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

Supreme Court, U.S.

FILED

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SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/23/2025 08:42:01 AM

To:

Inmate Work Assignment: SUPREME COURT

No. _____

In The

Supreme Court of the United States

LERoy THOMAS JOYNER, JR.

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the

United States Court of Appeals

For the Eleventh Circuit

MOTION TO STAY LOWER COURT PROCEEDINGS

Leroy Thomas Joyner, Jr. #18079-002
FCC Yazoo City (Low)
P.O. Box 5000
Yazoo City, MS 39194
Email: grasschange@gmail.com
Pro Se Litigant

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

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Comes Now, Petitioner Leroy Thomas Joyner, Jr. (hereinafter "Joyner") pursuant to Supreme Court Rule 23.1 as well as in relations to a petition filed from the summary affirmance of appellate case no. 25-10616 (hereinafter "Appeal #2") and request a stay of the lower court proceedings under appellate case no. 24-12605 (hereinafter "Appeal #1") currently pending in the Eleventh Circuit. In support, he offers the following:

Procedural and Legal Background

1. Having been compelled to comply with the final order holding within Parr v. United States for nearly (42) months, after his conviction Joyner sought to challenge all pre-trial, trial and sentencing issues he had previously raised under case nos: 1:20-cr-00033-ECM-SMD (hereinafter "Indictment #1-2"), 1:21-cr-00242-RAH-SRW (hereinafter "Indictment #3") and 1:22-cr-00242-ECM-JTA (hereinafter "Indictment #4"). 351 U.S. 513, 518-19 (1956) (explaining that, if a dismissed indictment and a subsequent re-indictment are viewed together as parts of a single prosecution, the order dismissing the initial indictment is neither final nor immediately appealable under the collateral order doctrine); See United States v. Kelley, 849 F.2d 1395, 1397 (11th Cir. 1988) (explaining that "the rule that emerges from the Supreme Court decision in Parr v. United States is that a criminal defendant may not immediately appeal a district court order and that "any challenge must await the defendant's subsequent conviction"); See p. 50a-51a.
2. Fully understanding the effect of the implemented law of the case doctrine, the Petitioner contacted his trial attorney seeking transcripts needed for sentencing and on appeal. See White v. Murtha, 377 F.2d 428, 431-32 (5th Cir. 1967) (law of the case doctrine dictates that "a decision of a legal issue or issues by an appellate court establishes the "law of the case" and must be followed in all subsequent proceedings in the same case in the trial court or on a later appeal in the appellate court); See p. 254a, para. 1.
3. With the intent to object to the Pre-sentence Investigation Report (hereinafter "PSR") and its associated enhancements, Joyner exhausted nearly (5) months requesting access to the desired transcripts. See p. 85a, para. 2. Unbeknowning to him, his trial attorney had objected to the PSR not only without conferring with him, but without extracting exculpatory facts from the requested transcripts. See p. 254a-263a. That violation of his sixth amendment rights coupled with trial counsel's failure to access the requested transcripts prompted the Petitioner to raise those issues with the district court. See p. 77a-87a.

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4. A hearing was held where his right to object to the PSR was restored (See p. 326a), but his need to do so with the requested transcripts was not addressed. (See p. 10a, para. 3). As a result, that issue was separately raised with that court where the trial judge delegated Joyner's evidentiary and fact-finding concerns to the magistrate judge without his consent. (See p. 313a). The issued order (See p. 88a-99a) was not only a plain error, but left him without the requisite transcripts to object to the PSR and carry his burden at sentencing in sufficing any challenge to the Government meeting their preponderance of the evidence burden. (See United States v. Ruiz-Rodriguez 277 F.3d 1281 (11th Cir. 2002)) (concluding that Sections 636 and 3401 do not contain any specific grant of authority for a magistrate judge, either independently or on a district court's referral for a report and recommendation, to conduct the evidentiary and fact-finding portion of the sentencing hearing in a felony case).
5. Nonetheless, the magistrate judge made an evidentiary determination where she concluded that joyner should have access to specific transcripts; to wit: 1) February 24, 2023 motion hearing, 2) April 13, 2023 evidentiary hearing, 3) May 4, 2023 evidentiary hearing, 4) Government witness#1 trial testimony and 5) Government witness#2 trial testimony. (See p. 98a-99a). Within her ruling, it was also determined that Joyner waited too long to request transcripts despite viewing (5) months of emails between him and his trial counsels. (See p. 59a-63a, 101a). Additionally, it was determined that the transcripts not provided before sentencing would be available to Joyner on appeal. (See p. 97a).
6. When arriving at those determinations, the district court did so despite discovering that 1) trial counsel willfully disregarded Joyner's request for transcripts for nearly six months prior to sentencing (See p. 59a-63a), and 2) Government removed the January 23, 2019 CAC Interview (herinafter "1st Interview") and the February 6, 2019 CAC Interview (hereinafter "2nd Interview") transcripts (Trial Exhibits #22/#24) from the exhibits given to the jury. (See p. 98a, n.7). Furthermore, it was not considered that by not providing Joyner access to transcripts of proceedings prior to August 16, 2022, including the November 19, 2018 Dale County PFA Hearing (herinafter "PFA Hearing") and the 1st and 2nd Interview at sentencing and on appeal, he would be unable to 1) present exculpatory evidence regarding recommended enhancements, 2) provide factual support that his enhanced sentence was unreasonable, 3) lay the foundation of the resultant prejudices from an abuse of discretion, prosecutorial misconduct and ineffective assistance and 4) raise due process, compulsory process and confrontation rights concerns to previously filed pre-trial motions and orders.

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7. Prior to trial and no later than sentencing, the district court, Government and defense counsel (hereinafter "parties") knew or should have known that the PFA Hearing contained exculpatory evidence where 1) an element of the offense was completely denied and 2) five of the six enhancements would have failed to succeed when confronted by it. That evidence was omitted from the jury consideration due to it being presented in a partial form. (See p. 334a, para. 2). Additionally, the parties knew or should have known that the 2nd Interview contained exculpatory evidence where 1) an element of the offense was completely denied and 2) five of the six enhancements would have made it impossible to overcome the preponderance of the evidence standard. Just as was the case with the PFA Hearing, the 2nd Interview evidence was omitted from the jury consideration due to it being presented in a partial form. (See p. 334a, para. 2). Within both these evidentiary items the alleged victim denied being transported in interstate commerce with the intent to engage in unlawful sexual activity. There is evidence available within both that would prevent the application of enhancements stemming from the instant conviction relating to any sexual conduct or sexual act.

8. Nevertheless, a sentencing hearing was held on August 8, 2024 where Joyner was equipped with transcripts that not only failed to support any of his positions, but included testimony where he was barred from questioning 1) FBI Case Agent (February 24, 2023 Motion Hearing), 2) FBI Case Agent (April 13, 2023 Evidentiary Hearing) and 3) two Verizon Wireless employees (May 4, 2023 Evidentiary Hearing) as well as testimony from two government witnesses who testified falsely regarding 1) intent of traveling from Alabama to Georgia and 2) knowledge of intent of traveling out of state. The exclusion of the requested transcripts prevented Joyner from sufficiently disputing enhancements. This was followed by the filing of a timely appeal.

9. Because the clerk of court had previously held Joyner's pleadings for days before docketing them, the notice of appeal, motion for transcripts and motion for release pending appeal was mailed in two days before the sentencing hearing. (See p. 28a). The clerk in an unexpected move filed the pleadings on August 7, 2024 which prompted the Eleventh Circuit to issue a jurisdictional question. (See *Id.*). The Government also moved to dismiss the appeal. (See p. 35a). As it related to the requested transcripts, Joyner motioned the court to add the August 2, 2024 Status Conference and August 8, 2024 Sentencing Hearing to his previous request for transcripts. (See p. 33a, 105a-112a). The district court, even though authorized by the *Diveroli* Court holding, have not adjudicated neither of those motions. 729 F.3d 1339, 1341 (11th Cir. 2013) (when notice of appeal is filed, the district court maintains jurisdiction to take actions only in aid of the appeal); (See p. 105a-112a).

