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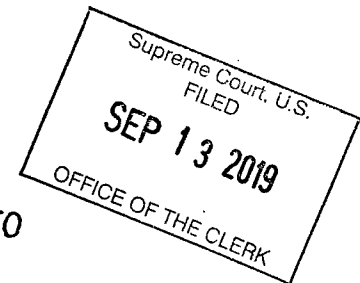
IN THE
SUPREME COURT OF THE UNITED STATES

GUY PHILIPPE,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ORIGINAL



ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Questions Presented

1. Whether This Court's Conclusions In *United States v. Rauscher*, 119 U.S. 407 (1886) In Conjunction With *W.S. Kirkpatrick & Co., Inc. v. Env't'l Tectonics Corp., Int'l*, 493 U.S. 400 (1990), Apply In Petitioner's Case.
2. Whether This Court's Conclusions In *Hill v. Lockhart*, 474 U.S. 52 (1985) In Conjunction With *Barker v. Wingo*, 407 U.S. 514 (1972), Apply In Petitioner's Case.

PARTIES TO THE PROCEEDING

All the parties to this proceeding are named in the caption.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Guy Philippe requests that a Writ of Certiorari issue to review the Opinion of the United States Court of Appeals for the Eleventh Circuit entered in this matter on June 4, 2019, affirming the Judgment of the United States District Court for the Southern District of Florida, and the Order entered on August 19, 2019, denying his motion for reconsideration.

OPINIONS BELOW

The Opinion of the United States Court of Appeals for the Eleventh Circuit is unpublished and is attached at Appendix A.

The Judgment of the United States District Court for the Southern District of Florida, is published and is attached at Appendix B.

The Recommendation of the United States Magistrate Judge is published and is attached at Appendix C.

The Order denying motion for reconsideration is unpublished and is attached at Appendix D.

JURISDICTION

The United States Court of Appeals for the Eleventh Circuit decided this case on June 4, 2019. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1). Petitioner filed a timely motion for reconsideration, and on August 19, 2019, the Eleventh Circuit denied the reconsideration motion.

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

This case involves the application of the Sixth Amendment to the United States Constitution, providing that: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence." U.S. CONST, amend VI.

STATEMENT OF THE CASE

On November 22, 2005, Petitioner was indicted on the following offenses: (1) Conspiracy to Import Cocaine into the United States in violation of 21 U.S.C. 963; (2) Conspiracy to Launder Monetary Instruments in violation of 18 U.S.C. 1956(h); and (3) Engaging in Transactions derived from unlawful activity in violation of 18 U.S.C. 1957, (CR-DE 3) (NOTE: References marked "(CR-DE)" refer to docket entries in Case No. 05-20874-CR-Altonaga, and "(CV-DE)" refers to entries in this civil matter.)

On January 5, 2017, Petitioner was arrested in his country of Haiti by the Haitian National Police and transferred into United States Officials custody and extradited to the United States, and on January 6, 2017, Petitioner had his first appearance in the United States District Court for Miami. (CV-DE 65, at 2).

On February 28, 2017 Petitioner filed three pre-trial motions, and on March 17, 2017, the Court entered an Omnibus Order denying the motions. (CR-DE 57).

On April 24, 2017, Petitioner agreed to plead guilty on Count 2, and on June 21, 2017, Petitioner was sentenced to a term of 108 months. (CR-DE 77, at 8).

On or about February 12, 2018, Petitioner filed a timely 2255 motion asserting three grounds for relief. (CV-DE 1). On February 13, 2017, the magistrate judge ordered Petitioner to file an "Amended 2255" because the original 2255 exceeded Local Rule 7.1(c)(2)'s twenty page limit. (CV-DE 3, at 2-5).

On or about February 26, 2018, Petitioner filed a motion for leave to file excess pages and for extension of time to file Amended 2255 (CV-DE 5), and on March 1, 2018, the magistrate judge denied leave to file excess pages but granted the extension of time to file Amended 2255. (CV-DE 7).

On or about March 12, 2018, Petitioner filed a timely Amended 2255, referenced his exhibit numbers, but did not submit the exhibits as ordered by the court. (CV-DE 9, at 8).

On December 28, 2018, the district court denied Petitioner's Amended 2255 and also denied a Certificate of Appealability. (Appendix B, at 10). Petitioner filed a notice of appeal on January 10, 2019. (CV-DE 68).

