

No. 20-5582

IN THE

ORIGINAL

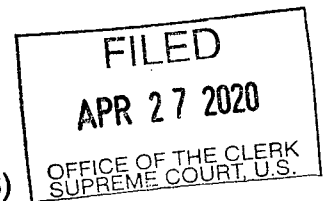
SUPREME COURT OF THE UNITED STATES

Extraordinary writ  
of habeas corpus

In Re: Karl-Heinz Dufuy — PETITIONER  
(Your Name)

vs.

Supreme Court of the U.S. RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court - Eastern District of VA

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

PETITION FOR WRIT OF CERTIORARI

Karl-Heinz Dufuy pro se  
(Your Name)

901 corrections way  
(Address)

Sarratt, VA 23870  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

- Would Jurors have convicted me if evidence of my traumatic brain injury during the attack were presented?
- Does not the failure of Counsel to seek expert opinion & present evidence, found by inmate without undue hardship, favorable to defence prove Counsel's ineffectiveness and violates petitioner's right to due process, fair trial and all rights covered by the 5<sup>th</sup>, 6<sup>th</sup> & 14<sup>th</sup> amendments?
- Does being placed in duress by attackers constitute crimes of intent?
- Being ping ponged by trial court & stenographer for transcripts is a violation of my due process at the appellate level right?
- Finding out a Juror was hearing impaired at the end of trial should have called for a retrial. Why did trial court proceed with deliberation?
- Can this Court uncover the errors at trial & evidence suppressed by the trial court so that competent jurors can render a fair verdict?

## 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:

Niemeyer et Al

## RELATED CASES

- Karl Heinz Dupuy v. unknown, NO. 19-6221, U.S. Court of Appeals for the Fourth Circuit. Judgment entered June 25, 2019
- Karl Heinz Dupuy v. unknown, NO. 19-5716, Supreme Court of the U.S. Judgment entered November 4, 2019

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# TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Sam v. Commonwealth 13 Va. App. 312, 411 S.E.2d 832 (1991)	<u>I</u>
Stoneman v. Commonwealth 66 Va (25 Gratt.) 877 (1874)	<u>I</u>
Green v. Commonwealth 122 Va. 862, 94 S.E. 940 (1918)	<u>II</u>
Walker v. Mitchell 299 S.E.2d 698, 699 (Va. 1983)	<u>II</u>
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17 A.L.R. 4th 575 (1998)	<u>IV</u>
U.S. v. Black, 465 Fed. Appx 510 (6th Cir. 2012)	<u>IV</u>
Bacigalupo, 1 Cal 4th at 125	<u>IV</u>
(see Fed. Pet. at 90)	<u>IV</u>
Alcala v. Woodford, 334 F.3d. 862, 893-95 (9th Cir. 2003)	<u>VII</u>
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U.S. v. Frederick, 78 F.3d 1370, 1381 (9th Cir. 1996)	<u>VII</u>

## STATUTES AND RULES

§ 3.04 (2)(b)	<u>II</u>
§ 68.01	<u>III</u>
§ 68.02.1	<u>IV</u>

## OTHER

{2018 U.S. Dist. Lexis 583}	<u>VIII</u>
U.S. v. Bagley, 473 U.S. 667, 683, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985)	<u>VII</u>
Cone v. Bell, 556 U.S. 449, 469-70 129 S.Ct. 1769, 173 L.Ed.2d 701 (2009)	<u>IX</u>
Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963)	<u>IX</u>
Strickland v. Washington, 466 U.S. 688, 1984	<u>IX</u>
Wiggins v. Smith, 539 U.S. 510 (2003)	<u>IX</u>

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 A to the petition and is

☒ reported at 1:18-cv-01361-LO-MSN; 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 June 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: November 4, 2019, and a copy of the order denying rehearing appears at Appendix C.

☐ 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**

Constitutional and Statutory  
provisions can be found  
in Appendix A



## STATEMENT OF THE CASE

Petitioner was suffering from a traumatic brain injury when two young men wheezled their way into his home, placed him under duress and refused to leave before initiating their assault.

The Petitioner's Counselor failed to acquire & present proof of the TBI and did not seek expert opinion of a neurologist. Not only was the Counselor ineffective, the prosecution also fabricated and exaggerated facts.

Trial errors like having a hearing impaired Juror only announcing his condition at the end of trial, before deliberation, are concealed due to the trial court pointing petitioner to the stenographer only to be directed back to the court. This is further violation of petitioner's due process.

With proper representation, a fair trial, with evidence proving the reality that the petitioner was a victim faced with danger and not a criminal, a competent jury would provide a different verdict.

## REASONS FOR GRANTING THE PETITION

The Lower Courts have failed to uphold my Constitutional rights. My trial was a disaster to the concept of a fair trial. Worst yet transcripts to prove such are being withheld from me. Though my court fines consist of these transcripts, the Stenographer says I must acquire permission from the trial court though the trial court says I must talk to the Stenographers. Appendix D and appendix E validates this claim.

Appendix F documents the receipt of my State habeas corpus being filed in contradiction of Appendix A saying I failed to file it.

All State remedies exercised have proven as ineffective as the attorney hired to represent me. My Due process has been violated from trial up to the appellate process.

The Supreme Court is the only entity to uncover the violations of my 5<sup>th</sup>, 6<sup>th</sup> & 14<sup>th</sup> amendment rights that have blatantly been taken from me keeping me from the child I was protecting. The State will continue to violate the Constitution unless this Court intervenes.

IN Re: Karl Heinz Dupuy  
pro se  
inmate confined at  
Greensville correctional center

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Frank Karl-Heinz Dupuy

Date: Friday 8-7-2020