

23-5213

ORIGINAL

No. _____

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT
OF THE UNITED STATES OF AMERICA

TYLER EUGENE - PETITIONER

vs.

UNITED STATES OF AMERICA - RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
PETITION FOR WRIT OF CERTIORARI TO
UNITED STATES DISTRICT COURT OF
THE VIRGIN ISLANDS, ST. THOMAS DIVISION

TYLER EUGENE # 22904-480

PO BOX 019001

ATWATER, CA 95301

QUESTION(S) PRESENTED

1. Whether the Third Circuit Court Of Appeals abused it's discretion by denying Petitioner's appeal of the District Court's abuse of Discretion by denying Petitioner's motion In Limine to prohibit evidence of unchanged criminal conduct and motion In Limine to prevent introduction of irrelevant Bureau of Prisons recordings (collectively motion In Limine), where the evidence sought to be excluded was irrelevant to the charged crimes, and was unduly prejudiced to the Petitioner's defense, in violation of 403 Federal Rules Of Evidence (FED.R.EVID.), thus denying him his Sixth Amendment right to a fair trial.

A. The verdict went against the manifest weight of the admissible evidence which was insufficient to uphold the convictions.

B. Any probative value of the challenged Bureau of Prisons recordings was substantially outweighed by the danger of unfair prejudiced, confusion of the issue, and/or misleading the jury, in violation of Rule 403 Federal Rules Of Evidence.

2. Whether the due process clause permits a conviction to stand where the prosecution presented failed to correct materially false testament on central facts concerning the circumstances of the shooting and Petitioner's alleged presence when there is a reasonable likelihood the false testimony affected the verdict, contrary to this Court's decisions in NAPQUE v. ILLINOIS, GIGLIO V. UNITED STATES, and MOONEY v. HOLOHAN.

3. Whether the constitution permits a conviction for RICO/VICAR conspiracy and attempted murder where the government offered no physical evidence and relied primarily on uncorroborated co-defendant statements, contradicted testimony, and unacted-upon discussions, in tension with the standard of evidentiary sufficiency required by JACKSON v. VIRGINIA

4. Whether admission and use of speculative, minimally probative,

and highly prejudicial evidence including recorded conversations reflecting unexecuted plans render a criminal trial fundamentally unfair in violation of the DUE PROCESS CLAUSE.

LIST OF PARTIES TO THE PROCEEDINGS

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United States of America

Will appear in this Court for Respondent:

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-Michael Conley
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District of the Virgin Islands

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Criminal Division, U.S. Department of Justice

-Christopher Taylor
Attorney, Violent Crime & Racketeering Section
Criminal Division, U.S. Department of Justice

Lower-court docket numbers:

U.S. District Court for the Virgin Islands: No. 3-18-cr-00030-008

U.S. Court of Appeals for the Third Circuit: No. 24-2085

Judges who entered the decision below:

-U.S. Court of Appeals for the Third Circuit (panel):Hardiman,
Bibas, and Porter, Circuit Judges
United States Court of Appeals for the Third Circuit
United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Trial Judge (District Court)

-Timothy Savage
District Court of the Virgin Islands
3013 Estate Golden Rock Lot #13
Christiansted, St. Croix, V.I. 00820-4355

No other parties, intervenors, or amici appeared in the
proceedings below, also no stock ticker symbols

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STATUTES AND RULES

18 U.S.C. 1961 et seq. (RICO)
14 V.I.C. 922
FED.R.EVID. 801(d)(2)(E)
FED.R.EVID. 403
FED.R.EVID. 404(b)

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 judgement below.

OPINIONS BELOW

X For cases from federal courts:

The opinion of the United States Court of Appeals appears
at Appendix C to the petition and is:

X reported at UNITED STATES OF AMERICA v. TYLER EUGENE
3:18-cr-00030-008, 24-2085

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

X is unpublished.

The opinion of the United States District Court appears
at Appendix D to the petition and is:

X reported at UNITED STATES OF AMERICA v. TYLER EUGENE
3:18-cr-00030-008

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

 is unpublished.

JURISDICTION

X For cases from Federal Courts:

The date on which the United States Court of Appeals decided my case was 12/10/2025.

 No petition for rehearing was timely filed in my case.

X A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 1/21/2026, and a copy of the order denying the rehearing, 3/2/2026, appears at Appendix A.

