

No. _____

In The
Supreme Court of the United States

ULRIC JONES,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Seventh Circuit**

PETITION FOR A WRIT OF CERTIORARI

JOHN H. DAVIS
Counsel of Record
5201 Broadway Suite 205
Merrillville, Indiana 46410
Phone: (219) 884-2461
Fax: (219) 884-2472
attyhdavis@gmail.com

QUESTIONS PRESENTED

Whether the United States Court of Appeals for the Seventh Circuit has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power or has decided an important federal question in a way that *conflicts* with relevant decisions of this Court such as a criminal defendant's right to retained counsel as set forth in the Sixth Amendment and Due Process Clause of the Fourteenth Amendment.

Whether the United States Court of Appeals for the Seventh Circuit – in taking the petitioner's counsel's right to practice before the appellate court based upon a non-related *civil* case – interfered with petitioner's continued representation by said counsel, thereby, violating petitioner's Sixth Amendment and Fourteenth Amendment rights.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner – Ulric Jones respectfully requests that a writ of certiorari issue to review the opinion and judgment of the Seventh Circuit Court of Appeals, which affirmed Petitioner’s conviction and sentence from the Northern District of Illinois.

OPINION BELOW

The Seventh Circuit Court of Appeals affirmed Petitioner’s conviction and sentence on February 11, 2019, in *United States v. Jones* and appears in Appendix 7 to this Petition.

STATEMENT OF JURISDICTION

This Court’s jurisdiction is invoked pursuant to 28 U.S.C. §1254(1). The Seventh Circuit’s opinion below was issued on February 11, 2019. This petition is timely under Rule 13.1.

CONSTITUTIONAL PROVISIONS INVOLVED

The Sixth Amendment provides, in relevant part:

“In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense . . .”

The Fourteenth Amendment provides, in relevant part:

“ . . . nor shall any state deprive any person of life, liberty, or property, without due process of law . . . ”

STATEMENT OF THE CASE

1. In April of 2017, petitioner’s counsel, Attorney John H. Davis (“Davis”), filed a notice of appeal in the Seventh Circuit Court of Appeals (“7th Circuit”) as counsel of record for three (3) clients in the *Davis v. Anderson, et al.* case. (DOC #1, Case No. 17-1732). Significantly, on or about February 7, 2018, the court then through a person named Jim Richmond – an appeals processing manager within the 7th Circuit – stated that the appeal was filed in the capacity of a pro se litigant rather than as an attorney representing three (3) litigants, without producing any evidence for the allegation. (See the Appendix of petition from U.S. Supreme Court Case No. 18-829, *cert. was denied*). Due to the unfounded and unsupported allegation, petitioner’s counsel was disbarred by the 7th Circuit panel of judges on May 29, 2018 in said case (Case No. 17-1732).

Without a license to practice before the 7th Circuit – on June 19, 2018, another 7th Circuit panel of judges from Case No. 17-1645 permitted petitioner’s counsel to continue to represent that client in that pending civil matter, however, on June 20, 2018, petitioner’s 7th Circuit panel of judges did **not** allow petitioner’s

counsel to continue to represent petitioner in the *instant* case.

On or about July 6, 2018, petitioner sent a copy of his letter – dated July 6, 2018 to petitioner’s counsel addressed to the Office of the Clerk, United States Court of Appeals for the Seventh Circuit regarding Case No. 17-3443. Petitioner received a letter dated August 21, 2018 from Johanna M. Christiansen – an Assistant Federal Public Defender stating in part: “. . . [i]t does not matter at this point why he cannot represent you on appeal; the point is he cannot and you need to make a decision how to proceed given this fact . . . ”

Petitioner sent a letter dated August 24, 2018 to Johanna M. Christiansen – the Assistant Federal Public Defender stating in part: “. . . I’m writing again to let you know that John H. Davis is my counsel/attorney for my appeal. It [is] my right to choose my counsel pertaining to the Sixth Amendment and you keep telling me to choose someone else, I do not want a public defender, another private attorney or to do *pro se* – just Mr. John H. Davis who I have a contract with, not with you to represent me . . . I am not interested, I trust Mr. John H. Davis . . . ”

