CASE No.: BLACK LIVES MATTER

Supreme Court

of the

United States

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Man

Derrick Wilson, alias

Sonny Cochran

Petitioner,

v.

The Machine

Criminal Justice System.

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Writ of Certiorari

To the American People

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Petition for Writ of Certiorari

## QUESTION PRESENTED

When (a) federal and state law enforcement officials illegally plant drug evidence in their investigation, (b) federal prosecutor fabricates phone records – in collusion with two Verizon employees – to cover up law enforcement's misconduct, (c) defense counsel intentionally sabotages Petitioner's investigation and withholds evidence of government fabrication, and (d) federal judge willfully turns a blind eye…

**AM I SUPPOSED TO EXPOSE THIS LEVEL OF COLLUSION BY MYSELF?**

TABLE OF CONTENTS

## TABLE OF AUTHORITIES

Case Citations



Statutes



Other Material

# APPENDIX

Instruction to opening Links in the Writ--
Right click to open in new tab-
Then you can click back to the Writ and you will still be on the same page before you clicked away to an appendix or any link-

**Appendix 1** – DEA-6 Report May 28, 2013

**Appendix 2** – DEA-6 Report June 6, 2013

**Appendix 3** – DEA-6 Report June 20, 2013

**Appendix 4(a)** – July 11, 2013, Verizon Pen Register Application

**Appendix 4(b)** – July 11, 2013, Pen Register Order

**Appendix 5(a)** – January 6, 2016, Subpoena to Verizon Custodian of Records

**Appendix 5(b)** – January 7, 2016, fax response from Verizon Custodian of Records, Cristina Careri

**Appendix 5(c)** – January 8, 2016, Certification of No Records from Verizon Custodian of Records, Cristina Careri

**Appendix 6** – Photo of phone records produced by the government (belatedly) that Petitioner contends are fabricated. Can provide you with copy if desired

**Appendix 7(a)** – January 12, 2016, governments "inaccurate response" from Verizon (VSAT case # 160003509)

**Appendix 7(b)** – January 13, 2016- E-mail from Kirshenbaum

**Appendix 8(a)** – January 11, 2016, Verizon 2nd Subpoena- highlight electronic ribbon 01-020- date part-

Appendix 8(b) – January 20, 2016, Verizon response to 2nd defense subpoena (Petitioner was not made aware of this response until Sept. 6, 2017)

**Appendix 9** – Transcript from Sept. 19, 2017, State Cold Case Evidentiary Hearing documenting Neroni's (previous counsel in federal case – 4th counsel) sworn testimony regarding her "revised" recollection of AUSA Freedman's threat of an uncharged cold case from 15 years prior (see yellow highlight at page 16 of transcript)

**Appendix 10** – Collusive August 4, 2015, meeting between federal and state prosecutor, et. al., regarding Vindictive State Cold Case Prosecution Ex Q.

**Appendix 11** – Forensic evidence proving that the weapon the prosecution adduced as murder weapon in 2015 prosecution was forensically excluded as murder weapon in 2000 (Fabrication of Ballistic Evidence)

**Appendix 12** – January 19, 2016, letter from Verizon Subpoena Compliance response (Jan. 20, 2016, response postdates Newman's letter)

**Appendix 13** – January 11, 2016, Subpoena – Start Wireless/Tracfone Wireless and email response from Tracfone Wireless

## JURISDICTION

Contrary to popular belief the U.S. Supreme Court is not the highest court in the land; that lofty perch belongs to the American People: The Court of Public Opinion.

The U.S. Supreme Court has historically yielded to the passions and prejudices of the American People. During the mid-19th century, much like today, the voice of the American citizenry was divided along racial agendas: pro-slavery, anti-slavery. In 1857, amid the undercurrent of abolition, the U.S. Supreme Court had a monumental opportunity to denounce slavery and acknowledge the humanity of the [N]egro race. Instead, the Court heeded the nefarious call of white supremacy, denying the [N]egro citizenship and promulgating, **"[the black man] has no rights that the white man is bound to respect."** *Dred Scott v. Sanford,* 60 U.S. (How.19) 393.

