

ORIGINAL

19 - 5369  
No.

FILED  
MAY 31 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIE CHAMBERS — PETITIONER  
(Your Name)

vs.

PHIL HALL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

WILLIE CHAMBERS  
(Your Name)

9676 HIGHWAY 301 NORTH  
(Address)

GLENNVILLE, GEORGIA, 30427  
(City, State, Zip Code)

N/A  
(Phone Number)

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: MAY 29TH, 2019

Willie Chamber  
(Signature)

QUESTION(S) PRESENTED

I DID PETITIONER ASSERT A VALID CLAIM OF A CONSTITUTIONAL RIGHT TO  
FORMAL ABRAIGNMENT TO THE VINDICTIVE AND MULTPLICITOUS INDICTMENT  
THAT HE NOW STANDS CONVICTED OF?

II DOES PETITIONER HAVE A VALID CLAIM TO INEFFECTIVE ASSISTANCE OF  
COUNSEL WHERE COUNSEL'S ACTIONS FAILED TO ADEQUATELY TEST THE  
ADVERSARIAL PROCESS ON BEHALF OF THE PETITIONER AND COUNSEL'S  
ACTIONS ONLY WORKED TO PETITIONER'S DETRIMENT?

III WHERE THE STATE USED MISCONDUCT TO OBTAIN A CONVICTION UPON  
A VINDICTIVE AND MULTPLICITOUS INDICTMENT, DID PETITIONER  
STATE A CLAIM THERETO?

IV DID THE CUMULATIVE EFFECT OF THE ERRORS IN THIS CASE RESULT IN  
A MISCARRAIGE OF JUSTICE FROM A DENIAL OF SUBSTANTIAL CONSTITU-  
TIONAL RIGHTS WARRANTING RELIEF?

V. DOUBLE JEOPARDY PROVISIONS INVOKED AGAINST A VINDICTIVE AND MULTPLICITOUS  
INDICTMENT WARRANTING RELIEF THERETO?

VI HOW THE RIGHT NOT TO BE DEPRIVED OF LIFE AND LIBERTY EXCEPT BY PROOF OF  
GUILT BEYOND A REASONABLE DOUBT PROTECTS THE GUILTY FROM A VINDIC-  
TIVE AND MULTPLICITOUS INDICTMENT RETURNED AGAINST THE  
PETITIONER?

## 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 CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	5
REASONS FOR GRANTING THE WRIT .....	8
CONCLUSION.....	12

## INDEX TO APPENDICES

APPENDIX A *SUPREME COURT OF GEORGIA RULING*

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

### TABLE OF AUTHORITIES CITED

#### CASES

#### PAGE NUMBER

HARWICK v. STATE, 231 Ga 181 (1973)	pg. 5
FLORES v. STATE, 308 Ga. App 368 (2011)	pg. 5
BLACK v. HARDIN, 255 Ga 289, 336 SE.2d 784 (1985)	
JACKSON v. VIRGINIA, 443 U.S. 307, 99 S.Ct. 2781 (	

#### STATUTES AND RULES

O.C. G.A. 17-10-6.1 (d).

#### 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 \_\_\_\_\_.

[ ] 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 3-4-2019.  
A copy of that decision appears at Appendix 1.

[ ] 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 INVOKED

- II THE SIXTH AMENDMENT'S RIGHT "TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION."
- III FED. R. CRIM. P. 43 (a) STATES, "DEFENDANT SHALL BE PRESENT AT ARRAIGNMENT."
- IV. STRICKLAND V. WASHINGTON, 466 U.S. 688 (1984)
- III THE SIXTH AMENDMENT'S RIGHT "TO A FAIR TRIAL".
- IV FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS OF LAW.
- SIXTH AMENDMENT RIGHT "TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION."
- V FIFTH AMENDMENT RIGHT TO BE FREE FROM DOUBLE JEOPARDY.
- VI. FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS OF LAW
- SIXTH AMENDMENT RIGHT TO A FAIR TRIAL.

