

CASE LAW

1.) Arizona v. Fulminante 499 US 279 (3-26-91) The 5th structural defect says "The right to a public trial" quoting Waller v. Georgia 467 US 39 which says my suppression hearing was more important than the trial because had I and Rosenthal been there, no trial would have been needed. My case also relates to Fulminante as a pre trial accused sex offender (S.O.) (crime is a lot worse & different b/c mine has no murder) who in order to be protected had to make friends with a informant who benefited in court for saving a s.o. from getting beat up as often happens in here. Two informants are in my PSR (I only had 1 hour to skim mine while I was at sentencing) and teamed up on me while I was on 6E at FDC Houston in 2012. This same scenario happened to McDaniels who told me about the same informant who ended up causing both of us to get sent to the Galveston County Jail to be interrogated without our attorney's by a guy posing as CC's investigator, Brandon Berturan (spelt wrong probably). Like Fulminante, my build and problems adapting to prison life led me to become an easy target for coercion by the best snitches FDC Houston had to offer.

2.) Banks v. Reynolds, 54 F.3d 1508, 1515 (10th Cir.. 1995) The substantial merits of the claim provide the necessary prejudice to excuse the default. Failure to raise a "dead-bang winner" = Ineffective Assistance of Appellate counsel [Kretzer & Sample did the same].

3.) Brown v. Illinois, 422 US 590 (1975) The Exclusionary rule Reaches not only the illegally obtained statement itself but also evidence derived therefrom. Courts inquire whether the evidence was obtained by exploitation of that illegality or by means sufficiently distinguishable to purge the taint.

4.) Caminito v. Murphy 222 F. 2d 698 (2nd Cir. 5-11-55) Undisputed evidence showed that Caminito was held incommunicado for 40 hrs. between arrest & arraignment giving him only a brief rest. [I had no sleep & told J. Johnson & Joseph Roscoe I felt "drunk tired"]. The court held that these acts constituted torture, violated his constitutional rights, his confession, obtained as a result of these acts was involuntary, untrustworthy, & inadmissible Reversed.

5.) Christopher M. Cooke v. Orser 12 M.J. 335 U.S. Ct. of Military Appeals 2-22-82 Judge violated defendants due process rights b/c he knowingly made false promises. Defendant suffered demonstrable prejudice. Any evidence derived from these statements would also be inadmissible. [DE#98 sealed by Rosenthal pg. 8 she says, "Since there was no suppression motion that had to be pursued, I believe that was -- once the gov't said it was not going to use that evidence, that took care of the need to pursue that motion." This is false legal advice by my biased trial Judge.]

6.) *Clemmons v. Delo* 124 F. 3d 944 (8th Cir. 8-28-97) Clemmons learned after the fact, that his lawyer had violated his instructions by filing a brief omitting issues he wanted raised. [DE#79 on 2-4-21 got CC'd by deputy appeals clerk Shawn D. Henderson to AUSA Ms. Carmen Castillo Mitchell & Mr. Andrew C. Sand. This email shows proof of my complaints about my appellate lawyer Seth Kretzer along with copies of prior certified letters I sent to Rosenthal complaining about Kretzer doing just what Clemmons lawyer did. See pg. 7 & 16 of attachment entitled "Speedy Trial Doc#133" & pg..1 & 4 of my request to transfer to another district & circuit on this subject.] The defendant clearly had a right to attend... Nor do we know to what extent it might have been different had Mr. Clemmons been notified & allowed to be present. That is, however, exactly the point. This is a violation of substantial fundamental constitutional rights which independently justify reversal of Clemmons's conviction. [I should have been part of the "party" mentioned in the ** undocketed event on 4-3-17.] The client is the master of his cause. Clemmons did the only thing he could, bring the issue to the attention of the Missouri Supreme Court himself. Our own practice is usually to refuse leave to file supplemental briefs in cases in which counsel has appeared. We therefore hold that the claim was fully presented & the merits are now open. [Please read all of DE # 79 in the court of appeals case # 18-20823 acknowledged on 2-4-21 to see my diligence in doing all I could; while locked down in bloody Beaumont's SHU getting beat up, sent to suicide watch, and having surgery on my neck again; by contacting the OIG, 5th Dist, Tx Bar, & every lawyer / innocence network my mom could find letting them all know Kretzer blocked me from appealing Structural errors/ defects in my case.] Order denying petitioners Habeas Corpus Reversed.