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10. Although the unadjudicated transcript requests fall within the ambit of the district court order denying all transcript for proceedings prior to August 16, 2022, both transcriptions were for proceedings held after that date; to wit: August 2, 2024 and August 8, 2024, respectively. Joyner still does not have the status conference and sentencing hearing transcripts in his possession. (See p. 33a, 226a, para. 9). Those transcripts were denied based upon the district court findings within its December 19, 2024 order which was in contrast to the Eleventh Circuit holding issued on November 21, 2024. (See p. 91a, 387a) (noting that "district court duty to produce documents must be shown to be clear and indisputable because a direct appeal is decided based on the record from that case). Not only was the Parr Court holding clear and indisputable, but the law of the case doctrine is equally clear and indisputable. (See Parr, at 518-19; White, at 431-32).
11. Because the district court refused to adjudicate the motion as directed by the Parr, White and Diveroli Courts and their willful refusal to provide Joyner transcriptions, he appealed the denial order. (See p. 145a-148a, 343a-353a). Having to defend against a dual prosecution at the trial and appellate level prompted Joyner to protect his constitutional, statutory and substantive rights. Despite that exercise as a matter of right, the Government sought a summary affirmance. The Eleventh Circuit granted that request.
12. Prior to the affirmance of the appeal under case no. 25-10616, there were two motions to compel the district court to provide the requested transcripts. (See p. 113a-140a, 210a-220a). Following the initial motion to compel, the Eleventh Circuit was asked to stay the appeal under case no. 24-12605. (See p. 222a-232a). That request was denied and followed by the filing of a Rule 11 Petition within this Court. (See p. 384). There, the Petitioner filed three separate briefs after having to correct deficiencies in his filings. (See p. 385a-386a). A stay was applied for in that petition pursuant to Appeal #2. Due to Joyner's transfer from FCI Jesup to FCC Yazoo City (Low), he is unsure of the disposition of that stay or the final petition.
13. His brief under Appeal #1 is due on or before November 26, 2025 and without the requested transcripts he will not only not be able to support his allegations with facts, but will be in non-compliance of his appellate duty. (See F.R.A.P. 10(b)(2)) (noting that if the Appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence the Appellant must include in the record a transcript of all evidence relevant to that finding or conclusion). Joyner filing of Appeal #1 was an attempt to protect his right on appeal. The affirmance of Appeal #2 now places those rights in jeopardy, especially when Appeal #1 will be fatally briefed absent a stay.

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To adjudicate whether or not the Petitioner should be granted a stay of appellate case no. 24-12605, [See Footnote (1)], this Court should look no further than the district court order (hereinafter "Order") (See p.333a-336a, 343a), that resulted in a summary affirmance under appellate case no. 25-10616 (hereinafter "Mandate #2"). (See p. 387a-390a). Additionally, the Order should be read from the vantage point of the Eleventh Circuit mandate issued within case no. 24-12193 (hereinafter "Mandate #1"). (See p. 363a-369a). As it relates to the Order, he motioned to produce specific transcript of proceedings held within his four indictment single prosecution (hereinafter "single prosecution"); or utilized as evidence or denied from being presented at trial as evidence of innocence. (See p. 298a-301a). In denying that motion, the district court premised the order on his failure to 1) "explain why he requires written transcripts of this evidence under the circumstances of this case" and 2) "explain why he requires transcripts of hearings or matters which took place prior to the commencement of this case on August 16, 2022." (See p. 334a-335a). That was a structural error. (See *Britt v. North Carolina*, 404 U.S. 226, 228 (1971) (holding that "we agree with dissenters that there would be serious doubts about the decision below if it rested on petitioner's failure to specify how the transcript might have been useful to him. Our cases have consistently recognized the value to a defendant of a transcript of prior proceedings, without requiring a showing of need tailored to the facts of the particular case"). In regards to Mandate #1, it magnified that structural error. There, that mandate lays out the Petitioner's rights to have access to records, including transcripts. (See p. 368a) (noting that "..... he has requested and obtained transcripts as part of his appeal, he may request the non-record documents he has not received as part of a future [Section 2255] motion and he may argue on appeal that the district court erred by refusing to provide him any document he requested and did not obtain"). As noted within Mandate #1, Petitioner "has requested and obtained transcripts as part of his appeal under case no. 24-12605. (See p. 368a). However, he was not in possession of any transcript of proceedings prior to August 16, 2022 and prior to December 19, 2024 had only received transcripts from the magistrate judge. (See p. 334a, para. 1, n.1). Petitioner never requested any non-record documents nor obtained any transcripts on appeal before the Order.

(1) Because this is a stay request of appellate case no. 24-12605, Petitioner must submit it to this Court pursuant to Rule 23.2. He requested a stay of that case and was denied on February 28, 2025. (See p. 239a-240a). Out of fear due to the continued concealment of exculpatory and favorable evidence, Petitioner has reached out to the National Media for assistance. (See Attachment #1).

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This fact is supported by the record. (See p. 323a, para. 1, n.7) (ordering on August 1, 2024 that Joyner should be given transcripts currently on the record). The appeal under case no. 24-12605 was taken on August 7, 2024 which was six days after he received those transcripts. (See p. 28a). The requested transcripts, (See p. 239a-240a, 297a, 333a) are needed to demonstrate how Joyner has been deprived of his right to self-representation pursuant to the withholding of evidence under four indictments. This led to a structural error before and at trial, especially when those indictments are viewed as a single prosecution. (See Parr, at 518-19); White, at 431-32). Because the Eleventh Circuit prior ruling under Joyner's initial appeal dismissed on November 2, 2021 established the law-of-the-case doctrine invokes that any deprivation of his right to self-representation incurred by him under that single prosecution doctrine constituted a structural error. (See Wainright, 372 U.S. 335 (1963)) (holding that a structural error results from a total deprivation of the right to counsel). The issuance of the order not only compounded that structural error, but created a structural error of its own on appeal. (See Evitts v. Lucey, 469 U.S. 387, 397 (1985)) (explaining that the petitioners in both Anders v. California, 386 U.S. 738 (1967) and Entsminger v. Iowa, 386 U.S. 748 (1967), claimed that although represented in name by counsel, they had not received the type of assistance constitutionally required to render the appellate proceedings fair). In both cases, we agreed with the petitioners holding that counsel's failure in Anders to submit a brief on appeal and counsel's waiver in Entsminger of the petitioner's right to a full transcript rendered the subsequent judgments against the petitioners unconstitutional. In short, the promise that a criminal defendant has a right to counsel on appeal-like the promise of Gideon that a criminal defendant has a right to counsel at trial-would be a futile gesture unless it comprehended the right to the effective assistance of counsel). In sum, the case facts from the single prosecution all points to the existence of a structural error which warrants a stay if Joyner can show cause. (See Nken v. Holder, 556 U.S. 418, 433-34 (2009) (holding that "the party requesting a stay bears the burden of showing that the circumstances justify an exercise of judicial discretion"). In compliance with this obligation, Joyner demonstrates the following:

I. JOYNER IS LIKELY TO SUCCEED ON THE MERITS.

Petitioner is likely to succeed on the merits because the Supreme Court precedents controlling 1) when transcripts of proceeding must be afforded to an indigent criminal defendant, 2) under what circumstances a particularized showing of the facts must be made to demonstrate need, 3) when an initial indictment and a subsequent re-indictment constitutes a single

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prosecution and 4) under what type of ruling that clearly invokes the law of the case doctrine. As displayed infra, Joyner offers the following in support:

A. SUPREME COURT PRECEDENTS FAVOR PETITIONER BEING AFFORDED TRANSCRIPTS.

Pursuant to Griffin v. Illinois and its progeny, an indigent criminal defendant must be provided a free transcript of prior proceedings on appeal. 351 U.S. 12 (1956). As a matter of law, it is settled that courts must provide indigent appellants with the tools to prepare an adequate appeal or defense. (See Williams v. Oklahoma City, 395 U.S. 458 (1969); Gardner v. California, 393 U.S. 367 (1969); Roberts v. LaValle, 389 U.S. 40 (1967); Draper v. Washington, 372 U.S. 487 (1963). In Britt v. North Carolina, the Supreme Court addressed the question whether an indigent defendant was entitled to be furnished a transcript of prior proceedings. 404 U.S. 226 (1971). In resolving this question of whether the transcript was necessary for an effective defense, the Supreme Court focused on the available alternatives. Id., at 229-30. Having found a viable alternative, the Supreme Court affirmed the denial of the transcript. That Court reasoned that "the record of the case did not reveal a sufficient need for the transcript." Id., at 227.

