

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

LASHAWNDA ALEXANDER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

*On Petition for Writ of Certiorari to the United
States Court of Appeals
for the Sixth Circuit*

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

- I. Whether a district court's erroneous prohibition on a defendant's testimony about an essential element of the violates her right to present a complete defense?

LIST OF ALL PARTIES TO THE PROCEEDINGS

Petitioner/Appellant/Defendant – Lashawnda Alexander

Respondent/Appellee/Plaintiff – United States of America

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LASHAWNDA ALEXANDER

PETITIONER

V.

UNITED STATES OF AMERICA

RESPONDENT

**PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF
THE UNITED STATES**

Lashawnda Alexander, by court-appointed counsel, respectfully requests that a Writ of Certiorari issue to review the unpublished opinion of the United States Court of Appeals for the Sixth Circuit in the case of *United States v. Lashawnda Alexander*, No. 25-3061, filed on May 18, 2026 and attached to this Petition as Appendix B.

OPINIONS BELOW

Ms. Alexander's appeal to the Sixth Circuit was taken from the Judgment entered following her convictions at trial for wire fraud offenses. *See* Appendix A. On May 18, 2026, the Sixth Circuit issued an unpublished opinion affirming Ms. Alexander's convictions. *See* Appendix B. This petition for a writ of certiorari now follows.

JURISDICTION

The Sixth Circuit issued an unpublished opinion affirming Ms. Alexander's convictions on May 18, 2026. *See* Appendix B. Ms. Alexander invokes this Court's jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. VI:

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, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT OF THE CASE

This case is about the right of every person accused of a crime to tell their story before a jury of their peers.

The major issue is not whether the government presented sufficient evidence to support Ms. Alexander's wire fraud convictions as a matter of law. It is that Ms. Alexander was improperly restricted from explaining why she believed her conduct was lawful. This prevented her from presenting a complete defense in violation of her due process and trial rights.

On July 27, 2022, Ms. Alexander was indicted for three counts of wire fraud in violation of 18 U.S.C. § 1343. [R. 24: Indictment, Page ID # 89-94]. Count 1 was based on "[t]ransmission of" an Economic Injury Disaster Loan (EIDL) application in Ms. Alexander's name to the Small Business Administration (SBA) on June 23, 2020. *Id.* at Page ID # 93. This application requested a "\$46,500 loan" and a "\$10,000 grant[.]" *Id.* The application falsely indicated Ms. Alexander's business was an "[a]gricultural [e]nterprise" with ten employees; the business's "gross revenues for the 12 months prior to the disaster" were \$125,000.00; and the "cost of goods sold for the 12 months prior to the disaster" was \$12,000.00. The grant was awarded, but the loan was disqualified because the business "did not meet eligibility requirements." [R. 2: Complaint, Page ID # 9].

Counts 2 and 3 were for “[t]ransmission of” another “EIDL application” and “EIDL loan agreement” for Ms. Alexander’s business “TressD LLC” on June 24 and June 25, 2020. *Id.* This application resulted in the disbursement of \$71,000 in loan funds and another \$10,000 grant to Ms. Alexander. *Id.* at Page 10.

At trial, Ms. Alexander’s defense was that someone else filled out the application on her behalf. Despite including false information without her knowledge or consent, Ms. Alexander was assured the submissions were lawful. In opening statement, defense counsel underscored that “it was not her intention to defraud anybody.” [R. 95: TR, JT, Day 1, Page ID # 538].

At trial, SBA officials confirmed the EIDL applications submitted on her behalf did not assert that no one had assisted Ms. Alexander “with the[ir] preparation[.]” Instead, those fields were just left blank. *Id.* at Page ID # [R. 97: TR, JT, Day 2, Page ID # 761]. SBA officials also said Ms. Alexander corrected information about her applications when contacted by their office. *Id.* at Page ID # 763-64.

Ms. Alexander took the stand in her own defense, discussing how she had been a “licensed cosmetologist since 2005.” [R. 98: TR, JT, Day 4, Part 1, Page ID # 896]. In addition to hairstyling, Ms. Alexander also began making “wigs” in 2014 and sold “hair [and] hair extensions.” *Id.* She worked at a physical beauty salon for several years before she also began traveling to perform services on site.

Id. at Page ID # 887. TressD was the “brand” Ms. Alexander created for products she sold. *Id.* at Page ID # 890.

Ms. Alexander testified about the pandemic, recalling the e-mail she received from the Ohio Secretary of State indicating all hair salons would be forced to to close. *Id.* at Page ID # 903. She also received an e-mail saying small business owners could apply for loans “as long as you had an LLC before 2020[.]” *Id.* at Page ID # 907. While she was initially reluctant to apply given her other debts, Ms. Alexander was approached by someone at the salon in June 2020 who told her she could apply for a “grant” because she operated her own business. *Id.* at Page ID # 908-09. Ms. Alexander said she was convinced this was true and legitimate because “there were so many people...coming out trying to get people to apply[.]” *Id.* at Page ID # 909.

