

19-7962  
No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

FEB 27 2020

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES  
OF AMERICA

RODNEY JEROME WOMACK — PETITIONER  
(Your Name)

vs.

SOLICITOR GENERAL OF THE U.S. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

RODNEY JEROME WOMACK  
(Your Name)

CSATE / CALIFORNIA STATE PRISON, CORCORAN  
(Address)

P.O. Box 7100 - CORCORAN, CA 93212  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

PETITIONER'S CERTIFICATE OF APPEALABILITY (COA)  
RESTED SQUARLY ON ONE QUESTION:

"WAS PETITIONER REPRESENTED BY COUNSEL IN  
CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY  
CONVICTIONS."

## 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

LACKAWANNA COUNTY DIST. ATTORNEY V. COSS  
(2001) 532 U.S. 394, 402, 149 L.Ed. 2d 608,  
617, 121 S.Ct. 1567.

GIDEON V. WAINWRIGHT 372 U.S. 335, 9 L.Ed.  
2d 799, 83 S.Ct. 792, 23 OHIO OF. 2d 258  
(1963) 532 U.S. at 404.

UNITED STATES V. TUCKER, SUPRA, at 449 30 L.Ed  
2d 592, 92 S.Ct. 589

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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[] is unpublished.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[] is unpublished.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 N/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[ ] is unpublished.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 \_\_\_\_\_ court appears at Appendix N/A 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 DECEMBER 19, 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 N/A. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (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 WAS DENIED HIS SIXTH  
AMENDMENT CONSTITUTIONAL RIGHT TO  
COUNSEL IN CONNECTION TO HIS TWO  
1982 PRIOR ROBBERY CONVICTIONS.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

UNITED STATES V. TUCKER SUPRA, at 449, 30 L.Ed 2d 592,  
92 S.Ct 589

LACKAWANNA COUNTY DIST ATTORNEY V. COSS (2001)  
532 U.S. 394, 402, 149 L.Ed 2d 608, 617 121  
S.Ct 1567.

GIDEON V. WAINWRIGHT 372 U.S. 335 9 L.Ed 2d  
799 83 S.Ct 792 23 OHIO OF. 2d 258 (1963).  
532 U.S. at 404.

STATUTES AND RULES

OTHER

## STATEMENT OF JURISDICTION

THE DISTRICT COURT AND THE COURT OF APPEALS FOR THE NINTH CIRCUIT DENIED PETITIONER'S REQUEST FOR CERTIFICATE OF APPEALABILITY. IN HOHN V. UNITED STATES, 524 U.S. 236 (1998), THIS COURT HELD THAT, PURSUANT TO 28 USC § 1254 (1), THE UNITED STATES SUPREME COURT HAS JURISDICTION, ON CERTIORARI, TO REVIEW A DENIAL OF A REQUEST FOR CERTIFICATE OF APPEALABILITY BY A CIRCUIT JUDGE OR PANEL OF A FEDERAL COURT OF APPEALS.

### STANDARD REVIEW:

#### DENIAL OF CERTIFICATE OF APPEALABILITY

IN MILLER-EL V. COCKRELL, 537 U.S. 322, 123 S. Ct 1029 (2003), THIS COURT CLARIFIED THE STANDARD FOR ISSUANCE OF A CERTIFICATE OF APPEALABILITY [HEREAFTER "COA"]:

... A PRISONER SEEKING A COA NEED ONLY DEMONSTRATE A "SUBSTANTIAL SHOWING OF THE DENIAL OF A CONSTITUTIONAL RIGHT." A PETITIONER SATISFIES THIS STANDARD BY DEMONSTRATING THAT JURISTS OF REASON COULD DISAGREE WITH THE DISTRICT COURT'S RESOLUTION OF HIS CONSTITUTIONAL CLAIMS OR THAT A JURIST COULD CONCLUDE THE ISSUES PRESENTED ARE ADEQUATE TO DESERVE ENCOURAGEMENT TO PROCEED FURTHER... WE DO NOT REQUIRE A PRISONER

TO PROVE, BEFORE THE ISSUANCE OF A COA, THAT SOME JURISTS WOULD GRANT THE PETITION FOR HABEAS CORPUS. INDEED, A CLAIM CAN BE DEBATABLE EVEN THOUGH EVERY JURIST OF REASON MIGHT AGREE, AFTER THE COA HAS BEEN GRANTED AND THE CASE HAS RECEIVED FULL CONSIDERATION, THAT PETITIONER WILL NOT PREVAIL.