7.) *Clisby v. Jones* 960 F. 2d 925 (11th Cir. 5-4-92) The court instructed the District to resolve all constitutional claims..& we are disturbed by the growing # of cases in which we are forced to remand for consideration of issues the District chose not to resolve. [In letters to Rosenthal since 2019 I've asked her about structural constitutional errors she caused. Also in DE# 239, 285, 287, 292, 300, 302, 305 & so has my mom in DE#276-284 plus numerous letters some certified. A good example is shown in a email from jgandy79@gmail.com to Darlene_Hansen@txs.uscourts.gov on Friday, 7-25-25 letting Rosenthal's clerk know I mailed a response to the US attorney's response to DE#305, and with the email was a attachment my moms said "contains a good deal of info. to support his request for the Grand jury Transcripts". Is this why it got purposely disregarded? Why are only lawyers allowed to make counter responses & not pro se defendants?]

8.) *Cooper v. Dupnik* (9th Cir. 5-5-92) The police Dept. had a public emergency...Catch the "Prime Time Rapist". Barkman undoubtedly believed he was acting for the common good, but he had too narrow a notion of the common good which includes fairness in police procedures, freedom from coercion & access to requested counsel. Had Cooper been tried as "the Prime Time Rapist, any COMPETENT JUDGE would have

EXCLUDED HIS STATEMENTS FOR ALL PURPOSES, INCLUDING IMPEACHMENT. [see the 2255 appeal completed by Dallas C. Hughes attached, that my mom emailed to Brandon Sample.]

9.) *Coppedge v. U.S.* 369 US 438 (4-30-62) The Indictment was procured through perjured testimony before the Grand Jury. Like me he was unable to prove this due to the stubborn District court trial Judge. [DE#98 took until 4-21-25 to get transcribed & my request to #305 ignored/denial of access to Grand Jury Transcripts when I showed good reasons.]

10.) *Davis v. N.C.* 384 US 737 Reversed b/c confessions inadmissible. Standards for determining when a Dist. Ct. MUST hold a evidentiary Hearing: *Townsend v. Sain* 3-18-63 The ultimate question of the admissibility of fruits of a confession was a mixed question of fact & law subject to PLENARY Federal Review. [This explains why Rosenthal sealed DE#46 b/c "fruits" of my statements is a complicated mixed question not a "moot" issue.]

11.) *DeBinder v. US* 292 F.2d 737 (D.C. Cir. 5-18-61) Counsel for appellant was erroneously denied access to the Grand Jury Transcripts by the Dist. Court after establishing the complaining witness testified before the Grand Jury. We think the need was apparent & the burden was met. The case rested largely upon testimony. [Me too.]

12.) *Edwards v. AZ* 451 US 477 (1981) Police initiated interrogation of petitioner after he had invoked his right to counsel.

13.) *Escobedo v. Illinois* 378 US 478 (6-22-64) Police investigators focused on accused as a suspect. Refusal to honor requests to consult with his attorney constituted 6th & 14th amendment violations & statements shouldn't have been admitted. [Although my statements were ruled moot they were used for 4 years & in my PSR, Bond, Psych records, etc.]

14.) *Fay v. Noia* 372 US 391 (3-18-63) Confessions Coerced. Dist. Ct. denied procedurally. 2nd Appeals Ct. Reversed & Supreme court affirmed b/c failure to appeal could not be deemed an intelligent & understanding waiver.

15.) *Fisher v. State* (1926) Using such confessions so coerced against them has been the curse of all countries. The constitution recognized the evil that lay behind those practices & prohibited them in this country. The duty of maintaining constitutional rights of a person on trial for his life rises above mere rules of procedure.

16.) *Frank v. Mangum* 237 US 309 (4-19-1915) His presence during the verdict was waived by his counsel for fear of violence. Violation of due process under the 14th amendment = Nullification of Judgment.

17.) *Frimmel Management, LLC v. US Dept. of Homeland Security* 897 F.3d 1045 (7-26-18) The exclusionary rule would serve to deter 4th Amendment violations by the probability that illegally obtained evidence will not be useful to ICE. [This decision, 3 days after my trial, shows how Homeland Security gets bolder /fearless of the law without more reversals like this case & mine is long over due to get the same result since illegally obtained statements & evidence was used against me for 4 years.]

