

20-6457

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

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IN THE

SUPREME COURT OF THE UNITED STATES

PHILLIP WATKINS

— PETITIONER

(Your Name)

vs.

UNITED STATES of AMERICA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Sixth Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Phillip Watkins Doc. No. 76259-061

(Your Name)

U.S.P. Big Sandy P.O. Box 2068

(Address)

Inez Kentucky 41224

(City, State, Zip Code)

N/A

(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Whether, under the circumstances presented, the appellate court erred in denying (A.R. 43) Watkins' motion to strike appellant brief filed by court appointed counsel, or in the alternative, allow him to submit pro se supplemental briefing (A.R. 39)?
2. Whether, under the circumstances presented, the appellate court erred in denying (A.R. 48) Watkins' motion to dismiss court-appointed counsel, strike appellant brief filed by counsel, and allow him to proceed pro se on direct appeal (A.R. 45)?

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

1. United States v. Watkins, No. 1:16-cr-DD089-SJD-1
U.S. District Court for the Southern District of Ohio (Cincinnati)
Judgment entered on March 12, 2019
2. United States v. Watkins, No. 1:17-cr-DD038-SJD-1
U.S. District Court for the Southern District of Ohio (Cincinnati)
Judgment entered on March 12, 2019
3. United States v. Watkins, Nos. 3193/3197
U.S. Court of Appeals for the Sixth Circuit
Judgment entered on June 5, 2020

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Sixth Amendment : right to counsel

STATEMENT OF THE CASE

Phillip Watkins seeks review of the Sixth Circuit Court of Appeals' Orders denying both his request to submit a supplemental pro se brief and subsequent request to dismiss court-appointed counsel and proceed pro se on direct appeal.

Notwithstanding having tendered a timely, fileable appellant pro se brief due to communication difficulties with counsel and dissatisfaction with the issues briefed by counsel, the Sixth Circuit Court of Appeals held:

- "There is no right to hybrid representation on appeal" (AR. 43-2)
- "Defendant has no constitutional right to proceed on appeal pro se," and "Given the difficulties of litigating on appeal from prison and the time constraints presented it is ~~ORDERED~~ that the motions are hereby DENIED." (AR. 48-2).

REASONS FOR GRANTING THE PETITION

The Court should grant Watkins' petition vacate the Sixth Circuit's Opinion, *United States v. Watkins*, 2020 U.S. App. LEXIS 17778 (6th Cir. 2020), and remand with instructions to the lower court that Watkins shall proceed pro se on appeal.

Although litigating a criminal appeal pro se while incarcerated presents unique challenges such as time constraints, Watkins expressed a plain desire to either submit a supplemental pro se appellant brief or proceed pro se on appeal. Watkins also tendered a timely, fileable pro se appellant brief. Cf. United States v. Dorman, 2020 U.S. App. LEXIS 7346 (6th Cir. 2020) (granting request to proceed pro se on appeal under analogous circumstances); see also United States v. Bravata, 2014 U.S. App. LEXIS 24790 (6th Cir. 2014) (same).

Further, a review of Watkins' pro se appellant brief clearly sets forth understandable and meritorious issues/arguments. As such, the Sixth Circuit should have, at a minimum, addressed Watkins' pro se brief as supplemental to court-appointed counsel's brief. See, e.g., Miller v. United States, 501 Fed Appx 485, 489 (6th Cir. 2014) (explaining court exercises its discretion to address supplemental pro se briefs, in addition to the brief filed by counsel, when the pro se supplemental brief "appear to have merit").

For these reasons, the Court should grant Watkins' petition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Phillip Watkins

Phillip Watkins

Date: November 1, 2020