

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

CLIFTON JACKSON,	:	
	:	
Petitioner-Appellant,	:	CASE NO.: 19-3007
	:	
vs.	:	
	:	
BRIGHAM SLOAN, Warden,	:	DIST. COURT CASE: 1:18-cv-00476
	:	
Respondent-Appellee.	:	

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MOTION FOR RECONSIDERATION

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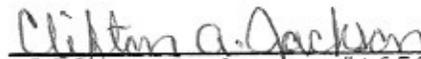
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Now comes the Petitioner-Appellant, Clifton Jackson (hereinafter referred to as the Appellant or Jackson), **pro se**, and hereby respectfully requests this Honorable Court to reconsider its March 20, 2019 Opinion and Order to prevent a manifest miscarriage of justice that has occurred in this case as well as for all of the reasons more fully explained in the Memorandum in Support appended hereto and incorporated by reference herein and Grant Jackson any other relief that he may be entitled to by law. In the interest of law, justice, equity and good conscience, Jackson respectfully requests this Honorable Court to grant this instant Motion.

Respectfully submitted,

  
Clifton Jackson, #A652-163  
Lake Erie Correctional Inst.  
501 Thompson Road  
P.O. Box 8000  
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**Petitioner-Appellant, pro se**

MEMORANDUM IN SUPPORT

In this Court's March 20, 2019 Order, this Court contends that Jackson has not substantially shown that he was denied a constitutional right and that the District Court's ruling that Jackson's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 was procedurally time-barred would not be found to be debatable by jurists of reason.

Jackson, as a layman-at-law should not be unduly penalized in his pursuit of justice for failing to specifically object to the Magistrate's findings that his Habeas petition was time-barred. When Jackson's filings are liberally construed, it is clear that he has consistently argued the merits of his constitutional claims are sufficient to overcome any technical procedural bar. While ignorance of law is no excuse for error, it has long been held that in the interest of a fair and just legal proceeding, pro se filings should be liberally construed by the court. Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); Williams v. Curtin, 631 F.3d 380, 383 (6th Cir. 2011).

Related to the above, due to inadequate prison legal assistance, Jackson failed to file a timely Memorandum in Support of Jurisdiction to the Ohio Supreme Court from the Court of Appeals decision in his case filed on June 22, 2015. Jackson did attempt to remedy this by filing a Motion for leave to file a delayed appeal with the Ohio Supreme Court on August 24, 2015, only 17 days past the deadline to file his timely Memorandum in Support of Jurisdiction to the Ohio Supreme Court. The Ohio Supreme Court denied the Motion and the present procedural time-bar stems from this error. It must be noted that these procedural errors were addressed in detail within Jackson's Traverse to Respondent's Return of Writ.

To allow the Courts to hide behind this procedural error to deny Jackson a fair review of the issues presented in his §2254 petition creates a fundamental miscarriage of justice. Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed. 640 (1991). It is evident even to a layman that the perjured testimony of two Ohio State Troopers is in direct conflict with those Trooper's own Cruiser dash-cam video, making the evidence used to convict Jackson fruit of a poisonous tree, and raising doubt to a jurist of reason of the constitutionality of the entire proceedings. There is no excuse for the lawyers, magistrates and judges with advanced legal knowledge reviewing this matter to ignore or misinterpret the constitutional violations herein or allow this issue to be dismissed on a procedural bar without also reviewing the merits of Jackson's constitutional claim.

As the Ohio Supreme Court declined Jurisdiction of Jackson's 26(B) appeal and denied the Motion for Delayed Appeal, the last State court to render judgment in Jackson's case was the Ninth Appellate District Court of Ohio which did not clearly and expressly rest its ruling on a procedural bar. Harris v. Reed, 489 U.S. 255, 263 (1989).

This case is predicated on the false and perjured testimony of two State Troopers (Christopler Beyer and Michael Trader) given at the suppression hearing, then thereafter, at trial where the evidence clearly dictates that the offered testimony of the two aforementioned Troopers was perjured (the first eleven (11) minutes of Trooper Beyer's cruiser dash-cam video). Jackson acknowledges that it is miraculous that the State courts have never addressed the conflict

between the testimony offered by the State Troopers and the dash-cam video which Jackson strongly asserts would resolve any disputed facts herein.

