No. __________

In The

Supreme Court of the United States

ANDRE DEWAYNE WILLIAMSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a juror's deliberate concealment of material, disqualifying information during voir dire can be cured under the Sixth Amendment solely by the juror's own subjective, post-trial assurances of impartiality.

LIST OF PARTIES

ANDRE DEWAYNE WILLIAMSON, *Petitioner*

UNITED STATES OF AMERICA, *Respondent*

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PETITION FOR WRIT OF CERTIORARI

Andre Williamson, an inmate currently incarcerated at FCI Gilmer in Glenville, WV by and through Richard W. Weston, Criminal Justice Act panel attorney, respectfully petitions this Court for a writ of certiorari to review the judgment of the Fourth Circuit Court of Appeals.

OPINIONS BELOW

The opinion of the United States Fourth Circuit Court of Appeals appears at Appendix 1a to the petition and is published.

JURISDICTION

Mr. Williamson's appeal was denied by the United States Court of Appeals for the Fourth Circuit on April 30, 2026. Judgment was entered the same day. Appendix 1B. He did not file a rehearing petition. The Court has jurisdiction under 28 U.S.C. §1254(1) having timely filed this petition for a writ of certiorari within ninety days of the Fourth Circuit Court of Appeal's judgment.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment VI provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed…"

STATEMENT OF THE CASE

This case concerns the integrity of voir dire.

During jury selection, a prospective juror denied ever having been involved in any conflict or controversy with the federal government. That answer was false. Years earlier, the juror had been the target of a federal public-corruption investigation, had received a federal target letter, and had entered into a proffer agreement with the same United States Attorney's Office prosecuting petitioner. After an evidentiary hearing, the district court found the juror's answer was "not true," found portions of his testimony "misleading," and rejected his explanation that he had simply forgotten those events. Even so, the court concluded that petitioner had not been deprived of his Sixth Amendment right to an impartial jury because the juror later professed that he could be fair. The court of appeals affirmed.

I. The Trial

A superseding indictment charged petitioner Andre Williamson with federal narcotics and firearms offenses. He proceeded to trial before a jury in the United States District Court for the Southern District of West Virginia on March 23, 2023.

The Government presented testimony from law-enforcement officers, confidential informants, and other witnesses, as well as video recordings of controlled drug purchases. The defense did not dispute that the Government possessed evidence of controlled encounters. Instead, petitioner challenged the integrity of the investigation and the credibility of the law-enforcement officers who conducted it. Through cross-examination and other evidence, the defense sought to establish that the lead detective relied upon a confidential informant who had previously stolen government buy money and that the detective had previously been found to have made untruthful statements in search warrant applications. Although the Government introduced video recordings of controlled purchases, those recordings did not depict any actual transfer of narcotics. The defense maintained that the investigation had been fabricated or exaggerated and that the Government's law-enforcement witnesses were not credible.

Accordingly, the credibility and integrity of the investigating officers were central issues presented to the jury. After a multi-day trial, the jury found petitioner guilty on all counts.

II. Voir Dire

During voir dire, the juror was asked two questions that later became central to petitioner's motion for a new trial.

First, the district court asked whether any prospective juror or an immediate family member had "ever been employed as a law enforcement officer in any capacity." The juror responded by describing his thirty-three-year law-enforcement career and identifying each department where he had served. He did not disclose that his final law-enforcement position was as Chief Field Deputy of the Mingo County Sheriff's Department—a position he held in 2013 until he was terminated.

The district court then broadened the question to include deputy sheriffs, Drug Enforcement Administration agents, military police, and other law-enforcement positions, specifically inviting any juror who wished to change or supplement a prior answer to do so. The juror again made no mention of his employment with the Mingo County Sheriff's Department.

Defense counsel later questioned the juror individually regarding his law-enforcement experience. When asked what agencies he had worked with, the juror listed several agencies, including the Mingo County Sheriff's Department. He nevertheless again failed to disclose that he had actually served as Chief Field Deputy of that department. As the district court later observed:

> Once again, no mention by [juror] that he was the Chief Field Deputy for the Mingo County Sheriff's Department. By virtue of his answers, he shielded himself from any questions related to a most embarrassing period in his life that reached its peak in August, 2013, and culminated in his mid-September, 2013 firing.