## STATEMENT OF CASE..

PETITIONER FULLY RETAINED COUNSEL ON OR ABOUT THE DATE OF JANUARY 27TH, 2003, WHICH IS WHEN COUNSEL FILED MOTIONS ON PETITIONER'S BEHALF, WHERE THERE IS NO RECORD OF COUNSEL REPRESENTING PETITIONER BEFORE THIS DATE. (SEE COURT DOCKET) ARRAIGNMENT WAS HELD ON OR ABOUT THE DATE OF JANUARY 29TH, 2003 AND PETITIONER WAS NOT PRESENT FOR SAID HEARING, COUNSEL WAIVED FORMAL ARRAIGNMENT AND PLEADED ON PETITIONER'S BEHALF WITHOUT HIS CONSENT (SEE HABEAS CORPUS HEARING TRANSCRIPTS pg. 63 to pg 64). PETITIONER WROTE COUNSEL COMPLAINING OF THE CIRCUMSTANCES SURROUNDING ARRAIGNMENT AND COUNSEL PUT IN A CALENDAR CALL FOR PETITIONER TO BE FORMAL ARRANGED ON JUNE 3, 2003, OVERCOMING ANY WAIVER ISSUE TO THIS RIGHT. (SEE COURT DOCKET) AND THE STATE DENIED PETITIONER'S RIGHT TO FORMAL ARRAIGNMENT ON JUNE 9TH, 2003.

PETITIONER FILED CLAIMS AGAINST COUNSEL FOR INEFFECTIVE ASSISTANCE OF COUNSEL ON SEVERAL GROUNDS. A WAIVER OF FORMAL ARRAIGNMENT IN A CRIMINAL PROCEEDING MUST BE KNOWINGLY, INTELLIGENTLY, AND WILLINGLY MADE, AS IT IS THE ACCUSED'S ANSWER TO THE CHARGES AGAINST HIM, SO FOR COUNSEL TO DECIDE TO PLEAD ON PETITIONER'S BEHALF TO THE VINDICTIVE AND MULTIPARTICULAR INDICTMENT WITHOUT HIS CONSENT AMOUNTED TO ~~A DEFICIENT PERFORMANCE~~. THE PREJUDICE FROM THIS DEFICIENT PERFORMANCE IS SHOWN BY THE PETITIONER STANDING CONVICTED OF CRIMES HE DID NOT ANSWER TO AND THESE CHARGES WERE UNSUPPORTED BY EVIDENCE TO SATISFY THE CONSTITUTIONAL NECESSITY OF GUILT BEYOND A REASONABLE DOUBT OF ~~THE~~ ESSENTIAL ELEMENT OF ~~THE~~ OFFENSES OF ARMED ROBBERY AND KIDNAPPINGS. DEFICIENT PERFORMANCE IS EVIDENT FROM COUNSEL'S NOTION NOT TO SEEK A PLEA WHEN PETITIONER WAS WORRIED ABOUT EVIDENCE OF GUILT WAS PREJUDICIAL BECAUSE PETITIONER WOULD HAVE COME OUT BETTER PLEADING GUILTY TO THE LESSER INCLUDED OFFENSES THESE CRIMES CONSTITUTED, ~~ROBBERY~~ BY INTIMIDATION AND FALSE IMPRISONMENT. INSTEAD, ~~COUNSEL~~ PROCEEDED TO TRIAL AND USED A STRATEGY THAT WAS IN CONFLICT WITH THE ~~INTERESTS~~ INTERESTS OF THE PETITIONER AND PREJUDICE IS PRESUMED (H.C.H.T. pg. 19, pg 38, pg 40, and pg 42) SHOWS COUNSEL'S CONFLICT AND DIVIDED LOYALTIES AND IT SIGNIFICANTLY AFFECTED COUNSEL'S PERFORMANCE BECAUSE COUNSEL WAS