On January 24, 2019, Petitioner filed a request for a Certificate of Appealability and a request to "Supplement the Record" in the Eleventh Circuit Court of Appeals, and on June 4, 2019, the Eleventh Circuit granted the motion to supplement the record, and his motion for a COA was granted in part and denied in part. (See Appendix A).

On or about June 18, 2019, Petitioner filed a motion for reconsideration, and on August 19, 2019, the Eleventh Circuit denied reconsideration. (See Appendix D).

STATEMENT OF FACTS

Preceding trial, Petitioner filed pre-trial motions: a Motion to Dismiss Indictment for Unreasonable and Unnecessary Post Indictment Delay (CR-DE 36), Motion to Abate Prosecution Based on Immunity as a Foreign State Official (CR-DE 37), and Motion to Dismiss for Lack of Personal Jurisdiction (CR-DE 38). On March 17, 2017, the district court issued an Omnibus Order denying all motions. (CR-DE 57). On April 24, 2017, Petitioner pled guilty to Court 2 of the indictment, Conspiracy to Launder Monetary Instruments in violation of 18 U.S.C. 1956(h). (CR-DE 63).

In Petitioner's motion under 28 U.S.C. 2255 filed on or about March 12, 2018, he raised three claims for relief on the basis that he was denied his Sixth Amendment right to effective assistance of counsel during pre-trial. Specifically, Petitioner has abandoned claim one in his section 2255 motion, but claim two consisted of counsel failing to file a motion to dismiss for lack of personal jurisdiction over him based on violations of the applicable treaty between Haiti and the United States. (CV-DE 9, at 2). Petitioner's country of Haiti has objected to Petitioner's current charges because the United

States misled Haitian Law Officials during the extradition treaty proceedings by deliberately lying that Petitioner would be charged with "illicit trafficking in narcotic drugs," and not with the two conspiracy counts or engaging in monetary transactions because neither of these charges are not subject to extradition under the United States/Haiti Treaty. (CV-DE 9, at 2, Ex. 3, Ex. 4, and Ex. 7) (NOTE: All exhibits are attached in Appendix A due to the Eleventh Circuit granting Petitioner's "Supplement the Record" that was filed simultaneously with his motion requesting a certificate of appealability). In exhibit seven, the Country of Haiti clearly condemned the United States from charging Petitioner on all three counts because it violates the 1904/1905 extradition treaty between Haiti and the United States. (CV-DE 9, Ex. 7). However, despite the magistrate judge acknowledging Haiti's objections, he construed Petitioner's transfer into U.S. Officials custody as an "abduction or extra-treaty seizures." (Appendix C, at 48-49). The district court and the Eleventh Circuit declined to acknowledge the Country of Haiti objections based on a treaty violation because both courts completely ignored exhibit seven.

In reaching all of its conclusions, the district court and Eleventh Circuit determined that Petitioner's transfer into U.S. custody was conducted outside the formal extradition process. (Appendix A, at 2; Appendix B, at 9). However, both Court's failed to consider certain key points, i.e., Haiti's Minister of Justice, Camille Edouard, who processed the extradition procedure and shortly afterwards gave a press conference confirming that Petitioner was transferred and extradited because of the 1904/1905 treaty between Haiti and the United States along with Haiti's full Senate voting unanimously that Petitioner's transfer and extradition violated the treaty. (CV-DE 9, at 2-3).

In claim three, Petitioner presented an ineffective assistance of counsel based on counsel's inadequate advice prior to Petitioner pleading guilty to count 2. (CV-DE 9, at 4-8). Specifically, counsel dropped the ball when she presented a pre-trial motion to dismiss based on a Speedy Trial Act violation by withholding at least 10 exhibits in her possession that

would have corroborated Petitioner's claim. In denying this claim the District Court and Eleventh Circuit Appeals Court determined that Petitioner waived his speedy trial rights claim when Petitioner pled guilty. (Appendix A, at 2; Appendix B, at 9-10). In reaching this conclusion, however, both Courts failed to consider that Petitioner could attack his guilty plea on the basis that his plea was unknowing and involuntary because counsel was constitutionally ineffective. (CV-DE 9, at 4).

