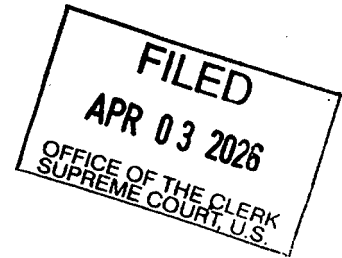


No.

26-5622



**IN THE
SUPREME COURT OF THE UNITED STATES**

TERONE WOODS- PETITIONER

vs.

**SECY' FL. DEPT. OF CORRECTIONS - RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT (Seeking Review of the
Denial of a Certificate of Appealability)**

PETITION FOR WRIT OF CERTIORARI

**Terone Woods # I42475
Pro Se/Petitioner
Everglades Correctional Inst.
1599 SW 187th Avenue
Miami, Florida, 33194 - 2801
305-228-2000**

QUESTIONS PRESENTED

This Court has repeatedly held that a Certificate of Appealability may issue whenever “jurists of reason could debate” the District Court’s resolution of a constitutional claim. *Slack v. McDaniel*, 529 U.S. 473 (2000); *Miller-El v. Cockrell*, 537 U.S. 322 (2003); *Buck v. Davis*, 580 U.S. 100 (2017). Courts may not resolve disputed facts, weigh credibility, or deny review based on their own assessment of the merits.

The Eleventh Circuit denied a Certificate of Appealability after resolving factual disputes, assessing witness credibility, and concluding that Petitioner’s constitutional claims were harmless in light of the alleged post arrest statement.

The Questions Presented Are:

1. Whether the Eleventh Circuit violated this Court’s precedents in *Slack*; *Miller-El*, and *Buck* by denying a Certificate of Appealability after resolving disputed facts and harmlessness on the merits rather than determining whether reasonable jurist could debate the District Court’s resolution of Petitioner’s constitutional claims?
2. Whether reasonable jurist could debate Petitioner’s claims that the State presented false testimony in violation of *Giglio v. United States* 450 U.S. 150 (1972) and *Napue v. Illinois*, 360 U.S. 264 (1959), and that trial counsel rendered ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984) by failing to impeach the prosecution’s key witness with sworn statements contradicting his trial testimony concerning off tape police interactions. relevant to the voluntariness of Petitioner’s post-arrest statement that the Court’s below treated as dispositive?

LIST OF PARTIES

Terone Woods – Petitioner

Ricky D. Dixon, Sec’y Fl. Dept. of Corrections – Respondent

State of Florida – Respondent

RELATED PROCEEDINGS

State Proceedings Sought To Be Reviewed:

Broward County Circuit Court, 10-16606CF10A, Terone Woods v. State of Florida, Post Conviction Proceedings. Judgment entered November 28, 2022.

Florida Fourth District Court of Appeals, 4D23-528, Terone Woods v. State of Florida, Judgment entered September 7, 2023. Mandate issued November 9, 2023.

Federal Proceedings Sought To Be Reviewed:

U.S. District Court , S.D. Fla. 0:23-cv-62415-KMW/WILLIAMS, Terone Woods v. Ricky D. Dixon, Sec’y Fl. Dept. of Corrections, Judgment entered February 25, 2025.

U.S. Court of Appeals, 11th Cir. 25-11007, Terone Woods v. Ricky D. Dixon, Sec’y Fl. Dept. of Corrections, Judgment entered November 20, 2025.

U.S. Court of Appeals, 11th Cir. 25-11007, Terone Woods v. Ricky D. Dixon, Sec’y Fl. Dept. of Corrections, Judgment entered January 21, 2026.

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OPINIONS BELOW

The judgment sought to be reviewed is the Order of the United States Court of Appeals for the Eleventh Circuit denying a Certificate of Appealability on November 20, 2025. The judgment appears at [Appendix A] to the petition and is published, 2025 U.S. App. LEXIS 30652, November 20, 2025.

The Court appeals subsequently denied Petitioner's Motion for Reconsideration on January 21, 2026. The judgment appears at [Appendix B] of the petition and is unpublished.