It is here where the Petitioner is likely to succeed on the merits, unlike the Britt defendant, the record of the case does reveal a sufficient need for the transcripts. At every turn of the single prosecution, Joyner raised issues; to wit: 1) missing Verizon Wireless (hereinafter "VZW") records, 2) non-disclosure of February 6, 2019 CAC Interview and 3) abuse of discretion, ineffective assistance and prosecutorial misconduct. Within the first two indictments under case no. 1:20-cr-00033-ECM-SMD (hereinafter "Indictment #1-2", collectively), there were requests made for the missing records and the 2nd interview. (See p. 45a-48a). The district court failure to compel the Government to produce those evidentiary items were appealed to the Eleventh Circuit. (See p. 49a-51a). Those outreaches to that Circuit were dismissed without any adjudication of the raised issues because all the substantive arguments he raised related to the original or superseding indictment, or the proceedings thereunder, and those indictments had been dismissed. (See p. 48a), and the dismissed indictment and the subsequent re-indictment being viewed together as part of a single prosecution rendering the order dismissing the initial indictment neither final nor immediately appealable under the collateral doctrine. (See p. 51a). Within each dismissed order, the Eleventh Circuit held that Joyner's arguments regarding the missing VZW records, non-disclosure of the 2nd Interview and other arguments should be judicially reviewed under a subsequent indictment or conviction. (See p. 48a) (concluding that "should the

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Government file another superseding indictment that Joyner believes contain jurisdictional or other flaws, he may file a motion to dismiss based on appropriate grounds and obtain judicial review of his arguments); See p. 51a (holding that the rule that emerges from the Suprem Court's decision in Parr is that a criminal defendant may not immediately appeal a district court order dismissing an indictment and that any challenge to the dismissal of the indictment without prejudice must await the defendant's subsequent conviction). In apposite the ruling in the Britt Court, the record of this case pursuant to the Eleventh Circuit does reveal a sufficient need for the transcript of prior proceedings under Indictment #1-2.

In further support that Petitioner is likely to succeed on the merits, within the third indictment under case no. 1:21-cr-00339-RAH-SRW (hereinafter "Indictment #3"), there were additional requests made for the missing records and the 2nd Interview. (See p. 55a). The district court failure to compel the Government to produce those evidentiary items were appealed to the Eleventh Circuit. (See p. 52a-56a). Because Indictment #3 was dismissed prior to that Circuit's mandate, those outreaches to that court was dismissed without any adjudication of the raised issues due in part to the mootness doctrine stating that "an issue is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief. (See Christian Coal of Fla., Inc. v. United States, 662 F.3d 1182, 1189 (11th Cir. 2011). Further in part, there was no adjudication based upon Joyner's failure to argue that his case facts met either prong of the "capable of repitition yet evading review which requires a showing that 1) "the challenged action is in its duration too short to be fully litigated prior to cessation or expiration; and 2) there is a reasonable expectation that the same complaining party will be subject to the same action again. Id., at 1194-95, See p. 54a-55a. That Circuit also noted that "the remote possibility that an event might recur is not enough to overcome mootness, even a likely recurrence is insufficient if there would be ample opportunity for review at that time. (See p. 55a) (relying on Al Najjar v. Ashcroft, 273 F.3d 1330, 1336 (11th Cir. 2001)). Just as was the holding under Indictment #1-2, here, the Eleventh Circuit held that Joyner's arguments should be judicially reviewed under his subsequent conviction. See p. 56a (Moreover, should the Government file another indictment that Joyner believes contains jurisdictional or other flaws, he may file a motion to dismiss based on appropriate grounds and obtain judicial review of his arguments Likewise, in the event he is re-indicted, Joyner may then file any evidentiary or other pretrial motions he feels are necessary and obtain judicial review of those arguments). It is worth repeating, inapposite of the ruling in the Britt Court, the record of this case pursuant to the Eleventh Circuit does reveal a sufficient need for the transcript of prior proceedings under

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Indictment #3. As noted by the appellate record relied upon supra, the single prosecution doctrine established by the Parr Court governed every mandate issued by the Eleventh Circuit prior to Joyner being indicted under case no. 1:22-cr-00242-ECM-JTA (hereinafter "Indictment #4"). (See p. 45a-56a).

A careful look at each order will reflect that the Chief Judge of the Middle District of Alabama, presided over Indictment #1-2. (See p. 45a, 49a). It must also be assumed that she was keenly aware of Indictment #3 since the Chief Judge presided over Indictment #4. (See p. 57a). Further establishing her knowledge of the single prosecution law-of-the-case doctrine imposed by the Eleventh Circuit can be viewed on (p. 57a) titled "Secondary Case Number: 1:20-cr-00033-ECM-SMD-1. That noted, her adjudication of the Petitioner's "Emergency Motion For Transcripts" (See 302a-324a), "Motion For Transcripts On Appeal" (See p. 276a-297a), and "Renewed And Expedited Motion For Transcripts" (See p. 298a-301a) were issued in bad faith. There does not exist any rational scenario in which the Chief Judge would have been unaware of the single prosecution doctrine and the law-of-the-case doctrine. The district court denial of Joyner's outreaches for transcripts run afoul of the Supreme Court precedents listed supra.

Eventhough the appellate record demonstrates that a need exist for transcript of prior proceedings by providing facts tailored to this particular case, the district court denial of transcripts was a clear error. Britt, at 228 (concluding that "there would be serious doubts about the decision if it rested on Petitioner's failure to specify how the transcript might have been useful to him). Exactly what the Britt Court identified would cause serious doubts about the decision was the premise upon which the denial order was issued:

"Moreover, partial recordings-but not transcripts-of the Dale County PFA Hearing and the two CAC interviews were admitted into evidence at trial. The Defendant fails to sufficiently explain why he requires written transcripts of this evidence under the circumstances of this case. Cf. United States v. Cannon, 987 F.3d 924, 946 (11th Cir. 2021) (concluding that "nothing in the Court Reporter Act [Section 753] requires that ... audio or video recordings, which are not testimony but are themselves admitted into evidence as exhibits also be transcribed by the court reporter) ... Similarly, the Defendant fails to sufficiently explain why he requires transcripts of hearings or matters which took place prior to the commencement of this case on August 16, 2022."

(See p. 334a-335a). The chief judge order was not only a clear error, but was issued in bad faith. Two transcript of proceedings after August 16, 2022 have been withheld by the district court, eventhough requested by the Petitioner. (See p. 239a-240a, 294a-297a). As it relates to the August 2, 2024 Status Conference, the Chief Judge is aware that the Government admitted to removing the transcripts of the 1st and 2nd CAC Interviews (Exhibit #22, #24) from the exhibits given to the jury.

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(See p. 323a, n.7). Nevertheless, the district court pretends to not be aware of this fact, although it was discussed at the August 2, 2024 Status Conference. (See p. 226a). In regards to the August 8, 2024 Sentencing Hearing, the Chief Judge is aware that during the colloquy, she directly asked the Petitioner for what reason did he want a transcription of the 2nd Interview. That exchange reflects that the district court is knowledgeable of the evidentiary value of the exculpatory transcripts. Nonetheless, the 2nd Interview has been withheld in bad faith. A perfect example of this bad faith can be seen in the Chief Judge's misrepresentation that (Exhibit #21, #23) nor the PFA Hearing were not testimony utilized in the Government case-in-chief. (See p. 334a-335a). This fact alone entitles Joyner to a transcript of those prior proceedings.

