancellor. Sixth Amendment rights in the interest of justice to have a fundamental fair trial, and the Equal Justice of the law, to have the effective assistance of counsel, and the Equal Protection of the law. Had Petitioner Chancellor case been transferred to the proper court, there would have been a different procedural, having his trial outside the venue deprived him of having a fundamental fair trial. In Tribble Court, Indian Country).
- People vs. Jones 81 A.D. 2d 22, 42, 440 N.Y.S. 2d 248, 249 (2d Dept. 1981) stating "the failure to adequately preserve an issue in this manner would not however preclude our courts from reviewing the matter in a proper case [as a matter of discretion in the interest of justice] (INTERNAL CITATION OMITTED) The verdict is against the weight of the evidence" This is a question of law that does not need to be preserved in order to be raised on appeal. See People v. Roman, 217 A.D. 2d 431, 431, 629 N.Y.S. 2d 744, 745 (1st Dept. 1995) finding that an appellate claim that the verdict was against the weight of the evidence need not have been raised before the trial court because a trial court has "no authority" to make a decision on this type of claim. In the interest of justice, and to ensure that Petitioner Chancellor Constitutional rights are ensured, because "VENUE" is very vital, and his trial attorney should have had an interest with representation of his client in the proper venue. As the law requires.
- Petitioner Chancellor was prejudiced by the lack of his trial counsel's legal knowledge and skillfulness of applying the principles of the law, that violated and abridged his rights Sixth Amendment rights as well as Equal Justice of the law. Had Petitioner Chancellor Counsel ensured his client rights under the score of having a fundamental fair trial he would have made "OBJECTION" to the venue, because the venue is vital and it's where the offense occurred. And as stated Petitioner Chancellor, did not request "ELSEWHERE", that is strictly a decision that has to be acknowledged by the client. This matter, should have been raised prior to pretrial had Petitioner Chancellor, Counsel had the legal knowledge that requires the skills with representing his client.

- Petitioner Chancellor, Charges should have been dismissed for improper venue, (this is the law that Petitioner Chancellor Counsel should have been knowledgeable of, upon representing Petitioner Chancellor. Because "Petitioner Chancellor did not request 'Elsewhere'." Petitioner Chancellor, did not request his trial to be heard else where. Petitioner Chancellor Attorney CAN NOT single handedly "waive his Client's rights to be tried in a proper venue. Petitioner Chancellor have a fundamental right" which CAN ONLY BE WAIVED BY DEFENDANT HIMSELF. Petitioner Chancellor must be knowledgeable of his fundamental rights. Counsel failed to know the law and to ensure his client had a fundamental fair trial, within the venue, where the offense occurred. Petitioner Chancellor was prejudiced by his Counsel unskilled knowledge of the legal procedure that he should have known. That violated his Constitutional rights and Equal Justice of the law. As a Native American.
- A reasonable Competent attorney, would have discovered in the body of the indictment "Elsewhere" and to have his client case decided in the proper jurisdiction of the Tribal Court. There were no objection made by Petitioner Chancellor Counsel, to have his client case transferred, To Tribal Court. The Error affected the outcome of his case. The Errors affected Petitioner Chancellor's substantial rights; by the Negative act of his Counsel.
- Petitioner Chancellor, Counsel, "Spent inadequate time, consulting with him, attorney. It requires time to prepare to defense, adequate consultation between attorney and client is an essential element of competent representation of a criminal defendant. while the amount of consultation should be sufficient to determine all legally relevant information known to the defendant, to include "investigation" the vital witnesses that Counsel did not investigate was, Joyce Chancellor, Petitioner Chancellor mother, Rebecca Ballard, that had knowledge of the victims, their testimony would have been vital to put on a complete defense, including Wesley Chancellor, Brandon White, also Kayla. Petitioner Chancellor, attorney Todd Hembree, did not interview potential witnesses ... A lawyer must interview potential witnesses and make an independent investigation of the facts and circumstances in the case. "Bryant v. Scott, 28 F.3d 1411, 1415 (5th Cir. 1994). Petitioner Chancellor have proven Prong one of the Strickland test, at a bare minimum. Counsel for Petitioner Chancellor, should have interest with investigating the potential witnesses. Counsel did not comply with his obligation to investigate and interview his client witnesses. There exist no notes. Neither did Counsel Hembree have an investigator. Bryant v. Scott 28 F.3d 1411, 1415 (5th Cir. 1994) while an attorney must engage in a reasonable amount of pretrial investigation Counsel did not even inquire of any witnesses.
- "The Constitution guarant criminal defendant a meaningful opportunity to present a complete defense" which the right to present testimony of witnesses that is material and favorable to their defense and comply with the rule of evidence). Crone v. Kentucky, 476 U.S. 683, 690, 106 S. Ct. 2142, 90 L. Ed. 2d 636 (1986) {Reverse with instruction to permit testimony of the three witnesses}

