26-5975
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
OCT 15 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

**HOLLY ANN CRAWFORD,**

Petitioner,

v.

**DISTRICT ATTORNEY OF LUZERNE COUNTY, et al.,**

Respondents.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE**

**UNITED STATES COURT OF APPEALS**

**FOR THE THIRD CIRCUIT**

# PETITION FOR A WRIT OF CERTIORARI

**Holly Ann Crawford, OX-6724**
PO BOX 180

MUNCY, PA 17756
Petitioner, Pro Se

## QUESTIONS PRESENTED

1. Whether a court of appeals may deny a certificate of appealibility by effectively resolving disputed merits and factual-development questions against petitioner, where the petitioner identified existing, record-specific evidence that could support substantial Sixth Amendments claims, instead of asking only whether reasonable jurists could debate the district court's disposition under Miller-El V. Cockrell and Buck V. Davis.

2. (a). Whether a federal district court violates due process and the clear mandate of 28 U.S.C. 2254 (e) (2) by denying discovery, expansion of the record and an evidentiary hearing where a clear dispute of material facts exist and the state prisoner has diligently attempted to develop the factual basis of an ineffective assistance claim where counsel's failure left the reord devoid of petitioner's mental state, the principal shooter's account, untested forensic evidence and waived a valid prosecutorial misconduct mistrial.

2. (b). And whether this same court may reject Strickland prejudice by considering each alleged dificiency and each omitted item in isolation without evaluating the totality of the available evidence and the combined change in the evidentiary picture.

## LIST OF PARTIES

Petitioner Holly Ann Crawford was the petitioner in the district court and appellant in the court of appeals.

The respondents and appellees were the District Attorney of Luzerne County, the Luzerne County Court of Common Pleas, the Warden of SCI-Muncy, and the Attorney General of Pennsylvania. The Third Circuit docket identifies James L. McMonagle, Jr. as counsel for the appellees. Petitioner should confirm the names of the current custodian and counsel immediately before filing.



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## RELATED PROCEEDINGS

Commonwealth v. Crawford, Court of Common Pleas of Luzerne County, No. CP-40-CR-0002431-2014, judgment of sentence entered December 2015.

Commonwealth v. Crawford, Superior Court of Pennsylvania, No. 2284 MDA 2015, judgment entered December 14, 2016; allowance of appeal denied May 23, 2017.

Commonwealth v. Crawford, Court of Common Pleas of Luzerne County, PCRA relief denied June 24, 2020.

Commonwealth v. Crawford, Superior Court of Pennsylvania, No. 903 MDA 2020, judgment entered June 3, 2021; allowance of appeal denied December 8, 2021.

Crawford v. Luzerne County Court of Common Pleas, United States District Court for the Middle District of Pennsylvania, No. 1:22-cv-01470, memorandum and order entered March 25, 2025.

Crawford v. District Attorney of Luzerne County, United States Court of Appeals for the Third Circuit, No. 25-1743, certificate of appealability denied February 18; 2026; panel rehearing and rehearing en banc denied July 21, 2026.



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**APPENDIX A:** Third Circuit order denying a certificate of appealibility, entered February 18, 2026.

**APPENDIX B:** Third Circuit order denying panel and rehearing en banc, entered July 21, 2026.

**APPENDIX C:** District court memorandum, entered March 25, 2025, 35 pages.

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(b) faulting petitioner for not providing contrary expert opinion, p. 17.

(c) crediting the attorneys in contradiction to Roche, p. 30.

(d) agreeing an explicit prosecutorial mistatement, though harmelss. p. 26.

**APPENDIX D:** District court final order, entered March 25, 2025.

**APPENDIX E:** Pennsylvania Superior Court PCRA memorandum, entered June 3, 2021, 11 pages.

**APPENSIX F:** Pennsylvania Supreme Court order denying allowance of appeal, entered December 8, 2021.

**APPENDIX G:** Relevant text of 28 U.S.C. §§§ 2253, 2254 and 1254 and Rules 6 and 7 Governing Section 2254 Cases.

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## PETITION FOR WRIT OF CERTIORARI

Holly Ann Crawford respectfully petitions for a writ of certiorari to review the order of the United States Court of Appeals for the Third Circuit denying a certificate of appealibility.