The Griffin v. Illinois and its progeny line of cases not only prohibits this type of required particularized showing of facts, especially when the district court has manipulated the facts before, at and after trial. Those cases only requirement relies on an indigent defendant being afforded as adequate appellate review as parties who have enough to buy transcripts. Id., at 19. It is here where the district court's denial of transcripts has also constituted a clear error as two of the proceedings requested to be transcribed has been afforded to the Government. Williams, at 460 (concluding that courts should not deny any right to appeal to indigent petitioners, but grant that right to a party who is able to pay for the preparation of transcripts). The Petitioner requested the August 2, 2024 Status Conference (See p. 239a-240a) and the August 8, 2024 Sentencing hearing (See

p. 294a-297a) transcripts, but those were denied by the district court. Both transcriptions have been afforded to the Government. (See p. 29a, 221a). Having knowledge of the production of transcripts to a party adversary in a case and denying that same transcript to the other party constitutes invidious discrimination. Gardner, at 370 (holding that a denial of a transcript to an indigent and the producing of it to those who can pay for it marks the same invidious discrimination in Griffin v. Illinois and its progeny). As held in those cases, the district court denial of transcripts for Joyner and its approval of them for the Government raises serious constitutional violations. Roberts, at 42 (concluding that differences in access to the instruments needed to vindicate legal rights are repugnant to the Constitution). The discretion of the district court was not only an abuse of its supervisory powers, but was a clear error. Joyner on direct appeal has a right to collaterally attack his conviction and sentence. Not only should the trial court not be allowed to interfere with that right, but they should not be able to violate or allow to be violated the constitutional rights of the Petitioner. (See Draper, at 497-98) (explaining that "by allowing the trial court to prevent petitioners from having stenographic support or its equivalent for presentation of each of

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their separate contentions to the appellate tribunal, a court has denied them the rights assured them by this Court's decisions in Griffin and Eskridge). The Eleventh Circuit has allowed the trial court to do exactly what the Justices in Draper intended to prevent. As a matter of Supreme Court precedent, Joyner is likely to succeed on the merits.

B. SECTION 753(f) FAVORS PETITIONER BEING AFFORDED TRANSCRIPTS.

Congress has buttressed the right to appeal in several ways. One guarantees that a transcript be available for purposes of an appeal. Section 753(f) authorizes the use of public funds to furnish a transcript of trial proceedings without any further showing on the appellant's part. In Hardy v. United States, that court noted that the Court Reporter Act provides that a transcript "by shorthand or by mechanical means of all proceedings in criminal cases had in open court shall be made." 375 U.S. 277, 279 (1964). Pursuant to this Act, Joyner has a statutory right to a transcript on direct appeal. The record supports this position. On January 23, 2024, the Petitioner was convicted and was sentenced on August 8, 2024. (See p. 28a). He filed a timely notice of appeal as a matter of right. (See p. 28a-29a). According to Section 753(f), Joyner had the following statutory right:

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

(Section 753(f)). To not afford the Petitioner transcript of prior proceedings is not only a violation of his statutory rights, but is akin to the problem identified by the Hardy Court:

"We have here a case where an appeal in forma pauperis has not yet been allowed. But whether counsel seeks an entire transcript at that stage or later on, the problem seems to us to be the same. A court-appointed counsel who represents the indigent on appeal gets at public expense, as a minimum, the transcript which is relevant to the points of error assigned. (See Coppedge v. United States, 369 U.S. 446). But when, as here, new counsel represents the indigent on appeal, how can he faithfully discharge the obligation which the court has placed on him unless he can read the entire transcript? His duty may possibly not be discharged if he is allowed less than that. For Rule 52(b) of the Federal rules of Criminal Procedure provides: "Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the Court." The right to notice "plain errors or defects" is illusory if no transcript is available at least to one whose lawyer on appeal enters the case after the trial is ended."

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/28/2025 08:41:49 AM

To:

Inmate Work Assignment: SUPREME COURT

(See Hardy, at 279-80). Within the spirit of this reasoning, the Government's ability to utilize the transcripts to affirm Joyner's conviction (See p. 29a) gets at public expense, as minimum, the transcripts which are relevant to securing that conviction while Joyner does not is contrary to the rights established by the Supreme Court. Thus, when Joyner as an indigent appeal the conviction, how can he effectively support his claims and get a meaningful review "unless he can read the entire transcript?" Id., at 279-80. For this very reason, Section 753(f) grants an indigent convicted defendant on direct appeal a right to contest a conviction "without any further showing on his part." (See United States v. MacCollum, 426 U.S. 317, 323 (1976) (explaining that "respondent was granted a statutory right of appeal without payment of costs if he were an indigent, and had he pursued that right [Section 753(f)] would have authorized the use of public funds to furnish him a transcript of the trial proceedings without any further showing on his part"). In reviewing the order, it is clear to see that the plain error made by the district court rests within their misrepresentation of clause two and three of Section 753(f). There, an indigent petitioner can obtain transcripts of prior proceedings "if the trial judge or a circuit judge certifies that the appeal is not frivolous and 1) "that the transcript is needed to decide the issue presented by suit or appeal" and 2) "but presents a substantial question, respectively. The order (See 334a-335a) clearly employs clause two for appeals brought under Section 2255 which rendered the adjudication a plain error. Because Section 753(f) affords Joyner a statutory right to transcripts on appeal, he is likely to succeed on the merits.

C. PARR COURT'S SINGLE PROSECUTION DOCTRINE FAVORS PETITIONER BEING AFFORDED TRANSCRIPTS.

A dismissal of an initial indictment and a subsequent re-indictment, if viewed as part of a single prosecution is neither final nor immediately appealable which must await the defendant's subsequent conviction. (See Parr, at 518-19; Kelly, at 1397). As noted by the record of each prosecution (See p. 45a-62a), indictment #3-4 were prosecuted "for substantially similar conduct as that alleged in the prior dismissed Indictment #1-2. (See p. 132a). It is undisputed that the Eleventh Circuit considered Indictment #1-4 a single prosecution. (See p. 45a, 49a, 57a). The secondary case number assigned by that Circuit reflects case no. 1:20-cr-00033-ECM-SMD. Supporting this fact is the Eleventh Circuit issued a mandate relating to a writ of mandamus taken from district court case no. 1:22-cr-00242-ECM-JTA as being taken from case no. 1:20-cr-00033-ECM-SMD. (See p. 363a-364a).

More importantly, when adjudicating the Petitioner's initial appeal, the Eleventh Circuit dismissed that pleading based upon a

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/28/2025 12:35:51 PM

To:

Inmate Work Assignment: SUPREME COURT

general rule that "appellate review should be postponed until after final judgment has been rendered by the trial court."

Will v. United States, 389 U.S. 90, 96 (1967). Joyner's prosecution under Indictment #1-3 and their subsequent dismissals were not final orders. (See p. 45a-56a). The Eleventh Circuit dictum within each order affirmatively directed Joyner to seek appellate review of his arguments on a subsequent conviction. (See p.48, 51a, 56a). Having relied on Parr v. United States to dismiss the appeal taken from Indictment #1-2, that Circuit invoked the single prosecution doctrine based upon a holding that "a judgment or decision is final for the purpose of appeal only when it terminates the litigation between the parties on the merits of the case, and leaves nothing to be done but to enforce by execution what has been determined." (See Parr, at 518). The orders dismissing Indictment #1-3 did not leave the district court in a position to enforce a conviction or impose a sentence. Id. Because Indictment #1-3 were viewed by the Eleventh Circuit as a single prosecution Indictment #2 and Indictment #3 being as it were superseding indictments, that Court considered that the Petitioner was not yet tried nor convicted and sentenced. Id. That noted, the single prosecution doctrine and Joyner's conviction now allows him a review of whether any constitutional, statutory or substantial violations occurred in route to his conviction. Par, at 519. As a matter of law, the Parr Court established that any and all orders in a single prosecution were "but a step toward final disposition of the merits of the case and will be merged in the final judgment." (See Parr, at 519) (relying on Cohen Beneficial Industrial Loan Corp., 337 U.S. 541, 546 (1949)). Since Indictment #1-3 were not dismissed as final orders, Joyner's arguments within them must be considered on appeal from his conviction under Indictment #4. As a result, he is likely to succeed on the merits.