DNA

- In the interest of justice, And to prove that Petitioner Chancellor, innocence, and to put on a defense, Petitioner Chancellor, Counsel should have presented DNA. The Supreme Court considers evidence to be "material" if there is a "reasonable probability" that this evidence will affect whether Petitioner Chancellor would have been found guilty or not guilty. There is a reasonable probability that if the result of DNA test had been admitted at pretrial/trial the verdict would have been more favorable to Petitioner Chancellor. There was insufficiency of evidence.

- It is well established that "the absence of jurisdiction in the convicting court is indeed a basic principle of law to transfer the case to the court that has jurisdiction. For the relief in the interest of justice *Yellowbear v. Wyoming Atty Gen.* 525 F.3d 921, 924 (10th Cir. 2008) *United States v. Dowell* 438 F. App'x 706, 708 (10th Cir. 2011) Cited cases...
- Petitioner Chancellor, Counsel did NOT inquire of his client to determine if he lives within the jurisdiction of the court, that convicted him, or whether the court has jurisdiction over the subject of the action. there were several ground in which Petitioner Chancellor could have made objections; but he did NOT make any objection with defending his client (discovery).
- Petitioner Chancellor was deprived of the entitled to compulsory process for bring his own witnesses into court. due to the trial NOT being conducted in the jurisdiction where the offense occurred.
- Counsel for Petitioner Chancellor did NOT ask each witness at the trial for the government whether they appeared before the Grand Jury which returned the indictment. this cross-examination developed the fact, that ONLY witness went before the Grand Jury. was investigating officers (maybe) Counsel demonstrated his lack of experience of the law when he failed to move to have the indictment dismissed. ON the grounds that the ONLY evidence before the Grand Jury was hearsay. Petitioner Chancellor, Counsel failed to acknowledge that an indictment based on hearsay evidence violates that part of the Fifth Amendment providing that "No person shall be held to answer for a offense capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury. See *United States v. Reed* 27 Fed. Cas. 787 [1850] determining whether or not the finding was founded upon sufficient proof: "there was no evidence against Petitioner Chancellor." ONLY hearsay allegation. (Fed. Rule. Evid 801(c), indicate that a statement is ONLY hearsay if offered to prove the truth of the matter asserted).
- See Justice Burton, CONCURRING. I agree with the denial of motion to quash the indictment. "It seem to me that if it is shown that the Grand Jury had before it no substantial or rationally persuasive evidence upon which to base its indictment the indictment SHOULD BE QUASHED. To hold a person to answer to such an empty indictment for a capital or otherwise infamous federal crime, rob the fifth Amendment of much of its protective value."
- "Judge Learned Hand" stated that "I agree that if it appeared that no evidence had been offered that rationally established the facts, the indictment ought to be quashed because then the Grand Jury would have in substance abdicated to be quashed because then the Grand Jury would have in substance abdicated 221 F.2d 668, 671 [1955]. See also *United States v. Mills* 792 F.Supp 444 (M.D.N.C. 1992) aff'd 995 F.2d 486 (4th Cir 1993) See *United States v. O'Shea* 447 F. Supp. 330 (S.D. Fla. 1978) (Court inspected transcripts and dismissed the indictment because it was NOT supported by ANY evidence, competent or otherwise to establish a prima facie case." See *United States v. Thompson*, 251, U.S. 407, 414, 40 S. Ct. 289, 292 (1916) Ed. 333 (1920) If the Grand Jury has no obligation to consider all "substantial exculpatory" evidence, we do NOT understand how the prosecutor can be said to a binding obligation to present it."
- Petitioner Chancellor Counsel should have applied in the interest of justice cases that would justify that the juror base its indictment ON relevant evidence. *Castello v. United States*,

- U.S. Dept. of Justice, United States Attorney manual, title 9, ch. 11 § 9-11.233, 48 (1982)
- The prosecutor must present OR otherwise disclose such evidence to the grand jury before seeking an indictment against such a person.

