

19-8557

No. 18-2587

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U.S. SUPREME COURT  
FEB 4 2020

IN THE  
SUPREME COURT OF THE UNITED STATES

Kallen Dorsett — PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third Circuit Court Of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kallen Dorsett  
(Your Name)

FILED  
JAN 28 2020  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

USP ATLANTA P.O. Box 150160  
(Address)

Atlanta, Ga. 30315  
(City, State, Zip Code)

(Phone Number)

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**QUESTION(S) PRESENTED**

1. Does a prosecutor's threat to prosecute a defendant if he withdraws from his guilty plea invalidate the knowing, voluntary and intelligent clause under Rule 11?
2. Does defendant's Counsel fall within the Strickland v. Washington and Hill v. Lockhart standards when counsel receives threat to prosecute defendant's family members from prosecutor off the record at sentencing and does not inform the Court of the threat and advises defendant to stay in plea when granted oral argument to withdraw plea at sentencing and advises family members at Court to urge defendant to stay in plea or receive a life sentence?

## **LIST OF PARTIES**

[ ] All parties appear in the caption of the case on the cover page.

[x] 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:

Counsel for defendant: Robert Sletvold

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Hill v. Lockhart</u> , 474 U.S. 52, 56-58, 106 S.Ct 366, 88 L.Ed.2d 203	
<u>Strickland v. Washington</u> , 466 U.S 688, 694, 104 S.Ct 2052, 80 L.Ed.2d 674	
<u>Hisel v. Upchurch</u> , 797 F.Supp 1509, 1992 U.S. Dist. LEXIS 45	
<u>Marshall v. Lonberger</u> , 459 U.S. 422, 431, 103 S.Ct 843, 74 L.Ed.2d 646	
<u>Brady v. United States</u> , 397 U.S. 742, 749, 90 S.Ct 1463, 25 L.Ed.2d 747	
<u>Brady</u> , 397 U.S. at 750	
<u>Mabry v. Johnson</u> , 467 U.S. 504, 509, 104 S.Ct. 2543, 81 L.Ed.2d 437	
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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 \_\_\_\_\_; 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 November 12 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: November 12, 2019, and a copy of the order denying rehearing appears at Appendix A.

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).

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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

5th Amendment: No person shall be deprived of life, liberty or without Due Process of Law.

6th Amendment: The Right to Counsel, a right that extends to the plea bargaining process. During plea negotiations defendants are entitled to the effective assistance of competent Counsel.

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## STATEMENT OF THE CASE

On July 1, 2014, I was sentenced by the late Honorable Judge Knoll Gardner.

At sentencing I challenged to withdraw from my guilty plea, to which Judge Gardner granted me oral argument and allowed me the opportunity to withdraw.

Prosecution asked for a off the record hearing with my Counsel who notified me that Prosecutor Jennifer Chunberry threatened to indict my mother and sister if I withdrew my plea. Afraid, I went back into the guilty plea as the record reflects, but only because because of the lingering threat.

Before entering back into the plea I stated for the record  
that it was not by choice. The late Honorable Gardner stated that he couldn't reenter me back into the plea if it's not by choice. At that moment I wanted to inform the Court of the Prosecutor's threat, yet Counsel Robert Sletvold advised me not to or my family would be arrested, so I entered back into the plea under heavy duress. Without the threat and Counsel's seeming willingness to allow it to transpire, I would not have reentered the plea.

## REASONS FOR GRANTING THE PETITION

Petitioner's plea was made under duress in conjunction with ineffective assistance of Counsel and to leave him in this false conviction would be a grave miscarriage of justice, where defendant, if granted a vacate and remand for evidentiary hearing can present exculpatory evidence that law enforcement falsified their Affidavit Of Probable Cause, which the Prosecutor admitted police officers pulled the wool over my eyes, which is why the late Honorable Judge Gardner allowed me to withdraw the guilty plea, leading to the threat that forced me back into the invalid plea.

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## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kallen Donett

Date: 1-27-20

# Appendix A