REASONS FOR GRANTING THE PETITION

THE COURT SHOULD GRANT CERTIORARI BECAUSE THIS COURT'S DECISIONS IN UNITED STATES V. RAUSCHER, 119 U.S. 407 (1886) IN CONJUNCTION WITH W.S. KIRKPATRICK & CO., INC. V. ENV'T'L TECTONICS CORP, INT'L, 493 U.S. 400 (1990), APPLY IN PETITIONER'S CASE. IF THIS COURT DOES NOT GRANT CERTIORARI, PETITIONER ASKS THE COURT TO GRANT HIM A CERTIFICATE OF APPEALABILITY AND REMAND BACK TO THE APPELLATE COURT.

As explained above, the District Court and Appellate Court denied Petitioner's request for an certificate of appealability ("COA"). The district court denied Petitioner's treaty violation claim on the merits. (Appendix B, at 9). When a court has reached the merits of a 2255 claim, this Court has established that a COA may issue only if the petitioner has demonstrated that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). This Court has emphasized that, at the COA stage, "the court of appeals should limit its examination to a threshold inquiry into the underlying merit of [a petitioner's]

claims." *Miller-El v. Cockrell*, 537 U.S. 322, 123 S.Ct. 1029, 1034 (2003). This Court explained the "threshold inquiry" as follows: "We look to the District Court's application of AEDPA to petitioner's constitutional claims and ask whether that resolution was debatable amongst jurists of reason. This threshold inquiry does not require full consideration of the factual or legal bases adduced in support of the claims. In fact, the statute forbids it. When a court of appeals side steps this process by first deciding the merits of an appeal, and then justifying its denial of a COA based on its adjudication of the merits, it is in essence deciding an appeal without jurisdiction." *Id.* at 1039.

Petitioner argues that the District and Appellate Courts side stepped his treaty violation claim by completely ignoring the facts, and the Appellate Court justified "its denial of a COA based on its adjudication of the merits" which is error. (Appendix A, at 2, Appendix B, at 9, Appendix D, at 1). To illustrate, in *United States v. Rauscher*, 119 U.S. 407 (1886), according to the rule of specialty, an individual may not be prosecuted for an offense in the country that requested extradition absent the extraditing country's grant of extradition for the offense. *Id.* at 430 (holding "a person who has been brought within the jurisdiction of the country by virtue of proceedings under an extradition treaty, can only be tried for one of the offenses described in that treaty...").

Here, Petitioner was arrested in his country of Haiti by Haitian law officials on January 5, 2017, and Haiti's Minister of Justice, Camille Edouard ("Minister Edouard"), signed off through the treaty procedures for Petitioner to be transferred into U.S. officials custody for the crime of "illicit trafficking in narcotic drugs." (CV-DE 9, at 2, Ex. 3). Following Petitioner's transfer into U.S. officials custody, Minister Edouard gave a press conference and stated, "We have bilateral extradition treaty with the United States since August 9, 1904...", and "when Haitian narcotic police arrest Guy Philippe for a warrant he has against him, the United States of America ask the Haitian authorities for the application of the treaty." (CV-DE 9, at 2, go to [youtu.be/VRIEQUHSXGY](https://www.youtube.com/watch?v=VRIEQUHSXGY) to hear audio of Minister Edouard). More important, eight days following Peti-

tioner's arrest, on January 13, 2017, Minister Edouard and Haiti's Chief of Police were summoned by Congress of Haiti regarding the treaty transfer of Petitioner, and on March 15, 2017, the full Haitian Senate voted unanimously that Petitioner's arrest and transfer violated the 1904/1905 and 1997 treaties between Haiti and the United States. (CV-DE 9, at 2-3, Ex. 6, 7, and 8). Haiti's Senators condemned the arrest and deportation of Petitioner based on: (1) "the Bilateral Agreement between the United States and Haiti, dated October 17, 1997," (2) "the Extradition Treaty of 1904/1905 between the United States of America and the Republic of Haiti," (3) Petitioner's arrest "is not only unconstitutional but also contrary to the provisions of the agreement that establishes cooperation between those two (2) Countries in regards of the fight against the illicit traffic of narcotics...", and (4) "The Senate of the Republic requests the Haitian Government to undertake, without delay, all the diplomatic steps for the immediate return of Senator-Elect of Grand'Anse, Mr. Guy Philippe, to Haiti." (CV-DE 9, at 2-3, Ex. 7). The Country of Haiti has clearly objected to Petitioner being charged with conspiracy and engaging in monetary transactions because these charges are not extraditable offenses under the Haiti-United States treaty. (CV-DE 9, at 2, Ex. 4). The bottom line here is that the United States Ambassador deliberately misled Haiti's Minister Edouard that Petitioner would be charged with "illicit trafficking in narcotic drugs instead of his current charges. (CV-DE 9, at 2, Ex. 3). Despite exhibit seven confirming a treaty violation, the District and Appellate Courts turned a blind eye to this key documentation, however, the Magistrate Judge acknowledged exhibit seven but claimed that it was not within his review. (Appendix C, at 50 ("although Haiti's officials have made formal protests and determined that the United States violated the Treaty, that issue is not within the scope of this Court's review."))).