Twenty-nine years later, the U.S. Supreme Court once again disregarded magnanimity, and heeded the call of white supremacy, legalizing Jim Crow segregation. *Plessy* v. *Ferguson*, 163 U.S. 537 (1896) When white supremacists began to employ racially sanitized rhetoric - *law and order, tough-on-crime, War on Drugs* - to appeal to old racist sentiments, the U.S. Supreme Court became **"a loyal foot soldier in the Executive's fight against crime."** *California* v. *Acevedo*, 500 U.S. 565, 600(1991)(Stevens, J., dissenting)

Today, the incessant voice of white supremacy refuses to retreat to a whisper, amid the roar for genuine racial equality and justice by the American People. History teaches that our exhortations can induce the Judiciary's, as well as the Executive and Legislative branches of government, decision making authority. Together, United, we can compel our government to sweep up the filth of racial subordination that has been piling up under our nation's rug for 400 plus years, and finally transform our "democracy" into an egalitarian society.

The purpose of My ***Writ of Certiorari to the American People*** is to bring attention to an overlooked pathology of institutionalized racism, i.e., **Fabrication of Evidence by Government Officials in America's Criminal Justice System.** They are not just lynching us in the streets (police brutality), they are also lynching us in the courtrooms (*modern-day auction blocks*). *Bad Prosecutors Help Bad Cops Fabricate Evidence.* America, I Stand With You And Respectfully Implore For You To Stand With Me! Please Help Me Expose This Injustice.

Injustice For One, Injustice For All! R.I.P. George Floyd, Emmett Till, Denmark Vesey, Breonna Taylor, and every other brother and sister we have lost and continue to lose to racial inequality.

## PROCEDURAL POSTURE

- **Date of Arrest:** June 18, 2014 (*U.S. v. Derrick Wilson, et al.,* 14-cr-273)(NDNY)

- Date of Imprisonment: June 18, 2014
- **Wrongful Conviction:** Release date / 2042. Six (6) years and counting
- **Charges:** Federal non-violent drug crime(s), possession with intent to distribute and conspiracy, 21 U.S.C. §§ 841(a), 846
- **Sentencing:** District Court imposed sentencing of 336 months (28 years) on October 12, 2016. I was a Pro Se litigant- a seasoned jail house lawyer, yet unable to combat ***The Machine*** by myself after being forced to represent myself during the federal drug trial, i.e., subjected to the Hobson's choice of choosing between unprepared counsel (which they admitted on the record) and self-representation.
- **Direct Appeal:** Denied - *U.S. v. Derrick Wilson*, 16-3701 (2d Cir. 2017). Courts look unfavorably upon Pro Se litigants. The Second Circuit Court of Appeals holds that my constitutional right to effective representation was not violated when I was forced to choose self-representation over unprepared counsel. Furthermore, my supplemental Pro Se claims of **Government Fabrication of Evidence** were denied in cursory fashion. Writ of Certiorari to the U.S. Supreme Court was also denied, 12 /03/2018 [Doc 191] *Derrick Wilson v. U.S.*, No. 18-6417.
- December 9, 2019- Filed Federal Habeas Corpus (28 U.S.C. §2255 Motion) in the Northern District of New York (NDNY) relative to, inter alia, the fabrication of evidence delineated infra. U.S. District Court

Judge Glenn Suddaby denied my §2255 Motion without granting an evidentiary hearing.

- Certificate of Appealability filed in United States Second Circuit Court of Appeals seeking to appeal U.S. District Court's denial of §2255 Motion.

## CONSTITUIONAL PROVISION

Fifth Amendment of the United States Constitution:

No person shall be…deprived of life, **liberty**, or property, without due process of law.

