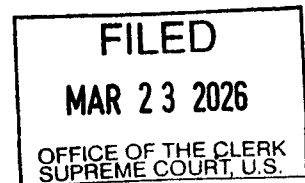


22-5631
No. 25A1025



IN THE
SUPREME COURT OF THE UNITED STATES

October Term 2025-2026

TROY R. THOMAS,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

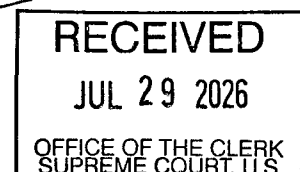
(D.C. Court of Appeals No. 23-CO-0694)

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Submitted: July 25, 2026

By:

Troy R. Thomas



QUESTIONS PRESENTED

1. Whether the Sixth Amendment and Due Process Clause allow a jurisdiction to (a) require that ineffective-assistance-of-trial-counsel claims be raised in a D.C. Code § 23-110 motion during the pendency of the direct appeal—thereby making appellate counsel effectively responsible for pursuing initial postconviction litigation—yet (b) later deny any merits forum for substantial trial-counsel ineffectiveness claims as procedurally defaulted when appellate counsel failed to do so.

2. Whether the District of Columbia may treat recall of mandate—an extraordinary and discretionary remedy subject to a strict 180-day deadline, D.C. App. R. 41(f)—as the exclusive mechanism to litigate ineffective assistance of appellate counsel as “cause” for failing to file a timely § 23-110 motion during the direct appeal, thereby leaving substantial Sixth Amendment claims without any merits forum.

3. Whether due process permits denial of an evidentiary hearing needed to resolve material, disputed facts supporting an ineffective-assistance claim—such as failure to present alibi testimony supported by sworn affidavits—when the lower courts’ procedural rulings otherwise foreclose any merits adjudication.

LIST OF PARTIES

All parties to the proceeding in the court whose judgment is sought to be reviewed are listed in the caption. Petitioner is Troy R. Thomas. Respondent is the United States of America. There are no corporate parties and no other parties to this proceeding.

RELATED PROCEEDINGS

This petition arises from the following proceedings:

Superior Court of the District of Columbia (Criminal Division), No. 2009-CF1-013860: Jury verdict June 14, 2010; sentence September 10, 2010 (744 months). (Appellant's Br. at 17; Government Br. at 1–2 (A.272–75).)

District of Columbia Court of Appeals (direct appeal), No. 10-CF-1231: Judgment affirmed June 14, 2012 (remand for merger of two PFCOV counts). (Appellant's Br. at 17; Government Br. at 2 (A.276).)

Superior Court postconviction proceedings (D.C. Code § 23-110): Initial pro se motion filed November 3, 2015 (A.47–105); amended/supplemental filings February 10, 2016 (A.107–120) and June 1, 2016 (A.164–176); Rule 33 motion filed August 24, 2016 (A.146–163); counsel appointed April 4, 2017. (Appellant's Br. at 19–22; Government Br. at 12–13.)

District of Columbia Court of Appeals (first motion to recall the mandate), filed April 26, 2016 (A.12); denied September 27, 2016 (A.45–46).

Superior Court Omnibus Order denying postconviction relief entered August 17, 2023 (A.272–337). Notice of appeal filed August 18, 2023 (Government Br. at 1 (R.118–19 (PDF))).

District of Columbia Court of Appeals postconviction appeal, No. 23-CO-0694: Appellant’s brief filed September 23, 2024; Government’s brief filed January 22, 2025.

Unopposed Motion to Supplement Record filed April 7, 2025 (attaching counsel’s attempted Second Motion to Recall Mandate in No. 10-CF-1231 and related intake materials).

Decision sought to be reviewed, No. 23-CO-0694: Unpublished Memorandum Opinion and Judgment entered September 17, 2025, affirming. *Thomas v. United States*, 344 A.3d 331 (Table) (D.C. 2025).

District of Columbia Court of Appeals order denying rehearing and rehearing en banc filed October 24, 2025 (Appendix B).

District of Columbia Court of Appeals (second motion to recall the mandate), No. 10-CF-1231: motion denied by order filed May 14, 2026 (Appendix F).

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The judgment and opinion of the District of Columbia Court of Appeals in No. 23-CO-0694 are unpublished and reproduced in the Appendix. App. A. The District of Columbia Court of Appeals affirmed the Superior Court's denial of postconviction relief in an unpublished Memorandum Opinion and Judgment dated September 17, 2025. *Thomas v. United States*, 344 A.3d 331 (Table) (D.C. 2025) (No. 23-CO-0694) (decision without published opinion).