X An extension of time to file the petition for a writ of certiorari was granted May 21, 2026, June 24, 2026 and July 21, 2026 in EUGENE V. UNITED STATES, CASE NO. 24-2085 and 3:18-cr-00030-008

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The evidence sought to be excluded was irrelevant to the charged crimes, and was unduly prejudiced to the Petitioner's defense, in violation of 403 FEDERAL RULES OF EVIDENCE. Thus, denying him his SIXTH AMENDMENT RIGHT to a fair trial.

The FIFTH AMENDMENT provides that no person shall be deprived of liberty without due process of law. The SIXTH AMENDMENT guarantees the right to a fair trial. Relevant statutory provisions include 18 U.S.C. 1961 et seq. and 14 V.I.C. 922.

STATEMENT OF THE CASE

On April 25, 2019, the grand jury returned a 46-count fourth superseding indictment against Mr. Eugene and ten co-defendants. The indictment alleged that the defendants engaged in variety of offenses on behalf of the so-called Paul Girard Enterprise between an unknown date in August 2011 through the date of indictment. The charges include: RICO conspiracy, drug conspiracy, drug distribution, Hobbs Act robbery, firearms offenses, murder and other violent crimes in aid of the racketeering activity.

As to Mr. Eugene: Count 1 charged him and all co-defendants with conspiracy to racketeering, in violation of 18 U.S.C. 1962(d);

Count 2 charged him and all co-defendants with conspiracy to use, carry, brandish, or discharge firearms in connection with the federal crimes of violence, in violation of 18 U.S.C. 924(c);

Count 34, 35, 44 and 45 all alleged acts of attempted murder in aid of racketeering activity, in violation of 18 U.S.C. 1959(a)(5) and (2);

Counts 36 and 45 alleged acts of using, carrying, brandishing, and discharging a firearm during a crime of violence, in violation of 18 U.S.C. 922(c)(1)(A)(ii) and (2);

Count 37 alleged murder in aid of racketeering activity, in violation of 18 U.S.C. 1959(a)(1) and (2);

Counts 38 alleged use of a firearm resulting in death, in violation of 18 U.S.C. 922(c)(1)(A)(ii), (iii) and (2).

On November 22, 2021, the grand jury returned a fifth superseding indictment against Eugene, Girard, Harry, Correa,

James, and Gumbs. Except for the removal of count 2, this indictment was virtually identical in it's terms to it's predecessor.

PRE-TRIAL PROCEEDINGS

The Government's discovery disclosures included voluminous recordings and transcripts of telephone calls initiated by Girard during his incarceration at three different facilities on lines monitored by the the Bureau of Prisons: Yazoo City (MS), Butner (NC), and Guaynabo (PR). These calls went to various individuals on the outside, including Mr. Eugene and the above-named co-defendants.

On November 15, 2021, the District Court held a hearing pursuant to UNITED STATES v. STARKS, 515 F.2d. 112 (3rd Cir. 1975). The Government proffered 64 recorded calls that it intended to introduce at trial. The court ultimately held that the Starks factors had been met, thus establishing the authenticity of the recordings.

On November 19, 2021, Mr. Eugene filed a motion in limine to prohibit evidence of uncharged criminal conduct (UCC), which sought the exclusion of any testimony and evidence pertaining to his alleged participation in a separate homicide conspiracy, along with co-defendants Girard and Prentice, former co-defendants Brown, Simon and other unknown parties. In particular, the UCC motion challenged the admissibility of five specific BOP calls, all of which were initiated by Girard from MDC Guaynabo and recorded on February 28, 2016.

Mr. Eugene also filed on that date a motion to prohibit introduction of irrelevant Bureau of Prisons recordings. This motion in limine challenged the introduction of six BOP calls made by Girard to various parties between November 3, 2016 and December 29, 2017. It held that Mr. Eugene's last alleged

criminal act took place on March 12, 2016, months before November 3 and his voice was not heard on any of the recordings. These later calls were thus irrelevant to prove his alleged role in the enterprise, and did not retroactively implicate him in any of the charged incidents. As such, introduction of these calls against Mr. Eugene at trial would be not only irrelevant, but unfairly prejudicial and a further violation of Rule 403.