The opinion of the United States District Court appears at [Appendix C] to the petition and is reported at: 2025 U.S. Dist. LEXIS 33622: *Woods v. Dixon*, February 25, 2025.

STATEMENT OF JURISDICTION

The Eleventh Circuit entered judgment denying a Certificate of Appealability on November 20, 2025, and denied Reconsideration on January 21, 2026.

This Court has jurisdiction under 28 U.S.C. § 1254(1). The denial of a Certificate of Appealability constitutes a case in the Court of Appeals subject to review by this Court. *Hohn v. United States*, 524 U.S. 236, 241, 48 (1998);

The Petition is timely under Supreme Court Rule 13.

CONSTITUTIONAL AND STATUTORY PROVISIONS

United States Constitution, Sixth Amendment

United States Constitution, Fourteenth Amendment

28 U.S.C. § 1254(1)

28 U.S.C. § 2253(c)

28 U.S.C. § 2254(d)

STATEMENT OF THE CASE

A. TRIAL PROCEEDINGS:

Petitioner Terone Woods was convicted of drug related offenses in Florida State Court. The prosecution's case depended almost entirely on the testimony of a single law enforcement witness, Detective Munson. Detective Munson served as the State's sole narrative witness connecting Woods to the alleged drug transaction.

B. SUPPRESSION HEARING CONTRADICTIONS

At trial, Detective Munson repeatedly testified that he personally observed critical events establishing Woods involvement, including:

- A hand to hand exchange of money;
- The transfer of funds to others before entering pharmacy;
- Pill activity inside a vehicle;
- Placement of pills into a McDonald's bag;
- Loose pills visible during a traffic stop.

The prosecution relied heavily on Munson's purported personal observations in closing argument to establish Woods as the organizer and financier of the alleged drug transaction.

At the Suppression Hearing, however Detective Munson admitted he did not personally observe the events he later attributed to himself at trial, and instead relied on information relayed by a confidential informant over the telephone. [Appendix H, Pg. 25].

EXAMPLES INCLUDE:

- At trial, Detective Munson testified he saw Woods hand money to Gibbs [Appendix G, T.T. Pg. 17]. At the Suppression Hearing, Munson admitted he did not see money exchanged and could not determine what was exchanged. [Appendix H, Pgs. 27].

- At trial, Detective Munson testified after the exchange was done, he observed Gibbs provide money to others before they entered the pharmacy [Appendix G, TT. pg. 17]. At the suppression hearing, Munson admitted the informant relayed that information by phone. [Appendix H, Pg. 10-11].
- At trial, Detective Munson testified he personally saw pill activity inside a vehicle (Appendix G, TT. Pg. 21). At the Suppression Hearing, Munson admitted that information came from the confidential informant. [Appendix H, Pg. 13-14].
- At trial, Detective Munson testified he saw pills placed into a McDonalds bag [Appendix, G, T.T. pg. 22]. At the Suppression Hearing, Munson admitted the informant relayed that information by phone. [Appendix H, Pg. 17].
- At trial, Detective Munson testified pills were in plain view during a traffic stop [Appendix G, T.T. Pg. 26]. At the Suppression Hearing, Munson admitted he could not see any pills and learned from the confidential informant the bag contained pills. [Appendix H, Pgs. 20-21].

The confidential informant never testified at trial.

The prosecution relied heavily on Munson's purported personal observation in closing arguments and stated the following:

How do we know that Mr. Woods knew what the substance was:.....Well, Detective Munson testified that while he's watching with his binoculars on, he sees Mr. Woods do a hand to hand with Jersey that we hear. Detective Munson clearly stated that during the hand to hand, he saw what appeared to be money, it was green. At that time, after the hand to hand is done, Mr. Woods leaves the location and now Jersey or Mr. Gibbs goes ahead and distributes the money to the two sponsors to get their prescriptions. Once they have the money, they go inside the pharmacy, they come out a short time later with pharmacy bags. They then take those bags and put them into a McDonald's bag, ultimately that was found in his car. (Appendix G, T.T. Pgs. 212-213)

C. POST-ARREST STATEMENT AND OFF-TAPE PROMISE

The State also relied heavily on Woods' post-arrest statement. At trial, Woods testified the statement was made only after Detective Munson told him off-tape that he would not be taken to jail if he cooperated. Woods testified he was guessing to Munson's leading questions hoping to appear cooperative to avoid arrest. [Appendix G, T.T. Pgs. 131, 142].