Jackson would like to clarify and specify more exactly where the miscarriage of justice lies by breaking down the dash-cam video evidence into three specific timeframes which are supported by State's Exhibit 2 (Trooper Beyer's cruiser dash-cam video):

- A. Timeframe 1 is between 8:39:00 - 8:42:08 of the video.
- B. Timeframe 2 is between 8:42:08 - 8:45:30 of the video.
- C. Timeframe 3 is between 8:45:40 - 8:50:00 of the video.

To be clear for the record, the three aforementioned time frames (hereinafter referred to as timeframe 1, 2, or 3), entirely supports perjury being committed by Ohio State Troopers Christopher Beyer and Michael Trader when compared to their suppression hearing testimony (Exhibit A of Petitioner's Traverse to Respondent's Return of Writ, also known as Exhibit J in OYEZZZ public review) in June of 2012 and their further conflicting and perjured testimonies at Jackson's trial in February of 2014.

The dash-cam video supports Jackson's contention that both Troopers committed perjury, and the three timeframes support constitutionally and civilly invading activities, making the entire process fruits of a poisonous tree via a poisonous process, leading to falsified arrest reports, and the weight of these illegal activities individually and collectively is the prima facie showing where this injustice resides.

Again for the record and to avoid any possibility of confusion, Jackson would like to highlight portions of both Trooper Beyer and

Trader's suppression hearing testimonies (Exhibit A of Petitioner's Traverse to Respondent's Return of Writ, also known as Exhibit J via OYEZZZ) compared to State's Exhibit 2, Trooper Beyer's dash-cam video broken down into the three aforementioned timeframes in order from A to C. On direct examination:

A. Timeframe 1 (video 8:39 - 8:42:08)

June 4, 2012 Suppression hearing transcript, Page 8, Ln 19-22:

19. Q. Did this cause you any concern?

20. A. It did. That was kind of odd. So as we further

21. talked there, while I was looking over the documents he

22. handed me, I said, "Well, Where's your cousin?"

Page 9, Ln 10-11:

10. ... At that point in time, I was able to look through

11. all the documents. I went back to the vehicle then.

Page 10, Ln. 4-9:

4. Q. You stated that you walked away from the

5. vehicle then?

6. A. I did. I went back to my vehicle to further look

7. at the rental agreement, which can be a little bit

8. cumbersome and quite large with fine print. I went back

9. took his license and rental agreement back with me.

It is Trooper Beyer's cruiser that unequivocally refutes Beyer's testimony given above, as the cruiser's audio and video recording is totally void of these events occurring. The cruiser video shows by clear and convincing evidence that during Timeframe 1 or at any point in the video the events testified to by Trooper Beyer never took place on June 14, 2011.

It must be noted: between 08:40 - 08:42:08, Beyer's dash-cam video confirms Trooper Beyer never obtained Jackson's driver license or rental agreement for the possibility of review.

**B. Timeframe 2 (video 8:42:08 - 8:45:30)**

June 4, 2012 suppression hearing transcript, Page 10, Ln 4-9:

4. Q. Okay. You stated that you walked away from the  
5. vehicle then?

6. A. I did. I went back to my vehicle to further look  
7. at the rental agreement, which can be a little bit  
8. cumbersome and quite large and fine print. I went back and  
9. took his license and rental agreement back with me.

Page 10, Ln. 17-21:

17. Q. Did you call anyone to assist you?

18. A. I did. Immediately when I got back to the  
19. vehicle, I radioed Trooper Trader, K-9 handler with the  
20. Highway Patrol, if he could come to my location and assist  
21. me and do a K-9 sniff of the vehicle.

Page 11, Ln. 1-4:

1. ... At which point in time, for safety reasons, as he  
2. was arriving, I went and re-approached the vehicle and  
3. asked Mr. Jackson to come back, so for safety he be in a  
4. location out of the vehicle while he walked around the car.

Page 11, Ln. 5-13:

5. Q. Trooper, if the video that I'll be showing you  
6. layer [sic], shows he arrived at 8:44, would that be accurate?  
7. A. There was -- at the time I was having problems  
8. with my video. It wasn't a hundred percent accurate for

9. the time there. It was a notated issue. And actually,  
10. these times here are based on my incident recall on our  
11. computer, it's called CAD, computer aided design. These  
12. are factual times here. The times are off on that video.  
13. The video is accurate, but the time stamp is wrong on it.