18.) *Gonzalez v. Crosby* 545 us 524 (2005) In order to pursue this claim further a evidentiary hearing is needed to find the discovery his counsel failed to pursue. [The Acer Laptop in my case had proof JA & DV lied plus DE 98 & 141 had never been transcribed which shows a obvious structural error.]

19.) *Gov't of Virgin Islands v. Gereau* 502 F. 2d 914 (3rd Cir. 8-15-74) It is clear that Judge Marsh's entry of findings violated 455 of the judicial code. The Gov't has not satisfied its burden of proving this error harmless. Apart from the defendant's tardiness in bringing these claims, findings necessary to provide the factual predicate were neither sought nor made.

20.) *Hamilton v. Nix*, 781 F.2d 619 (8th Cir. 12-31-85), rehearing en banc, 809 F.2d 463 (8th Cir. 1-12-87). The 1985 panel examined whether witness cooperation and other evidence were fruits of unconstitutional police interrogation, focusing on whether police used unlawfully obtained information as leverage and whether the later evidence was sufficiently independent or attenuated. The panel granted habeas relief, but the en banc court later reversed that result and affirmed denial of relief. [This relates to my argument that after I invoked counsel, investigators used information from my interrogation to confront K.V.; the key question is whether K.V.'s later cooperation was genuinely independent or was produced by the allegedly unlawful interrogation. See also Ceccolini, Scios, Ghailani, Chatman, Rubalcava-Montoya, and the Michael Levin memorandum.]

21.) *Hanna v. US* 260 F.2d 723 (D.C. Cir. 1958) Gov't ought not to use evidence obtained and only obtainable by a criminals act. [K.V. was not going to volunteer anything about massages without my statements used to call him a liar.] I think it a less evil that some criminals should escape than that the Gov't should play an ignoble part. This concern with the integrity of the judicial process must be most serious when the evidence has been obtained by a violation of the constitution.

22.) *Henderson v. Frank* 155 F.3d 159 (3rd Cir. 6-9-98) A pre trial hearing considering the suppression of the defendants statements is such a critical stage b/c its results might settle the accused's fate & reduce the trial to a mere formality. Henderson did not make a valid waiver. The constitutional error spilled over into the trial.

23.) *Hopt v. People of Utah* 120 US 430 (3-3-18-84) After indictment nothing shall be done in absence of the prisoner. The 14th amendment/ fundamental law safeguards the right of the accused to appear in person.

24.) *IN RE: Roy Christopher West*, 103 F.4th 417 (6th Cir. 5-29-24) Separate and apart from any claim of constitutionally deficient counsel, a sentencing judge's acknowledgment in non-habeas post-conviction proceedings that a prisoner was serving an unconstitutionally imposed life sentence was both so unique & so extraordinary -with such grave consequences for the prisoner himself & the judicial system more broadly-that it supplied a freestanding basis for relief under Fed. R. Civ. P. 60(b)(6). [The big difference in our cases is his sentencing error may not fall under the Structural Error Doctrine.]

25.) *Jackson v. Denno* 378 US 368 (1964) Petitioner was entitled to a hearing to determine the voluntariness of the confession.

26.) *Kentucky v. Stencer* 482 US 730, 6-19-87 The Defendant is guaranteed the right to be present at any stage of the criminal proceeding if his presence would contribute to the fairness of the procedure. Supreme court precedent requires us to evaluate the nature of the error. Reversal is automatic if defendants absence constitutes a structural error that permeates the entire conduct of the trial or affects the framework within which the trial proceeds. This case involved the competency of 2 child witnesses. [My Suppression was about Police Misconduct that needed a open hearing on 4-3-17.]

27.) *Kyles v. Whitley* 514 US 419 (4-19-95) Witnesses story was inconsistent to the point of 4 different versions . The investigation was limited by the police's uncritical readiness to accept the story. "Fairness" cannot be stretched to equal "Fair Trial". If there is a reasonable probability that, had the evidence been disclosed to the defense, the result would've been different = Reverse. [JA in my case told 4 different stories & proof is in the civil vs.trial transcripts.]

