

No. 19-5492

ORIGINAL

Supreme Court, U.S.
FILED

JUL 24 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Brian Jermaine Washington — PETITIONER
(Your Name)

vs.

Jennifer Saad, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Brian Jermaine Washington
(Your Name)

Po Box 6000
(Address)

Glenville WV 26351
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- Is it an extraordinary Circumstance if counsel filed a motion three months after the AEDPA's limitations period expired?
- Should counsel have been aware of the AEDPA's limitations period?
- How can Petitioner prove that he had been pursuing his rights diligently if counsel assured Petitioner that he would be filing the motion?
- Should Petitioner have filed the motion himself instead of relying on counsel?
- Is Petitioner liable for counsel's mistake?

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:

RELATED CASES

. Washington V, Saad No: 5:18-cv-00566 U.S. District Court for the Eastern District of Kentucky Judgement ordered December 3rd 2018.

. Washington v. Saad No. 18-86347 U.S. Court of Appeals for the Sixth Circuit. Judgement ordered June 20, 2019

TABLE OF AUTHORITIES CITED

CASES

Holland V. Florida, 560 U.S. 631, 645 (2010)

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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 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☒ is unpublished.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☒ is unpublished.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 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 June 30, 2019.

☒ 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's right to effective counsel was violated when counsel failed to file motion before federal limitations expired.
- Counsel failed to meet a basic standard of professional conduct;

~~Counsel failed~~

STATEMENT OF THE CASE

Counsel failed to file Rule 11.4a motion before federal limitation period expired. Petitioner should be granted equitable tolling.

REASONS FOR GRANTING THE PETITION

The Court should grant this petition because it was the ineffective of assistance of counsel that led to motion being untimely.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brian W. Wynn

Date: July 4th 2019