

No. **25-7639** **ORIGINAL**

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

RUSSELL ROBINSON — 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 THIRD CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

RUSSELL ROBINSON, REG# 04776-094

(Your Name)

Federal Correctional Complex, Petersburg-Low

(Address)
P.O. BOX 1000

Petersburg, VA 23804

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

"Is it possible for any trial court, to accurately assess prejudice and bias of a prematurely deliberating jury, without established United States Supreme Court jurisprudence, or definitive Rule of Criminal Procedure, to guide the broad discretion of the Trial judge. Given the wide conflict in procedures utilized in district and Appellate Courts who have been faced with the issue?"

ANSWER: "NO, this is not possible as No clearly established Federal Law governs this area of Federal Jurisprudence."

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Russell Robinson, as Petitioner,

Freyor Stephen as Co-defendant,

United States of America as Respondent.

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	10

INDEX TO APPENDICES

APPENDIX A	Opinion of USCA for Third Circuit
APPENDIX B	Judgment of District Court of Virgin Islands
APPENDIX C	Order of USCA Third Circuit Denying Rehearing
APPENDIX D	Excerpt of Trial Transcript, Day 2, about Juror 127 Written Note.
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Erickson v. Pardus, 551 U.S. 89 (2007)	9
U.S. Ex Rel Greene v. New Jersey, 519 F.2d 1356 (3d Cir. 1975)	6
Jordan v. Massachusetts, 225 U.S. 167 (1912)	8
Morgan v. Illinois, 504 U.S. 719 (1992)	8
U.S. v. Resko, 3 F.3d 684 (3d Cir. 1993)	6
U.S. v. Shuta, 3 F.3d 705 (3d Cir. 1993)	6
Tolbert v. Trombley, 424 Fed. Appx 419 (6th Cir. 2011)	5
Williams v. Bagley, 380 F.3d 932 (6th Cir. 2004)	7

STATUTES AND RULES

Fed.Rule, Criminal Procedure, Rule 24	3, 8
Fed.R.Evid., Rule 606(b)	3, 8

OTHER

Constitutional Amendment 5	3, 5
Constitutional Amendment 6,	3, 5
28 U.S.C. § 2254(d)	5

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 A 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 United States district court appears at Appendix B to the petition and is

☒ reported at Unknown _____; 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 December 9, 2025.

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

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: February 12, 2026, and a copy of the order denying rehearing appears at Appendix C.

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

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ 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

The applicable Constitutional Provisions involved are:

- (a) Constitutional Fifth Amendment Right to Due Process of law.
- (b) Constitutional Sixth Amendment Right to a Fair and impartial trial (petit) jury in all cases.

The Applicable Statutory Provisions involved are:

- (a) Federal Rule of Criminal Procedure, Rule 24(a)(1)(2)(A)(B).
- (b) Federal Rule of Evidence, Rule 606(b). [Not implicated on the facts of petitioner's case sub judice].

STATEMENT OF THE CASE

This Petition for a Writ of Certiorari, arises out of a judgment of conviction in a criminal case, in the District Court of the Virgin Islands, Division of St. Thomas and St. John. See copy of District Court Judgment in Appendix "B". This Petition concerns the fact there is no fair and accurate, (jurisprudential) National Public Policy, i.e., "Established Federal Law" announced by this Honorable Court that decided how any trial court, Federal, State, or Tribal is to guide its broad discretion, in proceeding when mid-trial premature jury deliberations occur. Especially before the defense has put on its case. Or any subsection of Federal Rules of Criminal Procedure, Rule 24, to guide any Federal Court in that Circumstance.

IN Petitioner's case sub judice, mid trial on day two, Juror # 127, by written note sought an answer from the court on the legal definition of "distribute." Petitioner objected and sought removal of Juror # 127. The Court declined and did not conduct any corrective voir dire, to determine, (a) if the question was due to premature deliberations fueled by extraenous contact; (b) intra jury premature deliberations; or (c) Juror # 127's own thoughts. It was clear from his question he was already engaged with the facts/merits of the Government's case. Before defense had put on its case. Thereby shifting the burden of proof to the Defense. Trial continued. Petitioner was adjudged Guilty and the U.S. Court of Appeals for the Third Circuit affirmed, and denied rehearing and suggestion for en banc hearing.