28.) *Lucas v. O'Dea* 179 F.3d 412 (6th Cir. 6-2-99) Constructive amendment to his indictment. Failure of defense counsel to raise issue of variance in appealing defendants conviction was Ineffective assistance of counsel which can be noticed at any time/ no procedural bar. A variance that exists between a defendants indictment & the jury instruction on the charge, amounts to a constructive amendment to the indictment, depriving defendant of his 14th amendment right to be on notice.

29.) *Lynum v. Illinois* 372 US 528 (1963) Supreme court set aside Judgment on a unanimous view 1.) Defendants confession was coerced & hence violated due process. 2.) The conviction could not stand even though there might have been sufficient evidence apart from the coerced confession to support the judgment. 3.) Even though the record

did not show the defendant explicitly asserted her federal constitutional claim in the trial court, the police said if she did not cooperate her children would be taken from her.

30.) *Mapp v. Ohio* 367 US 643 (6-19-61) Miss. Mapp telephoned her attorney & officers refused to let him in when he arrived. Constitutional Law 840.5; Evidence 681 -Illegally obtained Evidence: As to the Federal Government , the 4th & 5th Amendments, the freedom from convictions based upon coerced confessions enjoy a intimate relation in their perpetuation of principles of humanity, civil liberty, privacy, & together they assure that no man is to be convicted on unconstitutional evidence.

31.) *McNabb v. US* 318 US 332 (1943) A major issue in criminal law is determining when confessions should be excluded from trial evidence. American courts ask whether confessions are "voluntary", while also incorporating the 4th amendment exclusionary rule, the 5th amendment self incrimination right, & the 5th & 14th amendment due process clauses. After illegally gaining knowledge from one suspects statements, then telling that information to their friend, the police got what they wanted. The friend said, well if he said that then...[This is exactly what happened to me & KV except I asked for my lawyer who was at the airport. This is easy to find by just watching the recorded interrogations on 7-20-12.]

32.) *Michigan v. Tucker* 417 US 433 (1974) Tucker said he didn't want a attorney = prophylactic rule applies in his case.

33.) *Mincey v. Arizona* 437 US 385 (1978) Reversed accused's conviction because statements were not given voluntarily and cannot be used for purposes of impeachment. Any use against a defendant of an involuntary statement is a denial of due process. [I was on day 3 of no sleep and told my interrogators I felt "drunk tired".]

34.) *Murray v. US* 487 US 533 (1988) The government cannot achieve indirectly what is forbidden to accomplish directly. [This case is on page 7 of DE#46 which reads "sealed event" in my docket sheet in order to protect the government.]

35.) *Nardone v. US* 302 US 379 Through the 4th and 5th Amendments Congress thought it less important that some offenders should go unwhipped of justice than to have officers resort to methods deemed inconsistent with ethical standards and destructive of personal liberty. Controversy has raged with respect to the morality of wire-tapping by officers to obtain evidence.

36.) *Pittsburgh Plate Glass Co. v. US* 360 US 395 (6-22-59) Trial judge may, in exercise of his discretion, order the minutes of a grand jury witness produced for use on his cross-examination at trial.

37.) Rhodes v. Meisner (7th Dist. 3-12-14) Judge's reliance on improper factor is abuse of discretion. This 6th Amendment right to counsel was a structural constitutional defect.

38.) Robert Arthur Hart v. A.G. (11th Circuit 3-5-03) 323 F.3d 884

39.) Roy v. US (5th Dist. 8-21-23) For certain structural errors, relief follows automatically once the error is proved.

40.) Ruiz-Rivera v. Riley 209 F.3d 24, 28 (First Circuit 2000) Also, Ramirez-Lorenzo v. Rolon (First Dist. 2-13-23) Submitting an "alternate statement of facts", rather than admitting, denying, or qualifying a defendant's assertion of facts paragraph by paragraph as required by local rule 56(c), justifies the issuance of a "deeming order", which, in effect, deems defendant's assertions of fact as uncontroverted. An appellate court ought to overturn a trial court's denial of a motion for reconsideration due to a miscarriage of justice when the record reveals a manifest abuse of discretion. Supervisors sometimes may be held liable in a Bivens Action for failures in carrying their supervisory responsibilities. Liability exists where 1.) There is subordinate liability & 2.) The supervisor's action or inaction contributed to the constitutional violation caused by the subordinate.