But once Ms. Alexander got to this portion of her testimony, the government objected on hearsay grounds. Defense counsel explained to the district court that she was trying to explain that a person “solicited all of the barbers and the hairstylists” and indicated he would “fill out the[] loan applications” for them, assuring them that he [kn[e]w how to do it.” *Id.* at Page ID # 911. The court considered this testimony hearsay.

Ms. Alexander testified that when the individual filled out the first EIDL application on her behalf, she asked if it was legal and was told it was “as long as

you have a license.” *Id.* at Page ID # 912-13. Ms. Alexander said she was present when the application was completed, but she did not submit it herself or review it closely. *Id.* at Page ID # 914. She was unaware that the person who completed it had included false information. *Id.*

As Ms. Alexander attempted to talk about her conversation with the person who prepared the applications, the government lodged another hearsay objection. *Id.* at Page ID # 918. Defense counsel argued the prior statements Ms. Alexander was discussing were not being offered for the truth of the matter asserted, but to explain “what happened next and why she took the action that she did.” *Id.* at Page ID # 918-19. Following additional discussion off the record, the district court sustained the objection and indicated that the question would be rephrased. *Id.* at Page ID # 919.

Ms. Alexander then attempted to testify about why the other submissions were made on her behalf. *Id.* When she started to say she was “instructed” that she needed to file through her LLC, Ms. Alexander’s attorney interrupted to emphasize that she had “to be careful not to say what somebody else told you[.]” *Id.* Ms. Alexander was repeatedly prohibited from discussing similar statements made to her that explained her state of mind.

On cross, Ms. Alexander said the person who prepared the applications for her “never asked” her income or about other information that was included. [R.

101: TR, JT, Day 4, Part 2, Page ID # 1157]. She agreed the information was incorrect but emphasized that she did not complete the applications herself. *Id.* at Page ID # 1158. She was “naive” and “trusted him to do” it for her. *Id.* at Page ID # 1162.

During deliberations, the district court received a “question from the jurors[.]” *Id.* at Page ID # 1279. It read as follows:

Do we have a reason as to why we don’t know the mystery man that came into the workplace? Why was the Defendant hushed about him when talking through statement?

Id. The transcript does not include the exchange between the parties and the court about the note. Instead, the court said it had a “cordial discussion with both defense counsel and the government” off the record and “we have agreed that” no explanation would be provided, instead “directing the jurors’ attention to the jury instructions” relating to “evidence defined” and “[l]awyer’s [o]bjections.” *Id.* at Page ID # 1280.

The jury returned guilty verdicts on all three counts. *Id.* at Page ID # 1282-83.¹

At sentencing, the government recommended an 18-month sentence, emphasizing the case was Ms. Alexander’s “first real contact with the criminal justice system.” [R. 99: TR, Sentencing, Page ID # 947-48]. Ms. Alexander

¹ The completed jury verdict form is not part of the district court record. See [R. 66: Jury Verdict, Page ID # 292-95].

reiterated that she had not intended to “defraud the government[.]” but acknowledged she “was wrong” and that she thought “about it every day.” *Id.* at Page ID # 975-76.

After a brief recess, the district court returned and said Ms. Alexander’s comments exhibited a “lack of remorse.” *Id.* at Page ID # 987. Despite proceeding to trial, the court said it had “serious concerns about whether” she had “accepted responsibility[.]” *Id.* at Page ID # 988. The court then imposed a 24-month sentence at the top of the applicable guideline range. *Id.* at Page ID # 989.

On appeal, the Sixth Circuit found that Ms. Alexander had forfeited her constitutional claim by not explicitly referencing those grounds in response to the government’s erroneous hearsay objections. *See* Appendix B, Page 5. Reviewing for plain error, the court concluded Ms. Alexander had been given sufficient opportunity to “present[] her theory.” Appendix B, Page 6.

REASONS FOR GRANTING THE WRIT

I. Ms. Alexander was improperly prohibited from presenting a complete defense in violation of her due process and Sixth Amendment rights.

The Constitution guarantees criminal defendants a “meaningful opportunity to present a defense.” *California v. Trombetta*, 467 U.S. 479, 485 (1984). This right is rooted in several constitutional provisions, including the Due Process Clause and the Sixth Amendment’s various trial rights. *Chandler v. Brown*, 137

F.4th 525, 537 (6th Cir.2025) (en banc) (citing *Crane v. Kentucky*, 476 U.S. 683, 690 (1986); *Strickland v. Washington*, 466 U.S. 668, 684-85 (1984); *In re Oliver*, 333 U.S. 257, 273 (1948)). A criminal defendant must be afforded “a fair opportunity to defend against the” government’s “accusations” through testimony and evidence of her own. *Id.* (citing *Chambers v. Mississippi*, 410 U.S. 284, 294 (1973)).