Based upon these findings, the District and Appellate Courts erred by failing to acknowledge the country of Haiti's findings which violates the treaty and the act of the state doctrine. The act of the state precludes the courts of this country from inquiring into the validity of the public acts of a recognized foreign sovereign power committed within its own territory. Republic

of *Austria v. Altmann*, 541 U.S. 677, 700 (2004) ("Under that doctrine, the court of one state will not question the validity of public acts performed by other sovereigns within their own borders..."). In *W.S. Kirkpatrick & Co., Inc. v. Env'tl Tectonics Corp., Int'l*, 493 U.S. 400 (1990), this Court held the "[a]ct of state issues only arise when a court must decide--that is, when the outcome of the case turns upon-- the effect of official action by a foreign sovereign. When that is not the case, neither is the act of state doctrine." *Id.* at 406.

Here, it is a fact that Petitioner was arrested in his country of Haiti by Haitian officials. (CV-DE 11, at 2). Therefore, the validity of Haitian officials transferring Petitioner into U.S. custody is an official action by a foreign sovereign and under *Kirkpatrick*, *supra*, it requires a court to decide the effect of the official action by the Haitian officials.

Petitioner and the U.S. Government has disputed whether Petitioner's transferring violated the extradition treaty or not. However, this Court's decision in *Kirkpatrick* prohibits a United States Court from passing judgment on the validity of an act of a foreign sovereign taken within its own territory. *Kirkpatrick*, 493 U.S. at 405. Therefore, the official action by the Haitian Government concluding that Petitioner's transferring into U.S. officials custody was due to the treaty, and that the treaty has been determined to be in violation by Haitian officials is controlling authority under the act of the doctrine. *Kirkpatrick*, 493 U.S. at 405-406; see also *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398, 401 (1964) ("The act of state doctrine... precludes the courts of this country from inquiring into the validity of the public acts a recognized foreign sovereign power committed within its own territory"). (CV-DE 9, at 2-3, Ex. 7).

In *Rauscher*, the objective of the rule is to insure that the treaty is faithfully observed by the contracting parties. *Rauscher*, 119 U.S. at 429 ("The right of one government to demand and receive from another the custody of an offender who has sought asylum upon its soil, depends upon the existence of treaty stipulations between them, and in all cases is derived from, and is measured and restricted by, the provisions, express or implied, of the treaty."). This was not done in Petitioner's case.

Accordingly, Petitioner's counsel was constitutionally ineffective during pretrial for not raising the

treaty violation claim which violates his Sixth Amendment rights to effective assistance of counsel, and thus, jurists of reason could disagree with the lower courts resolution of Petitioner's constitutional claim or that jurists could conclude that the issues presented are adequate to deserve encouragement to proceed further. *Miller-El*, 537 U.S. at 327.

Based on the foregoing, Petitioner ask this Court to grant certiorari or grant him a COA on counsel's ineffectiveness for not raising the treaty violation claim.