United State v. Rivera-Pedraza 861 F.2d 1522, 1529-30 (11th Cir. 1998) Use of OR failure to correct clearly perjurious testimony. United State v. Cusimano 148 F.3d 824, 831 (7th Cir. 1998) in light of the entire record defendant was deprived of a fair trial.

The court too, has a duty to ensure that a criminal defendant receive a fair trial
United States v. Nobiles 422 U.S. 226, 230 95 S. Ct. 2160, 45 L. Ed 2d 141 (1975).

ALLEGATIONS MUST EMBRACE ALL FACTS TO BE PROVEN

- Petitioner Chancellor Counsel failed to ensure all the allegation against his client was proven. there was no objection, made by petitioner chancellor counsel for the allegations. Facts consist of investigating the allegation. and request. Some relevant evidence, and facts that his client, was actual innocence; due to the lack of evidence OR facts. There was absolutely no physical evidence that would justify the allegations. Petitioner Chancellor was prejudiced by his Counsel performance, and legal knowledge by his failure to request the relevant evidence, because allegations must be proven OR supported by some facts. The non-disclosure of the evidence, or relevant fact deprived petitioner chancellor of his due process, and equal justice of the law, the jury was deprived of assessing any evidence of facts.
- Petitioner Chancellor defense Counsel did not move to have the trial dismissed due to the insufficient of evidence. The credibility of the victim was not reliable, due to the "recanting of the testimony." as a matter of record, that petitioner chancellor, should have been alert, and conscience of. There was no objection made by counsel.
- It is obvious that the false testimony without any objections from trial prejudice prejudice petitioner chancellor from having a fair trial. "A New trial would still be required, if false testimony could in any reasonable likelihood have affected the judgement of the jury." its a matter of record that false, recanted testimony occurred without objections being made by defense Counsel." resulting with prejudicial effect. there was
- No physical evidence disclosed, that would justify the unsupported allegations. Criminal Law 942 (1) A New trial is required if false testimony could in "ANY" reasonable likelihood have affected the judgement of the jury.
Investigative officers, are part of the prosecution that has a duty to disclose evidence from the crime that occurred.
- Rule of Criminal Procedure 62. F.R.D. 271 (1974) Berger v. United States, 295 U.S. 78, 98, 55 S. Ct. 629, 79 L. Ed. 1314 (1935) "The interest of the prosecution is not that it shall win the case but, that it shall bring forth the true facts surrounding the commission of the crime, so that justice shall be done.... Petitioner chancellor counsel, did not make any objection to the prosecutor, unprofessional misconduct by the comment stating "This is what a chomo look like" prejudice unprofessional statement should not have been tolerated by the court.
- All federal courts are endowed with certain inherent supervisory power over the administration of justice in the court of the United States and must utilize that power to dismiss an indictment, whenever the pursuit of truth and justice becomes tainted. La Buy v. Howes Leather Co. 352 U.S. 249, 259-60 77 S. Ct. 389 1 L. Ed. 2d 290 (1956) Less v. Twomey 404 U.S. 477, 479 n.1 92 S. Ct. 619, 30 L. Ed. 2d 618 (1972). "The United States Attorney Vested with suzerainty and power are especially entrusted with the duty to protect the interest of all people, including of course the legitimate rights of those accused of crime in the federal courts.