## OPINIONS BELOW

The Third Circuit's February 18, 2026 order denying a certificate of appealibility is unpublished and is reproduced at **App. A.** It's July 21, 2026 order denying panel rehearing and rehearing en banc is reproduced at **App. B.** The district court's March 25, 2025 memorandum is available at Crawford v. Luzerne County Court of Common Pleas, No. 1:22-cv-01470, (M.D. Pa. Mar. 25, 2025), and is reproduced at **App. C.** The district Court's order is reproduced at **App. D.** The Pennsylvania Superior Court's PCRA decision is reported at 258 A.3d 493 (Pa. Super. Ct. 2021) and is reproduced at **App. E.** It's direct-appeal December 8, 2021 ia available at 2016 WL 7239827 and is reproduced at **App. F.**

## JURISDICTION

The Third Circuit denied a certificate of appealability on February 18, 2026, and denied timely panel rehearing and rehearing en banc on July 21, 2026. This petition is timely under Rule 13.3 because it is filed within 90 days of the denial of rehearing. This Court has jurisdiction under 28 U.S.C. § 1254(1). See Hohn v. United States, 524 U.S. 236, 253 (1998).



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## CONSTITUTIONAL AND STATUTORY PROVISIONS

The Sixth Amendment provides in relevant part: "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defence."

The Fourteenth Amendment provides in relevant part that no State shall "deprive any person of life, liberty, or property, without due process of law."

Section 2253(c)(2) of Title 28 provides: "A certificate of appealability may issue ... only if the applicant has made a substantial showing of the denial of a constitutional right." Relevant portions of 28 U.S.C. § 2254 and Rules 6 and 7 Governing Section 2254 Cases are reproduced in the appendix.



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## STATEMENT OF THE CASE

### A. Conviction and disputed evidentiary picture

A Pennsylvania jury convicted petitioner of two counts of first-degree murder and two counts of conspiracy arising from the deaths of Ronald and Jeffrey Evans. Petitioner received two consecutive life-without-parole sentences followed by two consecutive terms of 20 to 40 years. The Commonwealth did not contend that petitioner fired the fatal shots. The prosecution proceeded on principal, accomplice, and conspiracy theories, while James Roche admitted shooting both victims.

The case turned heavily on petitioner's intent, statements, and credibility. The jury deliberated into a third day and asked whether it had to decide whether petitioner was a principal or accomplice. Trial Tr. 1149. That deliberative record matters because the evidence later omitted or undeveloped bore directly on intent, credibility, the circumstances of the shootings, and whether the Commonwealth's account was overwhelming.

### B. Mental-state evidence gathered but not presented

Petitioner's sole defense was that she lacked the requisite mens rea due to profound, documented delusions and hallucinations. These conditions were brought on by severe alcohol intoxiation compounding a sudden, unmonitored, 12-day withdrawal from a long-standing daily prescription of 3 mg. of Klonopin.

Trial counsel collected the evidence of petitioner's severe psychiatric episodes, **App. H. 1 (a)**, some of which include: jail medical records indicating seizures, increased vomitting with 2 shots of Compazine, volatile blood pressure (100/60 to 120/100) and pulse range between 69 and 110, anxiety, dizines, tremors, visible distress, uncontrolable shaking; contemporaneous psychiatric reports,

Dr. Chang's April 29th notes describing disorganized, paranoid, delusional thinking; Dr. Zellers' notes describing anxiety, poor insight, delusional perception, impaired thinking; psych-aid notes documenting actions every 15 minutes for 5 days where petitioner does not eat or sleep and is delusional; authorization for standard watch and Community Counseling Psychiatric referral describing crying, hallucinating and talking on hand-phone; and a state recorded video showed her confined to a restraint chair during this profound state of diminished mental state with eyes unfocused, twitching and responses to people and animals not present.

This evidence was collected prior to petitioner's Statement Suppression hearing, her second 2254 issue, that in a such a state a voluntary, knowing, and intelligent waiver of her Miranda Rights was not possible, **App. H. 3 (a).**

To substantiate this medical defense for trial counsel retained an expert toxicologist, Thomas Franko, and formally placed him on the defense's witness list. Also, promising the jurydurig opening statements they would be hearing from, "Our doctor," expert evidence on the abrupt cessation of Klonopin, confusion, delusions and the interaction of benzodiazipines and alcohol, **Trial Tr. 44,47, App. H. 3. (b).**

Recognizing the exisential threat Dr. Franko's testimony posed to it's case, the prosecution immediately hired a rebuttal toxicologist, Michael Coyer, over strenuous objections from the defense. The State's expert testified uncontradicted to flawed scientific data which mislead the jury with invalid medical misinformation asserting that Klonopin leaves the body, completely within 4 to 7 days, concluding all withdrawal symptoms and that because the homicides occurred exactly 7 days after petitioner's last stipulated dose, her delusions and diminished mental state could not have occurred. This false timeline devasted petitioner's defense, **App. H. 3 (c).** Trial counsel neither called the defense expert to testify nor presented any of the evidence depicting her severly diminished mental state. The

jury lacking any scientific framework to understand benzodiazepine withdrawal combined with excessively high tolerance and alcohol intake interpreted petitioner's severe disorientation, detrimental inculpatory statements and erratic post-arrest conduct as proof of premeditated intent, resulting in a first-degree murder conviction.

