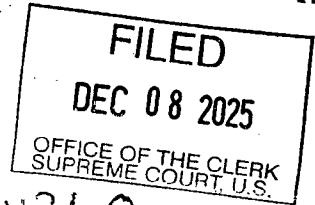


26-5078

ORIGINAL

No. 24-7137



2:23CV349/2:23CV368

IN THE

SUPREME COURT OF THE UNITED STATES

OF AMERICA

RANDY LEE LASSITER JR — PETITIONER
(Your Name)

vs.

CHADWICK DETSON - DADOC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS OF VIRGINIA FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RANDY LEE LASSITER JR
(Your Name) RED OXION STATE PRISON

P.O. Box 970

(Address)

POUND, VA 24279
(City, State, Zip Code)

276-796-7510
(Phone Number)

QUESTION(S) PRESENTED

- 1) Trial Counsel was Ineffective Assistance of Counsel for denying Petitioner the Right to Testify which deprived Petitioner Autonomy Right to Control the Case Creating a Conflict of Interest.
- 2) Petitioner was Incompetent to Stand trial and the trial court Erred by not having a Evaluation Hearing when trial counsel requested and should have been given a psychiatrist at trial.
- 3) The Trial Court, District Court, & ^{U.S.} Court of Appeals Erred in Finding the Evidence Sufficient to Convict on Identification of Robert and Wearing A MASK ~~Erred~~ in denying motion to suppress Identification
- 4) The Trial Court, District Court, & ^{U.S.} Court of Appeals Erred in ~~by~~ allowing a Jailhouse Informant Raul Ramos to Testify at trial because of the Commonwealth's mid-trial Brady Disclosures and Commonwealth Denying Right to testify thru Fraud upon the Court and Prosecutorial misconduct
- 5) The Trial Court, VA COURT OF APPEALS, VA SUPREME COURT, DISTRICT COURT U.S COURT OF APPEALS ABUSED ITS DISTRECTION TO DENY PETITIONER LASSITER A BAIL WHEN APPEAL RAISED A SUBSTANTIAL QUESTION OF LAW and FACT LIKELY TO RESULT IN REVERSAL
- 6) THE U.S DISTRICT COURT ABUSED ITS DISTRECTION IN DENYING MOTION FOR DISCOVERY when not for Fishing Expedition and not GRANTING EVIDENTIARY HEARING to Devolope Facts for case
- 7) The U.S District Court ABUSED ITS DISTRECTION IN Denying motion For Appointment of Counsel DO to COMPLEXITY OF Case

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

COMMONWEALTH OF VA v. RANDY LEE LASSITER JR. ~~REDACTED~~

CASE NO. CR18-1604-01 CIRCUIT COURT
CITY OF NORFOLK
STATE HABEAS CORPUS → CASE NO. 02100-4015 - JUNE 25, 2021

RANDY LEE LASSITER JR. v. COMMONWEALTH OF VA,
CASE NO. 0422-20-1 : COURT OF APPEALS OF VA

RANDY LEE LASSITER JR. v. COMMONWEALTH OF VA
CASE NO. ~~REDACTED~~ [0933-21-1] (DENIED)
WRIT OF ACTUAL INNOCENCE 9/30/21
COURT OF APPEALS OF VA

RANDY LEE LASSITER JR. v. COMMONWEALTH OF VA
CASE NO. 210772 DIRECT APPEAL
CASE NO. 211179 COLLATERAL ATTACK
MARCH 24, 2022 SUPREME COURT OF VA

RANDY LEE LASSITER JR. v. VA, 2023 U.S.L.W. 332
U.S. SUPREME COURT 22-5916 1/9/23 Denied

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TABLE OF AUTHORITIES CITED

EVANS V. KUPLINSKI, 713 F.2d 167 (4th Cir 2017)
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JACKSON V. VIRGINIA, 449 U.S. 307 (1979)

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from federal courts:

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

☒ reported at United States Court of Appeals 4th Circuit; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

No. 24-7132 Petition For Remanding & Rehearing En Banc
Motion For Bail

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

☒ reported at United States District Court For Eastern District of VA; or,

☒ has been designated for publication but is not yet reported; or,

☒ is unpublished.