There is also a co-extensive violation of my United States Constitutional Sixth Amendment Right to effective representation due to the State, and by extension of criminal jurisdiction, the federal government's abandonment of their obligation to guarantee that criminal defendants are provided with constitutionally competent counsel. I am not the only one that has been subjected to such malfeasance, this professional remiss is systemic. See *Gideon* v. *Wainwright*, 372 U.S. 335(1963), - see also *Kimberly Hurrell-Harring* v. *State of New York*, 15 N.Y. 3d 8 (2010)

## STATEMENT OF INJUSTICE

The factual evidence submitted herein which remains uncontroverted at this juncture, supports the strong inference that:

**(a)** In a Joint Task Force operation, federal Drug Enforcement Administration (DEA) agents, Syracuse Police

Dept. (SPD) and Onondaga County Sheriff's Office (OCSO) officers illegally planted narcotics during their investigation leading to my arrest; and

**(b)** Federal prosecutor, Assistant United States Attorney (AUSA) Carla Freedman, colluded with two Verizon employees by fabricating Verizon phone records, to cover up law enforcement's initial misconduct.

My ***Writ to the American People*** proves specifically, that federal and state agents planted drug evidence during three (3) controlled purchases of narcotics from my alleged co-conspirator Willie Strong, Jr. – a violation of Strong's due process rights. Moreover, based upon the theory of the government's case: Willie Strong, Jr. got the drugs he sold to the confidential informant from me – my due process rights have also been infringed. For example:

**FABRICATION OF EVIDENCE BY GOVERNMENT OFFICIALS**

**May 28, 2013, Controlled Purchase of Narcotics-**

In a DEA-6 report authored by DEA SA Anthony Hart, agents aver that on May 28, 2013, their Joint Task Force utilized an OCSO confidential source (CS) to conduct a controlled purchase of crack cocaine from alleged co-conspirator Willie Strong, Jr. [See Appendix 1]

As detailed in SA Hart's DEA-6 report, this **successful** controlled purchase of narcotics from Strong was **initiated** by the confidential source **calling Strong's cellular phone in the presence of SA Hart.**

SA Hart avers that, **"At approximately 5:16 pm, the CS placed on outgoing call to STRONG at 315-317-3638"** and to have heard the sum and substance of their conversation in which Strong agreed to meet the CS in ten minutes. [See Appendix 1, para. 2]

SA Hart avers that following this conversation law enforcement took the necessary steps to effectuate this controlled purchase, resulting in crack cocaine being seized and processed into evidence. [See Appendix 1, para. 3, 4]

**June 6, 2013 Controlled Purchase of Narcotics**

In a DEA-6 report authored by Task Force Officer (TFO) Robert E. Hayhurst, agents aver that on June 6, 2013, their Joint Task Force utilized OCSO confidential source to conduct a second controlled purchase of crack cocaine from Strong. TFO Hayhurst avers, **"At approximately 4:20 PM TFO Passino, TFO Hayhurst and Det. Metz met with a CS in Syracuse. The CS made a phone call to Willie Strong, Jr. at 315-317-3638, as witnessed by TFO Passino. Strong and the CS agreed to meet in 10 minutes."** [See Appendix 2, para. 1]

TFO Hayhurst also avers that after the CS went to the meet location, "The CS knocked on the door, but it was not opened for him.

The CS returned to his vehicle and sent a text to Strong, who replied he would be there shortly." [See Appendix 2, para.2] The crack cocaine was allegedly seized and processed into evidence. [See Appendix 2, para. 3]

**June 20, 2013 Controlled Purchase of Narcotics**

In a DEA-6 report authored by SA Hart, agents aver that on June 20, 2013, their Joint Task Force utilized OCSO confidential source to conduct a third controlled purchase of crack cocaine from Strong.

As detailed in SA Hart's DEA-6 report, "At approximately 4:36 PM, the CS placed an outgoing call to STRONG at 315-317-3638. This call was made in the presence of SA Hart. Several attempts were made by the CS to contact Strong, however they all went to voicemail". [See Appendix 3, para.2] Nevertheless, "Agents decided at that point to send the CS over to Strong's business…in order to attempt a controlled purchase of CRACK COCAINE" [See Appendix 3, para.2], which allegedly resulted in crack cocaine being seized and processed into evidence. [See Appendix 3, para.4]

**Pen Register Application for Verizon phone records relating to Willie Strong, Jr.'s cellular phone 315-317-3638**

Following the alleged aforementioned controlled purchases of narcotics from Strong, then- AUSA John Katko (now U.S. Congressman) **purportedly** submitted a Pen Register Application for