To be sure, “[a] defendant’s right to present relevant evidence...is subject to reasonable restrictions” including “rules excluding evidence from criminal trials.” *United States v. Scheffer*, 523 U.S. 303, 308 (1998). But a trial “is fundamentally unfair” when a court excludes (1) evidence that is “central to the defendant’s claim of innocence” (2) “[i]n the absence of any valid state justification.” *Crane*, 476 U.S. at 690-91. *See also Holmes v. South Carolina*, 547 U.S. 319, 325-26 (2006).

The government alleged Ms. Alexander committed wire fraud in violation of 18 U.S.C. § 1343 by “caus[ing]” two EIDL loan applications and a loan agreement “to be transmitted” to the SBA in June 2020. [R. 24: Indictment, Page ID # 85-87]. A conviction under § 1343 requires proof that the accused “intended to deprive a victim of money or property.” The government “must prove that the defendant acted with knowledge that h[er] conduct was unlawful” to satisfy this element. *United States v. Rufai*, 732 F.3d 1175, 1189-90 (10th Cir.2013) (citing *United States v. Franklin-El*, 555 F.3d 1115, 1122 (10th Cir.2009)).

“Willful participat[ion]” occurs when a person voluntarily engages in a scheme with “knowledge of its fraudulent nature and with the intent to achieve its illicit objectives.” *United States v. Faulkenberry*, 614 F.3d 573, 581 (6th Cir.2010) (citing *United States v. Yefsky*, 994 F.2d 885, 891-92 (1st Cir.1993)). Without such knowledge, an individual’s participation is insufficient to establish that she has committed wire fraud. *See, e.g., Rufai*, 732 F.3d at 1195 (citing *United States v. Gonzalez-Huerta*, 403 F.3d 727, 736 (10th Cir.2005)).

Throughout this case, Ms. Alexander’s defense was always that she did not willfully participate in a scheme to defraud. She initially consented to someone else making SBA submissions on her behalf only after she was approached at work and told she was eligible for grant-based pandemic relief. [R. 98: TR, JT, Day 4, Part 1, Page ID # 908-09]. She also spoke to others she trusted about SBA issues. *Id.* at 909. But when she tried to discuss these exchanges at trial, the district court prohibited her from doing so and directed Ms. Alexander and her attorney that no such testimony would be permitted. *See, e.g.,* Page ID # 910; *id.* at Page ID # 911; *id.* at Page ID # 912, Lines 3-4; *id.* at Page ID # 916, Lines 12-16.

These conversations were the basis for Ms. Alexander’s belief that the SBA submissions were lawful and not made for an “illicit” purpose. *Faulkenberry*, 614 F.3d at 581 (citing *Yefsky*, 994 F.2d at 891-92)). She testified that the person who prepared the applications “never asked” her income and she “never provided” that

information. [R. 101: TR, JT, Day 4, Part 2, Page ID # 1149]. She thought the applications were for grants, not loans. *Id.* These facts were undeniably relevant to the jury's consideration of her knowledge, intent, and credibility, yet the district court prohibited her from describing what she was told that induced her to believe those things at the time the applications were transmitted to the SBA.

[I]t is difficult to prove intent to defraud from direct evidence[,]” which is why it “can be inferred” from circumstantial evidence like “efforts to conceal the unlawful activity” or “proof of knowledge[.]” *United States v. Bryant*, 849 Fed.Appx. 565, 570 (6th Cir.2021) (citing *United States v. Davis*, 490 F.3d 541, 549 (6th Cir.2007)). Indeed, the district court in this case permitted the government to “introduce evidence of another [EIDL] application submitted on June 23, 2020 in the name of” Ms. Alexander’s “then 18-year-old child” because it was “highly probative” of “intent.” [R. 56: Motion in Limine, Page ID # 206]. *See also* [R. 58: Order, Page ID # 212].

For the same reasons, similar evidence offered by Ms. Alexander to establish her state of mind, knowledge, and intent at the precise time the alleged offenses occurred had to be admitted. Otherwise its omission unfairly placed a thumb on the scale regarding the most important factor in the case: the reliability of Ms. Alexander’s testimony. This was “determinative of guilt or innocence.” *Giglio v. United States*, 405 U.S. 150, 154 (1972)).