No. [REDACTED] Motion For Bail
2:23cv349 / 2:23cv368

☐ For cases from state courts:

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

☒ reported at Denied; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. VIRGINIA SUPREME COURT

The opinion of the COURT OF APPEALS OF VIRGINIA court appears at Appendix _____ to the petition and is

☒ reported at Was GRANTED by 3 JUDGE PANEL; or, BRAND VIOLATION

☐ has been designated for publication but is not yet reported; or, JAILHOUSE

☒ is unpublished. 6422-20-1

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 1, 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: November 4, 2025, 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. § 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).

where the unsuccessful party has been prevented from exhibiting fully his case by fraud, or deception practised on him by his opponent, as keeping him away from court, a false promise of a compromise which shows there has never been a real contest in the trial court or hearing of the case must be vacated. UNITED V. THROCKMORTON, 98 U.S. 61 (1878) The UNITED STATES SUPREME COURT has held that a NOVEL CONSTITUTIONAL CLAIM CAN SHOW CAUSE. FREED V. ROSS, 468 U.S. 1 (1984) CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED UNITED STATES V. YOUNG, 470 U.S. 1 (1985) MASSIAH V. UNITED STATES, 377 U.S. 201 (1964) (PROSECUTORIAL MISCONDUCT)

Where trial counsel has refused to accept the defendant's decision to testify or where trial counsel never informed the defendant of his right to testify and the final decision belongs to the defendant alone, defense counsel has not acted within the range of competence demanded of attorneys in criminal cases, and the defendant clearly has not received reasonably effective assistance of counsel. United States v. Teague, 953 F.2d 1535 (11th Cir. 1997) (en banc) Prejudice is presumed when trial counsel is burdened by an actual conflict of interest and the government violates the right to effective assistance of counsel when it interferes in certain ways with the ability of counsel to make independent decisions about how to conduct the defense. United States v. Cronie, 466 U.S. 648 (1984) Cuyler v. Sullivan, 466 U.S. 335 (1980) A reversal is mandated when the trial court has failed to make an inquiry even though it knows or reasonably should know that a particular conflict of interest exists.

WOOD v. Georgia, 450 U.S. 261 (1981) Petitioner's testimony as to non-involvement should not be disregarded as lightly. The most important witness for the defense is the defendant's right to present his own version of events in his own words. A defendant's opportunity to conduct his own defense by calling witnesses is incomplete if he may not present himself as a witness. Washington v. Texas, 388 U.S. 14 (1967) The violation of Lassiter's protected autonomy right was complete when the court allowed the Commonwealth and trial counsel to usurp control of an issue within Lassiter's sole prerogative. McCay v. Louisiana, 138 S.Ct. 1500; 200 (2018) Mr. Dorick deprived petitioner autonomy

right to control the case violating 5th, 6th, and 14th Amendments. Among the rights of a fair trial is that a criminal defendant has a fundamental constitutional right to testify on his own behalf. Rock v. Arkansas, 483 U.S. 44 (1987)

In determining whether eyewitness identification is reliable the United States Supreme Court has (5) factors set out in Neil v. Biggers, 409 U.S. 188 (1972) The fact that the show-up identification in the present case was transferred from the street or police station to a courtroom does not change the due process analysis. Moore v. Illinois, 434 U.S. 270 (1977) Although more a constitutional principle

of criminal discovery than evidence the prosecutor is obliged by Brady v. Maryland, 373 U.S. 83 (S.Ct. 1963) to disclose to defense in timely fashion any significant exculpatory evidence the prosecutor knows about the defense does not while the United States courts permit the use of informants, that have also cautioned their use with regard to credibility. As early as 1952, Justice Robert Jackson opined in Lee v. United States, 343 U.S. 747, 757 (1952) Whiskey Cases, 99 U.S. 594 (1877) OFF the Record PLEAS WITH PROSECUTORS, CLEMENCY, PARDONS, PARDONING

THE EVIDENCE WAS INSUFFICIENT TO PROVE THE ROBBERY AFTER THE COMMONWEALTH
FELONY THE PROSECUTOR WAS ARMED WITH DEADLY WEAPON AND LASSITER WAS ENTITLED TO
TIME SERVED UNDER NEW ROBERT STATUTE RETROACTIVE VALUABLE 8/10/2-SS 4th degree without
Fiore v. White, 531 U.S. 205 (2001) **STATEMENT OF THE CASE** 1-5 years