During federal habeas proceedings under 28 U.S.C. 2254, petitioner sought an evidentiary hearing, expansion of the record, **App. H. 1 (b),** counsel and discovery to introduce the critical exculpatory evidence counsel failed to present, detailing the structural failure of her trail counsel. The identified records were not a generalized request to search for a theory as they followed closely after the April 21st homicides and the April 23rd police interview. District court acklowledged that counsel did not call the promised expert but that the records desribed by petitioner did not equate to her claimed delusional state, the memorandum concluding faulty timelines, contradictions and malingering by petitioner, though the respondents in their reply brief never challenged the underlying authenticity of the dimished mental state, itself, **App. I (a),** and these point were presented to the Third Circuit, **App. H. 3. (d).** District court denied discovery, expansion, an evidentiary hearing and subsequent merits of the claim as strategically weak in part because petitioner had not produced expert evidence contradicting the state's toxicologist and this was the very evidence petitioner sought assistance and discovery to obtain.

Petitioner also included in her request for rehearing of the denial of certificate of appealibilites in the Third Circuit, scientific expert data on benzodiazepines that directly contradicts the state's expert's withdrawal timeline of 4 to 7 days and more accurately begining at 7 days lasting through 21 days or more, **App, H. 3 (e).**

**C. Principal Roche not called to testify**

Principal, James Roche, was adamant in his desire to testify for the defense. In a meeting with Roche and all attorneys present, he stated his desire to waive his Fifth Amendment rights. Petitioner's trial counsel informed her Roche would not be testifying because his attorney, Paul Galante was not going to let him and Galante, who testified at petitioner's PCRA hearing stated, "I just wouldn't allow it," though Roche, himself, never swayed from his truthful desire of wanting to testify. Roche's pretrail police statements repeatedly said that Ronald Evans emerged from the house screaming threats, waving and pointing his handgun, that Roche THEN retreived his refile and shot, that petitioner did not carry or possess a gun, and that Jeffrey Evans was not expected to be present, Disc. pgs. 174-230. Recorded visits included statements that petitioner, "didn't pull no trigger," and that Roche viewed the first shooting as self-defense, **Disc. pgs. 1269, 1433, 1452.** Roche's account also described petitioner as, freaked out and screaming.

Trial attorneys searched relentlessly for an Exception To The Hearsay Rule that would enable them to use Roche's pretrial police and visiting comments at petitioner's trail which strogly indicates the substantial value that they placed on Roche's testimony.

Roshe testified ar PCRA hearing still maintatining that he wanted to testify though district court ruled to find the attorneys credible and found Roche not to be credible or available. In petitioner's request for Rehearing of Certificate of Appealability denialit's argued with case law that Fifth Amendment rights cannot be vicariously asserted, **App. H. 3 (f),** App. C. (c).

**E. Untested Physical Evidence**

The testing of physical evidence would have supported key portions of petitioner's account and disproven prosecutor's heavily relied on inferences that the victim was NOT armed and that petitioner

WAS armed. A serology report states that three swabs were prepared for DNA testing from RonaldEvans' handgun, **Disc. p. 1582.** The swabs that were not sent as depicted in Request For Forensic Analyis and DNA Report, **Disc. pgs. 1600-1610, 2004-2006**, would have provided blood results indicating that Ronald Evans was armed with his handgun when he was shot.

Two latent prints lifted from the Nissan Versa were logged but not submitted for analysis of substance or identity, **Disc. pgs. 109, 111-113, 1575.** Petition had written counsel within one month of arrest that the victims blood would be on her clothes and throughout the car because she handled thevictim's gun after the incident and, "As I told you, it was covered," **App. H. 1. (c).** The testing would have provided explanation, challenging prosecutor's theories that blood on the broken-junk .22 was not because petitioner was armed with it at the scene. The defense did nothing to investigate and follow up with testing procedures. App. H. 3. (g).

