

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STEVEN A. WALCOTT JR. — PETITIONER
(Your Name)

VS.

STATE OF LOUISIANA. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF LOUISIANA / FIRST CIRCUIT COURT OF
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) APPEALS

PETITION FOR WRIT OF CERTIORARI

STEVEN A. WALCOTT JR.
(Your Name)

AREA: A-WING. P.O. BOX 888
(Address)

JACKSON, LA. 70748
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1). Did the district court err in not granting the accused a probable cause to hold hearing at arraignment?
- 2). Does the accused have a constitutional right to proceed without counsel?
- 3). May the state force a lawyer upon the accused when he insists that he wants to conduct his own defense?
- 4). Did the accused have a right to a preliminary hearing?
- 5). Was the insanity evaluations and hearing illegal?
- 6). Did the trial court err in denying the accused a notice of appeal?
- 7). Did the 1st circuit court of appeals err in denying the accused appeal?
- 8). Is the accused illegally sentenced to the Eastern Louisiana Mental Health System Forensic Unit?
- 9). Did the trial ^{court} err in denying accused transcripts?
- 10). Did the Louisiana Supreme Court err in denying review of the accused appeal and notice of appeal.

- 10). DOES THE ACCUSED HAVE A RIGHT TO KNOW THE WITNESSES AND EVIDENCE AGAINST HIM?
- 11). IN SELF-REPRESENTATION DOES THE ACCUSED HAVE A RIGHT TO ADEQUATELY PREPARE HIS DEFENSE?
- 12). AS A PRETRIAL DETAINEE DOES THE STATE HAVE TO PROVIDE ALL MEANS FOR ADEQUATE PREPARATION?
- 13). CAN THE STATE PREVENT A JAILED PRO-SE DEFENDANT FROM PREPARING HIS DEFENSE MERELY BECAUSE HE HAS CHOSEN TO EXERCISE HIS CONSTITUTIONAL RIGHT OF SELF-REPRESENTATION?
- 14). WAS THE ACCUSED DEPRIVED OF HIS CONSTITUTIONAL RIGHT OF DUE PROCESS AND OF ANY OTHER GUARANTEED RIGHT?
- 15). IS COUNSEL TRULY AN ASSISTANT TO THE DEFENDANT IN SELF-REPRESENTATION?
- 16). WAS THE ACCUSED ILLEGALLY ARRESTED?
- 17). IS THE ACCUSED ILLEGALLY DETAINED?
- 18). HAS THE TIME LIMITATION PAST AND EXPIRED FOR PROSECUTING THE ACCUSED ON THE CHARGED ALLEGATIONS?

- 19). Was the bail excessive in amount?
- 20). Did the accused have a right to a bail reduction hearing?
- 21). Should the accused be immediately released?
- 22). Should the accused be reimbursed \$22,000
- 23). Did the statements in the Psychiatric Reports of Appendix F state that the accused understood the workings and procedures of the courtroom enough to be deemed competent to stand trial?
- 24). Is the accused competent enough to understand the working of the criminal proceedings against him and how they work?

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

1. ADAMS VS. UNITED STATES,
63. 3. CT. 236, 241 87 L. Ed 268
Page "3" Para. "5"
Page "4" Para "7"
- 2). 106, 54 3. CT AT 332
Page "4" Para. "8"
- 3). PRICE VS. JOHNSON, 285, 68 3. CT. AT 1060;
Page "4" Para "8"
- 4). FARETTA VS. CALIFORNIA, 95 3. CT
2523 L. Ed 2d 5102
Page "6" Para "12"

STATUTES AND RULES

28 U.S.C.A § 1654

Fed. Rules Criminal Procedure Rule 44, 18 U.S.C.A.

OTHER

THE SUPERVISORY WRIT IS DERIVED FROM THE CASE FARETTA VS. CALIFORNIA, 422 U.S. 95 3. CT. 2523 L. Ed 2d 5102

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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 D.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 First Circuit Appeals 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 MAY 18, 2018
A copy of that decision appears at Appendix 12C

☐ 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

- 1). SECTION 35 OF THE JUDICIARY ACT OF 1789, 1 STAT. 13, 92
- 2). U.S. CONSTITUTIONAL ART 1. § 14
- 3). U.S. CONSTITUTIONAL AMENDMENT #6
- 4). U.S. CONSTITUTIONAL AMENDMENT #5
- 5). U.S. CONSTITUTIONAL AMENDMENT #8
- 6). U.S. CONSTITUTIONAL AMENDMENT #14