NOT FREE TO UTILIZE ALL HIS SKILLS TO PROVIDE THE BEST DEFENSE FOR PETITIONER AT TRIAL. (H.C.H.T. pg. ). COUNSEL FAILED TO CHALLENGE THE ADVERSARIAL PROCESS ON BEHALF OF THE PETITIONER AND COUNSEL'S ACTIONS WORKED TO PETITIONER'S ACTUAL DETRIMENT WHERE COUNSEL ELICITED USELESS BUT GRUESOME TESTIMONY FROM WITNESSES A.J. LLOYD (H.C.H.T. pg 344); AMY HIERS (H.C.H.T. pg 366 to pg 369); AND, LATURA WIGGS (H.C.H.T. 401) WHERE SAID TESTIMONY DESCRIBED PETITIONER AS PERPETRATOR, A DEFICIENT PERFORMANCE THAT IDENTIFIED PETITIONER WHERE WITHOUT THIS TESTIMONY NO I.D. IS FORTHCOMING FROM WITNESSES. AND COUNSEL DID NOT MOVE FOR DIRECTED VERDICT TO PRESERVE ERROR OF SUFFICIENCY OF EVIDENCE CLAIMS ON APPEAL.

~~THE STATE~~ RETURNED AN INDICTMENT UPON FALSE ALLEGATIONS OF ARMED ROBBERY AND FOUR (4) COUNTS KIDNAPPING WHERE THE PRETRIAL EVIDENCE DID NOT WARRANT IT. PETITIONER ASSERTED A RIGHT TO FORMAL ARRAIGNMENT BY AND THROUGH COUNSEL, AND <sup>THE</sup> STATE DENIED PETITIONER'S RIGHT TO FORMAL ARRAIGNMENT. SEE COURT DOCKET. IN EVERY STATE COURT SINCE PETITIONER'S CONVICTION, THE CONCLUSION TO THE FACTS ACKNOWLEDGE 3 GUNS WERE USED (SEE COURT OF APPEALS AFFIRMATION OF CONVICTIONS AND FINAL ORDER TO HABEAS CORPUS PETITION), IGNORING A CONCESSION FROM BOTH THE COURT AND THE STATE (H.C.H.T. pg 1151 and pg. 1144) TO THE FACT THAT ONLY <sup>(two)</sup> GUNS WERE USED; A FACT THAT HAS LEFT A HOLE IN THE STATE'S CASE PERTAINING TO THE ROLE OF AN UNARMED ASSAILANT. THE VICTIM RYAN MANTZ WAS GRABBED AND THROWN UP AGAINST THE COUNTER TO OPEN THE REGISTER AND THEN HE WAS PUSHED BACK UP AGAINST A TABLE (H.C.H.T. pg 298 TO pg. 307). THIS VICTIM'S PRETRIAL STATEMENT DID NOT ALLEGE A GUN BEING POINTED AT HIM <sup>WHILE HE OPENED THE REGISTER</sup> AND SO WHEN ON STAND THIS ~~WITNESS~~ CLAIMED A GUN WAS POINTED AT HIS HEAD BUT COULDN'T SAY WHICH SIDE OF HIS HEAD THE GUN WAS POINTED AT (H.C.H.T. pg 300), THE STATE HAD AN OBLIGATION TO CORRECT THIS MATERIALLY FALSE STATEMENT BUT DIDN'T. INSTEAD, TO SUPPORT THE "ARMED" ELEMENT TO THE STATE'S CHARGE OF ARMED ROBBERY IT RELIED UPON THE PARTY TO A CRIME STATUTE, SAYING THAT IF ONE ASSAILANT HAD A GUN, IT WAS AS IF ALL OF THEM HAD GUNS (H.C.H.T. pg. 1043 TO pg. 1044), A CLEAR MISSTATEMENT OF LAW THAT INVALIDATES THE ARMED ROBBERY CONVICTION BECAUSE IT RESTED THE VERDICT UPON AN ELEMENT <sup>AS</sup> NOT ALLEGED IN THE INDICTMENT. FURTHER MISCONDUCT FROM THE STATE