**D. The prosecutor's lawyer references and the curative instruction**

In opening and closing, the prosecutor repeatedly linked petitioner's changed account to obtaining lawyers. Trial Tr. 34-35, 1076. Counsel objected that the argument implied petitioner and her lawyers conspired to fabricate a defense and moved for a mistrial. Trial Tr. 1077. The defense later accepted an instruction telling the jury that the references to lawyers were allegedly made by petitioner to jail witness Margaret Moran. Trial Tr. 1097. But Moran had not testified that petitioner made such a lawyer-related statement. At the PCRA hearing, Attorney Blum acknowledged that, if Moran had not so testified, the mistrial request should have been maintained and the instruction was improper. PCRA Tr. 40-45.

The district court agreed that the prosecutor's opening was an "explicit misstatement of the evidence to follow" and that Moran supplied no basis for the closing suggestion that a theory was abandoned "once they got lawyers." App. C.d. It nevertheless characterized the lawyer references as stray and harmless when considered alone.

The district court disregarded that the comments violated petitioner's due process right to counsel and completely IGNORED the trial court's aspect of faulty curative instruction for placing hearsay evidence on the record that was never presented during witness testimony. Petitioner provided extensive argument and prominent case law that's been decided in this court for the petition for rehearing of the certificate of appealibility denial in the Third Circuit court of Appeals, App. H. 3 (h).

**E. Federal habeas proceedings**

Petitioner filed under 28 U.S.C. § 2254 and identified seven grounds. She also identified approximately thirty existing documents or categories held by the jail, prior counsel, and others, requested discovery or expansion of the record, and requested counsel to help obtain them. She renewed those requests in May 2024. On March 25, 2025, the district court denied discovery, counsel, the petition, and a certificate of appealability.

The court recited Bracy's good-cause standard but denied factual development after predicting that the identified proof would not change the result. It considered the omitted mental-health material without the retained expert's report; found strategic reasons for counsel not to use it; accepted counsel's and Roche's attorney's explanations concerning Roche; treated the missing forensic evidence as a double-edged strategic choice; and found the conceded prosecutor misstatement harmless. It did not assess the combined evidentiary picture created by all of those omissions and errors.

The Third Circuit denied a certificate of appealability on February 18, 2026, stating that it substantially agreed with the district court. It denied timely panel rehearing and rehearing en banc without explanation on July 21, 2026.

## REASONS FOR GRANTING THE PETITION

### I. The certificate ruling conflicts with the threshold inquiry required by Miller-El and Buck.

A certificate of appealability is a gateway determination, not a substitute for appeal. A petitioner need show only that reasonable jurists could debate the district court's resolution or that the issues deserve encouragement to proceed further. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). A court exceeds that limited inquiry when it first decides the merits and then denies a certificate because the claim failed under that merits determination. Buck v. Davis, 580 U.S. 100, 115-17 (2017).

Reasonable jurists could debate the district court's refusal to permit any mechanism for developing specifically identified evidence. Bracy holds that good cause exists when specific allegations give reason to believe that fuller development may demonstrate entitlement to relief. 520 U.S. 899, 908-09 (1997). Petitioner identified dates, report types, custodians, witnesses, discovery pages, and in several instances exact language. The request concerned evidence already known to exist, much of it gathered by trial counsel. It was not a fishing expedition.

Yet the court denied development by resolving the significance of the missing evidence against petitioner. The court faulted her for lacking expert contradiction to the State toxicologist while denying counsel and discovery directed to the retained defense expert and his materials. It inferred strategic reasons for omitting psychiatric records without the promised expert evidence that would explain them. It discounted forensic testing without obtaining the swabs or reports that could establish what was collected and omitted. It treated Roche's account as uncertain although Roche testified that he wanted to testify and contemporaneous statements contained



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concrete exculpatory points. Those are at least debatable applications of Bracy, Strickland, and the COA standard, 2253(c)(2), App. G. (a).

This court chooses to grant cert. in a fractional minority of cases, typically reserved to resolve deep circuit splits or egregious departure from judicial norms. this case presents both. Under Townsend V. Sain and 28 U.S.C. 2254 (e) (2), a federal habeas petitioner is entitled to an evidentiary hearing when there is a clear dispute of material facts and the petitioner exercised diligence in state court. Here the petitioner meticulously outlined a Sixth Amendment claim detailing the structural failure of her trial counsel based on verifiable evidence.