- However, for cases of Sexual assault, the Court stated that the time requirement is more lenient. See State v. Creighton 462 A.2d 980 (R.I. 1983). But a statement made more than a day after the alleged sexual assault "stretches the truth". This is because if Petitioner Chancellor committed ANY of the allegation, the victim would have Notified someone.
- The Statements of the Victims was Not made immediately Neither the next day, or a month later, after the alleged crime. Absent the statement/testimony that was untrustworthy due to recanting, absent the statement there was no physical evidence. Trial Counsel was ineffective for Not requesting his client be dismissed due to the insufficiency of evidence. There was Plain Errors. A error is plain when it is clear or obvious rather than subject to reasonable dispute. Counsel fail to make objections to the errors, resulted with Petitioner Chancellor being convicted of allegations that he did not commit.
- United States v. Isgrò Note 2 Supra the intentional prosecutorial introduction of prejudiced testimony on a critical issue, has been characterized by a few courts as constitutional violation. See Beale et al. § 9.8
- The Plain Error, i.e. (1) Error (2) Error that was obvious or clear (3) that affected the defendant's Substantial Rights and (4) that affected the fairness, integrity, or public reputation of the Judicial Proceedings. The fact that Petitioner Chancellor Counsel has a duty to put on a complete defense. he was Not competent of his Sixth Amendment. Petitioner Chancellor, have a duty to protect his client's rights and to ensure he have a fair trial as justice requires. Petitioner Chancellor Counsel did Not request DNA Testing for his client. Petitioner Chancellor pleaded Not Guilty, and DNA Testing would have supported his client innocence. Petitioner Chancellor Counsel failed to put on a defense, or make any reasonable "objections" to the allegations, of the Victim's testimony due to the insufficient of evidence. The mere fact that one victim made allegations against Petitioner Chancellor Five (5) years later, without any reliable explanation for such a lengthy delay, and should have been dismissed as the law requires, that Petitioner Chancellor's Counsel did Not make any objections, regarding the lengthy delay for the allegation.
- The mere language "Attempted" or "attempt" does Not justify that Petitioner Chancellor actually committed either of the offense; There was absolutely no physical evidence that would have justified the allegation against Petitioner Chancellor. "The Court stated that reasonable Counsel would have made the argument for the interpretation that would have kept his client from facing the charges."
- Trial Counsel failure to request any exculpatory evidence, even though the Prosecutor has a duty to disclose exculpatory evidence under the Brady v. Maryland, and American Bar Association Model Rule 3.8.
- MAY A Defendant be required to stand trial and a conviction be sustained where only hearsay evidence was presented to the Grand Jury which indicted him? The Vicinage Clause. That Clause guarantees "the right to --- An impartial Jury of the State and directed wherein the crime shall have been committed Amttlo."
- The jury should have been drawn from the district wherein the crime shall have been committed. The fact that the jury was Not drawn from the place where the crime occurred required the dismissal of the indictment that the trial Counsel failed to make objections to dismiss the indictment to include there was no physical evidence presented to the Jury.

- It was ONLY UNRELIABLE hearsay evidence, United State V. Rodriguez-Moreno, 526 U.S. 275 (1999). The Vicinage Clause concerns "Jury" composition, "Jury Must Be drawn from the state and district wherein the crime shall have been committed. Petitioner Chancellor was prejudiced by Not having the Jury from the district where the offense was committed to determine whether there was sufficient evidence to bring forth an indictment. Petitioner Chancellor was prejudiced by his Counsel lack of knowledge to defend his client rights under the scope of the Amdt 6, the failure of his Counsel to investigate the indictment resulted with the violation of Petitioner Chancellor constitutional rights, due to insufficiency of evidence. Also improper venue....
- Federal Rule Evid. 801(c) indicate that a statement is ONLY hearsay if offered to prove the truth of the matter asserted; Petitioner Chancellor, Counsel failed to make ANY objections to the indictment because there was NO evidence ONLY hearsay, an indictment based solely on hearsay evidence violates that part of the fifth Amendment providing that "No person shall be held to answer for a capital, or otherwise infamous crime; The purpose of determining whether or not the finding was founded upon sufficient proof." *** United States V. Reed 27 Fed. Cas. 727 [1852].
- The Court should make the relevant determination in the interest of justice and the Equal Protection of the law, Petitioner Chancellor indictment should be dismissed IN Holt V. United States 218 U.S. 245, 31 S.Ct. 254, 1 L.Ed. 1021 [1910] This Court had to decide whether an indictment should be quashed because supported in part by incompetent evidence. In Petitioner Chancellor case, it is a violation of his Sixth Amendment, because the jury from the district where the offense occurred should have brought forth an indictment the indictment shall consist of some evidence.
- The indictment was not made or determined by the jury of the district. Counsel failed to make any objection to the indictment, due to the jury not indicting Petitioner Chancellor from the district where the offense occurred. require the indictment to be dismissed.
- it was NO substantial or rationally persuasive evidence upon which to base the indictment that indictment in the interest of justice should be quashed. To hold Petitioner Chancellor to answer to such empty indictment for a capital or otherwise infamous federal crime robs the fifth Amendment of much of its protective value. Referring back to Judge Learned Hand, if it appear that no evidence had been offered that rationally establish the facts the indictment ought to be quashed. [221 F.2d 668, 677 [1955]].
- Congress Never intended for the jurisdictional statute governing offense committed within Indian Country, to be determined outside the offense, district where the offense occurred.
- Petitioner Chancellor, Counsel fell below the "U.S. Supreme Court case" Strickland V. Washington, 406 U.S. 688, 104 S.Ct. 2052, 80 L.Ed. 2d 674 [1984] due to Petitioner Chancellor errors and failure to properly investigate or conduct any investigations prior to trial violated his rights to have Equal Justice of the law. The false testimony without any physical evidence, violated Petitioner Chancellor rights. Due to the false testimony, and recanting of testimony, U.S. V. Kelly 35 F.3d 929 (4th Cir. 1994) [Conviction must be reversed if there is ANY reasonable likelihood that "false testimony" could have affected the judgement of jury, EVEN if testimony relate only to credibility of government witness, Boyle V. Johnson 93 F.3d 186 (5th Cir. 1996) Court of Appeals will reverse conviction obtained by use of tainted testimony. Petitioner Chancellor case should be reversed.