IS NOTED WHEN RYAN MANTZ TESTIFIED THAT ASSAILANT WAS "IN BACK TELLING THE GIRLS TO GET DOWN" (H.C.H.T. pg 303) AND THEN AMY HERS CORRECTED THE STATE 3 TIMES REGARDING BEING TOLD TO "GET DOWN" (H.C.H.T. pg 356 TO pg. 358) AND STATE DID THE SAME WITH MARCIE moore (H.C.H.T. pg 413 TO pg. 414) WHEN SHE TESTIFIED SHE WAS TOLD TO "GET DOWN", THE STATE KNOWINGLY AND EGREGIOUSLY EUCITING THIS FALSE TESTIMONY TO SUPPORT KIDNAPPING CHARGES AFTER FIRST FAILING TO CORRECT A WITNESS.

THE FACT THAT COUNSEL CRIPPLED PETITIONER'S DEFENSE BY ~~MAKING~~ FORMAL ARR AIGNMENT WITHOUT PETITIONER'S CONSENT, FOLLOWED BY A TRIAL STRATEGY BASED UPON A CONFLICT OF INTEREST AND COUNSEL'S ACTIONS FAILED TO TEST THE ADVERSARIAL PROCESS ON PETITIONER'S BEHALF BUT COUNSEL'S PERFORMANCE WORKED TO THE PETITIONER'S DETRIMENT. THE ~~STATE~~ DENIED PETITIONER HIS RIGHT TO FORMAL ARRAIGNMENT AND TRIAL WAS INITIATED UPON A VINDICTIVE AND MULTIPICITOUS INDICTMENT AGAINST THE PETITIONER ALLEGING CRIMES UNSUPPORTED BY PRETRIAL EVIDENCE, AND DURING TRIAL THE STATE USED MISCONDUCT TO PROVE ELEMENTS OF CRIMES THAT DID NOT OCCUR AS ALLEGED, ASSERTING A MERITORIOUS CLAIM AGAINST THE PROCEEDINGS THAT RESULTED IN A MIS-CARRAIGE OF JUSTICE FROM THE SUBSTANTIAL DENIAL OF CONSTITUTIONAL RIGHTS.

PETITIONER ASSERTED ~~THE STATE~~ A FAILURE TO PROVE BEYOND A REASONABLE DOUBT GUILT OF EVERY ESSENTIAL ELEMENT TO ARMED ROBBERY AND KIDNAPPING CONVICTIONS. COUNSEL INEFFECTIVENESS FOR FAILURE TO MOVE FOR DIRECTED VERDICT BARRED SUFFICIENCY OF EVIDENCE CLAIMS ON ~~APPEAL~~ FOR NEW TRIAL AND APPEAL, AND HABEAS CORPUS WAS PETITIONER'S FIRST AVAILABLE VENUE TO RAISE THIS CLAIM FOR HIMSELF AND UPON THE PROPER CONSIDERATIONS OF THE PROCEDURES AND EVIDENCE THIS CLAIM IS MERITORIOUS BECAUSE THERE IS NO ~~PROOF~~ <sup>LEGAL</sup> PROOF TO THE CONTRARY.

LASTLY, THERE IS A DOUBLE JEOPARDY VIOLATION THAT RESULTED FROM THIS VINDICTIVE AND MULTPLICITOUS INDICTMENT, WHERE NO ACT DURING THE COURSE OF THE CRIMINAL UNDERTAKING WAS DONE INDEPENDANTLY OF THE ROBBERY, AND SO ALL CRIMES SHOULD HAVE MERGED AS A MATTER OF ~~FACT~~ AND FACT, THE ALLEGED KIDNAPPINGS CONVERTED TO FALSE IMPRISONMENT CHARGES AND ONE SENTENCE SHOULD HAVE BEEN ISSUED. TO PROTECT PETITIONER'S RIGHT TO BE FREE FROM DOUBLE JEOPARDY AFTER HIS CONVICTION FOR ARMED ROBBERY, AND 4 COUNTS KIDNAPPING IN A VINDICTIVE AND MULTPLICITOUS INDICTMENT.