Munson denied any off-tape interaction and told the jury: He would not have questioned Woods prior to recording, and whatever happened "we hear on tape" "there's nothing missing." [Appendix G pgs. TT. Pgs. 81-83].

Munson's pretrial deposition however, contradicted that claim, acknowledging off-tape interactions including attempts by Woods to make calls for law enforcement. [Appendix F. Depo, Pg. 10].

Trial counsel failed to impeach Munson with the deposition.

D. POST CONVICTION PROCEEDINGS

The State Courts rejected Woods' ineffective assistance and *Giglio* claims, on November 28 2022, it reasoned that Woods' cooperation reinforced voluntariness [Appendix E, pg. 4 of 5] (Claim 4), and deemed the *Giglio* claim "conclusory and speculative." [Appendix E, pg. 5 of 5] (Claim 9).

The Federal District Court denied habeas relief on February 25, 2025, holding that:

"the record does not support a finding that the State knowingly suborned perjury or that the State engaged in prosecutorial misconduct. Moreover, given the evidence adduced at trial, including Petitioner's own post-arrest statement and testimony, Petitioner has not demonstrated that Detective Munson's inconsistent statement infected the trial with unfairness." [Appendix C, Pgs. 10-14]

In regards to the ineffective assistance claim, the Court concluded counsel's cross examination of Detective Munson was "more than sufficient under Sixth Amendment standards." [Appendix C Pgs. 19-21] (Claim 6).

The Eleventh Circuit denied a Certificate of Appealability on November 20, 2025, concluding that Woods' post arrest statement rendered the alleged constitutional errors harmless. [Appendix A, Pg. 2].

The Eleventh Circuit subsequently denied Woods Motion for Reconsideration on January 21, 2026. [Appendix B].

This Petition follows:

SUMMARY OF THE ARGUMENT

This case presents a recurring and important question regarding the proper application of the Certificate of Appealability standard established by Congress and repeatedly enforced by this Court.

Under 28 U.S.C. § 2253(c), a Certificate of Appealability may be issued whenever reasonable jurist could debate the District Court's resolution of a constitutional claim. The inquiry is deliberately limited. Courts may not decide the merits; they must ask only whether the issues are debatable among jurist of reason. *Slack v. McDaniel*, 529 U.S. 473 (2000); *Miller-El v. Cockrell*, 537 U.S. 322 (2003); *Buck v. Davis*, 580 U.S. 100 (2017).

The Eleventh Circuit disregarded that Rule.

Rather than asking whether reasonable jurist could debate Petitioner's claims, the Court resolved credibility disputes, weighed conflicting testimony, and declared the alleged constitutional violations harmless in light of Petitioner's post-arrest statement. That approach

effectively required Petitioner to prove entitlement to habeas relief before obtaining appellate review.

The Underlying Constitutional Claims are Plainly Debatable.

The State's entire narrative rested on a single detective who testified at trial that he personally observed critical events linking Petitioner to the charged offense. Yet, that testimony contradicted the detective's own prior sworn statements admitting that those same events were reported to him by a confidential informant who never testified.

The prosecutor elicited both versions of the testimony but failed to correct the contradiction.

In addition, trial counsel failed to impeach the detective with sworn deposition testimony contradicting his claim that all post-arrest interactions were recorded. Testimony that directly supported Petitioner's assertions that his statement was induced by an off-tape promise of non-arrest.

These issues go directly to the credibility of the State's only narrative witness and the voluntariness of the post-arrest statement that the Courts below treated as dispositive.

At minimum, reasonable direct could debate whether the District Court's rejection of these claims was correct.

Because the Eleventh Circuit denied a Certificate of Appealability only after deciding the merits, its decision conflicts with this Court's precedents and with the practice of multiple Circuits faithfully applying the COA standard.

The decision below thus transforms the Certificate of Appealability inquiry into a premature merits adjudication, precisely the error this Court corrected in *Buck v. Davis*.