In the five calls subject to the UCC motion, Mr. Eugene's voice appeared or his name was invoked in connection with an alleged plot to murder one Taniesha Williams, an ex-girlfriend of Paul Girard's, who had fallen afoul of him via social media, thus arousing his wrath and leading him to recruit Mr. Eugene and others to help set her up to be murdered on St. Thomas. When read in their entirety, the calls depicted the following: In the first call Exhibit 1, Robert Brown, who at trial acknowledged his role as a hit man for the enterprise, informs Girard that Taneisha Williams and Lala Ivey have been engaged and tangentially, with other men their social media exchanges apparently veer between dismissiveness and outright hostility. Brown reads several of the exchanges aloud to Girard, who for reasons of his own considers them to be directly insulting to him, and also indicative that Taneisha has become romantically involved with a business rival in neighboring Tortola, in British Virgin Islands.

In the second call, Girard, in an escalating fit of pique, first orders Prentice to have Taneisha take my name off Facebook and quit disrespecting my name. Then within seconds, he impulsively directs Prentice to link Eugene (include him in the conversation). When the connection is made, Girard asks Mr. Girard asks Mr. Eugene if he could go across the city and do something for me - specifically, to fly from St. Croix to St. Thomas that afternoon, visually locate Taneisha, and point her out to Maxwell or Max, who will then shoot her to death (either by himself or with others). Mr. Eugene agrees to do so.

In the third call, Girard contacts co-defendant Ethereal Simon and orders her to make travel arrangements for Eugene on the last flight to St. Thomas that afternoon. Mr. Eugene's voice appears very briefly towardss the end, and says nothing of consequence.

In the fourth call, Girard orders Prentice to contact Max to advise him that Mr. Eugene is en route to St. Thomas. Mr. Eugene's voice is heard shortly afterwards, assuring Girard that he is not far from Simon's location and will stop there to pick up spending money for the trip.

In the fifth call, Mr. Eugene's voice does not appear. However, Prentice advises Girard that I talked to Max, but he doesn't have a ride or anything, but we already got Kadeem's sister to deal with this man, B. When asked by Girard if he'd sent a picture of Taneisha to Max, Prentice replies that he did not, but Lucc already got it, knows what's going on.

The UCC motion argued that the evidence of these calls was subject to exclusion, in that:

- 1) the evidence had no relevance to any of the crimes charged in the indictment, but only to the uncharged crimes
- 2) any arguable relevance was far outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, and needless presentation of cumulative evidence.

The UCC motion further noted that the Government's previously filed notice of intent to admit evidence pursuant to Federal Rule of Evidence 404(b) made no reference to this uncharged plot, or to any of the evidence pertaining thereto. Presumably, then the Government intended to argue that the evidence in question was not extrinsic evidence of other crimes

or wrongful acts, which would be subject to Rule 404(b) analysis, but instead was intrinsic evidence to be offered as direct proof of the conspiracies charged in counts 1 and 2. In any event, regardless of the label, the unfair prejudice arising from such introduction would outweigh any arguable relevance, thus violating the strictures of Rule 403. The plot against Ms. Williams was canceled that day. Ms. Williams is still in contact with Mr. Girard. These facts made it clear why Rule 403 was made to protect against an incident like this. When the jury heard this recording, it mislead them and made the trial unfair and prejudiced, because it was never acted upon and no further steps were taken.

The Government in response argued that the challenged evidence was in fact intrinsic to the charges at issue, and therefore was not subject to 403 exclusion. First, regardless the BOP motion, the Government stated that the phone calls at issue were intrinsic to prove the existence and operation of the enterprise; that the conspiracy continued well beyond Mr. Eugene's last act on March 12; and to demonstrate how the enterprise operated, using firearms to further it's criminal objectives, and how Mr. Eugene associated with Girard and other members of the enterprise.

Regarding the UCC motion, the government argued that the calls served as intrinsic evidence of the nature of the enterprise and Mr. Eugene's participation in it. It noted, inter alia, that the uncharged plot took place well within the time frame specified in the indictment, and that the calls would demonstrate Mr. Eugene's loyalty to the enterprise and his expectation that carrying out the murder would establish his position within the enterprise.

The Government further claimed, inter alia, that both sets of calls demonstrated the continuing existence, structure, membership, procedures, and activity of the enterprise. It also

claimed they were relevant to demonstrate that Mr. Eugene intentionally pledged his loyalty to the enterprise, and voluntarily participated in it's activities, with full knowledge of it's illegal purposes and violent methods.

On February 16, 2022, the District Court entered a one page order denying the BOP motion, and a separate one page order denying the UCC motion.