THE COURT SHOULD GRANT CERTIORARI BECAUSE THIS COURT'S DECISIONS IN *HILL V. LOCKHART*, 474 U.S. 52 (1985) IN CONJUNCTION WITH *BARKER V. WINGO*, 407 U.S. 514 (1972), APPLY IN PETITIONER'S CASE. IF THIS COURT DOES NOT GRANT CERTIORARI, PETITIONER ASKS THE COURT TO GRANT HIM A CERTIFICATE OF APPEALABILITY AND REMAND BACK TO THE APPELLATE COURT

In claim three of Petitioner's 2255 motion he asserted a Sixth Amendment violation based on counsel's ineffectiveness in presenting his Speedy Trial Rights claim. (CV-DE 9, at 4-8). The District and Appellate Courts both determined that "because [Petitioner] plead guilty, he waived his right to raise such a claim in a 2255 motion." (Appendix A, at 2, Appendix B, at 9-10). Therefore, both Courts denied Petitioner's third claim on a procedural ground, and with respect to the denial on procedural grounds this Court may grant a COA only if Petitioner demonstrates that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the Courts were correct in their procedural ruling. *Slack*, 529 U.S. at 484.

Contrary to the District and Appellate Courts procedural ruling, the law is well established that a guilty plea does not waive a claim for relief in which the decision to enter a guilty plea was not knowing and voluntary because it was the result of ineffective assis-

tance of counsel. *Hill v. Lockhart*, 474 U.S. 52, 56-59 (1985). In the context of a guilty plea, this Court held that the two-part test in *Strickland v. Washington*, 466 U.S. 668, 687 (1984), applies to challenges to guilty pleas based on ineffective assistance of counsel. *Hill*, 474 U.S. at 58. The first requires Petitioner to show his plea was not voluntary because he received advice from counsel that was not within the range of competence demanded of attorneys in criminal cases, while the second prong requires to show a reasonable probability that, for counsel's errors, he would have entered a different plea. *Id.* at 56-59.

Petitioner demonstrated counsel's ineffectiveness when presenting his speedy trial claim based on counsel's failure to present at least 10 exhibits in her possession that would have corroborated his defense. To illustrate, Petitioner outlined each of the Barker factors in *Barker v. Wingo*, 407 U.S. 514, 530 (1970), and conceded that counsel was effective regarding the first Barker factor. (CV-DE 9, at 4-5). It should be noted that the Government also conceded that the first Barker factor weighed against him. (CR-DE 43, at 8-9).

As to the second Barker factor, counsel withheld at least 10 exhibits that could have shown the reason for the delay resulted in the Government being fully responsible, counsel did not request an evidentiary hearing to support Petitioner's assertions, nor did counsel adequately consult with Petitioner prior to advising Petitioner to plead guilty. For instance, in counsel's pre-trial motion to dismiss for a speedy trial violation, counsel's assertions were unsupported and the allegations made by the Government were also unsupported because neither party submitted exhibits or requested an evidentiary hearing to support their theory as the District Court acknowledged. (CR-DE 57, at 3 ("Similar to Defendant's unsupported motion, the Government offers no evidentiary support for its representation regarding the steps taken over the last 11 years to apprehend Defendant.")). Based on no supporting evidence from either party, the District Court concluded that the written submissions "shows no evidence of bad faith by the Government." (*Id.* at 11). The Court then determined the "second factor weighs somewhat against the Government." (*Id.* at 12).

However, in Petitioner's 2255 motion he demonstrated in details beginning from 2005 until

the day of his arrest on January 5, 2017, that at no time was he aware of an indictment or a warrant for his arrest. Specifically, Petitioner was a well known public official who visited multiple police stations, attended multiple Haitian Courthouses, and he used social media to alert the world when he would submit his paperwork (the date, location, and time) to become an official candidate to run as a Senator or whenever he would be campaigning to be elected as a Senator. (CV-DE 9, at 5-8).