The district court also asked whether any prospective juror had "ever been involved with any conflict, controversy, or litigation with any department or agency of the United States, whether it's the United States Attorney's Office or any other agency of the government of the United States." The juror answered, "No."

III. What Was Later Discovered

After trial, appellate counsel discovered information that had not been disclosed during voir dire. That information revealed that the juror's answers omitted his involvement in one of the most significant public-corruption investigations in West Virginia history.

The investigation. commonly known as "Team Mingo," resulted in the prosecution of numerous public officials, including a state circuit judge, a prosecuting attorney, a county commissioner, and a magistrate. The juror served as Chief Field Deputy of the Mingo County Sheriff's Department during that period and was identified by the district court as a political ally of Sheriff Eugene Crum.

The district court found that, on or about August 26, 2013, the juror received a target letter from the United States Attorney's Office advising that he was the subject of a federal investigation and that substantial evidence linked him to the commission of a federal crime. Within days, the juror retained counsel and entered into a written proffer agreement with the United States Attorney's Office. The agreement expressly provided that he was the subject of a federal investigation and contemplated plea discussions before he gave a proffer to federal investigators. Although the juror was ultimately not charged, he participated in a proffer interview with federal agents pursuant to that agreement.

The district court ultimately found that the juror's voir dire answers concealed these events. With respect to his law-enforcement employment, the court found that "by virtue of his answers, he shielded himself from any questions related to a most embarrassing period in his life." With respect to the question concerning conflicts or controversies with the United States, the court likewise found that his negative answer "was not true" and "was designed to avoid revelation of the tumultuous period in his life" involving the federal investigation, proffer agreement, and subsequent termination.

IV. Evidentiary Hearing

The district court concluded that petitioner's motion raised a substantial issue and conducted an evidentiary hearing at which the juror testified under oath.

Following the hearing, the district court found that the juror's voir dire answers regarding his law-enforcement employment were "truthful though misleading" because they omitted his service as Chief Field Deputy of the Mingo County Sheriff's Department. The court further found that, "[b]y virtue of his answers, he shielded himself from any questions related to a most embarrassing period in his life."

The district court likewise found that the juror's answer denying any "conflict, controversy, or litigation" with the United States was "not true" and was "designed to avoid revelation of the tumultuous period in his life" involving the federal investigation, target letter, proffer agreement, and his subsequent termination.

The district court also rejected significant portions of the juror's testimony at the evidentiary hearing. It declined to credit his explanation that he had simply forgotten the federal investigation and his receipt of the target letter, finding instead that those events "would remain etched in the mind of an intelligent individual such as [juror]." The court likewise rejected other portions of his testimony where they conflicted with contemporaneous FBI records and other evidence.

V. Decisions Below

Following a two-day evidentiary hearing, the district court found that the juror's voir dire answers regarding his law-enforcement employment were "truthful though misleading," that his answer denying any conflict or controversy with the United States was "not true," and that portions of his testimony at the evidentiary hearing were not credible. Nevertheless, the district court concluded that petitioner was not entitled to a new trial because it found no actual bias, concluded the juror would not have been excused for cause had he answered truthfully during voir dire, and determined that the juror's concealment did not affect the fairness of the trial. The court therefore denied petitioner's motion for a new trial.

The Fourth Circuit affirmed in a published opinion. Although it acknowledged the district court's findings that the juror had been dishonest during voir dire, it concluded that the district court did not clearly err in finding no actual bias and did not abuse its discretion in determining that the juror would not have been removed for cause had he answered truthfully. The court emphasized that, "[p]erhaps there is evidence from which the district court could have reached a different conclusion. But that doesn't matter," because appellate review required "special deference" to the district court's credibility and impartiality determinations. It therefore affirmed the denial of petitioner's motion for a new trial.