Page 11, Ln. 16-18:

16. A. I pulled these numbers off our CAD for my  
17. incident recall as things, as I radioed and stuff. Our  
18. dispatcher logs the exact times and when he arrived....

Page 12, Ln. 3-8:

3. ..., I felt there was, at that point in time, there  
4. was probably something more going on there. I still wasn't  
5. a hundred percent certain what was going on with the  
6. vehicle and why he would actually have that. Being that he  
7. had a valid license, why wouldn't he rent a vehicle  
8. himself. And the questions were still there as far as why...

Page 13, Ln. 9-12:

9. ... He made sure he locked the vehicle before exiting  
10. the car, which is all very strange. Why are you locking  
11. your vehicle around police? What are we going to do to  
12. your vehicle?

Page 13, Ln. 24-25, Page 14, Ln. 1-13:

24. Q. At what point did you call dispatch with the  
25. defendant's information, and were they able to determine  
1. anything?  
2. A. At the time, I'm not exactly sure of the exact  
3. time I was able to get a hold of dispatch with this info.



4. our LEADS was down at the time. They were doing  
5. maintenance on it or there was some issues with it. So at  
6. the time, I wasn't able to give them, or able to have them  
7. check that information. I believe at the time there, while  
8. I was waiting for Trooper Trader, I tried running checks  
9. through LEADS there, and they were all -- they came back  
10. that LEADS was down at the time. So after the, after there was  
11. probable cause to search the vehicle, LEADS had then came  
12. up, and then I radioed district, which would be believe  
13. dispatch center.

Between 08:42 and 08:45:30, again Trooper Beyer's cruiser dash-cam confirms Trooper Beyer never obtained driver license or rental agreement for review. Trooper Beyer testified he took Jackson's driver license and rental agreement back to his patrol cruiser for further review. Immediately called for K-9 assistance, attempted to run Jackson's information through LEADS for a background warrant check. At this point, Trooper Beyer alleged LEADS responded with a detailed explanation of why they were out of service; Beyer also testified that another reason extending the traffic stop until the K-9 arrival was the rental agreement was large and cumbersome in fine print. All of the aforementioned testimony is in direct conflict with Trooper Beyer's cruiser dash-cam video.

C. Timeframe 3 (video 8:45:40 - 8:50:00)

June 4, 2012 suppression hearing transcript, Page 12 Ln. 13-15:

13. Q. What were you hoping Trooper Trader would do, why

14. did you call him?

15. A. I was asking him to do a K-9 sniff of the vehicle.

Page 12, Ln. 22-24:

22. Q. Did you remove the defendant or -- was the  
23. defendant removed from the vehicle before that happened?  
24. A. Yes, he was, for safety.

Page 13, Ln. 17-23:

17. I watched traffic to make sure that he was safe, he and his  
18. partner were safe while a sniff was done of the vehicle.  
19. Q. Is that in the ordinary course of what you would  
20. be doing during that time?  
21. A. Yes. Yeah, absolutely. I've always watched for  
22. safety and stuff like that. That's paramount for all  
23. traffic stops.

Page 14, Ln. 22-25, Page 15, Ln 1-2:

22. Q. Okay. So Trooper Trader arrives, the defendant is  
23. the seated in your cruiser. What happens next?  
24. A. He walks the vehicle, I watch for safety reasons.  
25. After the K-9 positive indication, he advised me that there  
1. was an alert to the vehicle, so a probable cause search was  
2. going ensue. This happened at the same time, which I did...

Page 16, Ln. 4-12:

4. Q. Did the K-9 indicate on the vehicle?  
5. A. He did.  
6. Q. Where did he indicate? Did you observe that?  
7. A. Yes, I was. It would be better if Trooper  
8. Trader --  
9. Q. Okay.  
10. A. -- testified to it, but I observed it. But I

11. don't want to -- I don't want to testify to something  
12. that's not my dog and I'm trained to work with, so.

Page 17, Ln. 21-25, Page 18, Ln. 1-2:

21. Judge, pre -- as an aside, before this hearing  
22. started, the parties agreed that I would just have the  
23. trooper identify the video. It's rather lengthy, it's over  
24. an hour. Rather than playing the entire thing now, for the  
25. court to review later. Is that accurate, Attorney Bradley?  
1. Mr. BRADLEY: Yes.