On April 23, 2022, Mr. Eugene filed an amended motion for judgment of acquittal or, in alternative, a new trial. The motion alleged that, for the reasons set forth in the respective motion in limine, the introduction of the contested phone calls from the Taneisha plot, and from the post-March 2016 BOP recordings, lacked any probative relevance to the charged crimes, while carrying with them the risk of unfair prejudice under Rule 403. The Government filed it's response in opposition to the motion on May 7. On May 28, the defense filed a supplement to the amended motion for new trial, in which on he joined and adopted Girard and Harry's claim to have been unduly prejudiced by exclusion of the public from the courtroom. On August 17, 2022, the defense filed a memorandum of law in support of the amended motion for new trial. The Court held a amnibus evidentiary hearing on all post-trial motions on December 5, 2023.

On June 4, 2024, the District Court sentenced Mr. Eugene in accordance with the findings of the final PSI: Life imprisonment on each of counts 1, 36,37, and 46; and 10 years for counts 34, 44, and 45.

Petitioner was convicted of RICO/VICAR conspiracy and attempted murder arising from an alleged shooting. The Government's case rested on:

- 1) the testimony of a cooperating witness.
- 2) three recorded phone calls reflecting discussions that were not carried out.

No physical evidence, DNA, fingerprints, surveillance footage, or contemporaneous communications placed the Petitioner at the scene. The cooperating witness's testimony on central facts was materially false or contradicted by objective evidence:

The witness testified he was on the phone with the Petitioner during the shooting while records showed he was instead communicating by text.

The witness claimed the victim reached for a weapon; forensic evidence showed the victim was shot in the back. The witness asserted Petitioner was present in the vehicle. No DNA or physical evidence linked Petitioner to the vehicle.

The prosecution relied on this testimony and did not correct it. The Government also introduced three recorded calls containing vague, unexecuted discussions to suggest intent and participation. The Court of Appeals affirmed.

The plot against Ms. Williams was canceled and was never acted upon. This is why Petitioner never went to St. Thomas, and the reason the Government could not have shown any furtherance in any form with no plane ticket. Without explaining to the the jury that the plot was never acted upon mislead the jury to believe Ms. Williams was murdered. The Government cannot say it was an overt act because Ms. Williams is still alive to this day, nor could the Government use it for the RICO conspiracy because there is no furtherance to this plot.

REASONS FOR GRANTING THE PETITION

I. THE DECISION BELOW CONFLICTS WITH THE COURT'S FALSE TESTIMONY PRECEDENTS AND PRESENTS A RECURRING DUE PROCESS

This Court has long held that a conviction obtained through the knowing use of false testimony violates due process. See NAPUE v. ILLINOIS; GIGLIO v. UNITED STATES; MOONEY v. HOLOHAN. The rule is clear: where there is any reasonable likelihood that false testimony affected the verdict, the conviction cannot stand.

Here, the prosecution presented and failed to correct false or misleading testimony on core issues of how the shooting occurred and whether petitioner was present. Those inaccuracies went directly to guilt. The decision below allows a conviction to stand despite a record showing that the Government relied on testimony it knew or should have known was false.

The Courts of Appeals have articulated the materially inquiry in varying ways (e.g. "reasonable likelihood v. reasonable probability"), and have differed in application when the falsehood concerns central facts versus collateral matters. This case cleanly presents whether a conviction may stand where uncorrected false testimony concerns the core narrative of the offense.

II. THE DECISION BELOW IS IN TENSION WITH THE CONSTITUTIONAL SUFFICIENCY STANDARD

Under JACKSON v. VIRGINIA, the question is whether any rational juror could find guilt beyond a reasonable doubt based on reliable evidence. The record here consist of:

A. AGREEMENT OF THE PROSECUTION, DISTRICT JUDGE, AND

- APPEALS COURT TO THE FACT NO INDEPENDENT
EVIDENCE LINKS PETITIONER TO THE CRIMES;
B. CONTRADICTED TESTIMONY FROM COOPERATING WITNESS;
C. UNCORROBORATED CO-CONSPIRATOR STATEMENTS; and
D. UNEXECUTED DISCUSSIONS.

No physical evidence links Petitioner to the scene or to any substantial step toward the alleged offenses. Several Courts of Appeals require meaningful corroboration or evidence of a substantial step to attempt, while others have affirmed convictions on thin records dominated by statements alone. The decision below deepens that divide by permitting conviction without reliable corroboration, contrary to JACKSON'S core protection.