The District of Columbia Court of Appeals' order denying petitioner's petition for rehearing and petition for rehearing en banc, filed October 24, 2025, is reproduced in the Appendix. App. B. A later order of the District of Columbia Court of Appeals in No. 10-CF-1231, dated May 14, 2026, denying petitioner's second motion to recall the mandate, is also reproduced in the Appendix. App. F.

JURISDICTION

The District of Columbia Court of Appeals entered judgment on September 17, 2025. *Thomas v. United States*, 344 A.3d 331 (Table) (D.C. 2025) (No. 23-CO-0694) (unpublished Memorandum Opinion and Judgment). A timely petition for rehearing and petition for rehearing en banc was denied by order filed October 24, 2025. This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a). This petition is timely under 28 U.S.C. § 2101(c) and Sup. Ct. R. 13.

An application to extend the time to file the petition for a writ of certiorari was granted by The Chief Justice on March 23, 2026, in No. 25A1025, extending the time to and including March 23, 2026. Petitioner timely submitted the petition, which was postmarked March 23, 2026, and received March 25, 2026. By letter dated March 27, 2026, the Clerk returned the petition for correction and directed that, if corrected and resubmitted within 60 days, it would be filed pursuant to Rule 14.5.

By letter dated May 27, 2026, the Supreme Court Clerk's Office notified Petitioner of deficiencies in the submission and directed him to provide a signed motion for leave to proceed in forma pauperis and a

notarized affidavit or declaration of indigency. Petitioner did not receive the Clerk's letter until mid-July, close to the 60-day deadline, because USP Big Sandy withheld the mail without explanation. Petitioner has promptly made the necessary corrections and respectfully asks that his petition for a writ of certiorari now be filed. *See* Supreme Court Rule 30.1, because the submission deadline fell on a weekend.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. VI; U.S. Const. amend. XIV (Due Process Clause).

D.C. Code § 23-110. Other relevant provisions are set forth in the Appendix. App. G.

STATEMENT OF THE CASE

A. Trial, conviction, and sentence.

Petitioner Troy R. Thomas was convicted in the Superior Court of the District of Columbia after a 2010 jury trial arising from a June 22, 2009, shooting on Quebec Place, N.W. He was sentenced to a total term of 744 months' imprisonment. (See App. C–D.)

B. Direct appeal.

The District of Columbia Court of Appeals affirmed the convictions on June 14, 2012, with a limited remand for merger of two counts.

C. Post-conviction proceedings and ineffective-assistance claims.

Beginning in 2015, petitioner pursued relief under D.C. Code § 23-110 and related motions, alleging substantial ineffective assistance of trial counsel. The principal claims included: (1) failure to move to suppress evidence seized from petitioner's mother's residence following an allegedly illegal stop and an asserted lack of probable-cause nexus; (2) failure to consult or retain a defense firearms/toolmark expert and failure to object to the government's ballistics testimony asserting that specific casings were fired by the seized rifle; (3) failure to challenge the government medical examiner's statutory eligibility to serve as Chief

Medical Examiner under D.C. Code § 5-1402; and (4) failure to present alibi testimony from two witnesses and failure to obtain an evidentiary hearing to resolve disputed facts and credibility. (See App. C–D.)

D. The procedural bar and the recall-mandate gatekeeping rule.

The Superior Court denied relief in an omnibus order dated August 17, 2023, holding that petitioner’s ineffective-assistance claims were procedurally barred because they were not raised during the pendency of the direct appeal. The court further held that petitioner could not establish “cause” based on ineffective assistance of appellate counsel unless the District of Columbia Court of Appeals first granted recall of the mandate in the direct appeal. (See App. C.) Petitioner’s first motion to recall the mandate (filed pro se in 2016) was denied. Petitioner later filed a second motion to recall the mandate, which the District of Columbia Court of Appeals denied by order dated May 14, 2026. (See App. F.)

E. Diligence and circumstances bearing on “cause.”

Petitioner has consistently maintained that he attempted to pursue his claims pro se under exceptionally restrictive incarceration conditions, including extended lockdowns, repeated transfers, lengthy periods in

special housing, and delayed access to his legal property and law libraries from roughly 2011 through 2015. Petitioner further alleges that appellate counsel did not advise him of the availability, requirements, or deadlines to present trial-counsel ineffective-assistance claims in a § 23-110 motion during the pendency of the direct appeal. (See App. E.)