### REASONS FOR GRANTING PETITION

I. THE SIXTH AMENDMENT SETS FORTH A RIGHT "TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION." THE NATURE AND CAUSE OF THE ACCUSATION IS READ IN OPEN COURT AT ARRAIGNMENT. FED. R. CRIM. P. 43 (a) STATES "DEFENDANT SHALL BE PRESENT AT ARRAIGNMENT" TO PROTECT THIS CONSTITUTIONAL PROVISION. UPON THE STATE'S DECISION TO DENY FORMAL ARRAIGNMENT TO THE PETITIONER WHEN COUNSEL PUT IN A CALENDAR CALL ~~TO~~ ASSERT THIS RIGHT BEFORE TRIAL, PETITIONER SHOWS THAT HE DID NOT WAIVE THIS RIGHT (2) FLORES v. STATE, 308 Ga. App 368 (2011). HOWEVER, PETITIONER WAS FORCED TO STAND TRIAL ~~AGAINST~~ CHARGES HE DID NOT FORMALLY ANSWER TO, JOINING "ISSUE" BEFORE THE COURT UPON CHARGES HELD WITHIN A VINDICTIVE AND MULTPLICITOUS INDICTMENT WHEN NO TRIAL CAN OCCUR UNTIL ISSUE IS JOINED. (1) Harwick v. State, 231 Ga 181 (1973).

PETITIONER FILED ERROR AGAINST THIS VIOLATION UNDER INEFFECTIVE ASSISTANCE OF COUNSEL FOR COUNSEL'S CHOICE TO PROCEED IN THE CASE WITHOUT PETITIONER'S CONSENT BY <sup>OF</sup> WAIVING FORMAL ARRAIGNMENT. DEFICIENT PERFORMANCE IS OBVIOUS BY THE FACT THAT PETITIONER WAS TRIED UPON FALSE ALLEGATIONS OF ARMED ROBBERY AND 4 COUNTS KIDNAPPING CHARGED IN A VINDICTIVE AND MULTPLICITOUS INDICTMENT. PREJUDICE IS SHOWN BY COUNSEL'S DEFICIENCY ONLY SERVING TO HINDER ME FROM DEFENDING MYSELF. AND THE OUTCOME WOULD <sup>HAVE BEEN</sup> DIFFERENT UPON ME ENTERING <sup>A PLEA</sup> UPON THE LESSER INCLUDED OFFENSES THESE CRIMES ACTUALLY

10

CONSTITUTED.

THIS ERROR IS INVOKED WITHIN THE PROSECUTORIAL MISCONDUCT CLAIM FOR THE STATE DENYING PETITIONER FORMAL ARRAIGNMENT.

AND THEN IN THE CUMULATIVE AFFECT OF ERRORS THIS CLAIM IS LASTLY ASSERTED, ALL THESE ASSERTIONS OF THE SAME ERROR UNDER DIFFERENT CLAIMS BECAUSE THIS VIOLATION IS SUBSTANTIAL ENOUGH TO WARRANT IT. SINCE NO PROCEEDING IS VALID IF AN ARRAIGNMENT IS NOT HELD.