D. LAW OF THE CASE DOCTRINE FAVORS PETITIONER BEING AFFORDED TRANSCRIPTS.

As most commonly defined, the doctrine of the law of the case posits that when a court decides upon a rule of law that decision should continue to govern the same issues in subsequent stages in the same case. (See Christianson v. Colt Industries, 486 U.S. 800, 815-16 (1988) (quoting Arizona v. California, 460 U.S. 605, 618 (1983)). Under Indictment #1-2, Joyner felt aggrieved by the existence of missing VZW records and the non-disclosure of the 2nd Interview. (See p. 46a). Those issues were raised in the district court and later brought before the Eleventh circuit. (See p. 45a-51a). because Indictment #1-2 had been dismissed without prejudice and the Petitioner had been reindicted under Indictment #3, that Circuit dismissed the appeal pursuant to the single prosecution doctrine established in Parr v. United States. (See p. 49a-51a). As noted within their mandate, Joyner had to wait until he was convicted under a subsequent indictment to raise those and any

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/28/2025 01:09:35 PM

To:

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other issues on appeal. (see p. 51a). Arizona, at 618-19 (explaining that the law of the case doctrine was understandably crafted with the course of ordinary litigation in mind. Such litigation proceeds through preliminary stages, generally matures at trial and produces a judgment, to which, after appeal, the binding finality of res judicata and collateral estoppel will attach). Fully understanding the effect of imposing the single prosecution doctrine and its importance to finality, the Eleventh Circuit reasoned that its most important duty was to protect against piece-meal appeals. Parr, at 519 (noting "to hold this order final at this stage of the prosecution would defeat the long-standing statutory policy against piece-meal appeals). Every mandate issued by that circuit has upheld that statutory policy which was first imposed by way of the single prosecution doctrine. (See p. 49a-51a). The Petitioner has been convicted as well as sentenced and under the holding in Parr v. United States, his prosecution is now final. Joyner's issues are now ripe for appeal and he must be able to exercise his right to appeal. As a result, he is likely to succeed on appeal.

II. JOYNER WILL BE IRREPARABLY INJURED ABSENT A STAY.

To gauge whether to grant or deny the Petitioner a stay, the consideration must mitigate his right to appeal as a matter of right pursuant to F.R.A.P. 4 and his right to a writ of certiorari. "In bringing an appeal as of right from his conviction, a criminal defendant is attempting to demonstrate that the conviction, with its consequent drastic loss of liberty is unlawful." (See *Evitts v. Lucey*, 469 U.S. 387, 396 (1985)). "A first appeal as of right therefore is not adjudicated in accord with due process of law if the appellant does not have the effective assistance of an attorney." *Id.* When that substantial right is mitigated with a criminal defendant's right to a writ of certiorari, irreparable harm becomes crystal clear.

Under a writ of certiorari, the granting of it is a matter of judicial discretion. (See Sup. Ct. R. 10; *Ross v. Moffitt*, 417 U.S. 600, 617 (1974)). This Court has held that defendants have no right to counsel to pursue discretionary review. (See *United States v. Austin*, 513 U.S. 5, 8 (1994). In *United States v. Ferrell*, a district court held that a "movant does not have a constitutional right to appeal a criminal conviction to the Supreme Court nor to have counsel pursue an application for review in the Supreme Court." 730 F.Supp. 1338, 1340 (E.D. Pa. 1989). However, in contrast, indigent criminal defendants have a constitutional right to appointed counsel on their first direct appeal. (See *Douglas v. California*, 372 U.S. 353, 356-57 (1963). Because Joyner does not have a constitutional right to appeal his conviction to the Supreme Court, if he is not afforded transcripts needed for an effective and meaningful review, he will be irreparably harmed.

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/28/2025 01:42:06 PM

To:

Inmate Work Assignment: SUPREME COURT

In support, a criminal defendant has a constitutional right to self-representation as afforded to him by the Sixth Amendment. (See *Faretta v. California*, 422 U.S. 806 (1975)). To deprive him of Due Process, Compulsory Process and Confrontational rights would be akin to the irreparable harm discussed by the *Evitts v. Lucey* Court. Id., at 396 (explaining that "a party whose counsel is unable to provide effective representation is in no better position than one who has no counsel at all"). This is exactly where the Petitioner now finds himself as his right to self-representation has been infringed upon in a manner where his right to Due Process, Compulsory Process and Confrontation were deprived before, at and after trial. Absent a stay, he cannot effectively raise those issues on appeal nor support them with record facts. A look back at how Joyner arrived at the forthcoming irreparable harm will manifest why if he is not afforded transcript of prior proceedings, he will lose his constitutional right to effective and meaningful review.

A. ABSENT A STAY, RAISED ISSUES UNDER INDICTMENT #1-2 WOULD NOT BE REVIEWABLE.

The Petitioner exercised his right to self-representation after discovering that his trial counsel was refusing to raise the existence of missing VZW records and the non-disclosure of the 2nd Interview. Those issues were raised with the district court and with the Eleventh Circuit (See 45a-51a), but the latter imposed the single prosecution doctrine which instantly became the law-of-the-case. (See p. 49a-51a). There, that circuit preserved Joyner's raised issues by explaining that they could be raised on his subsequent conviction. Id. Because Joyner felt aggrieved by the raised issues, he needs transcriptions of the April 20, 2021 Faretta Hearing and June 1, 2021 Motion Hearing (hereinafter "Transcript Request #1, collectively) where those issues were not only discussed, but its existence were denied by the Government. To not have their denial that additional VZW records did not exist nor statements admitting their willful non-disclosure of the 2nd Interview, Petitioner can not support the assertion of a denial of his self-representation rights nor the concealing of exculpatory and favorable evidence. As a result, absent a stay Joyner will lose his constitutional right to appeal his conviction and must then pray that the Supreme Court will grant certiorari.

B. ABSENT A STAY, RAISED ISSUES UNDER INDICTMENT #3 WOULD NOT BE REVIEWABLE.

Here, the Petitioner, again, exercised his right to self-representation after for a second time, discovering that his trial counsel refused to raise the existence of missing VZW records as well as the non-disclosure of the 2nd Interview nor expedite the filing of a subpoena for those missing records. Just as was the case under Indictment #1-2, those issues were raised with the

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/29/2025 07:17:50 AM

To:

Inmate Work Assignment: SUPREME COURT

district court and with the Eleventh Circuit (See 45a-51a), but the latter re-imposed the single prosecution doctrine by way of the mootness doctrine which again became the law of the case. (See p. 49a-51a). For a second time, that Circuit preserved Joyner's raised issues by explaining that they could be raised on his subsequent conviction. Id. In making sure that the issued mandate was clear as to the imposed single prosecution doctrine, the Eleventh Circuit stated the following:

"Moreover, should the Government file another indictment that Joyner believes contain jurisdictional or other flaws, he may file a motion to dismiss on appropriate grounds and obtain judicial review of his arguments Likewise, in the event he is re-indicted, Joyner may then file any evidentiary or other pre-trial motions he feels are necessary and obtain judicial review of those arguments."

(See p. 56a). As a result of Joyner feeling aggrieved by the raised issues under Indictment #3, he needs a transcription of the September 22, 2021 Pretrial Conference, September 27, 2021 Faretta Hearing, October 13, 2021 Pretrial Conference and the January 21, 2022 Motion Hearing (hereinafter "Transcript Request #2") where those issues were not only discussed, but its existence were denied by the Government for a second time. To not have their denial that additional VZW records did not exist nor statements admitting their willful non-disclosure of the 2nd Interview, Petitioner can not support the assertion of a denial of his self-representation rights nor the concealing of exculpatory and favorable evidence. Therefore, absent a stay, Joyner will lose his constitutional right to appeal his conviction and must then pray that the supreme Court will grant certiorari.

C. ABSENT A STAY, RAISED ISSUES RELATING TO JOYNER'S RIGHT TO CONSTITUTIONAL RIGHTS WOULD NOT BE REVIEWABLE.

Under Indictment #1-3, raised issues covered, among other things, the Government's 1) bad faith Rule 48(a) motions, 2) ex parte subpoena misconduct and 3) concealing of exculpatory and favorable evidence. Based upon the Government statements contained within transcript request #1-2, Joyner was deprived of his right to self-representation. Without transcript request #1, the Petitioner can not demonstrate that the Government 1) was specifically asked about the missing VZW records, 2) willfully refused to disclose the 2nd Interview, 3) failed to provide a valid reason for dismissing Indictment #1-3 under Rule 48 (a) and 4) denied having any responsibility for VZW non-compliance with a court issued subpoena. In the absence of a stay, Joyner could not obtain effective and meaningful review of how the raised issues injured his exercising of rights under the Due Process, Compulsory Process and Confrontation Clauses. To force Joyner to file a brief without transcript request #1-2 would not only automatically place him in non-compliance of F.R.A.P. 10(b)(2), but would be akin to denying him effective

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/29/2025 08:32:16 AM

To:

Inmate Work Assignment: SUPREME COURT

representation as discussed by the Supreme Court. *Faretta*, at 834.