When a federal court shuts it's eyes to such definitive proof, habeas corpus ceases to be a meaningful safeguard against wrongful conviction. Rather than grant discovery, expansion of the record or an evidentiary hearing to assess the impact of trial counsel's abandonment of the evidence, the district court acted as finder of fact. It declared the delusions fabricated, the expert witness irrelevant, Roche unavailable, and the lack of DNA evidence a strategic choice, on a cold record. This absolute dismissal of uncontested evidence creates a dangerous precedent. It allows federal judges to bypass the evidentiary mechanisms of 2254 based on subjective skepticism. Other circuits hold that when a petitioner presents specific uncotradicted facts showing a Constitutional violation, a hearing is mandatory and the Third Circuits endorsement of fact-fiding without an adversarial hearing breaks from uniform federal practice necessiating intervention by this court.

Shinn v. Ramirez, 596 U.S. 366 (2022), imposes serious limits on federal evidentiary hearings when a prisoner is at fault under § 2254(e)(2). But the district court did not rest its entire disposition on a categorical conclusion that every requested item was legally unusable under Shinn. It instead considered petitioner's descriptions, reached merits and strategy conclusions, and found no good cause. App. C Whether the COA threshold was met on that disposition is independently reviewable.

**II. The prejudice analysis did not account for the totality of the evidence.**

Strickland requires a court assessing prejudice to consider the totality of the evidence before the judge or jury. 466 U.S. 668, 695-96 (1984). The question is not whether each omitted item, standing alone, guarantees a different verdict. It is whether the errors altered the entire evidentiary picture enough to undermine confidence in the outcome. Wiggins v. Smith, 539 U.S. 510, 534-38 (2003), applies that total-record comparison. Hinton v. Alabama, 571 U.S. 263, 274-75 (2014), likewise rejects deference to a purported expert-related strategy founded on a mistaken or inadequate investigation. Kimmelman v. Morrison, 477 U.S. 365, 384-91 (1986), evaluates both counsel's investigation and the effect of evidence counsel failed to litigate.

Here the omitted proof was mutually reinforcing. The jail records and expert evidence could explain why petitioner made bizarre or inaccurate statements and could weaken the State toxicologist's timeline. Roche's testimony and statements could establish that petitioner was unarmed, that the first victim produced a firearm, that the second victim was unexpected, and that Roche alone shot both men. The firearm swabs, latent prints, and vehicle evidence could corroborate the movement of the victim's bloody pistol and undermine the inference that the broken rifle was carried by petitioner at the scene. The prosecutor's conceded misstatement and the inaccurate factual premise of the curative instruction could have affected the jury's assessment of the very defense these omitted sources supported.

The jury's third-day deliberation and principal-or-accomplice question reinforce that the verdict did not follow automatically from an uncontested evidentiary picture. Trial Tr. 1149. Deliberation length does not itself establish prejudice, but it is part of the trial context in which confidence in the verdict must be assessed.

The district court instead answered separate questions: whether counsel could have had a strategic reason not to use the jail evidence; whether suppression alone would change the result;

whether Roche alone was sufficiently credible and available; whether forensic testing alone was double-edged; and whether the lawyer references alone were harmless. That method allowed the court to label each deficiency isolated, strategic, or harmless while never reconstructing the trial the jury would have heard if the omitted evidence had been presented together. The result conflicts with Strickland's totality command.

**III. This case presents an important and recurring habeas problem in a suitable procedural posture.**

The interaction between the COA threshold, habeas factual development, and Strickland's totality inquiry recurs whenever an unrepresented prisoner identifies evidence outside the filed record and seeks the limited mechanisms supplied by Rules 6 and 7. If a court may deny all development by resolving the likely meaning of the missing evidence and then deny a certificate based on that same merits prediction, the COA inquiry ceases to serve its intended screening function.

This petition does not ask the Court to retry the case or accept petitioner's factual allegations as proved. It asks for the modest relief appropriate at this stage: vacatur of the certificate denial and remand for application of the correct threshold standard, with the identified evidence evaluated collectively and factual development considered under the governing habeas rules. That relief would permit adversarial review without deciding disputed facts in this Court.

The case is also a suitable vehicle because the district court addressed all seven grounds, expressly ruled on discovery and record expansion, and denied a certificate; the Third Circuit then substantially agreed and denied rehearing. The conceded prosecutorial misstatement, the documented post-arrest psychiatric observations, Roche's PCRA testimony, and the identified evidence reports make the dispute concrete rather than hypothetical.

## CONCLUSION

The petition for a writ of certiorari should be granted. In the alternative, the Court should grant the petition, vacate the order below, and remand for reconsideration under Miller-El, Buck, Bracy, and Strickland.

Respectfully submitted,

Holly Ann Crawford

HOLLY ANN CRAWFORD, OX-6724

Petitioner, Pro Se
PO BOX 180

MUNCY, PA 17756

Dated: _____