As relevant here, petitioner states that his appellate counsel, Mr. Meyers, provided ineffective representation on direct appeal, which was marked by bare minimal consultation and absolutely no guidance about the procedural steps petitioner was required to take to preserve record-dependent ineffective-assistance claims. Petitioner was not provided drafts of the appellate brief or motions for review and comment before filing, was not asked to identify potential issues (including trial counsel ineffectiveness) for inclusion or preservation, and was not advised that D.C. law required that ineffective-assistance-of-trial-counsel claims be raised during the pendency of the direct appeal via a D.C. Code § 23-110 motion. Nor was petitioner informed that, if those claims were not timely litigated during the direct-appeal window, later reliance on appellate counsel's ineffectiveness as "cause" would be conditioned on securing recall of the appellate mandate. Petitioner contends that these omissions

by counsel—combined with petitioner's restrictive incarceration conditions—prevented timely filing of a § 23-110 motion and, later, timely recall-mandate litigation.

Those extraordinary impediments included the following: After conviction and appointment of appellate counsel (Mr. Meyers), petitioner entered federal custody at FCI Estill in April 2011. Petitioner remained dependent on counsel for access to filings and for guidance about what, if anything, needed to be pursued in the trial court while the direct appeal was pending. In late May 2011 a race riot resulted in an institution-wide lockdown for approximately three months, with the National Guard called. During that period petitioner was removed on a writ to the D.C. Jail, where another riot occurred in June/July 2011 in the SE-1 unit. The facility remained locked down while the jail was searched, and petitioner was permitted to meet with Mr. Meyers only once; petitioner received no further legal visits during that shutdown and had no reliable ability to exchange legal mail or obtain copies of filings. Petitioner was returned to BOP custody in July 2011 and, while in transit at USP Atlanta, received notice by mail that the direct-appeal filing had already been submitted

(on or around July 21, 2011) without any meaningful opportunity for petitioner to review a draft, approve issues, or provide additional input.

As a result, petitioner had no meaningful opportunity to review what counsel filed, to ask questions, to correct or supplement facts, or to insist that trial-counsel ineffective-assistance issues be preserved through a timely § 23-110 motion while the appeal was still pending. When he returned to FCI Estill in August 2011, the institution remained on modified movement and petitioner's access to legal materials and the law library was sharply limited. He then endured additional lockdowns and was placed in the Special Housing Unit for months while the direct appeal remained pending, followed by nearly two years in the Special Management Unit in Colorado. From 2011 through 2014—continuing into 2015 due to repeated transfers and restrictions—petitioner remained on extended lockdown status with limited access to legal materials, legal research resources, and his own papers. After release from the SMU, petitioner was sent to USP Coleman I (after redesignation from USP Lee due to the presence there of a cooperating witness), and his legal property did not arrive for nearly four months. He was then moved again to USP McCreary in connection with litigation affecting

D.C. prisoners housed more than 500 miles from home, further disrupting access to his materials. Only after petitioner began to receive regular access to his legal papers and research resources was he able to research the recall-mandate procedure and pursue the first and second motions.

These facts are largely outside the record but are necessary to explain why petitioner could not timely present recall-mandate motions or a D.C. Code § 23-110 motion during the pendency of the direct appeal—especially where appellate counsel did not advise petitioner of the availability or need to pursue § 23-110 relief while the direct appeal was pending.

This case is a suitable vehicle for this Court's review because the District of Columbia Court of Appeals affirmed in a summary unpublished disposition, leaving intact the procedural framework that—according to petitioner—bars any merits forum for substantial ineffective-assistance-of-counsel claims when appellate counsel's ineffectiveness is asserted as "cause," unless petitioner can first secure recall of the mandate. The order denying rehearing and rehearing en

banc confirms that the District's courts have finally resolved petitioner's claims.

REASONS FOR GRANTING THE WRIT

I. The Decision Below Creates a No-Forum Regime by Making Recall of Mandate the Exclusive Gateway to Litigating Ineffective Assistance of Appellate Counsel as “Cause.”