41.) Silverthorne Lumber Co. v. US 251 US 385 The government now seeks to maintain its right to avail itself of the knowledge obtained by that means which otherwise it would not have had.

42.) Spitznas v. Boone 464 F.3d 1213 (10th Circuit 9-29-06) The contention that a improper standard of competency was used represented a true 60(b) claim because it asserted a defect in the proceedings. The defect lay in the district court's failure to make any ruling on a claim that was properly preserved. Reversed denial of true 60(b).

43.) Stirone v. US 361 US 212 (1960) After indictment charges may not be broadened through amendment except by the Grand Jury itself. A federal court cannot permit a defendant to be tried on charges not in the indictment.

44.) Travis Haney v. US 120 A.3d 608 (DC Circuit 7-23-15) Trial lawyer failed to suppress statements. The prosecutor stressed during beginning of closing arguments, on defendant's words, taken from the video-taped statement. Reversed.

45.) US v. Ahmed Khalfan Ghailani 743 F. Supp. 2d 261 (2nd Dist. 10-6-10) Testimony of a witness the government obtained from defendant's coerced statements was not attenuated because the link was direct and close.

46.) US v. Alfred W. Trenkler (1st Circuit 8-29-22) Undeterred by setbacks, his own legal research led to a sentencing error which constituted a sufficiently extraordinary and compelling reason to grant relief. Coram nobis can be won under 28 USCS 1651 to

vacate a federal conviction where a sentence has not yet been served 37 ALR Fed. 499. Judge Zobel appointed him counsel.

47.) US v. Brown 859 F. 3d 730, 737 (9th Circuit 2017) It is structural error for a trial court to improperly restrict counsel from making an argument. If a district court erroneously believed that there was no evidence in the record supporting a theory, then precluding the argument was improper.

48.) US v. Ceccoloni 435 US 268 (1978) The Supreme Court recognized that live witness testimony may constitute fruit of an illegal interrogation and set out a framework for evaluating whether witness testimony should be suppressed, emphasizing attenuation and the witnesses free will.

49.) US v. Charles M. Felix Case No. 08-CR-68A (2nd Circuit 2-25-09) Defendant was illegally detained while cops continued their investigation. His statements led to his girlfriend giving up a gun. The gun discovered by exploitation of tainted statements is suppressed.

50.) US v. Charles V. Leake 95 F. 3d 409 (6th Circuit 9-9-96) Warrant issued from anonymous tip was "bare bones". There was no corroboration. Suppression granted.

51.) US v. Gonzalez-Lopez 548 US 140 (2006) A trial court's erroneous deprivation of the right to counsel of choice entitles him to reversal of his conviction. Defendant got stuck with Karl Dickhaus who'd never tried a federal case.

52.) US v. Guanespen-Portillo, 514 F.3d 393, 399-402 (5th Cir. 2008) The Fifth Circuit reaffirmed Renteria: when the evidence clearly reflects a genuine question about voluntariness, the trial court must raise the issue on its own motion. The court discussed plain-error review and the continuing Fifth Circuit sua-sponte duty.

53.) US v. Iwegbu, 6 F.3d 272, 273-74 (5th Cir. 1993) Following Renteria, the Fifth Circuit held that once the evidence clearly raises a question of voluntariness, the district court should conduct a voluntariness hearing on its own motion even when the defendant did not move for such a hearing or object at trial.

54.) US v. James Thomas Cherry 759 F. 2d 1196 (5th Circuit 4-23-85) Even though a lot of evidence shows he killed his taxi driver, his illegal interrogation caused fruit of the poisonous tree to throw it all out.

55.) US v. Jesus Ramirez-Sandoval 1872 F.2d 1392 (9th Circuit) Testimony of the illegal aliens is a fruit of Officer Torres' illegal search of appellant's van. This testimony is not admissible under any of the exceptions to the fruits doctrine, and this evidence should therefore have been suppressed. Reversed. [Basic investigative questions would not have

caused KV to "flip". "Why did you lie?" using illegally obtained knowledge from me structurally altered his interrogation.]