Petitioner shown in his 2255 motion that counsel's lack of investigating, not properly reviewing the exhibits in her possession, not submitting the exhibits, and not adequately consulting with him was deficient performance and "outside the wide range of professionally competent assistance." *Strickland*, 466 U.S. at 690. For instance, Petitioner provided the Court with strong nonrefutable evidence showing he was unaware of the indictment or warrant for his arrest when he entered the U.S. Embassy on March 30, 2006, when he entered police stations on January 6, 2009, September 17, 2012, March 21, 2015, when he entered Courthouses on January 7, 2009, September 20, 2012, September 1, 2016, and when he entered the Conseil Electoral Provisoire building on April 15, 2015, to submit his official paperwork to run for Senate. (CV-DE 9, 5-8, Ex. 12, 15, 16, 19, 20, 21, and 24). All of this evidence confirms that Petitioner did not evade arrest nor was he aware of an indictment or warrant. *Doggett v. United States*, 505 U.S. 647, 654 (1992) (holding that a defendant who left for Columbia after indictment could not be faulted for post-indictment delay because there was no evidence he was aware of the indictment or that the police had been looking for him). Had counsel investigated these facts and reviewed these exhibits that were in her possession, she could have presented a *prima facie* showing that Petitioner was unaware of the indictment or a warrant for his arrest. (CV-DE 9, at 5-8). Thus, not advising Petitioner of all the exhibits above was deficient performance because counsel's lack of advice "fell below an objective standard of reasonableness," and "there is a reasonable probability that, but for unprofessional counsel's errors," Petitioner would not have pleaded guilty and would have entered a different plea. *Hill*, 474 U.S. at 57-59, Counsel's sub-

standard advice and failing to submit these crucial exhibits was highly prejudicial to Petitioner's speedy trial claim, as a result, the District Court determined that the "second factor weighs somewhat against the Government" instead of determining the second factor weighs heavily against the Government.

As to the third Barker factor, Petitioner asserted that neither him or his Haitian counsel knew of the indictment or warrant until January 5, 2017, the day of his arrest. (CV-DE 9, at 8, Ex. 1). The facts and supporting exhibits corroborate that Petitioner had multiple warrant checks prior to him becoming an official Senator on January 3, 2017, "to assure the public he had no warrants." (CV-DE 9, at 7-8, Ex. 15, 16, 17, 18, 20, 21 and 22). Once Petitioner was arrested and became aware of the indictment, he asserted his right to a speedy trial promptly on February 28, 2017. (Id. at 8). Counsel was constitutionally ineffective regarding the third Barker factor by not advising Petitioner that the exhibits she withheld would corroborate the fact he was unaware of the indictment or warrant until January 5, 2017, and thus, his speedy trial motion would have been considered filed promptly. (Id. at 8). Therefore, as to the third Barker factor Petitioner received advice from counsel that "fell below an objective standard of reasonableness" and "there is a reasonable probability that, but for unprofessional counsel's errors, he would not have pleaded guilty and would have entered a different plea." Hill, 474 U.S. at 57-59. Counsel's sub-standard advice prejudiced the third Barker factor because had she presented the withheld exhibits, the third factor would have weighed heavily against the Government.

As to the fourth Barker factor, this Court held in Doggett that an unreasonable delay "threatens to produce more than one sort of harm, ... and the possibility that the [accused's] defense will be impaired." Doggett, 505 U.S. at 654. Petitioner circumstances is equivalent to the Doggett case in which this Court dismissed the indictment. Id. at 655. Petitioner argued that the first three Barker factors all weigh heavily against the Government, therefore he did not have to show actual prejudice. (CV-DE 9, at 8). Had counsel advised Petitioner that he would not have to show the prejudice component by establishing the first three Barker factors

all weighed heavily against the Government, he would have entered a different plea. Hill, 474 U.S. at 57-59.

Based on the arguments above, Petitioner contends that he waived his rights and plead guilty as a result of counsel's constitutionally ineffectiveness, therefore, his plea was not knowing and voluntarily entered. Petitioner asserts that but for the failure of counsel to investigate, review the exhibits, submit the exhibits, and adequately consult with him, there is a reasonable probability that his speedy trial motion would have been successful. Hill, 474 U.S. at 59 (stating that resolution of the "prejudice" inquiry will depend largely on the likelihood of success if the alleged error were corrected).

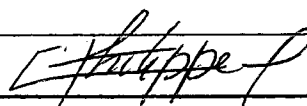
Accordingly, based on the foregoing jurists of reason would find it debatable whether Petitioner's speedy trial claim stated a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the lower courts were correct in their procedural ruling. Thus, this Court should grant certiorari or at a minimum grant Petitioner a COA on his speedy trial claim.

CONCLUSION

For the above reasons, Petitioner asks this Court to grant this Petition for a Writ of Certiorari and reverse the Judgment of the Eleventh Circuit Court of Appeals, or grant Petitioner a COA on both claims.

Dated: 9-13-2019

Respectfully Submitted,



Guy Philippe