This Court's review is warranted.

REASONS FOR GRANTING THE WRIT

I. The Eleventh Circuit improperly decided the merits instead of the COA questions.

This Court has repeatedly held that the Certificate of Appealability Inquiry is a threshold determination, not a merits adjudication. A COA must issue whenever “reasonable jurist could debate” the District Court’s resolution of a constitutional claim or when the issues are adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

In *Miller-El v. Cockrell*, 537 U.S. 322 (2003), this Court emphasized that a COA inquiry is not a full merits review. Courts of Appeals may not resolve disputed facts, weigh credibility, or deny a COA based on their own view of the ultimate merits claim.

More recently, this Court reiterated the same principle in *Buck v. Davis*, 580 U.S. 100 (2017). Holding that a Court of Appeals exceeds its authority when it denies a COA after deciding the merits of the underlying constitutional claim.

The decision below conflicts with these precedents. Instead of asking whether reasonable jurist could debate Petitioner’s constitutional claims, the Eleventh Circuit denied a COA after resolving factual disputes, weighing credibility, and concluding that Petitioner’s claims were harmless in light of his alleged post-arrest statement. That reasoning necessarily require the Court of Appeals to determine:

- The credibility of the State’s key witness;
- The significance of contradictions in the record; and
- Whether the alleged constitutional violations were harmless.

Each of those determinations is the merits inquiry. Not a threshold COA determination.

This Court has repeatedly intervened where lower Courts impose an improperly demanding COA standard. See, e.g., *Tannard v. Dretke*, 542 U.S. 274 (2004); *Tharpe v. Sellers*, 583 U.S. ____ (2018).

II. Reasonable jurist could debate the *Giglio* violation.

Detective Munson's testimony supplied the prosecution's narrative foundation. Yet, the record shows Munson attributed information from a non-testifying confidential informant to his own observations, in violation of Woods' confrontation rights under *Crawford v. Washington*, 541 U.S. 36 (2004).

The prosecutor elicited testimony from both proceedings and failed to correct the falsehoods - satisfying the knowing element under *Napue v. Illinois*, 360 U.S. 264 (1959).

Reasonable jurist could debate whether:

- The testimony was false;
- The prosecutor knew or should have known;
- The testimony was material;
- The C.I. derived narrative violated Woods' confrontation rights under the Sixth Amendment.

The Eleventh Circuit foreclosed that debate by declaring the error harmless based on Woods' post-arrest statement.

III. Reasonable jurist could debate the ineffective assistance claim.

The District Court denied Woods argument. The Court concluded that Woods could not demonstrate *Strickland* prejudice because the record showed Woods did, in fact, attempt to cooperate with law enforcement [Appendix C, Pg. 20]. However Woods' claim was not that there was no evidence he attempted to cooperate. Rather Woods argued that trial counsel was

ineffective for failing to impeach Detective Munson with his sworn deposition testimony, which directly contradicted Munson's trial testimony that all post-arrest interactions occurred on tape.

That omission was critical because it corroborated Woods' testimony that his post-arrest statement was induced by an off-tape promise.

The Court's below treated Woods' post-arrest statement as dispositive proof of guilt. But the credibility and voluntariness of that statement were themselves central trial issues.

Woods testified that the statement followed an off-tape promise that he would not be taken to jail if he cooperated. Woods testified that he was guessing to Munson's leading questions hoping to appear cooperative to avoid arrest. Munson testified he would not have questioned Woods prior to recording and all relevant interactions occurred on tape.

The detective's sworn deposition testimony admitting Woods attempted off-tape calls for law enforcement directly contradicts that representation. Impeachment with this evidence would have provided the jury a concrete basis to credit Woods' testimony and to question the reliability of the recorded statement.

Because the District Court addressed whether Woods attempted to cooperate instead of whether counsel was ineffective for failing to impeach Munson's false or misleading testimony about off tape interactions, the Court failed to analyze the actual *Strickland* claim.

Reasonable jurist could therefore debate whether the District Court's resolution of this constitutional claim was correct.

IV. Reasonable jurist could debate whether the State Court's fact findings were unreasonable under AEDPA.

The State Court characterized the contradictions as immaterial. But the record contains direct sworn inconsistencies by the State's key witness.