III. THE CASE PRESENTS AN IMPORTANT AND RECURRING QUESTION ABOUT
THE USE OF UNCORROBORATED CO-CONSPIRATOR STATEMENTS IN
RICO/VICAR PROSECUTIONS

The Government's theory relied on three recorded conversations reflecting unacted-upon plans to infer intent and participation in completed offenses. Courts of Appeals have diverged on how far such statements may be used to prove conspiracy and attempt particularly under RICO/VICAR when no act in furtherance or substantial step is shown. This case squarely asks whether mere talk, without action or corroboration, can constitutionally sustain convictions for serious crimes. The issue recurs frequently in Federal prosecutions and warrants this Court's guidance.

IV. THE ADMISSION AND USE OF HIGHLY PREJUDICIAL, MINIMALLY
PROBATIVE EVIDENCE RENDERED THE TRIAL FUNDAMENTALLY UNFAIR

The cumulative effect of unreliable testimony and

speculative recordings created a substantial risk that the jury convicted based on association and inference, not proof. Under DONNELLY v. DECHRISTOFORO, due process is violated where the trial is rendered fundamentally unfair. The decision below permits precisely that result.

V. THIS CASE IS AN IDEAL VEHICLE

The questions were preserved and passed upon below. The record is clean and the errors are outcome-determinative. The case presents recurring Federal questions about:

- 1) The prosecution's duty to correct false testimony;
- 2) The limits of conspiratorial liability, and;
- 3) The Constitutional minimum for evidentiary sufficiency.

Petitioner argues that a reversal of his convictions and sentence is justified because:

- 1) The verdict went against the manifest weight of admissible evidence, which was insufficient to uphold the convictions; and
- 2) The District Court erred in admitting the BOP recordings that were the subject of the above referenced Motion in Limine, in violation of RULE 403, FEDERAL RULES OF EVIDENCE, thus causing a miscarriage of justice.

To sustain a conviction for RICO conspiracy, the Government must prove five elements beyond a reasonable doubt:

- 1) An enterprise existed;
- 2) the enterprise's activities affected or could affect interstate or foreign commerce;
- 3) a conspirator (indicted or otherwise) was employed by or associated with the enterprise;
- 4) the conspirator did or would participate directly

or indirectly in the conduct of the enterprise; and
5) the conspirator did so through a pattern of
racketeering activity, specifically committing
two or more acts of racketeering.

To sustain a conviction for any violent crime in aid of
Racketeering activity (including murder and attempted murder),
the Government must prove five elements beyond a reasonable
doubt:

- 1) An enterprise existed;
- 2) the enterprise was engaged in racketeering
activity;
- 3) that affected interstate commerce;
- 4) the defendant committed the alleged violent crime;
- 5) the defendant did so in order to gain entrance
into, maintain, or enhance his position in the
enterprise.

To sustain a conviction for using, carrying brandishing or
discharging a firearm during or in relation to a crime of
violence (including murder and attempted murder), the Government
must prove these elements beyond a reasonable doubt:

- 1) the subject crime of violence was committed;
- 2) the defendant knowingly used, carried, brandished,
or discharged a firearm; and
- 3) the defendant did so during and in relation to
the crime of violence.

For the reasons to follow, the trial evidence, even taken in
light most favorable to the Government, utterly failed to
establish Petitioner's culpability in any of the charged
offenses. By extension, therefore, neither did it establish his
culpability for the RICO conspiracy charge at the heart of count
1.

The Government's case against Petitioner, vis-a-vis that

against his codefendants, was especially remarkable for it's profound lack of corroboration. No physical evidence of any kind tied Petitioner to any of the charged offenses: no fingerprints, DNA, misplaced personal property found at crime scene, or anything else of that nature. No cellphone data, text messages, GPS tracking, or other electronic evidence implicated Petitioner in these offenses. No independent eyewitnesses; not even the surviving victims of the attempted murders placed Petitioner at any of the offenses crime scenes, much less identified him as their assailant. Petitioner's image does not appear in any video footage. No incriminating out-of-court statements were ever elicited by any independent witness. Lastly, since Petitioner invoked his Constitutional right to remain silent upon Petitioner's arrest, no custodial confessions or statements by Petitioner were ever introduced.

As stated above, the case against Petitioner was built entirely upon the testimony of cooperating witness Robert (Big Bully) Brown. However, that testimony was substantially impeached on a number of fronts by counsel for all codefendants, ranging from his generous cooperation agreement with the Government (which effectively rescued him from potential life sentences for being the triggerman in the Jermaine Williams and Juan Encarnacion murders). To the various sundry contradictions between his trial testimony and his myriad statements to both territorial and federal law enforcement in the years subsequent to his arrest, to the internal contradictions among those statements themselves, among other issues.