The courts below applied the District of Columbia’s procedural-default framework to foreclose merits review of substantial Sixth Amendment ineffective-assistance-of-trial-counsel claims, even though petitioner alleged that the default was caused by constitutionally ineffective assistance of appellate counsel and by extraordinary impediments to timely pro se litigation. Under District of Columbia law, a defendant who seeks to rely on ineffective assistance of appellate counsel as “cause” must litigate that claim only through a motion to recall the mandate in the direct appeal and within a strict time limit. *See, e.g., Wu v. United States*, 798 A.2d 1083, 1091 (D.C. 2002); *Mayfield v. United States*, 659 A.2d 1249, 1251 (D.C. 1995); D.C. App. R. 41(f). The government relied on that gatekeeping rule below to argue that petitioner’s trial-counsel ineffective-assistance claims were “defaulted” because petitioner did not raise them during the pendency of the direct appeal, and because his earlier pro se recall-mandate motion did not successfully establish appellate-counsel ineffectiveness as cause.

That structure creates an unconstitutional “no forum” regime. When recall of mandate is treated as the exclusive and dispositive mechanism for litigating ineffective assistance of appellate counsel, and when denial or non-acceptance of a recall-mandate filing is then used to bar merits adjudication of trial-counsel ineffective-assistance claims, a defendant can be left with no court willing to reach the merits of serious constitutional errors. This Court’s procedural-default cases recognize that ineffective assistance can constitute “cause,” and that “cause and prejudice” inquiries exist to prevent forfeiture of substantial constitutional claims. *See Murray v. Carrier*, 477 U.S. 478, 488 (1986). The decision below warrants review under Rule 10 because it permits a jurisdiction’s procedural rules to extinguish substantial Sixth Amendment claims without any merits determination.

This case is a suitable vehicle for review. The District of Columbia Court of Appeals affirmed in an unpublished Memorandum Opinion and Judgment. *Thomas v. United States*, 344 A.3d 331 (Table) (D.C. 2025) (No. 23-CO-0694). The court denied rehearing and rehearing en banc by order filed October 24, 2025. The District’s courts have therefore finally resolved petitioner’s claims while leaving in place the recall-mandate

gatekeeping rule that—on this record—operated to foreclose any merits forum for substantial ineffective-assistance claims.

II. Federal Courts of Appeals Confirm the Constitutional Stakes.

Federal courts of appeals have repeatedly emphasized that (1) Fourth Amendment probable-cause determinations require a real, fact-based nexus between the place to be searched and the evidence sought, and (2) conclusory inferences are insufficient when they prevent a neutral magistrate from making an independent determination. *See, e.g., United States v. McPhearson*, 469 F.3d 518, 524 (6th Cir. 2006) (affidavit must establish a nexus between evidence and place); *United States v. Underwood*, 725 F.3d 1076, 1081 (9th Cir. 2013) (criticizing affidavits that rely on generalized conclusions rather than particularized facts). These principles underscore the substantiality of petitioner's suppression-based ineffective-assistance claim and, in turn, why a procedural rule that blocks any merits forum for such claims raises issues of constitutional dimension.

Federal appellate courts likewise recognize that recalling a mandate is an extraordinary remedy—generally unavailable as a routine substitute for merits review or a vehicle for untimely rehearing. *See, e.g.,*

Moran v. McDaniel, 80 F.3d 1261, 1267 (9th Cir. 1996) (recall may not be used simply as a device for granting late rehearing); *Carrington v. United States*, 503 F.3d 888, 891 (9th Cir. 2007) (recall only in exceptional circumstances). Petitioner's Questions Presented arise because the courts below treated recall of mandate as the exclusive gateway to litigating ineffective assistance of appellate counsel as "cause," even though recall is discretionary and extraordinary. Conditioning constitutional claims on such a remedy risks leaving substantial Sixth Amendment claims without any merits forum.

Finally, the federal courts' treatment of ineffective-assistance claims underscores that collateral proceedings are often the proper forum to develop facts outside the trial record, rather than forcing premature presentation on direct review. *See Massaro v. United States*, 538 U.S. 500, 504–05 (2003) (ineffective-assistance claims are ordinarily better suited to collateral review than direct appeal). Although *Massaro* addressed federal procedural-default doctrine under § 2255, its rationale is directly implicated here: when a jurisdiction's rules require trial-counsel ineffective-assistance claims to be presented during the pendency of the direct appeal or be forfeited, those rules can recreate the very

problem *Massaro* sought to avoid—pressuring defendants to litigate extra-record Sixth Amendment claims before they can reasonably be investigated and developed. The decision below illustrates how such a regime can operate not merely to channel claims into a different forum, but to eliminate any forum at all.