Verizon phone records on July 11, 2013, in the Northern District of New York, requesting **"the acquisition of certain approximate location information for the target cell phone such as cell site information that may be associated with communications to or from the target cell phone."** (Strong's cellular number 315-317-3638) (Emphasis Added) [See Appendix 4(a), pg.1]

To establish reasonable grounds for granting his application, then- AUSA Katko chronicled the aforementioned three (3) controlled purchases of narcotics from Strong, and asserted, **"On each instance: (1) he [Strong] used the target telephone to facilitate the deals and (2) the substance the CS purchased from Strong, field tested positive for the presence of cocaine."** [See Appendix 4(a), para.17] Purportedly, based on this information U.S. Magistrate Judge Andrew Baxter granted the Pen Register Application on July 11, 2013. [See Appendix 4(b)]

**Verizon Phone Records Discrepancy – (2) Responses Certifying that #315-317-3638 Was Not Active During the Timeframe in Question; and (1) Response Certifying the Number Was On**

**FIRST VERIZON RESPONSE (Strong's Number WAS NOT ACTIVE)**

- On January 6, 2016, five (5) days prior to the January 11, 2016 commencement of trial, then-counsel Kenneth Moynihan, submitted a defense subpoena to Verizon Wireless, signed by U.S. District Court Judge Glenn T. Suddaby, requesting **"Phone records, incoming and**

**outgoing for number 315-317-3638 for the time period of April 1, 2013, through August 31, 2013."**[1] [Appendix 5(a)]

- The first defense response from Verizon was received on January 7, 2016, via fax, from Custodian of Records, Cristina Careri, certifying **"that number was no active during the time frame requested"** [Appendix 5(b)]
- Pursuant to a request made by Moynihan for a more formal response – *beyond a fax* - Cristina Careri furnished the defense with a **"Certification of No Records"** on January 8, 2016. [Appendix 5(c)]
- Also transpiring on January 8, 2016 was the government's 11th hour disclosure to the defense of Verizon phone records, i.e., toll information and pen register information (approx. 200 pages). [See Appendix 6]
- Petitioner contends that these records were deliberately fabricated by the government to cover up the conspicuous implications of law enforcement's misconduct – since Verizon certified Strong's cellular number **WAS NOT ACTIVE** when agents aver to calling it to initiate successful controlled purchases of narcotics.

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[1] This time-period encompasses the time frame in which the government asserts that it **called** Strong's cellular phone to **initiate** the three (3) aforementioned controlled purchases of narcotics.

Notably, if these phone records actually existed, the government had an obligation to disclose this material back in August 2014 – when they furnished the defense with a ream of equivalent subject matter, i.e., wiretap phone records/evidence; not 17 months later, in an attempt to contradict Verizon's response to a defense subpoena. Federal Rules of Evidence 502 (a) provides that **"when [a] disclosure is made in a federal proceeding…and…waives…work product protection, the waiver extends to an undisclosed communication or information" where** "(1) the waiver is intentional"; "(2) the disclosed and undisclosed communication or information concern the same subject matter"; and "(3) they ought in fairness be considered together."

**SECOND VERIZON RESPONSE (Strong's number WAS ACTIVE)**

At the behest of AUSA Freedman, on January 12, 2016, Verizon – per Custodian of Records Andrew Kirschenbaum - produced a so-called "corrected response" certifying that the previous "Certification of No Records" response the defense received was inaccurate. [See Appendix 7(a)]

Specifically, the "corrected response" states:

A previous "No Records" response to this subpoena was inaccurate – please disregard that response and see attached. **315-317-3638 was with reseller Start Wireless during the requested date range.** Reseller records are typically not maintained and this particular number was **archived**. However,

we were able to locate documents responsive to part of this request. No records beyond 06/03/2013 are currently available.

As a threshold matter, the government/Kirschenbaum's "corrected response" contains a few fatal structural flaws:

- First, Kirschenbaum certifies, "315-317-3638 was with reseller Start Wireless during the requested date range."