That rule provides that "if the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion." (See *Scott v. Postmaster Gen., United States Serv.*, 818 Fed. Appx. 914, 916 (11th Cir. 2020). The Scott Court noted "we must affirm the district court when an appellant fails to provide all the evidence that the trial court had before it when making various contested evidentiary rulings." *Id.* An appellant must provide trial transcripts in the appellate record to enable a court to review challenges to sufficiency of the evidence. (See *Loren v. Sasser*, 309 F.3d 1296, 1304 (11th Cir. 2002). In the case of the Scott Court defendant, he "failed to provide a trial transcript for appellate review." *Id.*, at 916. That court concluded that they were "unable to consider whether the district court erred in denying the motion or abused its discretion when it denied her motion for a new trial based on its determination that the jury's verdict was supported by the evidence presented at trial." *Id.* Additionally, that court reasoned "because Scott did not provide the trial transcripts necessary to make that determination, we must affirm the district court." This conclusion was relying on well established precedent stating "when we cannot meaningfully review an issue on appeal without consulting a hearing transcript that an appellant has failed to submit, we must affirm the district court's decision." *Loren*, at 1301, 1304. An affirmance of a conviction in *Logan v. Smith*, also relied on this well established precedent. 735 Fed. Appx. 694, 695 (11th Cir. 2018). Thus, absent a stay, any alleged violations of constitutional rights as afforded within the Due Process, Compulsory Process and Confrontational Clauses would not be reviewable on appeal without the requested transcripts.

III. NEITHER GOVERNMENT NOR PUBLIC INTEREST WILL BE SUBSTANTIALLY INJURED BY THE ISSUANCE OF A STAY.

Pursuant to the *Nken* Court, factors three and four merge when the Government is the opposing party. *Nken*, at 435. Here, the strong possibility that exculpatory and favorable evidence was concealed from the jury favors that the Government nor the public interest would be injured upon issuance of a stay. In July 2021, the Eleventh Circuit dismissed Joyner's raised issues without the Government answering to misconduct. (See p. 45a). Again, in November 2021, that circuit dismissed Petitioner's raised issues without the Government responding to misconduct. (See p. 49a-51a). Moreover, in March 2022, the Eleventh Circuit dismissed a third appeal of Joyner's raised issues without the Government responding to misconduct. (See p. 52a-56a). At every turn prior to August 16, 2022, the Government either did not respond or responded in hearings to the raised issues

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

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 09/29/2025 09:00:17 AM

To:

Inmate Work Assignment: SUPREME COURT

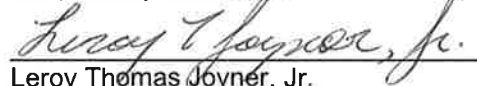
by denying the existence of additional VZW records and by willfully misrepresenting two protective orders (see p. 204a-209a).

The Government can not be injured by a stay anymore than they have caused themselves by not responding to the allegations at the appellate level on three separate occasions. Further, the public interest lies on the side of ensuring that no criminal defendant is convicted when exculpatory and favorable evidence have not been considered by the jury. As it relates to the potential injury a stay would cause the Government and how it would affect the public interest, the likelihood that exculpatory and favorable evidence was concealed from the jury as well as the deprivation of Petitioner's right to self-representation weighs heavily in favor of a stay.

WHEREFORE PREMISES CONSIDERED, Petitioner request a stay of the lower court proceedings under case no. 24-12605 while he petitions this Court from a summary affirmance of case no. 25-10616.

October 6, 2025

Respectfully Submitted,



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

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

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 10/23/2025 01:34:43 PM

To:

Inmate Work Assignment: SUPREME COURT

No. _____

In The

Supreme Court of the United States

LEROY THOMAS JOYNER, JR.

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

On Petition for Writ of Certiorari to the
United States Courts of Appeals
For the Eleventh Circuit

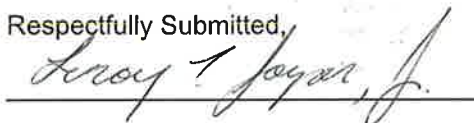
CERTIFICATE OF SERVICE

I hereby certify, pursuant to Supreme Court Rule 29.5(b) and this Court's Order (April 15, 2020), that on this 22nd day of October 2025:

(1) one paper copy of the Motion To Stay Lower Court Proceedings were sent by USPS to the Clerk, United States Supreme Court, One First Street, N.E., Washington, D.C. 20543; and

(2) one electronical copy of the Motion To Stay Lower Court Proceedings will be provided by electronic service to the Solicitor General at SupremeCtBrief@usdoj.gov once the petition has been docketed.

Respectfully Submitted,



Leroy Thomas Joyner, Jr. #180790-002
FCC Yazoo City (Low)
P.O. Box 5000
Yazoo City, MS 39194
Email: grasschange@gmail.com

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 10/23/2025 01:14:07 PM

To:

Inmate Work Assignment: NATIONAL MEDIA

Attention: National Media

"The goal of the prosecutor is not to win the case, but to ensure that justice shall be done." See United States v. Kallen-Zury, 629 Fed. Appx. 894, 902 (11th Cir. 2015). While the prosecutor may strike hard blows, he is not at liberty to strike foul ones. Berger v. United States, 295 U.S. 78, 88 (1935). "It is improper for a prosecutor to use misstatements and falsehoods." Davis v. Zant, 36 F.3d 1538, 1548 (11th Cir. 1994); Berger, at 84-85; ABA Standards For Criminal Justice, Section 3-6.8(a). When the prosecutor paints for the jury a distorted picture of the realities of the case in order to secure a conviction, this violates the fundamental tenet that attorneys may not make material misstatements of fact in summation. Davis, at 1548, n.15, 1549. In the past (12) months, there has been far too many stories published where a defendant has been wrongfully convicted of a crime. Under every separate case, a major focus was placed on the missed facts, but never is great attention paid to the Judges, Lawyers or even the Clerks of Court. Unfortunately, for too many Americans, rights afforded by the United States Constitution are under an orchestrated attack by those who hide within the cloak of being officers of the court. When time permits, please read the enclosed motion to stay as well as the petition for writ of certiorari. There, it will be found that convictions in far too many courts are being secured by 1) judges concealing exculpatory and favorable evidence, 2) lawyers colluding to deprive defendants of constitutional rights, 3) clerks of court delaying and misrepresenting filings and 4) appellate courts feeling compelled to not only cover-up the unlawful convictions, but the ineffective assistance as well as judicial and prosecutorial misconduct. For some, facts have been discovered regarding how courts are wrongfully convicting defendants by examining the appellate case numbers that follows, then tracing them back to their origins in the district court: 1) 21-11928 (July 1, 2021), 2) 21-12175 (November 2, 2021), 3) 21-13944 (March 23, 2022), 4) 23-12193 (April 11, 2023), 5) 24-12193 (November 21, 2024) and 6) 25-10616 (July 29, 2025).

What has been found by some was that under more than five years of filing pleadings and raising issues with the Eleventh Circuit has resulted in a failure to adjudicate on every occasion. Not only have that court never addressed the issues, but have licensed all parties to conceal exculpatory evidence, present false testimony and willfully refuse to provide transcripts that contain evidence that prove this systematic discrimination. A light must be shined on this judicial epidemic and these judges, lawyers and clerks of court must be identified so the public can feel safe. To ignore this opportunity will allow these falsely acclaimed officers to continue down a pathway contrary to the very reason why the promises of the United States

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

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 10/06/2025 08:37:19 PM

To:

Inmate Work Assignment: NATIONAL MEDIA

Constitution were enacted will become the norm; to wit: a judicial system that only provide justice for the elite. As it relates to American citizens, it must be reported that judges, lawyers and even clerks of court are concealing as well as covering-up judicial misconduct at the trial and appellate levels. For most, you have patiently awaited the appellate court's adjudication in this matter. As the majority expected, they have covered-up the district court plain error. Although the judicial misconduct continues, the Eleventh Circuit has made a careless plain error that can be viewed through the following:

"The court must exclude the possibility of any error other than harmless error." United States v. Upshaw, 448 F.2d 1218, 1224 (5th Cir. 1971) (reciting that requirements of the Court Reporter Act "are mandatory and exceptions [to the requirements] should be few and narrowly construed").