56.) US v. Jonathan Patrick Blevins Case #: H-12-693 (5th Dist. 8-12-14) Judge Lynn N. Hughes and public defender Marjorie A. Meyers. [Had this been my judge and defender I would have never been convicted.] During his interrogation he was tired from sleep meds. Evidence and statement that were later discovered because of the interrogation will also be suppressed as a direct consequence of the officer ignoring the limits on their authority - fruit of the poisonous practices. [Watch the 7-20-12 interrogation videos of me and KV who complained of hunger, is seen nodding off, dead tired and wanted to go home yet Homeland Security said "only water and bathroom until we're done". I was on Day 3 of no sleep due to cramming all of my belongings in the RV the night before the trip so I could rent out my massage room and had to collect advanced rent from all eight renters had rooms with doors. (I never used sheets to make rooms like JA falsely claimed at his civil hearing No. H-18-LV-1761 with Judge Gray H. Miller.) I also told J. Roscoe I felt "drunk tired".]

57.) US v. Jones Lexis 33289 (11th Circuit 12-19-25) Prosecutor committed plain error by urging the jury to convict based on an exhibit that was never admitted into evidence. During closing arguments, the prosecutor told jurors that the Instagram messages was "all you need to know", even though the remaining evidence on that element was thin. The court emphasized that prosecutors may not argue facts outside the evidentiary record, and that doing so, especially where the improper material is central to the government's theory, undermines the fairness and integrity of the trial, requiring vacatur and a new trial on that count. [Zack described illegally obtained pictures and used them to show KV who in his first three interrogations clearly did not recognize the picture, and pointed out that I don't own any blue sheets even inviting the interrogators to search my RV and home to see that the sheets in the background are not from my property which suggests that the person in the picture was someone else. If a forensic expert were to look at the picture there was no flash and it was not taken at my house. Also, both Judge Rosenthal and prosecutor Zack say "other DEVICES" (Day 2 of trial, page 64 and in the Rule 29 Motion from October 2018). This is detailed in the bottom half of page 8 on the attached document titled "speedy trial motion Doc. #133".]

58.) US vs. Jose Luis Zavala 541 F. 3d 562 (5th Circuit 8-22-08) Dist. Judge Ewing Werlein, Jr. did what Rosenthal did to me: Testimony regarding number on cell phone [headless nude pic in my case] should have been suppressed, in light of the exclusionary rule. This rule prohibited the introduction of testimony concerning knowledge acquired during an unlawful search. The independent source and inevitable discovery exception did not apply. Judgement was reversed. It is inappropriate to give the government the benefit of these two exceptions because it would put the government in a better position that it would have been but for the police misconduct. After the District Court granted

Zavala's first motion to suppress he filed a second motion to suppress the three cell phones. The District Court did not conduct a hearing on the second motion, but instead carried the motion until the trial. At a pre-trial conference, the government stated it would not seek to introduce the phones ruling his motion moot. His attorney was my attorney's brother... Chris Flood.

59.) U.S. Kim L. Powe F.2d 833 (D.C. Cir. 11-15-78) Granted 52(b) The dist. ct. Judge was obligated, sua sponte, to conduct a hearing regarding the voluntariness of defendant's confession when defense counsel failed to object. Circumstances suggested the confession was obtained through promises of leniency. The fact that the motion to suppress the fruits of my statements, DE# 46, says "Sealed Event" in my docket sheet & Rosenthal allowed the Gov't to go 4 years without a ruling on this meritorious motion should be enough for this 52(b) request to get remanded to see where the fruits in my case were because my attachments "speedy trial doc#133, "reasons law professors are needed in my case", & "Transfer of venue" show there are a lot of hidden fruits. A recent example of Rosenthal knowing how to handle the "Gov't" when they don't know what to do about a bullet proof motion is HERE: 1-3-25 I mailed one of many prior motions to get DE#98 etc. unsealed which is DE# 294 on 1-14-25. Since nearly 4 months later the "Gov't" never responded, Rosenthal did "Sua Sponte" on 3-31-25 DE# 302 where she actually lied on the record saying DE#98 was never sealed. Please see all the emails from my mom trying to get it unsealed & Rosenthal's own clerks & transcribers saying they don't know why Rosenthal sealed it "Ex Parte" & that only Rosenthal can unseal it.]

60.) US v. Kojayan 8 F.3d 1315 (9th Circuit 11-5-92) A third person arranged the sale of heroine to the DEA. The court was dismayed by the government's repeated failure to acknowledge its error and by the lack of supervision over the prosecutor. [Judge Rosenthal needed supervision for ignoring DE#34 & DE#46 for 4 years.]

