

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

IN THE  
SUPREME COURT OF THE UNITED STATES

Van Le — PETITIONER  
(Your Name)

vs.  
Debbie Aldridge — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

10th Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Van Le 679806  
(Your Name)

MBCC 29501 KICKAPOO

(Address)

McCloud, OK 74851

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

Should this Court allow the ineffective assistance of trial counsel and its Fatsi Fruit, the conviction of an innocent woman, for the sake of federal comity? The Oklahoma Court of Criminal Appeals' low standard of review did not take into account the scope of the prejudice, as its decision predated Hinton v. Alabama, 571 U.S. 263, 134 S. Ct. 1081 (2014).

The prejudice in this case, wherein defense counsel rejected the offer of a certified translator from the court for the Vietnamese immigrant defendant AND wholly failed to obtain state funds for expert testimony, mirrors that in Hinton, wherein defense counsel failed to obtain an exculpatory ballistics expert.

## 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:

## TABLE OF AUTHORITIES CITED

### CASES

	PAGE NUMBER
Hinton v. Alabama, 134 S. Ct. 1081	4.
Strickland v. Washington, 104 S. Ct. 2052	5
Holsomback v. White, 133 F.3d 1382, (11th Cir. 1998)	5

### STATUTES AND RULES

### OTHER

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6.

## INDEX TO APPENDICES

APPENDIX A U.S. COURT OF APPEALS FOR THE TENTH CIRCUIT UNPUBLISHED ORDER DENYING COA 4/19/18

APPENDIX B U. S. DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA ORDER ADOPTING UNPUBLISHED REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE S 126/17

APPENDIX C THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA'S UNPUBLISHED OPINION OF 9/16/14 AFFIRMING CONVICTION

APPENDIX D

APPENDIX E

APPENDIX F

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 is unpublished.

For cases from **state courts**: THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA (OCCA)

The opinion of the highest state court to review the merits appears at Appendix C 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 April 19, 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 \_\_\_\_\_. 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**

Petitioner received ineffective assistance of counsel in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

#### STATEMENT OF THE CASE

Petitioner was convicted of child abuse murder after the toddler, J. C., she routinely cared for lost consciousness and became unresponsive in her home. The two-year old had clear signs of a pre-existing subdural hematoma before she was left at Petitioner's home. Petitioner's 7-year old son J.M. had a history of behavioral issues and lying, and after he was taken to a neighbor's during the rescue workers' arrival he said his mother shook J. C. leading to his removal from custody of his Vietnamese speaking parents and eventual testimony at trial. This testimony alone convicted Petitioner. She and her husband spoke little English and their privately retained attorney did little to communicate with them and nothing to prepare an adversarial defense. Hinton v. Alabama recently held that "An attorney's ignorance of a point of law that is fundamental to his case combined with his failure to perform basic research on the point is a quintessential example of unreasonable performance under Strickland." He, defense counsel Johnny Albert did no research on Shaken Baby Syndrome and refused the judge's 4. offer of a translator.

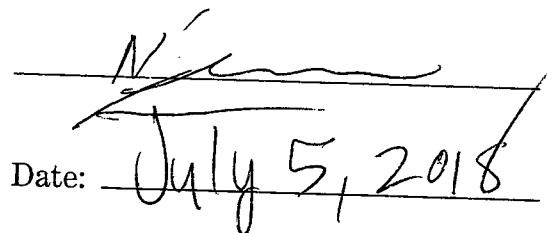
## REASONS FOR GRANTING THE PETITION

Fact Finders convicted an innocent woman because her Constitutionally deficient counsel did not elicit exculpatory testimony from her, due to her lack of fluency, and he did not make the slightest attempt to investigate the medical evidence. In Holsombach v. White, the court ruled that this failure is ineffective assistance where the case rests on the credibility of the witness (133 F.3d 1382 (11th Cir. 1998)). The prejudice prong of Strickland has been used to torpedo shameful professional conduct allegations and label the lack of a vigorous defense, a "trial strategy." There should be objective standards of professional conduct, especially in cases where fundamental issues of due process fairness are obvious: the right to understand the adversarial process mounted against you and counter the state's unquestioned medical/forensic testimony.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Date: July 5, 2018