"One narrow exception that renders harmless the failure to transcribe exists when both the defendant and the reviewing court can review for errors and defects those tapes played to the jury but not transcribed into the written record. See United States v. Mendoza, 574 F.2d 1373, 1379 (5th Cir. 1978)(concluding that defendants possession of all transcripts and recordings played to jury did not prejudice them and does not constitute reversible error)."

Sadly for the judiciary and those citizens who are privileged to be called jurors, misrepresentation of facts and concealing of evidence has become the norm throughout the federal system. This fact can be viewed in the district court's reasoning behind denying the Petitioner transcripts on appeal:

"Based on the Court's review and knowledge of this case, it appears that the Dale County PFA Hearing; the January 23, 2019 CAC Interview and the February 6, 2019 CAC Interview were not proceedings before this Court. Moreover, partial recordings- but not transcripts-of the Dale County PFA Hearing and the two CAC Interviews were admitted into evidence at trial. The Defendant fails to sufficiently explain why he requires written transcripts of this evidence under the circumstances of this case. Cf. United States v. Cannon, 987 F.3d 924, 946 (11th Cir. 2021) (concluding that nothing in the Court Reporter Act [Section 753] requires that audio or video recordings which are not testimony but are themselves admitted into evidence as exhibits, also be transcribed by the Court Reporter)."

(See. p. 334a-335a). The district court and the Eleventh Circuit have willfully misrepresented the fact that the recordings of the November 19, 2018 PFA Hearing (hereinafter "PFA Hearing") as well as the January 23, 2019 and February 6, 2019 CAC Interviews (hereinafter "1st and 2nd Interviews") were not testimony. The other requested transcripts, including the August 2, 2024 Status Hearing (hereinafter "Status Hearing") and the August 8, 2024 Sentencing Hearing (hereinafter "Sentencing Hearing") were not exhibits. Because he can not review any of these evidentiary items for errors and defects their not being transcribed nor disclosed were not harmless. The Eleventh Circuit has clearly disregarded that the Petitioner is lacking these evidentiary items on appeal.

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 10/07/2025 08:37:15 AM

To:

Inmate Work Assignment: nv

It is known by the district court and the Eleventh Circuit that the PFA Hearing contains evidence that exonerates the Petitioner. There, the alleged victim testified to the fact that she had no inappropriate contact with him. Further, it is known by those courts that the 2nd Interview holds testimony where the alleged victim clearly noted that any trips from state to state was just for tennis. The concealing of these two recordings and their transcripts prevented the Petitioner from demonstrating that an element of the offense could not be proved by the Government based upon the facts. Additionally, it is known that the complete trial transcript contains a discussion between the defense and prosecution where an objection was raised to the alleged victim testifying falsely regarding her "just for tennis" statement. Also, it is known that there exist a conversation in the sentencing hearing transcript between the chief judge and the Petitioner where he was specifically asked by that court regarding the relevance of the 2nd Interview. This discussion initially was had during the Status Hearing where the Government admitted to removing the 1st and 2nd Interview transcripts from the exhibits given to the jury. This ongoing concealment of exculpatory and favorable evidence has resulted in the unlawful conviction of Petitioner.

To use an old cliché, "where there is smoke, there must be fire", and the following questions when presented after comparing and contrasting 1) the Eleventh Circuit November 21, 2024 mandate (hereinafter "Mandate #1") denying him the Petitioner transcripts, 2) the district court December 19, 2024 order (hereinafter "Order") denying him transcripts and 3) that Circuit's July 29, 2025 mandate (hereinafter "Mandate #2") summarily affirming his appeal to compel the district court to produce the non-disclosed transcripts will reflect smoke:

- * Does the Eleventh Circuit have transcripts not afforded to the Petitioner?
- * As a matter of law, were the so-called non-record exhibits considered testimony or were they just exhibits?
- * What are the federal courts seeking to conceal?

Interestingly, Mandate #1 acknowledges that "he [Petitioner] has requested and obtained transcripts as part of his appeal" [and] "he may request the non-record document he has not received as part of a future [Section 2255] motion." (See p. 367a-368a). The Order demonstrates that the district court granted him access to (3) transcripts after the issuance of Mandate #1 while noting that the Magistrate Judge had provided him (3) transcripts as well as portions of the trial transcript before sentencing. (See p. 333a-336a). This granting of (3) additional transcripts was done (28) days after the issuance of Mandate #1. So, what transcripts did the petitioner obtain as part of his appeal as noted by the Eleventh Circuit in Mandate #1 supra.

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Moreover, within Mandate #2 the Eleventh Circuit appears to suggest that the court reporter provided all the transcripts requested by him. (See p. 390a). This is contrary to the directives within the Order. The Petitioner requested transcript of proceedings prior to August 16, 2022 which were not provided by the district court. (See p. 335a). That circuit also re-explained that "record of a state court hearing as well as two witness interviews were admitted as exhibits at .. trial" [and] "the court reporter was not required to transcribe them as part of the trial transcript ...". (See p. 335a). Pursuant to the record, those interviews were played for the jury as part of the alleged victim's testimony. (See p. 214a, para. 11). Strangely, it appears that the Eleventh Circuit has in its possession transcripts that he does not. (See p. 221a). If this is correct, then why would the district court deny him access to transcripts and then provide them to the Eleventh Circuit? Also, why would they adjudicate that the Petitioner's seeking of the transcripts were "UNNECESSARY"? (See p. 239a-240a). The following statements from Mandate #1-2 acknowledges that the records were provided to the Eleventh Circuit:

"Next, Joyner has requested and obtained transcripts as part of his appeal." (See p. 367a-368a).

"The record here reflects that Joyner received the requested transcripts for court proceedings in this case." (See p. 389a-390a).

It is worth repeating, where there is smoke, there must be fire. As presumed ethics compels us that the Eleventh Circuit should be taken at their word, their note regarding the August 2, 2024 Status Hearing creates doubt. (See p. 38a, n.3). To acknowledge that the Petitioner requested that transcript after the issuance of Mandate #1 and the Order, but fail to mention that his request for the sentencing hearing transcript was submitted before the issuance of Mandate #2 and the Order was omitted in bad faith. (See p. 294a-297a). The Petitioner does not have either transcript. This was not only disingenuous, but noted in bad faith, especially when the Government raised his request for the sentencing hearing transcript within their response to that circuit's jurisdictional question. (See p. 33a, para. 2). For the very same legal precedent relied upon under the Campbell Court in Mandate #2, the Eleventh Circuit should have considered the sentencing hearing transcript, especially when that item contains an exchange between the Petitioner and the district court directly addressing that the 2nd Interview reflects that the Government presented false testimony to the jury. There was also a discussion regarding an admittance by the Government that the transcriptions of the 1st and 2nd Interviews were removed from the trial exhibits. This double tongued approach has weakened that circuit's conclusion in Mandate #1-2. The contents of both transcripts in question hold exculpatory and favorable evidence which reject any notion that the Government established the intent element of the

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convicted offense. This exculpatory and favorable evidence is also contained within the "state court PFA Hearing." Again, where there is smoke, there must be fire. The most egregious act of concealment can be discovered by examining the district court attempt to cast the PFA Hearing as well as the two CAC Interviews as exhibits that were admitted into evidence. This bad faith attempt is clearly contrary to the trial transcript. There the prosecution and the defense sparred as to whether or not the interviews should be played and authenticated by an employee who did not conduct those interviews. (See Trial Transcript). The court agreed to play the interview. Id. Next, the court directed the court reporter to merge the interviews into the transcription of the trial testimony. Even the court specifically the presiding judge knew the importance of the video to the Government case-in-chief. Id. That ordered transcription is not in the possession of the Petitioner as noted by the Order. (See p. 334a-335a, n.1). He only received portions of the trial transcript. As noted before, the Eleventh Circuit could have this complete transcript, but the Petitioner does not. That was followed by the prosecution and the defense sparring regarding the alleged victim testimony presented to the jury through both her CAC interviews and that testimony given in person being in conflict. (See Doc. 14; p. 69:7-74:3). This occurrence clearly portrayed that both CAC interviews were testimony presented to the jury and the court was aware of that fact. The concealment of the testimony was forecasted by the Petitioner when filing a "Motion For Independent Transcriber". (See p. 63a-70a).