PROSECUTION MISCONDUCT: Rule 16(I)(a)(1)

- Petitioner Chancellor was prejudiced by the unprofessional misconduct of the Prosecutor as a matter of record that stated "this is what a Chomo look like" referring to Petitioner Chancellor that his trial counsel did not make any objection to the unprofessional comments misleading the jury to believe that Petitioner Chancellor committed the allegations.
- Petitioner Chancellor case was infected with numerous of his constitutional rights being violated. The most critical was his trial counsel not having his case decided by the proper court which was Cherokee Nation Tribal Court. The offense occurred in Indian Country. Petitioner Chancellor is a Cherokee Native, and he lived in Indian Country. His case should have been decided by his tribe.
- Petitioner Chancellor would not have been subjected to the prosecution misconduct that were likely meant to improperly "enflame the passions of jury. The prosecutor must refrain from expressing their personal view. Petitioner Chancellor rights was violated to have a fair trial (1) because defense counsel failed to object to the prosecutor improper remarks, it was a violation of Petitioner Chancellor rights to have a fair trial.
- Presumption of Innocence a right to effective representation, and the burden of proof is placed solely on the government. Rule 16 (I)(a)(1) Provide that the Prosecuting Attorney shall make available to the defense ... material and information which is within the [r] possession or control ... concerning the pending case ... "this duty does not depend on the defendant having to first request the information see People v. Dist. Court, 790 P.2d 332 (Colo, 1990) There was no physical evidence disclosed, concerning the case. Rule 16 of the Colorado Rule of Criminal Procedure. The Memorialization and disclosure of all law enforcement conversations with potential victims and witness, as well as physical evidence.
- Petitioner Chancellor counsel failed to adequately prepare for trial, resulting with improper representation, made no attempts to contact his client potential witness as well as neglected to study the record. People v. DROZ, 39 N.V. 2d 457, 462, 348 N.E. 2d 880, 882-883, 384 N.V.S. 2d 404, 407 (1976)
- The Court's opinion in Berger v. United States, 295 U.S. 78 (1935) stands as the high water mark for prosecutorial idealism. A variance between indictment and proof at trial. There was insufficient of evidence. At Petitioner Chancellor trial as proof, to prove that he committed the offense. Prosecutor can not strike foul blows. The testimony of the victims was "unreliable" Petitioner Chancellor counsel should have made objections to the deliberate deception by the recanting of the testimony known to be perjured.
- Our system the administration of justice suffer when any accused is treated unfair EVEN trivial errors raised a presumption of prejudice. Such a presumption often called for automatic reversal. See United States v. Kelly, 35 F.3d 929 (4th Cir. 1994) conviction must be reversed if "there is [any] reasonable likelihood that the 'false testimony' could have affected the judgement of the jury." even if testimony relates only to credibility of government witness and other evidence also has called into question credibility. Petitioner Chancellor Counsel performance fell below an objective standard of reasonableness. Strickland v. Washington, (1983)

- if these allegation stand true, Janet Wells could have immediately notified law enforcement while Petitioner Chancellor was asleep. Janet Wells could have taken pictures by her cell phone that have the date and time the pictures were taken, to support the allegations that she made. It was no pictures taken as evidence. Janet Wells did not take the victim to the hospital for a examination, there was no pictures taken of Petitioner Chancellor. Janet Wells could have called 911 when Petitioner Chancellor suppose to have went to sleep. Neither party made any contact with anyone to notify them of what happen, for the record (K.R.H) at the time of these allegation she was 15 years old not 14 years old.