*Id.*, 123 S.Ct. at 1034, CITING *SLACK V. McDANIEL*, 529 U.S. 473, 484 (2000).

## STATEMENT OF THE CASE

ON JUNE 21, 1982, ALAMEDA COUNTY SUPERIOR COURT, CITY OF OAKLAND (CASE NO. 74280), PETITIONER WAS SENT TO STATE PRISON FOR A TERM OF THREE YEARS. HE WAS SENT TO PRISON FOR TWO COUNTS OF ROBBERY. PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH THE ABOVE THREE YEAR PRISON SENTENCE.

ON MARCH 8, 2005, CONTRA COSTA COUNTY SUPERIOR COURT, CITY OF MARTINER (CASE NO. 041151-2), PETITIONER WAS FOUND GUILTY BY JURY TRIAL FOR ONE COUNT OF SECOND DEGREE ROBBERY. THE TRIAL COURT APPLIED THE TWO ABOVE 1982 ROBBERY PRIORS AS TWO STRIKES AGAINST PETITIONER. THE COURT SENTENCED PETITIONER TO 35 TO LIFE AS A THIRD STRIKER.

ON MARCH 16, 2018, PETITIONER FILED HIS SECOND WRIT OF HABEAS CORPUS (CASE NO. 18-01636). THIS WRIT ARGUED PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH THE TWO 1982 ROBBERY PRIORS. PETITIONER ARGUED THAT THE TWO 1982 ROBBERY PRIORS ARE INVALID BECAUSE HE WAS DENIED COUNSEL REPRESENTATION. PETITIONER'S WRIT WAS FILED IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA.

ON JANUARY 22, 2019, THE DISTRICT COURT DENIED PETITIONER'S WAIT OF HABEAS CORPUS AND HIS CERTIFICATE OF APPEALABILITY. SEE ( APPENDIX B ). THE DENIAL ORDER WAS SMOKE AND MIRRORS. THE COURT'S DENIAL ORDER DID NOT ADDRESS THE ISSUE: " WHETHER PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS ". SEE PETITIONER'S CERTIFICATE OF APPEALABILITY ( APPENDIX ).

ON FEBRUARY 4, 2019, PETITIONER FILED HIS CERTIFICATE OF APPEALABILITY AND MOTION TO STAY PROCEEDING TO CORRECT DEFICIENCIES IN THE NINTH CIRCUIT COURT OF APPEALS. THE NINTH CIRCUIT FILED PETITIONER'S CERTIFICATE OF APPEALABILITY IN THEIR COURT.

ON DECEMBER 19, 2019, THE NINTH CIRCUIT COURT OF APPEALS DENIED PETITIONER'S CERTIFICATE OF APPEALABILITY. SEE ( APPENDIX A ). THE DENIAL ORDER WAS SMOKE AND MIRRORS. THE CIRCUIT COURT'S DENIAL ORDER DID NOT ADDRESS THE ISSUE: " WHETHER PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS ". SEE PETITIONER'S CERTIFICATE OF APPEALABILITY ( APPENDIX ).