REASONS FOR GRANTING THE WRIT

I. The decision below conflicts with this Court's Sixth Amendment jurisprudence by permitting a juror's own assurances of impartiality to overcome deliberate concealment of material information bearing directly on his qualifications to serve.

The Sixth Amendment guarantees every criminal defendant trial before "a panel of impartial, 'indifferent' jurors." *Irvin v. Dowd*, 366 U.S. 717, 722 (1961). That guarantee depends upon a meaningful voir dire through which the trial court can determine whether a prospective juror is capable of deciding the case fairly. *McDonough Power Equipment, Inc. v. Greenwood*, 464 U.S. 548, 554 (1984). As this

Court has recognized, "[d]ue process means a jury capable and willing to decide the case solely on the evidence before it." *Smith v. Phillips*, 455 U.S. 209, 217 (1982). This case presents an important question concerning the constitutional significance of a juror's deliberate concealment of material information bearing directly upon his qualifications to serve.

The district court found that the juror failed to disclose his service as Chief Field Deputy of the Mingo County Sheriff's Department, answered one voir dire question in a manner that was "not true," provided other answers that were "truthful though misleading," and falsely claimed to have forgotten receiving a federal target letter and entering into a proffer agreement with the United States. The district court concluded instead that the juror's answers "were designed to avoid revelation of the tumultuous period in his life."

The concealed information was extraordinary. The juror had served as a narcotics officer, worked with federal law-enforcement agencies, became Chief Field Deputy of the Mingo County Sheriff's Department, received a federal target letter advising that substantial evidence linked him to federal crimes, executed a proffer agreement with federal prosecutors, and was interviewed by the FBI during the Team Mingo public corruption investigation.

These were not collateral facts. They bore directly upon the juror's qualifications to sit in judgment of a federal criminal prosecution involving narcotics offenses and law-enforcement witnesses. That connection was particularly significant here because the defense challenged the credibility of the lead detective, contending that he had been untruthful in the past and had failed to follow established procedures governing the use of a confidential informant. Nevertheless, both courts below concluded that the juror could not have been removed for cause because he later testified that he remained impartial.

Affirming, the Fourth Circuit held that "the ultimate touchstone" of actual bias is whether the juror could be impartial and deferred to the district court's decision to credit the juror's assurances that he harbored no bias toward either party. The court acknowledged that "perhaps there is evidence from which the district court could have reached a different conclusion," but concluded that "that doesn't matter" because appellate review required special deference to the district court's credibility determinations.

That reasoning cannot be reconciled with the purpose of voir dire recognized by this Court. Voir dire exists because juror impartiality is not determined solely by a prospective juror's own opinion of his fairness. If it were, meaningful voir dire would serve little purpose. Instead, the Constitution entrusts the trial court with determining whether a prospective juror's background, experiences, and relationships render him capable of serving as an impartial factfinder.

The rule adopted below places dispositive weight on the testimony of the very juror whose concealment is at issue. Once the concealment has been discovered and the juror is called to testify at an evidentiary hearing, he has every incentive to insist that he remained impartial. An admission of bias would amount to an admission that he deceived the court during voir dire, improperly served on the jury, and jeopardized the validity of the verdict. It is therefore unsurprising that a juror in that position would profess his own impartiality. The Sixth Amendment cannot permit the validity of a criminal conviction to depend principally upon such inherently self-serving testimony, particularly where the district court has already found that the juror concealed material information and rejected portions of his testimony as untrue or not credible.

Here, the district court found that the juror deliberately concealed highly material information concerning his own involvement in a federal public corruption investigation arising from his service as a narcotics officer. Rather than treating those objective facts as dispositive of the juror's qualifications to serve, the courts below permitted the juror's own post hoc assurances of impartiality to overcome findings that he had concealed those facts and provided explanations the district court found untruthful or not credible. This Court should grant certiorari to clarify the proper application of *McDonough* and the Sixth Amendment where a juror deliberately conceals material information directly bearing upon his qualifications to serve in the very type of criminal case before the court.

CONCLUSION

This court should grant certiorari.

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