The testimony of (C.A) Apt B.32 and Id at 34 (K.R.H) testimony was not credible...

- Rebecca Ballard a witness for Petitioner Chancellor that knew the girls and there character. Rebecca Ballard, as a matter of record made a affidavit, statements during a telephone interview with Bill Zuhdi; Rebecca Ballard, as a matter of record stated that she would sign "Affidavit" in support of the statement [D.K.H # 115 at 14]. The Affidavit should have been disclosed to the Court.
- The Affidavit was appropriate for Rebecca Ballard, as a witness that had knowledge of the case. Petitioner Chancellors rights to put on a defense was violated, that deprived him of his material witness. A Sixth Amendment violation, and a violation of his Due Process. Petitioner Chancellor was trying to prove his innocence. Rebecca Ballard was also at Petitioner Chancellor home. Petitioner Chancellor was deprived of putting on a complete defense. The Affidavit of Rebecca Ballard should not have been suppressed. A Evidence such as a affidavit is critical to Petitioner Chancellor defense. Evidence is material where there is a reasonable probability that the disclosure of the affidavit would have produced a different result at trial. *Kyle v. Whitley* 314 U.S. 433 115 S.Ct. 1555, 1565, 131 L. Ed. 2d 481, 488, 489 (1981). Equal Justice of the law should mean what it say. As a innocent person, there must be "some evidence" that would support Petitioner Chancellor. Plead of Not Guilty, he is innocent.
- Kala Davis, one of the girls that was a witness/victim. Cause of death related from the use of alcohol. She died the same year of the trial at a youthful age of 15 years old. There is from medical records, that the Court can request, the character of the youth was not a virgin. It is a matter of record that CHRISTINA ADAIR, STATED under oath "Nothing happen."

- Pabel v. Hollins 261 F.3d 210, 216, 226, 228 (2d Cir. 2001) finding ineffective assistance of Counsel where trial Counsel did not prepare a defense, and failed to contact vital witness as Rebecca Ballard, that knew the allegation of the testimony of the victim was fabricate Counsel failure, to investigate the case, to seek medical expert consultation for the defense (Gerstern v. Senkowski, 426 F.3d 588, 609, 615, (2d Cir. 2005) Counsel failed to challenge Jurisdiction/Venue, that had a substantial effect on the outcome of the trial. A Due Process Violation.
- Rebecca Ballard, would have been Petitioner Chancellor, key witness, "she knew the victims and their character, she was also at Petitioner Chancellor mother's house, and her testimony would have made a different with the outcome of the case, [D.K. # 115 At 14] Rebecca Ballard made a statement to Bill Zuhdi "during a telephone interview" and Rebecca Ballard stated that she would sign the affidavit in support of the statement. This evidence should have been disclosed.
- Petitioner Chancellor was prejudice, by the Jury instruction resulting from the error of the court by advising the jury that they must accept the fifth element as being proven which stated the offense did occur, or was committed [DKT # 98 at 34] there was no physical evidence to justify the allegations. (a battle of words to manipulate the jury, and to mislead the jury, that trial counsel failed to make any objection to [id at 6] Petitioner Chancellor was prejudice, by his counsel failure, to make objection. In the interest of justice.
- See her. Vol. 1, doc 58 at 23, 28, 41 Petitioner Chancellor was prejudice by advising the jury they must accept the fifth element as being proven which contain the language "([t]he offense was committed...) the jury was instructed that the criminal offense did in fact occur, the jury no longer had to determine if the crime of rape and attempt occurred App. Br. at 21. Counsel should have made objections, as a reasonable competent attorney would have, in the interest of justice because to instruct the jury of such allegation without any proof or evidence violated Petitioner Chancellor, Constitutional Rights See Castello v. United States, 350 U.S. 359, 76 S. Ct. 406, 100, L. Ed 397 (1956) As Judge Learned Hand stated, there was no evidence that had been offered, 22 F.2d 688 (97 [1955]. indictment should be quashed.
- the jury was not the jury of the district where the offense occurred in Indian Country that required the indictment to be dismissed, the testimony was (inherently incredible) pretrial is the most critical stage of the legal procedure, that makes a determination whether there is enough evidence to proceed to trial, the fact that petitioner Chancellor was not being held in the proper venue required dismissal, the fact that the jury was not from the district where the offense occurred, indictment should have been dismissed, due to the procedure (Due Process, Recanting testimony) unreliable Untrustworthy. There was No Evidence, (Credibility) falls within the BRADY disclosure rule, Rule 16 Fed. R. Crim P. Petitioner Chancellor, attorney failed to safeguard his client rights, that prejudice from having a fair trial, by the jury in the district where the offense occurred in Indian Country, Jury of his peers, The Court lack Jurisdiction