## STATEMENT OF PERTINENT FACTS

ON JUNE 21, 1982, ALAMEDA COUNTY SUPERIOR COURT, CITY OF OAKLAND, SENT PETITIONER TO STATE PRISON FOR A TERM OF THREE YEARS. HE WAS SENT TO PRISON FOR TWO COUNTS OF ROBBERY (CASE NO. 74280). PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH THE ABOVE TWO ROBBERY COUNTS AND THREE YEAR PRISON SENTENCE. PURSUANT TO PETITIONER'S CERTIFICATE OF APPEALABILITIES, BOTH DISTRICT COURT AND NINTH CIRCUIT COURT REFUSED TO ADDRESS THE SINGULAR ISSUE: "WHETHER PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS" (CASE NO. 74280). PETITIONER PROVIDED BOTH COURTS WITH DOCUMENTED PROOF, EVIDENCE THAT HE WAS WITHOUT QUESTION DENIED COUNSEL REPRESENTATION. THE PROOF OF EVIDENCE ARE AS FOLLOWS:

1. PETITIONER PROVIDED BOTH DISTRICT COURT AND NINTH CIRCUIT COURT WITH COPIES OF THE 1982 PLEA BARGAIN AGREEMENT WAIVER FORMS (CASE NO. 74280). THE FORM WAS NOT SIGNED BY ANY COUNSEL REPRESENTING PETITIONER. THE FACT THAT NO COUNSEL SIGNED THE PLEA BARGAIN AGREEMENT WAIVER FORMS IS DIRECT PROOF OF EVIDENCE PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS.

2. PETITIONER PROVIDED BOTH DISTRICT COURT AND NINTH CIRCUIT COURT WITH HIS DECLARATION, DECLARING:

A). PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS.

B). PETITIONER DID NOT ENTER ANY COURTROOM TO BE SENTENCED BY ANY JUDGE IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS.

C). THERE ARE NO SENTENCING TRANSCRIPTS AVAILABLE SUPPORTING PETITIONER HAD COUNSEL REPRESENTATION OR THAT COUNSEL ADVISED HIM OF HIS CONSTITUTIONAL RIGHTS IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS.

D). THERE ARE ABSOLUTELY NO COURT RECORD THAT SUPPORT PETITIONER HAD COUNSEL REPRESENTATION OR THAT COUNSEL ADVISED HIM OF HIS CONSTITUTIONAL RIGHTS IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS.

## REASONS FOR GRANTING THE PETITION

BOTH DISTRICT COURT AND NINTH CIRCUIT COURT OF APPEALS DENIED PETITIONER'S CERTIFICATE OF APPEALABILITY ON THIS CASELAW PRECEDENT, SLACK V. McDANIEL, 529 U.S. 473, 484 (2000). SEE BOTH COURTS DENIAL ORDERS ( APPENDIX A ) AND ( APPENDIX B ). BOTH DENIAL ORDERS STATE:

PETITIONER'S REQUEST FOR CERTIFICATE OF APPEALABILITY IS DENIED BECAUSE APPELLANT HAS NOT SHOWN 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 DISTRICT COURT WAS CORRECT IN ITS PROCEDURAL RULING".

REASONS WHY THIS COURT SHOULD REJECT SLACK V. McDANIEL .

I. THE CASE FACTORS THAT SET PRECEDENT IN SLACK V. McDANIEL DO NOT APPLY IN DETERMINING WHETHER OR NOT PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION TO HIS TWO 1982 PRIOR ROBBERY CONVICTIONS. DENIAL OF COUNSEL IS NOT FOR A JURISTS OF REASON TO DEBATE AS DECIDED IN SLACK V. McDANIEL . RATHER, DECIDING THE ISSUE OF DENIAL OF COUNSEL IS THE SOLE RESPONSIBILITY OF THE COURT JUDGE AND NOT JURISTS .