**1)** If 315-317-3638 was with reseller Start Wireless during the requested date range – *Why then,* did AUSA John Katko purportedly send Pen Register Application to Verizon and not Start Wireless?

- Next, on January 12, 2016, Verizon/Kirschenbaum furnished the defense with the **same records** produced to the defense by the government on January 8, 2016 (hence my claims of collusion), based on the following reasoning:

The typical retention period for the records in question is one year. In order to locate the records provided responsive to your subpoena an **archived system**, only certain records were available (ending on 06/03/2013). All records that could not be located in the **archive** are beyond the standard retention and thus unavailable. [See Appendix **7(b)** – Kirschenbaum email to Moynihan]

**2)** Again, if 315-317-3638 was with reseller Start Wireless during the requested date range – Wouldn't these records have to be produced by Start Wireless, not Verizon?

**3)** Furthermore, on or about January 20, 2016, Verizon sent a **third response,** as a result of a **second defense subpoena,** certifying "Verizon does not have any records (current or **archived**) **that would show what the Device ID or…(ESN) for the device assigned to phone number 315-317-3638** between April 1, 2013 and Aug. 31, 2013." [See Appendix 8(a)] [See appendix 8(b)]

Thus, it would be **impossible** for the government and/or Verizon to produce **actual** phone records **(**which they did**)** for this number – when during this time period Verizon doesn't even have a Device ID or ESN to connect this cellular number to!

**THIRD VERIZON RESPONSE- (Strong's number WAS NOT ACTIVE)**

On or about January 11, 2016 then-counsel Moynihan sent a **second defense subpoena** to Verizon – **adding only the Electronic Serial Number (ESN) to the previous information** submitted in the January 6, 2016 subpoena. [See Appendix 8(a)]; then compare with Appendix 5(a)]

On or about January 20, 2016 Verizon produced the following third response:

At this point in time Verizon does not have any records (current or **archived**) that would show what the Device ID or

Electronic Serial Number (ESN) for the device assigned to phone number 315-317-3638 between April 1, 2013 and Aug 31, 2013.

If available call detail records of 315-317-3638 are still required please advise our office. [See Appendix 8(b)]

Clearly, this **last response** from Verizon regarding this matter, (i)contravenes and undermines Kirschenbaum's corrected response/ archived system rationale; and (ii) reinforces the results of *Petitioner's first Verizon response:* **"Certification of No Records"** because **"that number was no active during the time frame requested."** [See Appendices 5(b), and 8(b)]

Based upon the documentary evidence delineated above, it is resoundingly clear and supports the strong inference warranting further investigation:

**(a)** law enforcement officers illegally planted narcotics during their investigation leading to my arrest; and

**(b)** federal prosecutor, AUSA Freedman, colluded with two Verizon employees by fabricating Verizon phone records to cover up law enforcement's initial misconduct.

**WHEREFORE**, Petitioner respectfully implores YOU, the American People, to assist in exposing this grave injustice, by bringing to mainstream society's attention and awareness, the prevalent pathology of institutionalized racism that is often overlooked i.e.,

**Fabrication of Evidence by Government Officials in America's Criminal Justice System.**

Do not underestimate the Power of Your Voice! In 1913, the "People's Attorney", Mr. Justice Louis Brandeis promulgated the value of "publicity" in attaining Justice & Transparency in jurisprudence: ***"Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants, electric light the most efficient policeman."*** (What Publicity Can Do, Harper's Weekly at 10)

Furthermore, "It is firmly established that a constitutional right exists and nobody should be deprived of liberty on the basis of false evidence fabricated by a government officer." *Zahrey v. Coffey*, 221 F.3d 342, 355 (2d Cir. 2000))

America, I feel like *The Man v. The Machine*. After reviewing the foregoing evidence of government collusion, if you feel that an investigation needs to be conducted by the U.S. Department of Justice and the New York State Attorney General, sign my Change.org petition on my website by clicking here.

Please help me cast sunlight upon this present-day form of racial injustice.

Just Because We're Magic Doesn't Mean We're Not Real!!!