61.) US v. Lewis Aaron Cook 45 F. 3d 388, 395 (10th Circuit 1-23-95) A "dead-bang winner" has been defined as an issue which was obvious from the trial record.. even though counsel may have brought strong, but unsuccessful claims, on appeal.

62.) US v. Lopez-Alvarez 970 F.2d 583 (9th Circuit 7-9-91) The requirement of corroboration arises from the high incidence of false confessions and the resulting need to prevent errors in convictions.

63.) US v. Meyer 462 F. 2d 827 (DC Circuit 1-20-72) In the circumstances revealed by the record, due process requires that the contempt charge be adjudicated in a full hearing before a different judge. A judge who functions as a Grand Jury creates a sufficient possibility of bias to make disqualification necessary to preserve the integrity of the judiciary. [Day 1 (DE#189 pg.9-11) of my trial while im being forced to change clothes Rosenthal allowed a constructive amendment to my indictment in count 5.] A trial

consists of a contest between litigants before a judge. When the trial judge is absent at a critical stage the forum is destroyed. The structure has been removed. There is no way of repairing it.

64.) US v. Private E1 Justin S. Chatman (6-11-14) Army 2012 0494 After considering the totality of the circumstances of taking appellant's initial video-taped interview, we find the statements were the result of unlawful inducement or influence. The government has failed to establish the second interview [KV's] was not derivative of the first and as such, is likewise inadmissible.

65.) US v. Renteria, 625 F.2d 1279, 1282-83 (5th Cir. 1980) The Fifth Circuit addressed both the trial judge's failure to rule on suppression motions and failure to conduct a Jackson v. Denno voluntariness hearing. It held that the trial court must raise voluntariness on its own motion when the evidence clearly reflects the issue and remanded for rulings on the suppression motions and a voluntariness hearing.

66.) US v. Riascos 76 F.3d 93 (5th Circuit 2-28-96) Riascos clearly advised the district court that he had been denied effective assistance of counsel on appeal. The district court's failure to construe his traverse as a motion to amend was an abuse of discretion. Failing to review pro se pleadings happens ALOT!

67.) US v Santos Rubalcava-montoya 597 F2d 140 (9th Cir. 8-22-78) The testimony challenged is so immediate that we can't find the attenuation necessary to hold the test admissible. Since the testimony we hold inadmissible under the exclusionary rule was the basis of the governments case, appellants conviction must be reversed. There is no indication that the connection between the crime & the witness would have been discovered.

68.) US v. Scios, 590 F.2d 956 (D.C. Cir. 1978) <footnote 65 HERE>

69.) US v. Sorondo 845 F.2d 945 (11th Cir. 5-23-88) Defense of entrapment: O'relly consistently pressured him until he finally broke & supplied the cocaine. Sorondo consistently refused to participate. [Despite Homeland Security Junae Johnson & Joseph Roscoe telling me my lawyer was not the kind of lawyer i needed, I asked for my lawyer over & over.]

70.) US v. Stefan Ramirez 976 F. 3d 946 (9th Cir. 9-25-20) Suppression order was reversed b/c the agents use of deceit to seize/search defendant violated the 4th amendment where FBI agents posed as police officers & played on defendants trust.

71.) US v. William Douglas Roberts 86 F. Supp. 2d 678 (5th Dist. 2000) Judge Lee H. Rosenthal used case law such as US v. webster 162 F. 3d 308, 333 (5th '98), us v. cooper 43 F. 3d 140, 144 (5th '95), Wong Sun v. US 371 US 471 (1963), Miranda v. Arizona

384 US 436 (1966), *Colorado v. Connelly* 479 US 157, 107 S. Ct. 515, 93 C. Ed. 2d 473 (1986). All of these directly relate to my case with key words such as totality of the circumstances, fruit of the poisonous tree, coercive police tactics, etc. There is no reason for Rosenthal to have ignored my identical motions as Roberts' for four years?? Unless Rosenthal knew ruling on DE#34 & 46 would have released me. I'm guessing that since I made the news/ high profile that she didn't want to lose political status points or as the Gladney case shows, she is biased towards all Sex Offenders cases.

72.) *Waller v Georgia* 467 US 39 (1984) This case shows suppression motions NEED hearings because they are often more important than the trial itself.