REASONS FOR GRANTING THE PETITION

This Petition must be granted, as it affects every Defendant who exercises his Constitutional Fifth and Sixth Amendment Rights to a Jury trial, in any Federal, State, or Tribal Court, of the United States of America. Wherein premature jury deliberations take place, mid-trial. Before the defense has begun its case.

Secondly, this is a novel question in this court, as this Court has not heard and decided any cases on this exact issue of premature jury deliberations. Before the defense has begun its case. See generally, Tolbert v. Trombley, 424 Fed. App'x 419, 421 (6th Cir. 2011); 2011 U.S. App. LEXIS 10243,

"That leads to the last possibility (we can think of) that the jury engaged in premature jury deliberations. In such cases, courts worry if the jury"prematurely form[s] judgments that will be difficult to dislodge later in the proceedings." U.S. v. Jadowe, 628 F.3d 1, 17 (1st Cir. 2010). The problem with this theory is that the Supreme Court has not entertained a premature deliberations case, making it hard to say that anything in this area is squarely established [Federal law] for § 2254(d) purposes. The second problem with this claim is that it falls short even under existing Court of Appeals precedents. Two cases present nearly identical facts, and in each the court rejected the claim on direct review. In U.S. v. Gianakos, 415 F.3d 912, 921 (8th Cir. 2005), during the Government's presentation of evidence, one juror mouthed to another, "he's guilty." Given the presumption that jurors impartially apply the law to the evidence before them, and given that Gianakos offered "no allegations of external influence on the jury" rebutting the presumption, the court of appeals affirmed Gianakos' conviction. Id. at 921-22. The Eighth Circuit likewise did not disturb the conviction in U.S. v. Caldwell, 83 F.3d 954, 956 (8th Cir. 1996), where during the trial one juror said, "I've heard all of this I need to hear," and another said, "this is just a bunch of crap." Caldwell offered no reason to doubt that the jury came to its verdict based on anything but the trial evidence, prompting the court of appeals to affirm. In the end, we see no path by which Toldert can obtain relief. The Supreme Court "cases give no clear

answer to the question presented, let alone in [Tolbert's] favor," making it difficult to hold "that the State Court unreasonably applied clearly established Federal Law." Wright v. Van Patten, 552 U.S. 120, 126, 128 S. Ct. 743, 169 L. Ed. 2d 583 (2008)." (emphasis added).

THIRDLY, In this case sub judice, Petitioner moved to have juror # 127 removed, when his note asking, "Does the legal definition of 'distribute' ...mean to deliver product to two or more entities? Or does a definition include a pass through to a single entity?" This occurred during trial. On March 12, 2024, (Trial day 2), before the Defense case began.

Although, the United States Court of Appeals for the Third Circuit's case law, as far back as 1975 mandates that when faced with such premature jury deliberations controversies, mid-trial. The Court must conduct a corrective voir dire, to ascertain, the source(s) of the question. That is, determine if the question is born from extra judicial contact, or intra judicial premature deliberations amongst the jurors. Then, determine if any prejudicial opinions were already formed that would not, or could not be set aside. And the jury remain fair and impartial, and return a just and true verdict, only on the evidence admitted properly in court. See generally, U.S. v. Shuta, 3 F.3d 705, 709 (3d Cir. 1993) ("We have recognized that 'voir dire' is the appropriate method of inquiry into possible prejudice or bias on the part of jurors, and that the procedure used must provide a reasonable assurance for the discovery of prejudice.") See also, U.S. ex rel Greene v. New Jersey, 519 F.2d 1356, 1357 (3d Cir. 1975) ("Because the trial court did not conduct a voir dire, and because we cannot speculate what the jurors' responses would have been to an appropriate inquiry, we conclude that the appellee must be afforded a new trial.") See also, U.S. v. Resko, 3 F.3d 684, 686

(3rd Cir. 1993),

"We conclude that the district court erred by refusing to conduct a more searching inquiry into the potential prejudice to the defendants from the jury misconduct. ordinarily, a defendant must show that the error was prejudicial in order to obtain a new trial. However, because the two-part questionnaire did not provide any significant information about the nature or extent of the jurors' discussions, we fail to see how the district court could have made a reasoned determination that the defendants would suffer no prejudice due to the jurors' premature discussions. Under these circumstances, i.e., where the jury misconduct was discovered mid-trial but there is no way for us to determine whether the defendants were or were not prejudiced, we will vacate the convictions and remand for a new trial even though the defendants have not established prejudiced."