-Jessie Williams, 2016 BET Awards

I, Derrick Wilson, declare under the penalty of perjury that the foregoing and following is true and correct.

**Date:** 9-11-2020

*Man v. The Machine/ Derrick Wilson*

*/s/Derrick "Sonny" Wilson*

Derrick Wilson 21481-052
Federal Correctional Complex
P.O. Box 5000
Yazoo City, MS 39194

**Vindictively Related & Fabricated State Case (New York)**

The federal and state collusion at work in my federal prosecution traversed into a vindictive, fabricated cold case homicide prosecution in state court; and I would be remiss in my pursuit for justice, if I did not apprise you of the full breadth of the actual collusion at hand:

- In April 2015 – 10 months after my federal arrest – my lawyer at the time, Ms. Danielle Neroni, informed me that AUSA Freedman stated, "If I filed my omnibus motions in federal court, I would be charged with a homicide in state court."[2]
- On August 3, 2015, I filed my motions in federal court; and
- On October 22, 2015, I was arraigned on a sealed indictment in Onondaga County Court (Syracuse, N.Y.) for a cold case homicide from the year 2000.

The egregious nature of this state prosecution derives from (i) federal prosecutors colluding with – actually usurping the independent charging authority of – state prosecutors to vindictively charge me with this homicide; and (ii) and their knowing fabrication

[2] Neroni speciously changed her account – in Sept. 2017 – to AUSA Freedman told her, "If [I] entered a plea of guilty in Federal Court [I] wouldn't be charged with a homicide [in state court]" [See Appendix 9 ] Despite Neroni's vacillation, both accounts show that the subsequent state prosecution was contingent upon me exercising my right(s), i.e., to file motions and/or go to trial in federal matter.

of ballistic evidence and witness testimony to bring the state homicide charge.

For instance:

(a) on August 4, 2015 – one day after I filed Omnibus Motions in the federal case – AUSA Freedman, then Assistant District Attorney (ADA) Matthew Doran, SPD John Nolan, Attorney William Sullivan and my alleged co-conspirator, his client, Jamal Harris **ALL** convened in AUSA Freedman's office regarding a "final meeting was conducted…concerning his [Harris] cooperation in association with [state cold case homicide] [See Appendix 10]

(b) then ADA's for Onondaga County (Syracuse, N.Y.) Matthew Doran and Michael Ferrante allowed Forensic Analyst, **Matthew Kurimsky to testify that the gun in the photo** (Lab # 00-3932-1) **may be the murder weapon**, and for **Jamal Harris to testify that it was the murder weapon**- even though the prosecution's case file **contained evidence showing that in the year of 2000 this weapon was already forensically excluded as the murder weapon when compared with cartridge casings from the homicide scene ("Negative Results")**. [See Appendix 11]

I was never arrested with this gun or in possession of it. The only evidence of this gun's involvement in the 2000 homicide comes from Jamal Harris (facing a life sentence in federal prison) identifying it as the murder weapon – via photo- fifteen (15) years later, in 2015. **The**

**SPD actually possessed this weapon in 2000 and destroyed it in 2005 after concluding it had no connection to any crimes.**

As a result of the effects of the Kimberly Hurrell-Harring syndrome (*Kimberly Hurrell-Harring* v. *State of N.Y.*, 15 NY3d 8 (2010)), once again, I had to choose between unprepared counsel and Pro Se representation. Facing a twenty-five (25) years to life sentence, after making a calculated choice to represent myself, I was rightfully acquitted by a jury on December 5, 2017.[3]

Any rejoice that I would have in this Herculean victory upon receiving a "NOT GUILTY" verdict on the fabricated murder charge, is quelled by the fact that I remain unjustly incarcerated by the same pervasive collusion that brought about the vindictive state charge in the first place. Again, I feel like *The Man* v. *The Machine*. **Power Corrupts, Absolute Power Corrupts Absolutely!**

## ROLE OF CO-CONSPIRATORS IN GOVERNMENT COLLUSION

### Illegal Planting of Drug Evidence

[See Appendices 1, 2, 3 in Table of Contents]