Importantly, unlike 28 U.S.C. § 2255, D.C. Code § 23-110 contains no one-year statute of limitations: “A motion for such relief may be made at any time.” D.C. Code § 23-110(b)(1). The statute instead addresses delay through a distinct prejudice-based provision, permitting dismissal only if the government shows it has been materially prejudiced by the delay, unless the movant could not have raised the claim earlier through reasonable diligence. D.C. Code § 23-110(b)(2). Even though § 23-110 is an “any time” remedy, the courts below applied a separate pendency-of-direct-appeal procedural bar and then layered on recall-of-mandate gatekeeping—creating the no-forum trap presented by Question 1.

III. Cautionary note on Martinez/Trevino and ineffective assistance of appellate counsel.

Petitioner relies primarily on the Sixth Amendment and due process problems created when the District of Columbia’s procedural-default framework and recall-mandate gatekeeping combine to deny any

merits forum for substantial ineffective-assistance claims. To the extent petitioner cites *Martinez v. Ryan*, 566 U.S. 1 (2012) and *Trevino v. Thaler*, 569 U.S. 413 (2013) as confirming the equitable and constitutional importance of ensuring at least one meaningful merits opportunity for substantial trial-counsel ineffectiveness claims, petitioner recognizes this Court's decision in *Davila v. Davis*, 582 U.S. 521 (2017), which declined to extend the *Martinez/Trevino* equitable exception to defaulted ineffective-assistance-of-appellate-counsel claims in federal habeas.

The question here, however, is antecedent and structural: whether a jurisdiction may implement a regime that in practice leaves petitioner with no forum to litigate substantial Sixth Amendment claims at all.

IV. The federal circuit law cited by both sides underscores the national importance of the issues and the case's suitability for review.

The parties' submissions in the courts below repeatedly invoke federal courts of appeals decisions on core Fourth Amendment and postconviction principles—including the nexus requirement for search warrants, *see, e.g., United States v. McPhearson*, 469 F.3d 518 (6th Cir. 2006), and treatment of generalized or “bare bones” affidavits, *see, e.g., United States v. Underwood*, 725 F.3d 1076 (9th Cir. 2013), as well as good-faith/close-call probable-cause analyses, *see, e.g., United States v.*

Stearn, 597 F.3d 540 (3d Cir. 2010), and *United States v. Sanders*, 106 F.4th 455 (6th Cir. 2024). That cross-jurisdictional reliance highlights why the Questions Presented are not merely case-specific: when a procedural framework prevents any merits forum for substantial Sixth Amendment claims grounded in these recurring federal constitutional standards, review by this Court is warranted.

ARGUMENT

The constitutional question presented is not whether petitioner ultimately prevails on every underlying claim, but whether the District of Columbia's procedural framework may deny petitioner any meaningful forum to litigate substantial Sixth Amendment claims when ineffective assistance of appellate counsel is alleged as the external impediment ("cause") for any default. See *Evitts v. Lucey*, 469 U.S. 387 (1985); *Murray v. Carrier*, 477 U.S. 478 (1986).

A. Conditioning "cause" on recall of mandate improperly transforms a merits question into an unreviewable discretionary hurdle.

When a defendant alleges that appellate counsel's constitutionally deficient performance prevented timely litigation of trial-counsel ineffective-assistance claims, the Sixth Amendment question is whether counsel performed deficiently and whether that deficiency prejudiced the defendant. *Strickland v. Washington*, 466 U.S. 668 (1984). Yet the decision below prevents any court from reaching that Strickland inquiry unless petitioner first obtains recall of mandate—a remedy that is discretionary and time-limited, see D.C. App. R. 41(f), and that in petitioner's case has been treated as unavailable because a prior pro se recall motion was denied on different grounds. That structure permits a

procedural rule to extinguish federal constitutional claims without merits adjudication. The Due Process Clause also guarantees effective assistance of counsel on a first appeal as of right, *Evitts v. Lucey*, 469 U.S. 387, 391–400 (1985), and this Court’s cause-and-prejudice doctrine exists to avoid forfeiture of substantial federal claims where ineffective assistance is the external impediment (“cause”), *Murray v. Carrier*, 477 U.S. 478, 488 (1986).

B. Making recall of mandate the exclusive gateway to litigate appellate-counsel ineffectiveness is inconsistent with the extraordinary nature of recall and risks denying meaningful access to adjudication of federal rights.