STATEMENT OF THE CASE

IN A PROSECUTION IN THE TERREBONNE Parish district court, Houma, Louisiana, For Second degree Attempted Murder, Convicted FELONY with a FIRE ARM, AND DOMESTIC ABUSE battery with a child present, The accused was denied a probable cause to hold hearing at the arraignment and well before hiring and terminating Attorney Maxwell Smith requested that he be permitted to represent himself but was denied. The accused was also denied a preliminary examination, a bail reduction hearing and a right to call witnesses and to know the witnesses against him. The trial judge thought it was a mistake not to accept assistance of counsel and throughout any and all proceedings and appearances denied the accused's waives of assistance of counsel. Throughout any and all proceedings, the judge required that the defense be conducted only through the appointed lawyer from the public defenders office. And because the accused refused to accept the appointed attorney it was then requested by the judge that the accused be evaluated for conditions of insanity for wanting to represent himself, on November 8, 2017. On March 22, 2018 the appointed counsel Michael Billiot did not show up for the hearing to waive counsel. The accused then appealed to the First Circuit Appeals Court where his appeal was denied. The accused passed two out of three evaluations but on May 8, 2018 he was sentenced to the

EASTERN LOUISIANA MENTAL HEALTH SYSTEM FOR A PERIOD OF TIME UNSPECIFIED WHERE UNWANTED COUNSEL REPRESENTED THE ACCUSED. AFTER THE INSANITY SENTENCE, THE LOUISIANA SUPREME COURT DENIED REVIEW OF THE ACCUSED NOTICE OF APPEAL ON MAY 10, 2018 AND DENIED REVIEW OF THE SUPERVISORY WRIT ON MAY 18, 2018. THE ACCUSED NOW SUBMITS THIS SUPERVISORY WRIT FOR REVIEW TO THIS UNITED STATES SUPREME COURT. THE ACCUSED WAS ALSO DENIED ALL REQUESTED TRANSCRIPTS AND ADEQUATE PREPARATION FOR ANY AND ALL DEFENSES.

REASONS FOR GRANTING THE PETITION

- 1). THE ACCUSED HAS A RIGHT UNDER THE SIXTH AMENDMENT TO REPRESENT HIMSELF
- 2). THE ACCUSED DUE PROCESS RIGHT WAS VIOLATED
- 3). THE ACCUSED HAS A RIGHT UNDER THE SIXTH AMENDMENT TO NOT HAVE A LAWYER FORCED UPON HIM.
- 4). THE FIRST CIRCUIT COURT OF APPEALS ERRED IN DENYING THE ACCUSED APPEAL.
- 5). THE ACCUSED HAS AN 8TH AMENDMENT RIGHT THAT HE SHALL NOT HAVE EXCESSIVE BAIL NOR CRUEL AND UNUSUAL PUNISHMENT INFLICTED.
- 6). THE ACCUSED HAS AN 9TH AMENDMENT RIGHT THAT CERTAIN RIGHTS GUARANTEED BY THE CONSTITUTION SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.
- 7). THE SUPREME COURT OF LOUISIANA ERRED IN DENYING THE ACCUSED NOTICE OF APPEAL AND HIS SUPERVISORY WRIT.

8). The 32nd Judicial district Court For Terrebonne Parish, in the city of Houma and State of Louisiana has departed from the accepted and usual course of judicial proceedings in not recognizing and denying the accused his 6th, 5th, 8th, 9th, and 14th Amendment rights and illegally sentencing the accused to a mental institution where the state hasn't held or afforded the accused any retained rights or any criminal proceedings in an open court room to defend his innocence or prove that the evidence is not enough to detain the accused and that the accused has been falsely and illegally arrested. This lower state court has decided an important question of Federal law that conflicts with relevant decisions of this court. This denial has continued for the past 26 months.

9). The First circuit court of Appeals in and for the State of Louisiana has sanctioned such a departure by the lower state district court, as to call for an exercise of the Louisiana Supreme Court's ^{supervisory power,} where an important question of Federal law conflicts with relevant decisions of this court.

10). The Louisiana Supreme Court denied the accused Notice of Appeal from a judgement, from the First circuit court of Appeals affirming the district court's decision, that the accused could not appeal which, deviation from normal appellate practice has required immediate determination in this court, calling for an exercise of

this Court's Supervisory Power.

11). This Court suggests that thrusting counsel upon the accused against his considered wish violates the logic of the Sixth Amendment because counsel is to be an assistant not a master. The Court seeks to support its conclusion by historical analogy to the procedures of Star Chamber proceedings. The potential for exaggerated analogy, however, is markedly diminished when one recalls that petitioner is seeking an absolute right to self-representation. This is ~~■~~ a case where unwanted defense counsel, against the wishes of the defendant and with ~~■■■■~~ inadequate consideration has adopted a plea-deal strategy that significantly affects one of the accused's constitutional rights.

12). This is a case where distrust, animosity, and other personal differences between the accused and his unwanted counsel have rendered effective representation unlikely and impossible.

13). The trial Court did not hold a Faretha hearing.

14). The State denied the accused adequate preparation

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Steven A. Walcott Jr.

Date: August 16, 2018