On February 11, 2019, the 7th Circuit panel of judges in petitioner’s case (Case No. 17-3443) after receiving on January 9, 2018 an appellate brief written by petitioner’s counsel, Attorney John H. Davis – the 7th Circuit panel of judges decided (more than a year later) on February 11, 2019 that an oral argument was not necessary thus issuing an order and final judgment

which stated, in part: “After filing the appellant’s brief, Jones’s attorney was removed from the bar of this court. *See Order, Davis v. Anderson*, No. 17-1732 (7th Cir. May 29, 2018). Jones expressly declined to proceed with another attorney, public defender or pro se. We accepted the brief submitted by Jones’s former attorney and agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments. Fed. R. App. P. 34(a)(2)(C).”

2. On or about August 19, 2015, respondent filed its three (3) count indictment charging petitioner. Petitioner was found guilty on three (3) counts on January 11, 2017 in the Northern District of Illinois, Eastern Division. On or about November 30, 2017, petitioner’s counsel – Attorney John H. Davis, filed a notice of appeal in the 7th Circuit (Case No. 17-3443) as counsel of record for petitioner. On or about January 9, 2018, petitioner’s counsel filed an appellant brief in the Seventh Circuit. On May 29, 2018, the Seventh Circuit filed an order stating: “We therefore conclude that Davis should be removed from the bar of this court . . . ” (DOC #76, Case No. 17-1732).

On June 19, 2018, the Seventh Circuit issued an order stating, in part: “Despite the order in *Davis v. Anderson*, Mr. Davis may file any petition for rehearing on behalf of Mr. Kennedy if Mr. Davis and Mr. Kennedy deem it appropriate to file such a petition.” (DOC# 67-1, Case No. 17-1645 &17-1786).

On June 20, 2018, the 7th Circuit issued an order stating, in part: “As a result of our order in an unrelated case, Davis has been removed from our bar and is no longer authorized to practice before this court”. (DOC# 24-1, Case No. 17-3443). On February 11, 2019, the Seventh Circuit issued an order and final judgment in petitioner’s case. (Case No. 17-3443). On May 13, 2019, petitioner filed a petition for writ of certiorari with the United States Supreme Court.

28 U.S.C. §1254(1) is the basis sought for review of an order from the 7th Circuit.

REASONS FOR GRANTING THE WRIT

The petitioner’s Sixth Amendment rights have been *egregiously* violated. The Sixth Amendment speaks to an individual’s right for representation by his or her own attorney or counsel.

Firstly, a right is exercised when it is not prevented. According to Merriam-Webster’s dictionary, the word ‘right’ – when used as a noun denotes “ . . . something to which one has a just claim: such as . . . the power or privilege to which one is justly entitled . . . his right to decide . . . ” Having a right means having the authority to exercise that right. Petitioner has been following that definition of ‘right’ and believes the Sixth Amendment rights follow that same definition.

Secondly, as to Question #1, the 7th Circuit has violated his Sixth Amendment rights and continued to

do so after he has strenuously invoked said rights. Petitioner felt he was subjected to a cloud of threats, coercion, and intimidation to force petitioner to relinquish and give up his rights – for more than six (6) months. Subsequent to petitioner's counsel filing petitioner's appellate brief, said counsel was not allowed to pursue any further representation of petitioner by the 7th Circuit panel of judges including presenting an oral argument whether or not an oral argument would have altered the 7th Circuit's panel decision. It is important to note that the panel did decide that the brief was sufficient to form the panel's final decision without an oral argument. The following three cases – *Chandler v. Fretag*, 348 U.S. 3 (1954); *Cuyler v. Sullivan*, 446 U.S. 335 (1980); *United States v. Morrison*, 449 U.S. 361 (1981) – sufficiently set forth petitioner's position.

Thirdly, as to Question #2, the Fourteenth Amendment Due Process rights were also violated in that petitioner was prevented from retaining his own counsel by the 7th Circuit panel of judges.

Finally, this petition for a writ of certiorari should be granted because the United States Court of Appeals for the Seventh Circuit has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

May 13, 2019

Respectfully submitted,

JOHN H. DAVIS
Counsel of Record

5201 Broadway Suite 205
Merrillville, Indiana 46410
(219) 884-2461