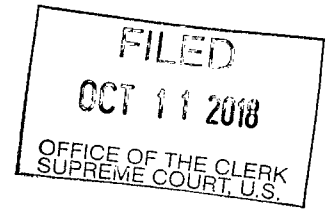


No. _____

19-5320

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

ROMON LAMONT DOBBINS

— PETITIONER

(Your Name)

VS.

JOE M. ALLBAUGH

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals
1823 Stout Street
Denver, Colorado 80257

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

PETITION FOR WRIT OF CERTIORARI

ROMON LAMONT DOBBINS

(Your Name)

6888 East 133rd Road

(Address)

Holdenville, Oklahoma 74848-9033

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- (1) Was Petitioner's Conviction Sustained With Insufficient Evidence Beyond A Reasonable Doubt ?
- (2) Did Petitioner Receive Ineffective Assistance Of Trial Counsel?
- (3) Did Petitioner Receive Ineffective Assistance Of Appellate Counsel?
- (4) Did The Tenth Circuit Court Panel Opinion Commit Error When Failing To Find That Petitioner's Fourth Amendment Rights Were Violated By The Illegal Search And Seizure Without A Warrant?
- (5) Did The tenth Circuit Court Panel Commit Error By Failing To Conduct An Evidentiary Hearing?
- (6) Did Petitioner State A Federal Constitutional Claim Through The Uniform Post Conviction Procedure Act In The Lower Courts That Has Not Been Ruled On By Findings Of Fact And Conclusions Of Law That Would Constitute Federal Habeas Relief?

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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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Strickland v.Washington, 466 U.S.668.....	
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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

~~xxx~~] 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,

~~xxx~~ is unpublished.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.

~~xxx~~] For cases from **state courts**:

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

[] reported at _____; or,

[] has been designated for publication but is not yet reported; or,

~~xxx~~ is unpublished.

The opinion of the United State Dictriect Western District Court court appears at Appendix B_____ to the petition and is

[] reported at _____; or,

[] has been designated for publication but is not yet reported; or,

~~xxx~~ 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).

~~xx~~ ☐ For cases from **state courts**:

2 The date on which the highest state court decided my case was ~~March~~ _____.
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

The Constitutional Amendments involed are listed herein below to wit:

United States Fourth Amendment Constitutional provides:

"Unreasonable Searches and Seizures - The right of the people to be secure in their persons, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

United States Fifth Amendment Constitutional provides:

"Criminal actions-Provisions concerning Due Process of law and just compensation clauses- No person shall be held to answer for infamous or in famous crime...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken ...without just compensation."

United States Sixth Amendment Constitutional provides:

"Rights Of The Accused - In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...and to have the Assistance of Counsel for his defence."

United States Fourteenth Amendment Constitutional provides:

"All person born or naturalized in the United States...nor shall any state deprive any person of life, liberty,...without due process of law;.. nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

The Tenth Circuit Court Of Appeals committed error by failing to hold to the precedent cases involving Ineffective Assistance of Counsel claims.

The Petitioner stands on his united states constitutional right that he was guaranteed effective assistance of counsel to which was denied him. The Petitioner cited the precedent case laws of Strickland v. Washington, and Logan v. State to which all the lower courts failed to adhere to the rulings and used state common law to overrule them to which is unconstitutional. Petitioner raised these issues in his application for post conviction relief to which was denied without addressing the federal constitutional claims presented therein. The Oklahoma Court of Criminal Appeals failed to address the federal claims also to which denied the Petitioner his constitutional federal rights guaranteed by the United States Constitution. Petitioner then tried to secure his United States Constitutional rights through filing a Writ Of Habeas Corpus Title 28 U.S.C. §2254 trying to obtain relief and redress pertaining the ineffective assistance of counsel he received in the lower district court. None of the Courts has entertained his constitutional challenges nor have they merited or deemed his claims adequately to which has resulted in a fundamental miscarriage of justice that warrants immediate relief. Petitioner now appeals to this Honorable Court seeking a Writ of Certiorari wherefore he prays that this said referenced tribunal reverses and remands this instant case back to the Tenth Circuit Appellate Court to make rulings on his federal constitutional claims relating to ineffective assistance of counsel.

REASONS FOR GRANTING THE PETITION

The Petitioner has diligently pursued his appeals throughout these proceedings and the Petitioner incorporates by reference his application for post conviction relief, his direct felony appeal, his 28 U.S.C. § 2254, and his proposition contained throughout in each court herein as if plead in full. It can be clearly shown from the records from Petitioners clearly presented claims that he was claiming that he received ineffective assistance of counsel (trial & appellate) and also conflict of interest. These specific issues have not been addressed by the courts that is a deprivation of constitutional magnitude to which does not pass constitutional muster. The Petitioner cited specific precedent cases to which have been wholly overlooked and ignored by the lower courts. The Petitioners sixth amendment rights have been violated and the proper recourse is for a remand to the Tenth Circuit to merit his constitutional issues that have been entirely ignored. Petitioner also has a fourth amendment federal constitutional claim to which has not been adequately ruled upon due to illegal search and seizure issues pertaining to his case to which have been continually suppressed and ignored by the courts for their flagrant violations. The Petitioner prays that this Honorable Court to reverse and remand this instant case and referenced cause of action to the lower court to more fully develop the issues at an evidentiary hearing that the Petitioner specifically requested for the Court to do. Petitioner still maintains that he was denied effective assistance of counsel where counsel specifically failed to protect the Petitioner's rights in this case to which he being a simple layman has more than adequately shown in his proposition errors of claims that he is entitled to relief. Petitioner respectfully moves this Honorable Court to GRANT this Writ Of Certiorari and reverse and remand the finding of the lower court where his federal constitutional claims can and will be addressed by findings of fact and conclusions of law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ROMOAN LAMONT DOBBINS

Date: October 10, 2018