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[3] https://www.syracuse.com "How Syracuse inmate won his murder trial without a lawyer: 'That dummy showed us'" article linked on website

Joint Task Force Officers (Federal/State)…

**DEA SA Anthony Hart;**
**TFO Sean Clere;**
**TFO Jeff Passimo;**
**TFO Robert E. Hayhurst;**
**SPD David Metz;**
**SPD Dan Babbage;**
**DEA SA Alicia Scanlon;**
**TFO David Jones;**
**TFO Brian Blanchfield.**

**Fabrication of Pen Register Application/Order**

[See Appendices 4(a), 4(b) in Table of Contents]

**U.S. Congressman John Katko (then – AUSA)**
**U.S. Magistrate Judge, Andrew Baxter**

At this juncture, all we know is that then AUSA Katko and U.S. Magistrate Judge Baxter have apparently signed a Pen Register Application and order, respectively, for cellular number (315)-317-3638 that Verizon certified:

(i) **"was no active"** during the time frame the application/order was purportedly signed; and

(ii) it did not have a Device ID or ESN for the device assigned to this number during this time frame [See Appendices 5(b), 8(b)]

Upon review of Appendix 8(b), it is very possible that the application and order are backdated, because Verizon did have

"available call detail records [for] 315-317-3638", just not during the time period agents aver to calling this number to initiate successful controlled purchases of narcotics, and the government claims to have had an active pen register.

**Fabrication of Verizon Phone Records**

**AUSA Carla Freedman**

Upon receiving evidence that Strong's cellular number "**was no active"** during the time frame in question – establishing a factual inference that agents illegally planted drug evidence in relation to three (3) controlled purchases – AUSA Freedman fabricated phone records to cover up law enforcement's misconduct. [See Appendix 6, 7(a)]

**Verizon Employees:**

**Andrew Kirschenbaum and Joseph Newman**

It is obvious that these two Verizon employees, Kirschenbaum and Newman, were complicit in this corrupt endeavor at the behest of the federal government. Both furnished statements contradicting and undermining Cristina Careri, the first Verizon Custodian of Records to issue her subpoena response of "phone was no active/Certification of No Records". Both Kirschenbaum and Newman, at the government's late-night request, worked to discredit Careri's unbiased subpoena response as "inaccurate". -[See Appendices 7(a), (b), 12]

A week after Kirschenbaum and Newman's fabricated statements, Verizon answered a second subpoena from my attorney, reinforcing Cristina Careri's original response, that the phone was not active during the dates requested. [See Appendix 8(b)]

The judge is now faced with a clear and distinct discrepancy as to whether the phone number in question during the timeframe in question was active or not. The answer to the question would point in one of two directions. If Cristina Careri's response that the phone was not active was accurate then the government is lying and the controlled purchases were fabricated. If Kirschenbaum and Newman can prove there is an archived system in Verizon's Records, and Cristina Careri was wrong, then maybe the phone was active.

If the judge allows an evidentiary hearing to sort the contradictions out, there is a chance that the government can no longer build their fabricated case against me, and I go free. The government needs to prove that Verizon does in fact have an archive, and the phone was active. Either way, the judge should want the truth. Even if it sets an innocent man free. In the end, the judge would not allow an evidentiary hearing. The judge refused to seek the truth.

**Pettifogger – Kenneth Moynihan**

Plain and simple, my fifth Criminal Justice Act (CJA) counsel, Patrick Moynihan, **SOLD ME OUT;** just like the previous four (4) CJA attorneys before him were doing. The basis for me meandering

through five (5) different lawyers before ultimately having to proceed Pro Se (the Hobson's choice is a practicality in law for the indigent) lies in the fact that "Defendants are typically denied meaningful legal representation." (Michelle Alexander, *The New Jim Crow*, pg. 84; see also *Kimberly Hurrel-Harring*, *supra*)

The first four (4) counselors' remiss more than likely derived from an overworked caseload, lack of resources and lack of time needed to **actually fight** a charge of federal drug conspiracy. Most court appointed attorneys depend on defendants to just take a plea deal. My court appointed attorneys began having a growing disdain for me, a black "defendant" holding them accountable to the standard of representation guaranteed by the Sixth Amendment of the United States Constitution. I could feel the discontent festering during each consultation! Moynihan's remiss however, had more sinister, collusive origins.