2. THE COURT: Yeah, I could review it in chambers.

Page 18, Ln. 3-25, Page 19, Ln. 1-10:

3. Ms. RIEDTHALER: I'm going to approach -- may I  
4. approach?

5. THE COURT: Sure.

6. \* \* \*

7. STATE'S EXHIBIT 2 MARKED FOR IDENTIFICATION

8. \* \* \*

9. Q. Trooper Beyer, there is, as I said, what has been  
10. marked as State's Exhibit 2 for identification. Did you  
11. have an opportunity to review this before this hearing?  
12. A: Yes.

13. Q. Okay. And is this a -- here, let me have you  
14. watch a moment of it.

15. \* \* \*

16. (A portion of State's Exhibit 2 was played  
17. in open court.)

18. \* \* \*

19. Q. I'm going to play another portion for you just  
20. midway random point through. Do you recognize this?

21. A. Yes.

22. Q. What is this?

23. A. This is the traffic stop in reference to what  
24. we're speaking about.

25. Q. And whose cruiser recorded this?

1. A. Mine.

2. Q. And at the very beginning of the video, the  
3. portion I just showed you, is that -- what vehicle is that,  
4. what are we watching at beginning of that video?

5. A. This is all from firsthand from my vehicle, my  
6. patrol car.

7. Q. What other vehicle are we observing?

8. A. The defendant's vehicle in question.

9. Q. Okay. The one of which we have been speaking?

10. A. Yes.

Supported by the dash-cam video from Trooper Beyer's patrol  
cruiser (State's Exhibit 2) it is plainly evident that Brady,  
Constitutional, and Civil protections were violated by Trooper Beyer  
and his testimony, outlined above was perjured. On cross-examination  
once again Beyer perjurs himself as seen in June 4, 2012 suppression  
hearing transcript, Page 28, Ln. 11-14:

11. Q. So then you pulled him over; he gave you his  
12. license, registration, and eventually gave you this rental  
13. agreement?

14. A. Yes.

Petitioner asserts that Trooper Beyer's testimony was perjury.

Between 08:45:30 and 08:50, in short confirms Trader Suppression Hearing and Trial Testimony totally conflicts with the dash cam.

- A. At the Suppression hearing on Direct Examination, Trader testified the dog indicated on the vehicle without interference. The dash cam confirms that was a lie.
- B. At trial in 2014 on Cross Examination Trader admits to tapping the vehicle in the identical location where the K-9 scratched alleging a need to get the K-9's attention.
- C. At the Suppression Hearing and trial, Trader testified the vehicle of probable cause was the K-9 indication.
- D. At both the Suppression Hearing and trial, Trader misguided the record regarding the alleged abilities & inabilities of the K-9 being classified "High Prompt Defendant." Trader did testify the K-9 response to alleged narcotics is scratching however he did not notify the record the K-9 prompt command is tapping, nor did Trader notify the record these constitutionally invading concerns is/was highlighted in K-9 Argo Service Record with specific instructions for corrections which both Trader and the State of Ohio Highway Patrol failed to make dating back to 2010 well before the defendant arrest June 14, 2011.
- E. The dash cam confirms Beyer broke into the vehicle with the keys and vehicle remote without a warrant or the defendant's consent.
- F. The dash cam confirms Beyer continually turned his body mic on and off.
- G. The dash cam confirms Beyer and Trader broke into the trunk without searching any other portion of the vehicle internally or externally without legal consent.

On cross examination at the Suppression Hearing Trooper Trader confirms that he is aware the court has found in the past that he and his K-9 are NOT credible means of detecting the odor of cocaine and makes the following response to question in the Suppression hearing transcript page 44, Lines 11-12:

10. Q. Your dog did NOT alert to the trunk of the
11. vehicle, did it?

12. A. No, he did not.

Traverse Exhibit B confirms K-9 Argo was constitutionally invading and not qualified to detect the odor of narcotics which was known by the State of Ohio per K-9 service record as of 2010.