on August 1, 2018, Randolph Lassiter Jr., hereinafter referred to as
Petitioner was indicted by a Grand Jury for allegedly committing Robbery,
Abduction, (2x) use of a Firearm in commission of a Felony, and wearing a Mask or
hood to conceal identity. On that same day, Counsel for Petitioner and the
Commonwealth Attorney agreed upon a scheduling order that was approved and signed
by the Honorable Junius P. Fulton, one of the provisions of the order required the
Commonwealth's Attorney to forward all discovery to defense counsel "on or before
3 weeks before trial. Petitioner called his fiancée, Shawnda McClure, as an alibi
witness. Petitioner did not testify. The Commonwealth then notified the court that it
intended to call Raul Ramos, a Jailhouse Informant who claimed to have previously
shared a cell with Petitioner in the Norfolk City Jail, as a rebuttal witness to
Ms. McClure. The Commonwealth did not disclose Ramos as a potential witness Jailhouse
Informant prior to trial. Further, the Commonwealth informed trial counsel during the
first day of trial that it did not intend to call Ramos as a witness unless Petitioner
testified. Petitioner objected to Ramos testifying on Due Process Grounds. Petitioner
argued that the Commonwealth "Ambushed" him by failing to timely disclose Ramos
existence, and thereby deprived Petitioner of the opportunity to investigate basic
facts related to Ramos such as whether he was actually ever housed with Petitioner
his history or testifying in other cases in exchange for leniency, and his ability to
view news reports about Petitioner's case while in custody. The Commonwealth stated it
did not intend to offer any other proof other than Ramos testimony that Ramos
had ever been housed with Petitioner. Further, the Commonwealth stated it had no
obligation to investigate the veracity of Ramos testimony. Judge Hall overruled
Petitioner's Due Process objection to exclude Ramos testimony from trial even
though he had been convicted of crimes of Moral Turpitude. Ramos was an 11 time
convicted Felon with pending charges of Burglary and violation of Probation in both Norfolk
Fredericksburg, VA. Among his prior offenses were convictions for Armed Robbery,
2 other counts of Robbery, Burglary, Grand larceny, Mail Fraud, Brandishing
a School Property, and Domestic Violence.

Constitutional hearings to determine the Facts - Wingo v. Wiggins, 418 U.S. 477 (1974) "To experience lawyers it is common-place that the outcome of a lawsuit -- hence the vindication of legal rights -- depends more often on how the factfinder appraises the facts than on a disputed construction of a statute or interpretation of a line of precedents. Thus the procedures by which the facts of the case are determined assume an importance fully as great as the validity of the substantive rule of law to be applied." Spencer v. Randall, 357 U.S. 513 (1958)

WILLIAMS v. TAYLOR, 380 U.S. 917 (1965) 2002 LASTER Exercised to bring to dispute Facts in State Court that she did

REASONS FOR GRANTING THE PETITION

The Commonwealth Informed Trial Counsel the first day of trial that she did intend to call Manuel Ramos a Jailhouse Informant as a witness unless Petitioner testified. (8/29/19 Tr. at 242-243) By Mr. Dorick telling me not to testify when I insisted in my right to testify created a conflict of interest of me wanting to testify and being caught in the middle of Mr. Dorick and the Commonwealth's Agreement, which I had no parts of and it was my prerogative not Mr. Dorick to decide on the objective of my defense to testify and assert my innocence and be the master of my defense. Evidentiary hearing required to determine if promise of leniency was made before testimony of witness contrary to testimony at trial. De Marco v. United States, 415 U.S. 449 (1974) Remanded for a hearing to determine if there was a plea bargain. Ring v. United States, 419 U.S. 18 (1974) Petitioner lacked substantial capacity to understand the criminal proceedings against him or to assist his counsel in his defense. Mr. Dorick stated "that after speaking with my client he requesting a competency evaluation with the court and he felt incumbent to address that on the record. (8/29/19 Tr. at 3) Petitioner was also called as a witness during sentencing evidence as to what medical and mental health conditions he had (8/29/19 Tr. at 318-319) on the issue of competency of a petitioner to stand trial, he has a right to a Federal Hearing. Thomas v. Cunningham, 313 F.2d 934 (4th Cir. 1963) GRATE v. ROBINSON, 383 U.S. 573 (1966) must (1) "make a colorable claim showing that the underlying facts, if proven constitute a constitutional violation and (2) "Good Cause for Discovery For BRAY v. GRAMLEY, 520 U.S. 899 (1997) Petitioner would like discovery for facial recognition to subpoena Durs Telum the cell phone towers and records that would support innocence and exonerate. Carpenter v. United States, 585 U.S. 246 (2018) and to request undisclosed information on Jailhouse Informant Manuel Ramos. The (5) Neil v. Biggers factors are in Petitioner's favor previous factors in memorandum of law in initial habeas petition. There was no evidence to convict me that's why the Commonwealth used Jailhouse Informant. The evidence was insufficient because there was no firearm to support the Armed Robbery. JACKSON v. VA, 443 U.S. 307 (1979) Bailey v. U.S., 516 U.S. 137 (1995) Government must show firearm during crime.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Russell Hunt

Date: 5/18/26