

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. §§ 2241, 2254

Prisoner’s Name:	Luke Cage, fka Carl Lucas
Prisoner’s Number:	EF-611972
Place of Confinement:	Seagate Penitentiary Little Cumberland Island, Georgia 31569; currently held at MCC New York New York, NY 10007

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

LUKE CAGE, fka Carl Lucas,	)	Case No. 1-16-CV-0930 MDD
	)	
Petitioner,	)	
	)	
v.	)	
	)	
TYLER STUART, Warden,	)	
Seagate Penitentiary; EDMUND RANDOLPH,	)	
Attorney General of the United States;	)	
VALERIE COOPER, Director of the	)	
U.S. Marshals Service; JOHN WALKER,	)	
United States Marshal for the Southern	)	
District of New York,	)	
	)	
Respondents.	)	

**PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Luke Cage, alleges as follows:

**INTRODUCTION**

1. This habeas corpus action challenges the unconstitutional conviction and continuing pretrial detention of Luke Cage, formerly known as Carl Lucas (hereafter “Mr. Cage” or “petitioner”), pursuant to 28 U.S.C. §§ 2241 and 2254.

2. Petitioner was wrongfully convicted of heroin possession based on a falsified lab report that incorrectly claimed the substance allegedly found in petitioner's possession was heroin. The original lab report correctly found the substance was not heroin or any other controlled substance, but this report was withheld from the defense in violation of *Brady v. Maryland*, 373 U.S. 83 (1963). Petitioner's conviction for heroin possession violated his Fourteenth Amendment right to due process, because the state prosecutors failed to produce exculpatory evidence that definitively showed petitioner had committed no crime, although they had a duty to do so. Petitioner is entitled to habeas relief from his unlawful conviction and sentence of imprisonment in Seagate Penitentiary ("Seagate"), pursuant to 28 U.S.C. § 2254(a).

3. Petitioner is currently detained in MCC New York, following his arrest on a new charge that he unlawfully escaped from Seagate. The United States Marshals Service for the Southern District of New York transported him to MCC New York, pending an anticipated transfer to the Chatham County Jail. Because petitioner is factually innocent of the underlying offense of heroin possession, and releasing him would pose neither a risk of flight nor a risk to public safety while he is awaiting trial on the escape charge, petitioner is entitled to relief under 28 U.S.C. § 2241.

### **PROCEDURAL HISTORY**

4. After a jury trial, Mr. Cage was convicted on July 9, 2015, on one count of felony possession of 28 grams or more of heroin, in the Chatham County Superior Court in Savannah, Georgia, Case No. 1-15-CR-654123. Mr. Cage testified at trial that he was a police officer at the time of the alleged offense, that he did not possess and has never possessed heroin except as expressly authorized by the State of Georgia in order to perform his job requirements, and that he did not store or maintain any heroin in his apartment for any reason. On August 31, 2015, Mr.

Cage was sentenced to serve the mandatory minimum term of imprisonment, 25 years (Ga. Code Ann. § 16-13-31(b)(3)), in Seagate.

5. Mr. Cage did not seek direct review of his conviction, or pursue a writ of habeas corpus under state law, because he did not learn that material exculpatory evidence had been suppressed until after he had been taken into federal custody by U.S. Marshals.

#### **FACTS SUPPORTING RELIEF**

6. After being taken into federal custody, Mr. Cage learned that the laboratory test results from the John Romita Crime Lab used to convict him were falsified. The substance allegedly found in Mr. Cage's apartment did not test positive for any controlled substance. But, Nick Manolis, a corrupt DEA chemist, produced a report falsely stating the substance had tested positive for heroin, which was used at trial to convict Mr. Cage. No reasonable jury would have convicted Mr. Cage of heroin possession, had they known the substance the Government claimed was heroin in fact was no such thing.

7. Had Mr. Cage known the true facts, his defense team could have negotiated his release, or at a minimum, presented the exonerating evidence at trial in order to contradict the state's evidence. The relief requested in this petition is not barred by reason of any procedural default,<sup>1</sup> including but not limited to, expiration of any applicable limitations period, failure to exhaust remedies under state law, or failure to develop the evidentiary record in the state court,<sup>2</sup> because Mr. Cage is factually innocent of the crime of heroin possession. Moreover, any direct appeal, state habeas petition, or administrative grievance would have been futile, because Mr. Cage's conviction was secured through fraud, to which the State of Georgia turned a blind eye.

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<sup>1</sup> *House v. Bell*, 547 U.S. 518, 536-37 (2006).

<sup>2</sup> *Coleman v. Hardy*, 628 F.3d 314, 318-20, n.2 (7th Cir. 2010); *accord Sibley v. Culliver*, 377 F.3d 1196, 1207, n.9 (11th Cir. 2004).

8. Because Mr. Cage's conviction was accomplished with deliberately falsified evidence, which the Georgia prosecutors failed to disclose in dereliction of their duties,<sup>3</sup> his conviction and subsequent incarceration violated the Fourteenth Amendment's guarantee of due process. He is therefore entitled to post-conviction relief under 28 U.S.C. § 2254(a).

9. Mr. Cage is now being held at MCC New York, pending his imminent transfer to Seagate, while he awaits trial on the charge of escape. There is no basis for Mr. Cage's continued pretrial detention. Mr. Cage is not a flight risk and has cooperated fully with the U.S. Marshals. Furthermore, Mr. Cage has distinguished himself in New York as an indispensable force for good in the fight against street level crime. Georgia lacks any legitimate interest in prosecuting Mr. Cage for escape, as Mr. Cage was only imprisoned because of Georgia's constitutionally defective prosecution of an innocent man, and only escaped because of the immediate threat to his life presented by the conditions at Seagate. He is therefore entitled to relief under 28 U.S.C. § 2241.

10. Moreover, the State of Georgia and the private owner of Seagate, working in concert to serve a state function, have failed to operate Seagate so as to prevent the routine, systemic constitutional violations to which Mr. Cage and other prisoners were subjected while incarcerated there. During his confinement, the highest authorities in Seagate coerced Mr. Cage to fight in an illegal prison ring using force and fear, by threatening the lives of his fellow inmate and a prison doctor. Mr. Cage was subjected to tortuous medical experiments, to which he did not consent, and which were intended to end his life. Further prosecution by the State of Georgia would not be in good faith.

#### **PRAYER**

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<sup>3</sup> See *Strickler v. Greene*, 527 U.S. 263, 280-81 (1999) (duty extends to material known to police investigators and others working on the government's behalf).

WHEREFORE, PETITIONER PRAYS FOR RELIEF AS FOLLOWS:

- a. That the Court assume jurisdiction in this matter;
- b. For an evidentiary hearing to establish petitioner's factual innocence;
- c. That the State of Georgia be compelled to release petitioner from any custody imposed as a result of the fraudulently obtained conviction, and to vacate the conviction; and
- d. For such other and further relief as the Court deems just and proper.

Dated: September 30, 2016

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF  
PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the petitioner because I am one of the petitioner's attorneys. I have discussed with petitioner the events described in this petition. On the basis of those discussions, I hereby verify the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: September 30, 2016

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