REASONS FOR GRANTING THE PETITION

The United State Supreme Court. In the Interest of Justice, and the Equal Justice of the law. That assure the Constitution and Due Process rights of a INNOCENCE Chancellor do not continue to suffer such harsh punishment, as Cruel and UNUSUAL for a Crime that he did Not Commit. The reason for granting this writ. Would be to ENSURE Justice have Not been denied. OR Chancellor, have Not been denied or deprived of Justice). "Chancellor, as a INNOCENCE person should Not have to continue the harshness from his trial Counsel ineffectiveness. After Carefully reviewing the document "relating with Chancellor, Trial Counsel UNProfessional Performance. The Supreme Court should grant Chancellor relief. "As stated in the body of the Affidavit of DONNA COOPER. he was paid TEN Thousand dollars. and did Nothing. This is far beyond Strickland v. Washington 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984) It is more than a reasonable probability that, but, for the Counsel UNProfessional Errors, the results of the Proceeding would have been different. The most Critical issue was the failure to Investigate, and to Present a Complete defense. There was No objections made relating to the Prosecutor Comments. No request for Venue. No DNA. Nothing, but took advantage of a illiterate person that can Not read or write.

This is why it is Critical for the Supreme Court to Carefully review the totality of the document and Please!!! Grant Chancellor writ. in the interest of Justice. Chancellor, defense Attorney, have truly demonstrated "INEFFECTIVE Assistance of Counsel, far beyond a "reasonable probability" of UNProfessional Errors. Chancellor, by law have a Sixth Amendment to Effective Assistance of Counsel. Chancellor was Presudice by his trial Counsel Not contacting ANY of his witness, there was No objection made for INSUFFICIENT EVIDENCE, No objection to have his trial transferred to the district where the offense occurred. Counsel appeared to be UNSKILLFUL and Not knowledgeable of his obligation to Chancellor. As his loyal duty to Chancellor, See ~~Page 18-16~~ Page 23-27. See Attached Exhibit for DNA. It is NUMEROUS of Chancellor God Given Rights to have effective assistance of counsel Violated.

Chancellor, should be granted the relief from his Conviction, from Ineffective Assistance of Counsel. In the interest of Justice, and Equal Justice of the law. a Pardon. This is a Critical reason for granting the writ. for the poor representation, resulted with ineffective assistance of trial Counsel. deficient Performance. *Mitchell v. MASON* 325 F.3d 732 (CA 6 2008).

Chancellor Pray that Justice will Not be denied, chancellor is INNOCENCE. DNA will Prove this fact.

CONCLUSION: PRAYER FOR RELIEF:

Petitioner Chancellor, Sincerely Pray. With the Authority of the Supreme Court of the United States, In the interest of Justice, To ensure fairness and equal Justice of the law is Not denied.

Petitioner Chancellor Pray that the Supreme Court of the United States With have a interest with his case, and Grant his relief.

Petitioner Chancellor, have brought forth the most vital issues that require relief that the lower Courts have turned a blind-eye to the violations and Errors.

after fully considering the issues raised, Please grant Petitioner Chancellor relief as Justice requires; Equal Justice in the interest of Justice should Not be denied.

Respectfully Submitted

Kimberly Chancellor

Kimberly Chancellor 37349177

U.S.P. TERRE HAUTE

P.O. Box 33

TERRE HAUTE Indiana 47808

CERTIFICATE OF SERVICE:

I Kimberly Chancellor, declare that this Writ of Certiorari, Was given Prison official to be mailed by U.S. mail With Sufficient First Class Postage Stamps to be mailed to: SUPREME COURT OF THE UNITED STATES
1 FIRST STREET N.E.
WASHINGTON, D.C. 20543-0001

Respectfully Submitted

Kimberly Chancellor

Kimberly Chancellor 37349177

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P.O. Box 33

TERRE HAUTE Indiana 47808