

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

My Van Tran — PETITIONER  
(Your Name)

vs.

Cuyahoga Common Pleas et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Sixth Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

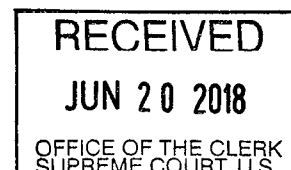
PETITION FOR WRIT OF CERTIORARI

My Van Tran  
(Your Name)

1150 N. Main Street (Man.C.I)  
(Address)

Mansfield, Ohio 44901  
(City, State, Zip Code)

N/A  
(Phone Number)



#### QUESTION(S) PRESENTED

1. Did the trial court error in failing to sanction the State for failing to timely provide Appellant with discovery essential to Appellant's case?
2. Did the trial court error in permitting the State to introduce evidence of other acts pursuant to 404(B) without providing Appellant with prior notice?
3. Did the trial Court error in permitting the State to discuss the details of Appellant's other acts pursuant to 404(B)?
4. Did the trial Court error in failing to find that the photo line up was improperly conducted and overly-suggestive and prejudicial to Appellant?
5. Was the Appellant's conviction for Aggravated Robbery against the manifest weight of the evidence and is contrary to law?
6. Did the trial court error in not providing an interpreter, as the Appellant is Vietnamese and could not understand anything at trial or any other court proceedings.

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

United States Court of Appeals Sixth Circuit

United States District Court Eastern Div.

United States District Court Northern Div.

Ohio Court of Appeals Eighth District.

Ohio Supreme Court

Cuyahoga County Court of Common Pleas

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## TABLE OF AUTHORITIES CITED

### CASES

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Cleveland v. Welms, 169 Ohio App. 3d 600, 2006 Ohio 6441—

Lakewood v. Papadelis (1987) 32 Ohio St. 3d. 1—

Neil v. Biggers (1972) 409 U.S. 188—

State v. Bryson (2013), 8<sup>th</sup> Dist. 2013-Ohio-934, Ohio App. LEXIS 825—

State v. Crofts (2003 8<sup>th</sup> Dist.) 2003-Ohio-2473—

State v. Dramond (2013) 135 Ohio St. 3d 343—

State v. Ealom (2011 8<sup>th</sup> Dist.); 2011 Ohio 70; Ohio App. LEXIS 51—

State v. Harris (2004) 2<sup>nd</sup> Dist. No. 19796; 2004-Ohio 3570—

State v. Howard (1978) 56 Ohio St. 2d 328—

Cases continued...

### STATUTES AND RULES

Ohio Revised Code 2911.01 (A)(3)

Ohio Revised Code 2941.149

Ohio Revised Code 2945.59

Ohio Revised Code 2933.83 (B)

### OTHER Cases Continued...

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State v. Jacobs (2002 7<sup>th</sup> Dist. No. 99-CA-110, 2002-Ohio-5240—

State v. Johns (2008 8<sup>th</sup> Dist.) 2008 Ohio 5564, Ohio App. LEXIS 4714—

State v. Jones (2005 8<sup>th</sup> Dist.) No. 85025; 2005-Ohio-2620—

State v. Knuckles 2011 8<sup>th</sup> Dist.) 2011-Ohio-4242; Ohio App. LEXIS 3532—

State v. Lowe (1994) 69 Ohio St. 3d 527—

State v. Thompson 78 Ohio St. 3d 380—

Tibbs v. Florida (1982); 457 U.S. 31, 42—

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at 2017 U.S. Dist Lexis 158824; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

☐ reported at 2016-Ohio Lexis 308; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Eighth Appellate District of Cuyahoga County court appears at Appendix D to the petition and is

☐ reported at 2014-Ohio - 1829; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 11-20-2017 and 5-1-18

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 2-10-16.  
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- First Issue: Whether the trial court erred in failing to sanction the State for failing to timely provide Appellant with discovery essential to Appellant's case.
- Second Issue: Whether the trial Court erred in permitting the State to introduce evidence of other Acts Pursuant to 404(B) without providing Appellant with prior notice.
- Third Issue: Whether the trial court erred in permitting the State to discuss the details of Appellant's other acts pursuant to 404(B).
- Forth Issue: Whether the trial court erred in failing to find that the photo line up was improperly Conducted and overly-suggestive and prejudicial to Appellant.
- Fifth Issue: Whether Appellant's conviction for Aggravated Robbery was against the manifest weight of the evidence and is Contrary to law.
- sixth Issue: Whether trial court erred in not providing Appellant with an interprature. As the Appellant is Vietnamese and did not understand anything that was going on.



## STATEMENT OF THE CASE

Continue Statement of Case...

The Appellant is a Vietnamese man whom speaks very little english and understands very little english. The Appellant did not understand anything that was going on during any court procedure. The court should have provided an interpreter and in not doing so the Appellant was unable to have a fair trial.

\*. See original Statement of case in the original Appeal brief. Attached as Appadix <sup>E</sup>

### REASONS FOR GRANTING THE PETITION

The main reason this Petition should be granted is, because the Appellant is Vietnamese and speaks and understands very little english. If the Appellant was afforded an interpreter during all of the court procedures he would have had a fair trial. In not affording the Appellant with an interpreter the trial court made it impossible for the Appellant to properly defend himself.

Refer to Appendix E

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

My Van Tran

Date: June-10-2018