Petitioner contends that the investigative stop by Trooper Beyer violated his Fourteenth Amendment right to be free from discrimination on the basis of race. Petitioner asserts that the stop and investigation into his presence on an Ohio Highway was the result of an unconstitutional Ohio State Highway Patrol policy to stop all minorities driving on Ohio's Highways. For evidence of the alleged discriminatory policy, Appellant points to the June 14, 2011, fraudulent report of Trooper Beyer concerning events void of the cruiser's video recording with respect to his standing outside of Petitioner's vehicle reading a rental agreement, or obtaining Petitioner's driver license or the rental agreement being in his hand/hands while walking back to the cruiser. (see Traverse Exhibit A). Also the fact that Trooper Beyer openly admitted that he was part of a "Criminal Patrol Team." **Suppression Hearing Transcript, Page 32, Ln. 2-25, Page 33, Ln. 1-13** (Traverse Exhibit A, OYEZZZ Exhibit J).

Based upon the totality of the circumstances involved during Petitioner's traffic stop hearing, Petitioner contends that Trooper Beyer did not have probable cause, or reasonable justification to extend Petitioner's traffic stop until the K-9 arrived for a dog-sniff.

Additionally, Petitioner asserts he was denied his due process under the Fifth and Fourteenth Amendments when the State withheld exculpatory evidence favorable to the defense.

The Brady doctrine requires the prosecution to disclose material exculpatory evidence to a criminal defendant. Brady v. Maryland, 373 U.S. 83, 86-87, 83 S.Ct. 1194, 1196-97, 10 L.Ed.2d 215 (1963).

Petitioner asserts that the State's failure to disclose the critical evidence in this case violated Brady. Failure to disclose violates Brady when the disclosure itself causes prejudice. United States v. Word, 806 F.2d 658, 665 (6th Cir. 1986). In this instant case, the prosecutor withheld the L.E.A.D.S. log and C.A.D. Reports of June 14, 2011 that was favorable to the defense, thereby prejudicing the Petitioner and denying Petitioner his Due Process rights under the Fifth and Fourteenth Amendments of the United States Constitution.

In Brady, the United States Supreme Court held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material to guilt or to punishment irrespective of the good faith or the bad faith of the prosecution. 373 U.S., at 87. Thereafter, the United States Supreme Court held that the duty to disclose such evidence is applicable even though there had been no request by the accused, United States v. Augers, 427 U.S. 97, 107 (1976), and that the duty encompasses impeachment evidence as well as exculpatory evidence, United States v. Bagley, 473 U.S. 667, 676 (1985). Such evidence is material "if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *Id.* at 682. Moreover, the rule encompasses evidence "known only to police investigators and not the prosecutor." In order to comply with Brady, therefore, "the individual prosecutor had a duty to learn of any favorable evidence known to the others acting on the State's

behalf in this case, including the police." Kyles v. Whitley, supra.

As stated before, American prosecutors have a special role to play in the search for truth in criminal trials. Within the American Justice System, for example, court's have ruled that prosecutors across the country are the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, "therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done." Berger v. United States, 295 U.S. 78, 88 (1935).

The aforementioned special status explains both the basis for the prosecution's broad duty to disclosure and the United States Supreme Court's conclusion that not every violation of that duty necessarily establishes that the outcome was unjust, but it is important for all prosecutors to avoid any and all situations that could turn into a Brady violation. Thus, the term Brady violation is sometimes used to refer to any breach of the broad obligation to disclose exculpatory evidence that is, to any suppression of so-called "Brady Material." The non-disclosure or delayed disclosure so serious that there is a reasonable probability that the suppressed evidence would have produced a different verdict.

In this case, Petitioner contends that the State has failed to comply with Ohio Crim.R.16 with respect to his requests made for the disclosure of all "Brady Material" known or in the custody of the State relating to the L.E.A.D.S. Log and C.A.D. Reports of June 14, 2011 by way of the Brady request filed July 3, 2013, to verify in fact that L.E.A.D.S. system was down as State Trooper Beyer contends



in his "Fraudulent Report," "Suppression Hearing Perjured Testimony," and "Jury Trial Perjured Testimony," which facts concerning the L.E.A.D.S. system being down are void of Trooper Beyer's cruiser audio and video recordings. His testimony at the Suppression Hearing states in part:

24. Q. At what point did you call dispatch with the  
25. defendant's information, and were they able to determine  
1. anything?  
2. A. At the time, I'm not exactly sure of the exact  
3. time I was able to get a hold of dispatch with this info  
4. our LEADS was down at the time  
7. ... I believe at the time there, while  
8. I was waiting for Trooper Trader, I tried running checks  
9. through LEADS there, and they were all - - they came back  
10. that LEADS was down at the time. So after the, after there was  
11. probable cause to search the vehicle, LEADS had then came  
12. up, and then I radioed district, which would be believe  
13. dispatch center.  
15. A. This was around, I would say, 8:59 or 9:00 when  
16. LEADS had went back in service. I believe dispatch had  
17. Radioed everyone to say, hey, LEADS is back in service. If  
18. you need anything, you could check on your computer.

**Suppression Hearing Transcript Page 13 Line 24 through Page 14 Line 18.  
(see Traverse Exhibit A, OYEZZZ Exhibit J).**

As stated above, during Trooper Beyer's testimony, between 08:42 to 08:45, he stated he attempted to check Petitioner's personal and vehicle history credentials via L.E.A.D.S. It is Trooper Beyer himself

that confirmed L.E.A.D.S. is Brady Material. Petitioner's request for Brady Material filed on July 3, 2013 by the Petitioner because counsel Jack Bradley refused to request the same. The State contended that the material requested by the Petitioner was not Brady Material. **Traverse Exhibit C, Nov. 18, 2013 Hearing Transcript, Pgs. 4-5** states in part:

4. Mr. Jackson through counsel. Mr. Jackson has requested
5. some additional information which, quite frankly, the
6. State is of the opinion is not part of discovery. However,
7. just to get this case moving, because it's been going on so
8. long, I have responded in part to that, and I will respond
9. to second part of it as well; although, I still maintain
10. the stuff he's asking for is not discovery. I will try and
11. get him whatever he's requesting, if it even exists.

Petitioner clarified the reasoning as to why the requested exculpatory evidence was Brady material in **Traverse Exhibit C, Nov. 18, 2013 Hearing Transcript, Page 4, Line 24 through Page 5, Line 8** as follows:

24. The Defendant: As far as the information that's
25. put in that I asked for directly, I have two witnesses
1. against me: Ohio State Troopers. The information I asked
2. in my motion is extremely relevant because of it's credibility
3. issues. I also asked for copies of the logs of the LEADS
4. program that was done. That's directly related to the
5. district attorney's case because it's part of the due
6. process structure. Everything I asked for was relevant to
7. this trial and relevant to my defense because there is a
8. trial date less than a month from now.

**November 18, 2013 Hearing Transcript, Page 6, Lines 9 - 17** state:

9. the information that i've been asking for and this recent  
10. discovery, I have documentation dating back over a year ago  
11. now I've been asking for these, and right after the initial  
12. discovery request and before you came on the bench  
13. before the other --

14. THE COURT: Judge Zaleski.

15. THE DEFENDANT: I've been asking for the same

16. information. So everything that I'm asking for is not just  
17. up and coming now.

A partial response to the Brady request, which confirmed there were no warrants requested or issued to Trooper Christopher Beyer nor Michael Trader to enter Petitioner's vehicle on June 14, 2011. The aforementioned Brady Material violation denied Petitioner his due process right to a fair and impartial trial as guaranteed under the United States Constitution..

June 2015 Ninth District Court of Appeals Decision, Pages 10-11, paragraphs 22 and 23 (OYEZZZ Exhibit AAS) states in part; on direct appeal the appellate judges as quoted in detail specifically relied on Beyer and Trader's perjured testimonies, constitutionally, and civilly invading activities stating in part as highlighted a - e below but not limited to:

- a. "After this two minute discussion with Jackson, Trooper Beyer returned to his police cruiser to review the rental agreement, which he described as 'cumbersome' and containing 'fine print;' and to begin checking Jackson's license and registration."

Timeframes 1 and 2 of the video supports Beyer's testimony was that of perjury and the appellate court judges erred in relying on Beyer's perjured testimony.

- b. "Trooper Beyer also called for the canine unit to assist him. However, at this time, the LEADS system was down and the background check could not be completed."

Timeframe 2 of the video supports Trooper Beyer's testimony was that of perjury and the appellate court judges erred in relying on Beyer's perjured testimony.