The only corroborating evidence came in the form of the BOP recordings subject to the above mentioned Motions in Limine. It is to the legal impropriety of the admission of those calls that the appeals should have turned.

RULE 403, as all parties are aware, permits a District Court to exclude relevant evidence if it's probative value is

substantially outweighed by danger of one or more of the following: Unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. UNITED STATES v. UNIVERSAL REHAB. SERVICE (PA), INC., 205 F.3d 657, 664 (3rd Cir. 2000) (en banc).

Petitioner argued in the UCC motion, and reiterates here, that:

- 1) the testimony at issue referred, not to the charged conspiracy, but to a separate uncharged one;
- 2) the evidence was insufficient to prove that the murder plot was intended to further the goals and objectives of the enterprise, as opposed to venting Mr. Girard's personal pique; and
- 3) the plot did not take place contemporaneously with any of the crimes charged in the fifth superseding indictment; nor did it help facilitate the commission, or provide direct proof, of any charged offense.

As such, any arguable relevance attached to the testimony and evidence was far outweighed by the danger of unfair prejudice, which is exactly what RULE 403 intends to prevent.

Petitioner further argued in the UCC motion, and reiterates here, that for the same reasons, the evidence should have been excluded on the grounds of potential confusion of issues or misleading the jury. In addition, to the extent that the evidence may have had arguable relevance to count 1, said evidence was cumulative to that which was already elicited in connection with the charged incidents, again, running afoul of the strictures of RULE 403.

The implication of the dialogues captured in the challenged BOP calls could not have been clear to the jury. If accepted as true, Petitioner had been caught on tape expressly taking, or agreeing to take, substantial steps in furtherance of the

intended homicide.

However, nowhere did the evidence show:

- 1) That Taniesha (or Lala for that matter), during the relevant time frame, was a member or associate of the enterprise;
- 2) that Taniesha knowingly acted in a way that would further the aims of the enterprise, or would legally connect her in some way to the charged conspiracy;
- 3) that pursuing her alleged new liaison in Tortola, was intended in any way to hinder or obstruct the core aims and objectives of the enterprise;
- 4) that the intended murder would in any way further those aims and objectives; or
- 5) that Mr. Girard's fury, and his subsequent directives, were motivated by anything other than personal embarrassment at Taniesha's assertion of independence and her acrimonious dispute with Lala.

In short there was simply no evidence tying this alleged murder plot to the conspiracy charged in the indictment. This is likely why the Government did not seek to supersede the indictment to include separate counts based on these allegations, and did not set them forth as uncharged overt acts. The plot against Ms. Williams was canceled and was never acted upon. This is why Petitioner never went to St. Thomas. The Government could not have shown any furtherance in any form because the plot was canceled and without explaining this to the jury, that the plot was never acted upon, misled the jury to believe something happened to Ms. Williams. The Government cannot say it was an overt act because Ms. Williams is still alive today and or use the plot for the RICO conspiracy because there was no furtherance to this plot.

We will review the intrinsic label for two narrow categories of evidence. First, evidence is extrinsic if it directly proves

on March 12 nearly two weeks later.

Again, the Taniesha plot was a totally separate and distinct criminal act involving a separate conspiracy altogether, with different motivations, functions, and purposes from the one charged. As such, the evidence of the plot did not qualify as intrinsic evidence of the charged crimes, as defined by GREEN and the cases cited therein.

The District Court violated RULES 403 and 404(b) when it permitted the Government to introduce evidence of an uncharged execution-style homicide committed, not by any of the appellants, but by Mykal Derry and his brother Malik Derry. The Government argued that introduction of the video, along with testimony and wiretapped recordings, were relevant to prove the firearms and drug trafficking conspiracy charges specifically, that the codefendants either possessed firearms in furtherance of the drug conspiracy; or that the use of firearms was foreseeable under the rule of PINKERTON v. UNITED STATES, 328 U.S. 640 (1946).

CONCLUSION

For the above stated reasons, Petitioner prays writ of certiorari be granted and Petitioner's convictions and sentences be vacated with prejudice; or, in the alternative, remanded back to the District Court for a new trial.

Respectfully submitted,

July 23, 2026

Tyler Eugene

Tyler Eugene