

19-6302 ORIGINAL

No. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

JUN 03 2019

OFFICE OF THE CLERK

JAMES PHILIP DOUGLAS — PETITIONER  
(Your Name)

vs.

MARGARET GILBERT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS NINTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAMES DOUGLAS - 891542/H5A28L

(Your Name)

STAFFORD CREEK CORRECTIONS CENTER

191 CONSTANTINE WAY

(Address)

ABERDEEN, WA 98520

(City, State, Zip Code)

N/A

(Phone Number)

RECEIVED  
OCT 16 2019  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**QUESTION(S) PRESENTED**

IS JAMES DOUGLAS ALLOWED AN ATTORNEY AT  
TRIAL LIKE THE SIXTH AMENDMENT GUARANTEES.

## 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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### CASES

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AT ALL PHASES OF TRIAL COUNSEL IS  
GUARANTEED IN COURT.

### STATUTES AND RULES

SIXTH AMMENDMENT GUARANTEES A RIGHT TO  
COUNSEL AT TRIAL, IF DENIED IS A MANIFEST  
ERROR AFFECTING A CONSTITUTIONAL RIGHT.

### 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 A to the petition and is

reported at U.S. COURT OF APPEALS NINTH CIRCUIT, 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[ ] is unpublished.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 U.S. DISTRICT COURT - TACOMA; 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[ ] is unpublished.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[ ] is unpublished.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 April 25, 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: April 25th, 2019, 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**

**SIXTH AMENDMENT RIGHT TO COUNSEL**

### STATEMENT OF THE CASE

I ASKED FOR STAND-BY COUNSEL BEFORE TRIAL AND WAS DENIED BY THE PIERCE COUNTY SUPERIOR COURT JUDGE.

I ASKED FOR AN ATTORNEY TO REPRESENT ME AT EXCEPTIONAL SENTENCE PHASE AND WAS DENIED WHICH WAS A CLEAR VIOLATION OF RIGHT TO COUNSEL AT ALL PHASES OF TRIAL INCLUDING SENTENCING WHICH THE NINTH CIRCUIT COURT RULED PRIOR WAS GROUNDS TO REVERSE AND REMAND FOR PRESENCE OF COUNSEL. I SHOULD BE GIVEN A STANDARD RANGE SENTENCE TO RESOLVE THE ISSUE.

SEE EXHIBIT (1) ATTACHED

## REASONS FOR GRANTING THE PETITION

THE UNITED STATES CONSTITUTION GUARANTEES A RIGHT  
TO COUNSEL IF ASKED FOR. JAMES DOUGLAS ASKED  
FOR AN ATTORNEY ASSISTANT ON EXHIBIT (1) ATTACHED  
AND WAS DENIED HIS RIGHT TO COUNSEL SO HE SHOULD  
BE GIVEN A STANDARD RANGE SENTENCE TO RESOLVE  
THE ISSUE AT COURT IN PIERCE COUNTY SUPERIOR COURT.

**CONCLUSION**

THE COURT SHOULD FIND FAVOR FOR JAMES DOWNESS  
AND ISSUE A REVERSE AND REMAND FOR STANDARD RANGE  
SENTENCE.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: May 29th, 2019