A specific review of the Order's characterizing the recordings as just exhibits reflect bad faith and confirmation that where there is smoke, there must be fire. (See p. 334a-335a). The Supreme Court in two landmark cases clearly held that "materials such as affidavits, custodial examinations, prior testimony ... or ... statements .. reasonably expected to be used prosecutorially are considered testimony. Crawford v. Washington, 541 U.S. 36, 51 (2004); Melendez-Diaz v. Massachusetts, 557 U.S. 305, 310 (2009). Within the Crawford Court, the Supreme Court established that interrogations by law enforcement are testimony. Crawford, at 52. That stated, the PFA Hearing (prior testimony) as well as the 1st and 2nd Interviews (custodial examinations) are testimony. (See Gates v. Tex. Dept. of Protective & Regulatory Servs, 537 F.3d 404, 413 (5th Cir. 2008) (noting that "the CAC was established to coordinate child abuse investigations among the various branches of government, including ... law enforcement ... so that children will not experience the trauma of multiple investigations from the different governmental entities). When the district court issued the Order they knew or should have known that those evidentiary proceedings were considered testimony.

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Nonetheless, the Eleventh Circuit disregarded this plain error and summarily affirmed the district court in Mandate #2. Those proceedings were not only testimony, but were due to be provided and transcribed by the Government under their Rule 16 obligation. Neither the district court nor the Eleventh Circuit considered those proceedings to be testimonial hearsay that was immaterial to the guilt and innocence phase. In fact, the Government used partial recordings of the 1st and 2nd Interviews as their primary evidence. In contrast, the Petitioner sought to utilize the PFA Hearing as well as the 2nd Interview in his defense. The issuance of the Order characterized those proceedings like the (302s) in the Davis Court. There, the Fifth Circuit considered redacted (302s) and whether the Government failure to disclose unredacted (302s) violated the standard set forth in Brady. *United States v. Davis*, 971 F.3d 524, 533-34 (5th Cir. 2020). That Circuit concluded that the non-disclosure of unredacted (302s) did not rise to the level of a Brady violation akin to this Court's landmark cases; to wit: *Kyles v. Whitley*, 514 U.S. 419, 435 (1995) (holding that the defendant did not make a showing that the potential evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict); *Giglio v. United States*, 405 U.S. 150, 154 (1972) (explaining that "we do not, however, automatically require a new trial whenever a combing of the prosecutor's files has disclosed evidence possibly useful to the defense but not likely to have changed the verdict). The circumstances of this case is starkly different as the PFA Hearing, as well as the 1st and 2nd Interview contain exculpatory and favorable evidence that was not presented to the jury. In the Cannon Court, the Eleventh Circuit clearly distinguished between cases like the Petitioner and those where the defendant and the appellate court had unfettered access to the disputed evidence. *Cannon*, at 945-46. Specifically, they identified the difference by framing their conclusion within the phrase "UNDER THESE CIRCUMSTANCES". Both the district court and the Eleventh Circuit knew that the circumstances in the Cannon Court was not akin to the Petitioner's circumstances. Unfortunately, those courts are very well operating within the normal procedure of the federal system as we know it today. The time has arrived to identify these judges, lawyers and clerks of court who abuse the judicial process while simultaneously abusing the rights afforded to American citizens. As a result of the violations of the Petitioner's constitutional rights such as the presentment of false testimony to the grand and trial jury, he has now been subjected to three separate civil lawsuits. The allowance of prejudice at every stage has now been manipulated by lawyers who make their living taking advantage of missteps within the judicial process. Unfortunately, the willful abuse of the judicial process has real circumstances especially for an entity like the United States Tennis Association

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who is now being sued regarding a matter they have absolutely nothing to do with. That entity was not associated with the Petitioner prior to the PFA Hearing. They did not testify nor provide counsel for him, but find themselves desiring the testimony discussed for purposes of defense. This association was not a party to the indictments discussed supra. There was never any financial assistance provided for travel to and from Alabama for tennis. Within the testimony offered at the PFA Hearing as well as within the 1st and 2nd Interviews, the alleged victim nor others never referenced this entity as a participating party in any accusations. Nevertheless, they and other defendants now find themselves defending against the testimony given within the interviews and depending upon testimony given at the PFA Hearing. Unbeknowing to that entity and others, these evidentiary items will be raised during the pending civil litigation, but they all will be clueless to its existence.

Assuming arguendo, imagine a scenario where a defendant was subjected to third party allegations that were denied by all parties directly involved, but due to an abuse of the judicial process it was determined that the accusations were true. Also, when that defendant attempted to appeal the decision, the circuit judge willfully mis-tolled the time incorrectly which was utilized by the civil appeals court to dismiss that challenge as untimely. Next imagine that the defendant filed a civil lawsuit against those who birthed the third party allegations and the district court holding it in abeyance for over (18) months. When the case was placed back on the docket, it was dismissed without that defendant having been afforded due process. Eventhough hard to imagine, while the case was being held in abeyance, a criminal case was opened and a civil appeal was dismissed. Trying hard to imagine that these transactions were not related, that defendant prepared a defense. It was met with 1) testimony that the alleged victim denied any inappropriate conduct had occurred between her and the Petitioner as well as not being transported from state to state for any purpose outside of tennis; 2) exculpatory evidence being withheld from the grand jury; 3) multiple indictments dismissed in bad faith; 4) exculpatory text messages destroyed by the alleged victim and her mother; 5) 2nd Interview being concealed for over (43) months; 6) jury not considering exculpatory evidence within the PFA Hearing as well as the 1st and 2nd Interviews; and 7) status and sentencing hearing being concealed on appeal. Imagine defending yourself against a crime when constitutional violations are being invoked into the case at the direction of judges, lawyers and clerks of court. If that is hard to imagine, consider that defendant having to spar with a corporate telecommunication company such as Verizon Wireless who had been directed through ex parte communication by judges,

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lawyers and clerks of court to withhold exculpatory call and text records. Additionally, each time the records provided would display that the Government was concealing evidence, the indictment would be dismissed only to be re-filed after re-concealing the records with the help of judges, lawyers and clerks of court. Again, if this is hard to imagine, consider that when a forensic expert was hired to examine the alleged victim cellular phone dump for deleted records, the entire database had been destroyed by the Federal Bureau of Investigations. Finally, imagine being taken to trial with no evidence to defend yourself before and with the same judges, lawyers and clerks of court who colluded to place you in that position. Can any reasonable person imagine a fair trial or even that the jury considered all the evidence? Well if you can not, the Eleventh Circuit under five separate appeals have reached the conclusion that due process was afforded that defendant. If this sounds horrible, then try to imagine that this Kangaroo Court adjudications has now become the basis of civil litigations in two states [See State Court of Georgia (Muscogee County), Case No. SC2025CV-001349; Alabama 3rd Judicial Circuit, Case No. 06-CV-2025-90032], and could very well dwarf into criminal prosecutions in those respective states. There the defendant and possibly others would be forced to defend against the allegations in the complaint that are based upon 1) an "intent to engage in unlawful acts" that does not exist, 2) conduct that is alleged to have occurred in 2016, but the facts state that they could have possibly occurred in 2017 and 3) an orchestrated plan to conceal a crime also known as a conspiracy. The state court judges, lawyers and clerks of court will be encouraged to fabricate the facts by what the federal judges, lawyers and clerks of court have done, especially after discovering how exculpatory and favorable evidence has been concealed without any push back from the Eleventh Circuit throughout the (4) indictment single prosecution.

Based upon an abuse of the judicial process, would that constitute due process? Although hard to imagine that we as citizens could be subjected to a court system who would preside in such a manner, this is now the Petitioner's present scenario on appeal. Making matters worse, the transcripts that would reveal that this is completely accurate is currently being concealed by the district court and the Eleventh circuit willfully. Something must be done to confront this type of willful reckless disregard for law abiding citizens by judges, lawyers and clerks of court. To allow this falsehood to continue will very well recklessly expose the Petitioner and others to additional harm based upon false testimony. This ongoing abuse of the judicial process must be stopped and those who perpetrate this abuse must be identified. We look forward to your assistance and hopefully the system can be repaired from the outside in.

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

October 16, 2025

Thanks for your support,

Leroy Thomas Joyner, Jr. #180790-002
FCC Yazoo City (Low)
P.O. Box 5000
Yazoo City, MS 39194
Email: grasschange@gmail.com