These inconsistencies go directly to:

- Witness credibility;
- Voluntariness of post-arrest statement;
- The narrative foundation of prosecution's case.

Reasonable jurist could debate whether the State Court's conclusions were objectively unreasonable under § 2254(d)(2).

V. This decision below conflicts with other Circuits.

Several Circuits faithfully apply *Miller-El* by granting COA's where constitutional claims are debatable.

Examples include:

Seventh Circuit:

Carrion v. Butler, 835 F. 3d 764 (7th Cir. 2016). COA granted on confession voluntariness and ineffective assistance claims.

Eckstein v. Kingston, 460 F. 3d 844 (7th Cir. 2006). COA granted for failure to cross examine key witness.

Ninth Circuit:

Lambright v. Stewart, 220 F. 3d 1022 (9th Cir. 2000). COA required whenever constitutional claims are reasonably debatable.

Jones v. Ryan, 891 F. 3d 1094 (9th Cir. 2018). COA granted on ineffective assistance claims based on impeachment failures.

Sixth Circuit:

Moody v. United States, 958 F. 3d 485 (6th Cir. 2020). COA granted where voluntariness of confession was personally debatable.

Second Circuit:

Richardson v. Green, 497 F. 3d 212 (Fla. 2nd Cir. 2007). COA granted on credibility driven constitutional claims

The Eleventh Circuit's approach effectively requires Petitioners to show likely success on the merits before receiving COA.

That Rule conflicts with *Slack*, *Miller-el*, and the practice of multiple Circuits.

VI. Importance: The COA standard governs thousands of Federal Habeas cases every year.

When Courts deny COA's by resolving the merits rather than asking whether the claims are debatable, Appellate review disappears entirely.

This case does not ask the Court to resolve a fact-specific dispute about a single criminal trial. Instead, it concerns whether Courts of Appeals may deny Certificate of Appealability by deciding the merits of constitutional claims at the threshold stage. The question arises with significant frequency in Federal Habeas practice and affects thousands of petitioners annually.

This Court's intervention is necessary to preserve the limited, but critical Appellate Review Congress created in § 2253.

VII. This case is an ideal vehicle to clarify the COA standard.

This case presents a clean vehicle for resolving whether the Court of Appeals properly applied the Certificate of Appealability standard.

The relevant facts are fully contained in the existing record, including the trial transcript, suppression hearing transcript, and sworn deposition testimony of the State's principal witness. The constitutional issues raised: false testimony under *Napue v. Illinois* and *Giglio v. United States*, ineffective assistance under *Strickland v. Washington*, testimonial hearsay under

Crawford v. Washington, and the proper application of the Certificate of Appealability standard established in *Slack v. McDaniel*, and *Miller-El v. Cockrell*, presents purely legal questions concerning the threshold standard of Appellate Review.

No additional factual development necessary and the Eleventh Circuit's denial of a Certificate of Appealability squarely rest on its determination that Petitioner's constitutional claims lack merit. The question presented is therefore whether the Court of Appeals improperly collapsed the COA Inquiry into a full merits determination, an issue this Court has repeatedly cautioned against. See *Buck v. Davis*.

Because the record is complete and the issue is purely procedural, this case presents an appropriate vehicle for this Court's review.

CONCLUSION

The decision below reflects a growing practice of denying Certificates of Appealability through merits adjudication, rather than the limited threshold inquiry required by this Court's precedents.

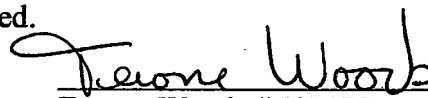
At minimum, reasonable jurist could debate whether:

- The State presented false testimony under *Giglio* and *Napue*;
- Trial counsel was ineffective under *Strickland*;
- The State Courts made unreasonable factual determinations under AEDPA.

Instead of allowing Appellate Review, the Eleventh Circuit resolved those questions itself and denied COA.

This Court's intervention is necessary to restore the proper standard governing Certificates of Appealability claims.

The Writ of Certiorari should therefore be granted.


Terone Woods # I42475