For example: When Verizon's first defense response returned certifying Strong's phone "**was not active"** [See Appendices 5(a), (b), (c)], Moynihan was so bewildered he procured a second defense subpoena on January 11, 2016, adding only the ESN number to the information in the previous subpoena. [See Appendices 8(a)] Moynihan also procured a subpoena for Start Wireless and Tracfone Wireless on January 11, 2016. [See Appendix 13]

I did know about Moynihan's second defense subpoena to Verizon; ***but he lied to me and told me he never received a response from Verizon regarding this second defense subpoena***. It was not until eighteen (18) months later – by asking my then appointed appellate counsel to check the file – that I actually became aware of Appendix 8.

Furthermore, ***Moynihan never informed me of subpoenas being sent to Start Wireless and Tracfone Wireless.*** I did not become aware of the Start/Tracfone Wireless subpoenas until over three (3) years later in March of 2019.

While I still do not possess a complete response from the Start/Tracfone Wireless subpoenas, my extrapolations are:

(i) the only reason Moynihan did not inform me of the Start/Tracfone Wireless subpoena(s) is for the same reason he never informed me of Verizon's response to the second defense subpoena: **Their evidentiary value supports my contention that law enforcement illegally planted drugs, and the federal prosecutor fabricated phone records to cover it up.**

(ii) **Moynihan never completed his inquiry with Start/Tracfone Wireless**, which is still equivalent to *intentionally sabotaging* my defense investigation, thus SELLING ME OUT.

**U. S. District Court Judge Glenn T. Suddaby (Complicit Bias)**

Despite clear evidence of a genuine factual dispute regarding an underlying constitutional infringement, i.e. fabrication of evidence

[See Appendices 5(a), (b), (c) and **compare with** Appendices 6, 7(a), (b)], Suddaby refused to grant me an evidentiary hearing. At this juncture, my 28 U.S.C. §2255 Motion (federal habeas corpus) before Judge Suddaby was denied on July 27, 2020. Personally, I feel as if seeking relief from Suddaby is tantamount to Dred Scott asking U.S. Supreme Court Chief Justice Roger Taney, to grant him citizenship and freedom. We all know how that turned out.

For context, and to dispel any notion that Suddaby is a novel character in this collusive effort, Suddaby is close friends with then-AUSA Katko, AUSA Freedman and DEA SA Hart; and in 2000, when members of the SPD and Onondaga County District Attorney's Office made their initial attempt to frame me with homicide charges (from 2000), Suddaby was second -in-command in the District Attorney's Office.

This was also during the time I was successfully suing the City of Syracuse for conducting an illegal cavity search against me by five (5) officers when I was still a teenager.

My website, ManVsTheMachine.com has corroborating documents and evidence to substantiate all of my claims. Please read:

- The judge's order in my favor against the City of Syracuse in the first lawsuit I brought regarding the illegal search and seizure I just referenced.

- My sentencing statement in 2016- a heartfelt and political speech given without notes, recapping the injustices perpetrated against me during the federal trial as a Pro Se litigant.
- All of the exhibits and appendices referenced in this document.
- Interviews on YouTube and articles from my successful acquittal in the fabricated homicide charge I defended Pro Se.
- And pictures of my family - we, the wrongfully incarcerated have faces and families. We fight the injustices of the *American Machine* in hopes of being free and uniting with our loved ones.
- I am also the Director of "Let Innocent Incarcerated Out Now" the L.I.I.O.N Project. During my wrongful incarceration I am also working on other innocent people's cases with my "Jail House Law Degree", to right as many wrongs as I humanly can. Because we are all human and we all deserve justice! And I will continue to battle the *"Machine"* once I am on the other side. With your help, The American People, who fight for justice and against the *"Machine"*.
- The L.I.I.O.N. Project website is coming soon.

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- With Fortitude,
- /s/ Sonny Cochran