- c. "Trooper Beyer went back to Jackson's vehicle and said: 'Mind coming back for a minute.'"

Timeframes 2 and 3 of the video confirms again the appellate court erred in relying upon Trooper Beyer's perjured testimony.

Timeframe 2 of the video supports that Beyer returned to Jackson's vehicle initially stating "everything checked out." The question is what could have checked out?

- d. "At the time that the dog alerted on the vehicle, the LEADS system was still down, Jackson's license and registration check still had not been completed, and the traffic citation still had not been issued."

Timeframes 1 and 2 of the video confirms again that the appellate court judges relied on Beyer's perjured testimony and or constitutionally and/or civilly invading activities.

Again because Beyer never had the defendant's drivers license and/or rental agreement for the possibilities of review which is in violation of constitutional protections, Beyer illegally extended the traffic stop. Nor did Beyer ever attempt to run Jackson's driver license or the rental agreement information through LEADS as he testified he attempted which also illegally extended the traffic stop. Nor did LEADS ever suggest, reply, or radio anything about its operational status going out or coming back into service as Beyer's perjured testimony stated in Timeframe 2 or at any point in the video. The aforementioned also illegally extended the traffic stop herein.

- e. Undeniably in addressing constitutionally and civilly invading activities not limited to a fourth amendment violation, the points highlighted in a-e herein individually and collectively supports that the Suppression Hearing Judge, Edward Zaleski, June, 2012, the Trial Judge, John Maraldi, February, 2014, and the Ninth District Court of Appeals Judges, June, 2015, individually and collectively relied on and perpetuated Trooper Beyer and Trooper Trader's perjured testimonies and or constitutionally and or civilly invading activities.

Undoubtedly individually or collectively, if legally reviewed per the facts and not the perjured testimonies and/or constitutionally and/or civilly invading activities of the Troopers, the legal outcome would have been favorably different for the defendant. Why? The answer is simple and crystal clear supported by the video in Timeframes 1, 2, and 3 as extensively highlighted herein.

Clearly Troopers Beyer, Trader, and Argo poisoned the judicial process from the very beginning of this traffic stop by violating the protocol and procedures of a routine traffic stop, manipulating and violating constitutional and civil protections of a traffic stop pertaining to its length and etc., falsifying arrest reports, pondering and acting on perjured and predetermined illegal sets of circumstances, in addition to submerging themselves in countless other constitutionally and civilly invading activities during the life of this traffic stop on June 14, 2011 sufficient to overcome any procedural time-bar herein.

In this present case, Jackson has raised errors of a constitutional magnitude such that the ends of justice require that this Honorable Court address the merits of the issues presented herein to prevent a fundamental miscarriage of justice.

For all of the reasons set forth above, Petitioner-Appellant, Clifton Jackson, respectfully requests this Honorable Court to reconsider its March 20, 2019 Order and Grant Jackson's Application

for a Certificate of Appealability and his Motion for leave to proceed In Forma Pauperis so that the United States Court of Appeals for the Sixth Circuit can review the constitutional claims raised by Jackson within his Petition for Writ of Federal Habeas Corpus pursuant to 28 U.S.C. §2254 in the interest of law, justice, equity and good conscience so as not to allow this case to rest on a procedural default rather than on a fair and impartial judgment of the merits herein and to prevent a miscarriage of justice, as well as grant Jackson any and all other relief that he may be entitled to by law.

Respectfully submitted,

Clifton A. Jackson

Clifton Jackson, #A652-163  
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501 Thompson Road  
P.O. Box 8000  
Conneaut, Ohio 44030-8000

Petitioner-Appellant, pro se

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing **Motion for Reconsideration** was sent by regular U.S. Mail with proper postage on this 30th day of March, 2019, to the office of Mary Anne Reese, Assistant Attorney General, Criminal Justice Section, 441 Vine Street, Suite 1600, Cincinnati, Ohio 45202.

Respectfully submitted,

Clifton A. Jackson  
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Conneaut, Ohio 44030-8000  
**Petitioner-Appellant, pro se**

I declare under penalty of perjury that the foregoing is true and correct and that this Motion for Reconsideration was placed in the prison mailing system on March 30, 2019.

Executed on March 30, 2019.

Clifton A. Jackson  
Clifton Jackson, #A652-163  
**Petitioner-Appellant, pro se**