2. FEDERAL HABEAS PETITIONS IS RARELY AVAILABLE TO CHALLENGE THE VALIDITY OF A PRIOR CONVICTION. AS A MATTER OF POLICY, A PRISONER MAY NOT USE THE FEDERAL COURT TO MOUNT A COLLATERAL ATTACK ON THE CURRENT SENTENCE ON THE GROUND THAT IT WAS ENHANCED BY AN UNLAWFUL PRIOR CONVICTION. IF THE PRIOR CONVICTION IS NO LONGER OPEN TO DIRECT COLLATERAL ATTACK IN ITS OWN RIGHT BECAUSE THE DEFENDANT FAILED TO PURSUE THOSE REMEDIES WHILE THEY WERE AVAILABLE (OR BECAUSE THE DEFENDANT DID SO UNSUCCESSFULLY). LACKAWANNA COUNTY DIST. ATTORNEY V. COSS (2001) 532 U.S. 394, 402, 149 LEd 2d 608, 617, 121 S.Ct 1567 (28 U.S.C. § 2254). IN COSS, THE SUPREME COURT RECOGNIZED AN EXCEPTION TO THIS RULE ON THE GROUND THAT THE PRIOR CONVICTION USED TO ENHANCE THE SENTENCE WAS OBTAINED WHERE THERE WAS FAILURE TO APPOINT COUNSEL IN VIOLATION OF THE SIXTH AMENDMENT, AS SET FORTH IN GIDEON V. WAINWRIGHT, 372 U.S. 335, 9 LEd 2d 799, 83 S.Ct 792, 23 OHIO OF. 2d 258 (1963). 532 U.S. at 404. THE ABOVE CASELAW CLEARLY MANDATES THAT IT IS THE SOLE RESPONSIBILITY OF A JUDGE TO DETERMINE THE VALIDITY OF PRIOR PRISON ENHANCEMENTS WHEN DECIDING WHETHER OR NOT AN INMATE HAD COUNSEL REPRESENTATION IN CONNECTION WITH THE ENHANCEMENT."

WHEN AN OTHERWISE QUALIFIED § 2254 PETITIONER CAN DEMONSTRATE THAT HIS CURRENT SENTENCE WAS ENHANCED ON THE BASIS OF A PRIOR CONVICTION THAT WAS OBTAINED WHERE THERE WAS A FAILURE TO APPOINT COUNSEL IN VIOLATION OF THE SIXTH AMENDMENT, THE CURRENT SENTENCE CANNOT STAND AND HABEAS RELIEF IS APPROPRIATE. UNITED STATES V. TUCKER, SUPRA, AT 449, 30 LEd 2d 592, 92 SCt 589 (AFFIRMING VACATUR OF SENTENCE  $\langle$  PG. 619  $\rangle$  THAT WAS BASED ON PRIOR UNCOUNSELED STATE CONVICTIONS).

CRIMINAL LAW § 70 - SENTENCE - CONSIDERATION OF INVALID CONVICTIONS: A CONVICTED CRIMINAL DEFENDANT IS ENTITLED TO BE RESENTENCED WHERE THE TRIAL JUDGE, IN DETERMINING WHAT SENTENCE TO IMPOSE ON HIM, GAVE EXPLICIT  $\langle$  PG. 594  $\rangle$  ATTENTION TO TWO PREVIOUS FELONY CONVICTIONS WHICH WERE CONSTITUTIONALLY INVALID BECAUSE HE THEN WAS UNREPRESENTED BY COUNSEL, WAS NOT ADVISED OF HIS RIGHT TO COUNSEL, AND DID NOT INTELLIGENTLY WAIVE HIS RIGHT TO COUNSEL.

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QUOTING UNITED STATES V. TUCKER, IN IMPOSING SENTENCE UPON A DEFENDANT CONVICTED OF BANK ROBBERY, A FEDERAL JUDGE GAVE EXPLICIT CONSIDERATION TO THE DEFENDANT'S RECORD OF PREVIOUS CONVICTIONS. IT WAS LATER CONCLUSIVELY DETERMINED THAT TWO OF THE PRIOR PREVIOUS CONVICTIONS WERE CONSTITUTIONALLY INVALID, HAVING BEEN OBTAINED IN VIOLATION OF GIDEON V. WAINWRIGHT, 372 US 335, 9 Led 2d 799, 83 S Ct 792, 93 ALR2d 733.

THE COURT HELD:

UNDER THESE CIRCUMSTANCES THE COURT OF APPEALS WAS CORRECT IN REMANDING THE CASE TO THE DISTRICT COURT FOR RECONSIDERATION OF THE SENTENCE IMPOSED UPON THE DEFENDANT.

FACTORS RELATING TO THE EXTENT OF PREJUDICE TO THE DEFENDANT (HEREIN PETITIONER): "PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS. BOTH DISTRICT COURT AND NINTH CIRCUIT COURT DID NOT ADDRESS THE ISSUE, WHETHER PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS".