The courts below treated recall of mandate as a strict, time-limited prerequisite to any consideration of ineffective assistance of appellate counsel as “cause.” See D.C. App. R. 41(f) (180-day deadline). But federal courts of appeals emphasize that recall of mandate is an extraordinary, discretionary remedy that generally cannot be used as a routine substitute for merits review or as a device for late rehearing. *Moran v. McDaniel*, 80 F.3d 1261, 1267 (9th Cir. 1996); *Carrington v. United States*, 503 F.3d 888, 891 (9th Cir. 2007). This Court has likewise explained that the inherent power to recall a mandate is a “power of last resort, to be held in reserve against grave, unforeseen circumstances.”

Calderon v. Thompson, 523 U.S. 538, 550 (1998) (citation omitted); *see also Hawaii Hous. Auth. v. Midkiff*, 463 U.S. 1323, 1324 (1983) (Rehnquist, J., in chambers).

When a jurisdiction uses an unyielding procedural mechanism to defeat any adjudication of substantial federal claims, this Court has recognized that such a bar may be inadequate to foreclose review where it serves no legitimate state interest in the particular circumstances. *See Lee v. Kemna*, 534 U.S. 362, 376–85 (2002). That risk is particularly acute where, as here, petitioner alleges years of extraordinary impediments to timely pro se litigation (lockdowns, transfers, and delayed access to legal papers) and alleges that appellate counsel did not advise him of the procedural vehicle and deadline; such obstacles implicate the constitutional requirement that prisoners have meaningful access to the courts. *Bounds v. Smith*, 430 U.S. 817, 821–28 (1977).

C. Petitioner’s ineffective-assistance claims demonstrate why this Court’s intervention is warranted.

Petitioner’s claims are not speculative. They target critical issues that, if litigated, could have altered the outcome:

1. Suppression of Illegally Seized Evidence

Suppression of the rifle and ammunition seized from the residence after an unlawful stop and without a probable-cause nexus, see *Kimmelman v. Morrison*, 477 U.S. 365, 375 (1986) (ineffective assistance may be based on failure to litigate a meritorious Fourth Amendment claim);

2. Admission of Firearms/Toolmark testimony in Violation of Due Process

Admission of firearms/toolmark testimony stated in absolute terms linking the seized rifle to crime-scene casings (and relied on as conclusive in argument), implicating due process concerns when materially misleading evidence is presented or left uncorrected, see *Napue v. Illinois*, 360 U.S. 264, 269 (1959); *Giglio v. United States*, 405 U.S. 150, 153–54 (1972);

3. The Chief Medical Examiner Was Statutorily Ineligible to Testify

The government's Chief Medical Examiner's statutory eligibility under D.C. Code § 5-1402 and the weight of that official title before the jury; and;

4. Evidentiary Hearing Required

Denial of an evidentiary hearing to resolve disputed facts concerning counsel's failure to present alibi witnesses, in tension with counsel's duty to conduct a reasonable investigation and present available defense evidence, *see Wiggins v. Smith*, 539 U.S. 510, 521–23 (2003).

The lower courts' refusal to provide a forum to adjudicate these claims on the merits illustrates the systemic problem presented by the Questions Presented. This Court has recognized that ineffective-assistance claims are ordinarily better suited to collateral review, where a record can be developed. *Massaro v. United States*, 538 U.S. 500, 504–05 (2003). And where a statutory postconviction scheme provides for a hearing unless the record conclusively forecloses relief, *see* D.C. Code § 23-110(c), a procedural framework that forecloses a hearing and forecloses a merits forum altogether raises a question warranting this Court's review.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Troy R. Thomas". The signature is written in dark ink and has a fluid, connected style.

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July 25, 2026

INDEX TO APPENDIX

Appendix A — Unpublished Memorandum Opinion and Judgment, *Thomas v. United States*, 344 A.3d 331 (Table) (D.C. 2025) (No. 23-CO-0694), dated September 17, 2025.

Appendix B — Order denying petition for rehearing and petition for rehearing en banc, District of Columbia Court of Appeals, No. 23-CO-0694 (filed October 24, 2025).

Appendix C — Omnibus Order denying postconviction motions, Superior Court of the District of Columbia (Aug. 17, 2023).

Appendix D — Petitioner's D.C. Code § 23-110 motion(s), amendments/supplements, and supporting affidavits (including alibi affidavits).

Appendix E — Petitioner's April 26, 2016, motion to recall the mandate and the Court of Appeals' order denying recall (Sept. 27, 2016), and related materials cited in the petition.

Appendix F — Order denying petitioner's second motion to recall the mandate, District of Columbia Court of Appeals, No. 10-CF-1231 (filed May 14, 2026).

Appendix G — Constitutional and statutory provisions (and any lengthy provisions not set out in full in the petition).