

20-1568

ORIGINAL

FILED
MAY 03 2021

OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Teresa Miller — PETITIONER
(Your Name)

vs.

United States America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Richmond Fourth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Teresa Miller
(Your Name) 12955-087

Route 37
(Address)

Danbury CT 06811
(City, State, Zip Code)

(Phone Number)

RECEIVED

MAY 11 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Question Presented

Why did the court feel it necessary to order the defendant with a death sentence , so that they would not have their conduct or actions reviewed; why not transfer her trial and docketing her second appeal?

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

Fourth Circuit Richmond Va. 19-4773
US Supreme Court 18-8934
Fourth Circuit Richmond Va. 20-7744

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2
STATEMENT OF THE CASE	3-8
REASONS FOR GRANTING THE WRIT	9
CONCLUSION.....	10

INDEX TO APPENDICES

APPENDIX A	1	Fourth Circuit 19-4773	3-5
		(Arraignment)	
APPENDIX B	2	Fourth Circuit 20-7734	6
APPENDIX C	3	Sentencing	7
APPENDIX D	4	Motion to Suppress	8
APPENDIX E		Text Messages	7
		From Attorneys	
APPENDIX F		Stating they would not transfer	Pages - 11/19

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 B 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 is unpublished.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 is unpublished.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 is unpublished.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 January 25, 2021

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: 11-5-2020, and a copy of the order denying rehearing appears at Appendix 13.

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
Rule 21 F.R.C.P. Transfer for trial
A. For prejudice. Upon the defendants motion, the court must transfer the proceeding against a defendant to another district if the court is satisfied that's so greatly prejudiced against the defendant exist in the transferring district that the defendant cannot obtain a fair and impartial trial there.

Fifth amendment United States Constitution
No person shall be held to answer for a capital, or otherwise in famous crime, on a present meant or indictment of grand jury, except in cases arising in the land or naval forces, or in a militia, when an actual service and time of war or public danger; Nor shall any person be subject for the same fence to be twice put in jeopardy of life or limb; Nor shall be compelled in any criminal case to be a witness against himself, Nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States constitution Amendment 14

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5

That Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

18 U.S.C. §§ 3732, 3742. The appeal is the first way in which a federal criminal defendant who has been convicted of a crime, either after a guilty plea or a trial, may challenge a conviction or sentence. A defendant's conviction is not final until it has been affirmed on direct appeal.

Statement of case

The procedural history in this case docket number 20-7734. Also makes reference to the original transfer of trial 19-4773. The defendant had to re-file so she would not be out of time. The opinions and appendix reflect this procedural history with a separate section for each. This occurred because of coronavirus and the delays in the court system.

Appendix 1

Fourth circuit Richmond Va
19-4773

1.July 22nd 2019 defendant arraigned
docket number 9

Defendant filed pro se motion for transfer of trial due to prejudiced
As per rule 21 of federal rules of criminal procedure
Giving reason as to the prejudiced held against her.

Past procedural history:
Concerning prejudice

cases transferred from the northern circuit due to prejudice or
conflict of interest
1:17cv128 which was 2:17cv0395
2:16cv00050

These following cases were dismissed by the same judge that the defendant previously had cases transferred for prejudiced and conflict of interest.

2:17cv00137
2:17cv132

These cases were dismissed as moot in the fourth circuit because the defendant was no longer in states custody even though they were not a criminal matter.

16-6995

17-3849

17-6463

17-7597

18-7066

18-7069

The petitioner feels that there was a conflict of interest. Due to previous cases that were filed in the Northern District of West Virginia and due to the filing of the US Supreme Court case filed against the Northern District of West Virginia the fourth circuit in Richmond Virginia. The defendant filed a writ of certiorari docket number.

Which was dismissed for the petitioners inability to pay a paid petition even though she was receiving food stamps at the time.

Case number

18-8934

2.The petitioner was denied because she had appointed counsel.
Docket 20

But that is not what rule 21 of the federal rules a criminal procedure states it says the defendant is supposed to ask.

3.Petitioner filed fourth circuit and was refused stating the only thing the petitioner could appeal was her sentence after going to trial.

Docket 5

4. Petitioner feels that she had a right to ask for a transfer of trial under rule 21 criminal rules of federal procedure before her criminal case was heard due to the fact of double Jeopardy.
Docket 11

5. The petitioner filed again for transfer a trial.
Docket number 51

Appendix 2

Fourth circuit Richmond Va
Case 20-7744

6.The petitioner filed again for transfer a trial.
Docket 92

7.The defendant was denied again.
Docket 4

Which was a refusal to Docket the petitioners appeal

8. The defendant filed with the fourth circuit and was told that
the only thing that she was allowed to appeal was her sentence if
it was not following any certain guidelines the defendant did not
sign the plea offer which means the defendant has a right to
appeal her trial.
Docket 11

Appendix 3

9. The defendant was sentenced
Docket 86

10. Defendant filed again for transfer of trial As she was instructed to do at the sentencing.
Docket 91

11. The defendant was refused again
Docket 97

The defendant does not understand why the court refused to file her appeal when she had it filed within the 14 day timeframe asking about her transfer of trial be granted after sentencing. The defendant feels that this is double jeopardy because now if the trial is transferred she will be tried twice for the same crime.

12. The petitioner asked her counsel Numerous times for a transfer of trial due to prejudice. She was informed by her cancel that they did not see any prejudiced or any reason that the judge or courts would be prejudiced it was a civil filing.
Text messages
Number

Appendix 4

13. Defendants motion to suppress physical evidence

Docket

22

The defendant feels that due to prejudice and refusals of the court to follow rule 21 of federal rules of criminal procedure that the decisions to suppression suppress the physical evidence were biased and prejudice.

It was a traffic stop not a drug stop as the officer stated due to the fact of the prescription pills found. No one being charged with them after the driver stating they were hers. And he also did not take my money the officer at the station stated that it was not a drug stop so I could have my money back.

14. Decision

Docket 38

Reasons for granting the petition

The defendant tried multiple times to have the trial transferred to another circuit due to prejudice so she would not be tried for the same crime twice.

The defendant is going to give you an example of the prejudice. Let's say that I put a lawsuit against you. One that might have your conduct reviewed and carry consequences that would concern, your career. That is your way of life it might give you a bad name. Your friends the same people you work with, eat with, play golf with, and your kids go to school together. Now your friends know what is going on because you were served with a copy of it. Do you want to tell me that your friends are not going to feel a certain type of way because someone's trying to give you a bad name and you might lose your job. That would be a concern for their whole court to be reviewed. The defendant feels due to the US Supreme Court case filed docket number 18-8934 . That they received a copy of; the court knew what was going on. And they still chose to deny the defendant her constitutional rights. After the defendant made multiple requests so she may receive a fair tribunal. She feels that due to the filings against previous attorneys, prosecutors, and judges that maybe her attorneys did not try to defend her to the best of their ability. And that maybe the court had certain prejudice feelings against the defendant.

They tried to coerced the defendant into signing a plea offer the defendant was told she did not sign the plea offer they were going to ask the judge that they put her back in prison.

They told me that if I wanted a jury trial that they were going to ask the judge to put me back in prison. The defendant finally had to call her probation officer and ask her was she being put back in prison at the hearing.

See the attached text messages sent into the District Court and the fourth circuit Case number

The defendant feels that due to the 14th amendment of the United States Constitution section 5 Congress should enforce the defendants rights to due process; and a fair tribunal.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Terese Miller

Date: 4-29-21

This Motion for Writ of
Certiorari is presented in
good faith and is not for
delay 4-29-21 Terese Miller