IT IS THE SOLE RESPONSIBILITY OF THE COURT TO DETERMINE WHETHER OR NOT PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS. LACKAWANNA COUNTY DIST. ATTORNEY V. COSS (2001) 532 U.S. 394; GIDEON V. WAINWRIGHT, (1963) 372 U.S. 335; UNITED STATES V. TUCKER, SUPRA, at 449 30 fed 2d 592, 92 S.Ct 589.

IT IS NOT THE RESPONSIBILITY FOR JURISTS OF REASON TO FIND IT DEBATABLE WHETHER PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS. BOTH DISTRICT COURT AND NINTH CIRCUIT COURT DENIAL ORDER'S RULED THAT JURISTS HAS THAT RESPONSIBILITY, PURSUANT TO SLACK V. McDANIEL. SEE DENIAL ORDER'S ( APPENDIX A & B ). THE CASELAW PURSUANT TO SLACK V. McDANIEL HAS ABSOLUTELY NO BEARING, JUDICIAL BEARING ON WHETHER OR NOT PETITIONER WAS DENIED COUNSEL COUNSEL IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS. THIS CASELAW WAS APPLIED ERRONEOUSLY BY BOTH DISTRICT COURT AND NINTH CIRCUIT COURT. AND FOR THIS REASON THIS UNITED STATES SUPREME COURT SHOULD GRANT PETITIONER'S HEREIN WRIT OF CERTIORARI, ISSUING AN ORDER TO THE NINTH CIRCUIT COURT OF APPEALS, ORDERING THE NINTH CIRCUIT TO ISSUE A RULING: " WHETHER OR NOT PETITIONER WAS DENIED COUNSEL REPRESENTATION IN CONNECTION WITH HIS TWO 1982 PRIOR ROBBERY CONVICTIONS ".

THE BOTTOMLINE IS THAT PETITIONER HAS BEEN SENTENCED TO 35 YEARS TO LIFE. 35 YEARS TO LIFE SOLELY DUE TO BOTH 1982 PRIOR CONVICTIONS. PRIOR CONVICTIONS THAT DISTRICT COURT AND NINTH CIRCUIT COURT OF APPEALS REFUSED TO ADDRESS. IF THIS UNITED STATES SUPREME COURT ISSUE AN ORDER, ORDERING THE NINTH CIRCUIT COURT OF APPEALS TO ADDRESS THESE 1982 PRIOR CONVICTIONS, ??????? IS IT NOT PREJUDICE THAT PETITIONER HAS TO SPEND THE REST OF HIS NATURAL LIFE IN PRISON DUE TO THESE TWO INVALID PRIORS. PRIORS IN WHICH PETITIONER WAS DENIED COUNSEL REPRESENTATION.

THE HALLMARK OF OUR JUDICIAL IS THAT DEFENDANTS HAS A SIXTH AMENDMENT RIGHT TO COUNSEL. AS STATED IN GIDEON V. WAINWRIGHT, 37 U.S. 335, 339 (1963) (THE FAILURE TO PROVIDE COUNSEL IN MOST CASES RESULTS IN AUTOMATIC REVERSAL OF HIS OR HER CONVICTION).

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

IN THE  
SUPREME COURT OF THE UNITED STATES  
OF AMERICA

RODNEY JEROME WOMACK — PETITIONER  
(Your Name)

VS.

SOLICITOR GENERAL OF THE U.S. — RESPONDENT(S)

**PROOF OF SERVICE**

I, RODNEY JEROME WOMACK, do swear or declare that on this date, \_\_\_\_\_, 2020, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

SOLICITOR GENERAL OF THE UNITED STATES, ROOM 5614 DEPARTMENT OF  
JUSTICE, 950 PENNSYLVANIA AVE., N.W. WASHINGTON, D.C.  
20530-0001

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

Executed on FEBRUARY, 26, 2020

Rodney WOMACK  
(Signature)

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Frederick Womack

Date: \_\_\_\_\_