II. COUNSEL SHOULD NOT HAVE WAIVED FORMAL ARRAIGNMENT ON PETITIONER'S BEHALF WITHOUT HIS CONSENT, AND THIS SATISFIES THE DEFICIENT PRONG TO (B) STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984). PREJUDICE IS SHOWN BY PETITIONER BEING FORCED TO STAND TRIAL AGAINST CHARGES HE ~~NEVER~~ NOT FORMALLY ANSWER TO UPON A VINDICTIVE AND MULTIPLICITOUS INDICTMENT, AND HAD THE PETITIONER BEEN AFFORDED THE BENEFIT TO FORMAL ARRAIGNMENT HE COULD HAVE PLEADED GUILTY <sup>TO</sup> THE LESSER INCLUDED OFFENSES OF ROBBERY BY INTIMIDATION AND FALSE IMPRISONMENT, THAT THE EVIDENCE CALLED FOR, A DIFFERENT OUTCOME FROM TRIAL RESULTS, THE INEFFECTIVE CLAIM <sup>FOR COUNSEL</sup> FAILING TO SEEK A PLEA FOR PETITIONER BECOMES

VALID UNDER THE STRICKLAND TEST.

THE INEFFECTIVE CLAIM FOR COUNSEL FAILING TO PROPERLY PREPARE FOR THE CASE AGAINST THE PETITIONER, WHERE COUNSEL PRESENT NO EVIDENCE TOWARDS PETITIONER'S DEFENCE AND COUNSEL'S ACTIONS ONLY SERVED TO IMPLICATE PETITIONER AS ONE OF THE ROBBERS. STATED A COGNIZABLE CLAIM.

COUNSEL'S STRATEGIC REASON FOR MANY OF HIS DEFICIENCIES IN THE PETITIONER'S CASE RESTS UPON THE FACT THAT COUNSEL REPRESENTED PETITIONER DESPITE ACTUAL CONFLICTS OF INTEREST, THAT SUBSTANTIALLY Affected HIS REPRESENTATION OF PETITIONER AND ONLY WORKED TOWARDS PETITIONER'S ~~BETRIMENT~~.

COUNSEL FAILED TO NOTE AND PRESERVE ERROR AGAINST THE UNFAIRNESS OF THE PROCESS USED TO CONVICT THE PETITIONER STATES A COGNIZABLE CLAIM.

COUNSEL FAILED TO MOVE FOR A DIRECT VERDICT OF ACQUITTAL, BARRING PETITIONER FROM RAISING SUFFICIENCY OF EVIDENCE CLAIMS ON MOTION FOR NEW TRIAL AND APPEAL, A DEFICIENT PERFORMANCE THAT PREJUDICED PETITIONER'S CASE WHERE MISCONDUCT WAS USED TO PROVE ELEMENTS OF CHARGES NOT SUPPORTED BY EVIDENCE.

III. THE PROSECUTORIAL MISCONDUCT UTILIZED IN THIS CASE WARRANTS RELIEF THE MISCONDUCT FROM DENYING PETITIONER'S RIGHT TO FORMAL ARRAIGNMENT, THE MISCONDUCT ~~OF~~ OF STATE RETURNING A INDICTMENT UPON FALSE CHARGES

SETS FORTH A PROVISION DEEMING PETITIONER'S CONVICTION AS ONE CONVICTION.

~~REASONS FOR GRANTING THE PETITION~~

¶. THE EVIDENCE ADDUCED AT TRIAL DID NOT SUPPORT CONVICTIONS BEYOND A REASONABLE DOUBT OF EVERY ELEMENT OF OFFENSES OF ARMED ROBBERY AND KIDNAPPING. COUNSEL INEFFECTIVENESS FOR FAILING TO PROTECT PETITIONER'S CONSTITUTIONAL RIGHTS AND ALSO COUNSEL'S ACTIONS WORKED TO PETITIONER'S DETRIMENT. PROSECUTOR HAD TO UTILIZE MISCONDUCT TO OBTAIN THESE CONVICTIONS AND THE CONSTITUTIONAL NECESSITY ~~TO~~ EXIST BEYOND A REASONABLE DOUBT OF EVERY ESSENTIAL ELEMENT WAS NOT SATISFIED, IN VIOLATION OF PETITIONER'S RIGHT TO DUE PROCESS OF LAW. JACKSON v. VIRGINIA, 443 U.S. 307, 99 S.Ct. 2781, SUPPORTS THIS CLAIM.

47

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Shelli Chinn

Date: MAY 31st, 2019