The Sixth Circuit's attempts to sidestep the significance of this issue are troubling. The court failed to address it, but the district court's hearsay rulings were erroneous. There was no "valid...justification" for excluding Ms. Alexander's proposed testimony. *Crane*, 476 U.S. at 690-91. As this Court is aware, "[o]ut-of-court statements are not hearsay" if offered "to show why" a person "made a specific...decision[.]" *United States v. Sian*, 756 Fed.Appx. 587, 590 (6th Cir.2018) (citing *United States v. Kilpatrick*, 798 F.3d 365, 386 (6th Cir.2015)) (discussing FRE 801(c)).

This is precisely what Ms. Alexander was attempting to do during her testimony in this case. She initially talked about statements made to her by the person who prepared and submitted the SBA documents on her behalf. But when she mentioned speaking to others she trusted about SBA issues, the government objected. After the district court erroneously prohibited her from testifying about those conversations, Ms. Alexander began struggling to answer questions. *See, e.g.*, [R. 98: TR, JT, Day 4, Part 1, Page ID # 912, Lines 17-21] ("Well, he—oh, I can't say—okay, I can't say 'he,' 'she,' okay."); *id.* at Page ID # 915 ("My friend. But I thought you said I couldn't say the person."). Despite defense counsel indicating Ms. Alexander was just "trying to explain why she did what she did[.]" the court said it was "not aware of any exception to the hearsay rule "that would apply in this situation[.]" *Id.* at Page ID # 916, Lines 12-16. This was error.

Nevertheless, Defense counsel understandably continued to try to limit Ms. Alexander's responses to abide by the district court's rulings. *See id.* at Page ID # 917, Lines 17-18 ("Let me stop you just for a moment because remember you can't talk about what somebody else said to you."). But when Ms. Alexander again attempted to discuss conversations she had with the person who prepared the materials for her, the court sustained another hearsay objection by the government. *Id.* at Page ID # 918-19.

This attempted guidance and confusion continued through the rest of Ms. Alexander's direct examination. *See, e.g., id.* at Page ID # 920, Lines 22-25; *id.* at Page ID # 921, Lines 3-4; *id.* at Page ID # 923, Line 14. At a later sidebar, the district court confirmed it had previously instructed defense counsel to "ask the question[s]" in a different manner to avoid soliciting responses it incorrectly believed were hearsay. *Id.* at Page ID # 925-26.

To be clear, the statements made by others to Ms. Alexander that were excluded were not hearsay. The statements were false, and Ms. Alexander was only describing them to explain why she wrongly believed what she was doing was lawful. These statements were essential to explaining her "then-existing state of mind (such as motive, intent, or plan[.])" FRE 803(3).

Contrary to the Sixth Circuit's opinion, the district court's rulings were erroneous and improperly undermined Ms. Alexander's ability to present a

complete defense. The excluded statements were highly probative of the only truly contested issue in the case—Ms. Alexander’s knowledge and intent at the time the offenses occurred. Yet the jury never heard them. The note from the jury received by the court during deliberations asking why they were not allowed to hear about the “mystery man” who solicited Ms. Alexander underscores the impact of these errors. *See* [R. 102: TR, JT, Day 5, Page ID # 1279].

By prohibiting Ms. Alexander from testifying about the statements and conversations she based her decision-making upon at the time the materials were submitted to the SBA, the district court improperly excluded evidence that was “central to” Ms. Alexander’s “claim of innocence” in the “absence of any valid...justification.” *Crane*, 476 U.S. at 690-91. *See also Holmes*, 547 U.S. at 325-26 (2006). The Sixth Circuit’s determination to the contrary is unsupported by the record. *See* Appendix B, Pages 5-7. These rulings deprived Ms. Alexander of a “fair opportunity to defend” against the accusations through testimony and evidence of her own. *Chandler*, 137 F.4th at 537 (citing *Chambers*, 410 U.S. at 294). The court’s admission of circumstantial evidence about EIDL submissions on her daughter’s behalf while it prevented Ms. Alexander from introducing her own circumstantial evidence to explain her state of mind only compounded the problem.

Ms. Alexander’s trial was “fundamentally unfair[.]” *Crane*, 476 U.S. at 690-91. This Court must intervene to reverse her convictions.

CONCLUSION

For the foregoing reasons, Ms. Alexander respectfully asks this Court to grant her petition for the issuance of a writ of certiorari.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jarrod J. Beck, counsel for Petitioner Lashawnda Alexander, do hereby certify that the original and ten copies of this Petition for Writ of Certiorari were mailed to the Office of the Clerk, Supreme Court of the United States, Washington, DC 20543. I also certify that a copy of this Petition was served by mail with first-class postage prepaid upon Kevin Koller, Office of the U.S. Attorney, Southern District of Ohio, 221 East Fourth Street, Suite 400, Cincinnati, Ohio 45202.

This 17th day of August, 2026.

JARROD J. BECK

COUNSEL FOR LASHAWNDA ALEXANDER