In this instance, Petitioner's case is most akin to the circumstances in Resko, supra. Which coupled with the fact, that no clearly established Federal law governs or guides the broad discretion of the trial courts of the land, i.e., Federal, State or Tribal, the court in this case below and the Appellate Court, abused their discretion, when it did not conduct any corrective voir dire, and vacate and remand for a new trial respectively. The trial court simply gave a perfunctory instruction to "keep an open mind." Of note is the fact the record will clearly show, the trial court did not even deny Petitioner's request (oral representation to the trial court) to remove Juror # 127. See trial transcript excerpts at Appendix D .

Which militates in the direction for this Honorable Court to Grant this Petition for Writ of Certiorari. To establish the needed countors of clearly establish Federal Law on issue of mid trial premature jury deliberations. So as to protect a guarantted Constitutional Right of all Criminal Defendants. This is so, because it is worth noting, the U.S. court of Appeals for the Sixth Circuit, in Williams v. Bagley, 380 F.3d 932, 944 (6th Cir. 2004), citing and quoting

Morgan v. Illinois, 504 U.S. 719, @ 729-730 (1992), announced, ("The presence of even a single biased juror deprives a defendant to his right to an impartial jury.")

WITH this backdrop, it is clear that a State captial Defendant can be denied relief based on prejudicial and biased premature deliberations, simply because this Court, the United States Supreme Court, has not taken a case like this to define and describe the contours of what a trial court's duties are when faced with mid trial premature jury deliberations, pre verdict . With no Federal Rule of Evidence 606(b) bar to conducting a corrective voir dire.

BY granting this Petition, this Honorable Court, can simultaenously choose to amend Federal Rule of Criminal procedure, Rule 24(a)(1)(2)(A)(B), to establish the exact protocols for mid trial premature jury deliberations corrective voir dire. Which shall be binding on all trial and Appellate Court throughout the Nation.

In this particular case, based on the factual record, there was no corrective voir dire to determine if: Juror #127's question was self prompted, or was the product of extraenous, or intra jury premature deliberations. Stated otherwise, was Juror 127 engaging prematurely with the merits of the case due to his personal bias and partiality? Or were there extraenous contact/discussions with non jurors? Or intra-jury premature deliberations before Petitioner presented his Defense case? Which clearly demonstrates Petitioner was denied a fair trial, due to the trial court's abuse of its unfettered broad discretion, not grounded or guided in any existing Clearly Established Federal law. Thereby making Petitioner's Due Process of Law and fair Trial Guarantees illusory. See Generally, Jordan v. Massachusetts, 225 U.S. 167, 176, 32 S. Ct. 651, 56 L.Ed 1038 (1912)

(" A criminal defendant has a 14th Amendment due process right to
tribunal both impartial and mentally competent to afford a hearing.'")

In effect, the trial court in Petitioner's case ceded to juror # 127, the responsibility for determining if his misconduct would be prejudicial to Petitioner or not. And due to the lack of corrective voir dire, the trial court abused its discretion by failing to query into if Juror # 127 had any opinion (at time of his question by written note to the court) of the innocence or guilt of Petitioner, and what was the source of Juror 127's question. Specifically if Juror # 127 was discussing the merits of the case prematurely with other jurors or with other non jurors outside of the court. Of note is the fact Juror # 127 became the foreman of the jury.

GIVEN the facts set forth above, this writ of Certiarari must be granted so as to establish "Clearly Established Federal Law" as to procedures or processes trial courts must follow when faced with premature Juror deliberations mid-trial.

In an abundance of caution being a Pro Se litigant, Petitioner invokes the announcement of Merickson v. Pardus, 551 U.S. 89, 94(2007) ("If the Court cannot reasonably read the pleadings to state valid claims on which the litigant could prevail, it should do so despite failure to cite proper legal authorities, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with Pleading requirements") seeking that this Honorable apply that legal precept to this Petition for Writ of Certiorari, and grant the writ. Thank you in advance.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Russell Robinson, Pres. Se, # 04776-094

Date: March 17, 2026