

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

IN THE  
SUPREME COURT OF THE UNITED STATES

Robert Wilkins *Pro Se*  
— PETITIONER  
(Your Name)

Commonwealth of VA *vs.*  
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Robert Wilkins #1151330  
(Your Name)

ICCC 801 Sanderson Rd.  
(Address)

Chesapeake VA 23328-6481  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

The Circuit Court erred by proceeding when defendant Wilkins was wearing his jail uniform when he made a timely objection before trial. Counsel for the defendant also made an objection. The clothes Mr. Wilkins was wearing was very much identifiable.

Ineffective assistance of counsel fail to file motion for discovery of tape evidence favorable to his defendant. Fail to strike Mr. Vinson testimony of tape he said he had.

Counsel not prepare for sentencing of trial.

Counsel not subpoenaing witness on defendant behalf. Counsel making slanderous and derogatory comments about defendant character.

Counsel address another judge at trial telling him he needed to be removed after the present case was going on. Shouldnt he had be removed at the start trial.

## LIST OF PARTIES

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

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:

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### STATUTES AND RULES

### Discovery and Access to Evidence Rule:

United States v. Bagley the court held that the government's duty under Brady arises regardless of whether the defendant makes a request. ~~Not~~ Not disclosing specific types of evidence to a defendant is a violation of his Fifth and Fourteenth.

Sixth Amendment guarantees the right to effective assistance of counsel in criminal prosecutions.

### OTHER

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 \_\_\_\_\_ 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[ ] is unpublished.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 \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; 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 \_\_\_\_\_ 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 \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; 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 May 8 2018.

[] 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 June 16 2014. A copy of that decision appears at Appendix \_\_\_\_\_.

[ ] 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

Violation, Six fifth and Fourteenth Amendment  
Court Errors made at trial.

## STATEMENT OF THE CASE

Mr. Wilkins had a lady friend drop clothes off before going off to work she tried dropping them off a day before trial but was found away she return the next the Sheriff's department wouldn't accept the clothes because tape was on the bag home; The Sheriff department could have removed the tape. The trial court opinion on the issue was it was a delay tactic by the defendant, but never nothing to support that because clothes was bought a day before trial. Defense attorney objected to his defendant being trial before ~~jury~~ wearing his jail uniform. There is no evidence to support the judge opinion that clothes at trial wasn't identifiable. The defense counsel explain that the clothes were jail clothes before the start of trial. Stating that the clothes Mr. Wilkins is wearing is Portsmouth City jail scrub-out-fit inmates wear.

Commonwealth witness Mr. Venson said he had tape evidence of Mr. Wilkins stealing items belong to Wal-Mart but didn't produce at trial, holding exculpatory ~~evidence~~ evidence that Mr. Wilkins requested in his motion of Discovery, material could have impeaches the credibility of the witness testimony showing him not guilty.

Mr. Wilkins address the court saying Counsel didn't make motions on his behalf, Counsel misconduct inadequate decision making not making motion to strike testimony and evidence not at trial. Not bring to the court attention ~~until~~ after the trial that there was a conflict of interest between him and his defendant at trial.

REASONS FOR GRANTING THE PETITION

Because at the start of trial the defendant and Counsel made an objection before the court that he didn't wish to be tried wearing 9/11 clothes that were identifiable to the jury's.

see Jackson v. Washington 270 VA 269 619 S-E 2d 92 (2005)  
Estelle v. Williams 425 U.S 501-505 96 S.Ct. 1691 48 (Ed. 2d 1976)

Because Counsel for the defendant

demonstrated unprofessional errors when he failed to comply with discovery request made by his defendant, which lead to him making inadequate decision that violated his defendant Fifth and Fourteenth Amendment, failing to ~~strike~~ strike evidence testimony of tape evidence that the Commonwealth didn't produce at trial. Which was exculpatory evidence in his defendant case. Counsel address that court after trial ended saying because of a conflict of interest he needed to be removed

see Murray v. Griffin 243 VA 384 388 414 S-F (1992)

Cullen v. Pinholster 131 S-CT 1388 1403 (2011)

Strickland v. Washington 466 U.S 668 104 S CT 2052 1280 c Ed 2d 676 (1984)

Johnson v. U.S. 604 F<sup>3</sup>d 1016 -22 1019 -22

Cuyler v. Sullivan 446 U.S 335 100 S-CT 1708 64 L Ed. 2d 333 (1980)

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Robert Wekun  
Date: July 15/2018

Because the rights for the defendant was violated under his Fifth and Fourteenth Amendment rights

Compelling the defendant to stand trial wearing identifiable jail clothes when he objected.  
By not finding defense counsel as being Ineffective Assistance of Counsel when a conflict between him and defendant at trial.