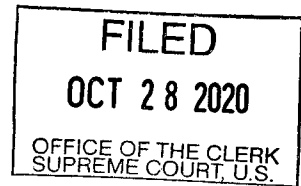


No. 20-6483 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Adrien John Matuck — PETITIONER
(Your Name)

vs.

Jessica Betley et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for The Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Adrien John Matuck
(Your Name)

USP Tucson P.O. Box 24550
(Address)

Tucson, AZ 85734
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Did District Court violate Matuck's Due Process right when it held Voir dire over seven years after trial?
2. Is Due Process violated when Matuck was not present when Voir dire was conducted by an investigator retained by the court?
3. Did change in law deny Matuck the first amendment right to appeal?
4. Is first amendment right to access ~~the internet~~ ^{law library} violated ~~due to the COVID-19 pandemic?~~
5. Is the Texas State Case proper to address Matuck's Federal case?
6. Was trial Counsel ineffective for failing to ensure an impartial jury?
7. What is element of premeditation under 1153?
8. Was trial Counsel ineffective for stipulating to an element of the offense?
9. Or is Appellant Counsel ineffective for appealing the element that was ~~stipulated~~ stipulated?
10. Did District Court err when it did not question jurors about murder victim Raymond Brown during Voir dire?

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

No related cases

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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☒ is unpublished.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 2020 U.S. AppLexis 18451; 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 11, 2020.

☒ 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 10/9/2020 (date) on 3/19/2020 (date) in Application No. A 20-35320

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

1st Amendment right is violated because Matuck was not had the right to access the law library while addressing the 9th Circuit Court of Appeals, as well as The Supreme Court of the United States, due to the lock down imposed because of COVID-19.

Also the first amendment right to a direct appeal was denied because the law changed and made Matuck's appeal irrelevant.

4th Amendment was violated because the jury was not impartial, Matuck was not present during voir dire. Court retained an investigator to conduct voir dire over seven years after trial.

Trial Counsel stipulated to an element of the 1153 offense.

Matuck's black T-shirt was not presented at trial.

District Attorney put a picture of Matuck on a projector to point out Matuck for witness. Witness did not identify Matuck in court room.

A full hearing would not have voir dire seven years after trial.

A fair hearing would not allow trial Counsel to stipulate to element in which to obtain a conviction.

Also a pathologists testimony, it took 30 seconds to kill Raymond Brown, cannot satisfy the element of premeditation under 1153. U.S. v PRIGMORE (1st Cir. 2001) 243 F3d1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th Amendment Due Process is Violated throughout Matucks Case.

14th Amendment violation because the appointed Counsel assisted the district attorney with Matucks Conviction. If trial counsel did not stipulate to a element of the offense Matucks outcome would be different.

~~Appellant~~ Appellant counsel appealed the element trial counsel stipulated to. Both cannot be considered effective. Kristina Neal was appointed in Habeas Corpus petition, which she never informed Matuck of any extensions or decisions. Matuck had four appointed Counsel and not a single objection.

14th Amendment is denied to Matuck Equal Protection of law is violated because Ex-Police officer Derek Chauvin of Minneapolis, MN murdered George Floyd which was recorded. Over 8 minutes Mr. Floyd was choked by Derek Chauvin which Mr. Chauvin ended up being charged with second degree murder. No one testified that they seen Matuck break any law.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Matuck is innocent, but when allegations are compared, the 30 second theory is not close to 8 minutes and 46 seconds that Mr. Chauvin is seen killing George Floyd. The District Attorney is unclear about premeditation because the pathologist ~~was~~ was not present to be a witness to anything about this case.

Rule 43 Fed R. Crim. P 43 (a)
Matuck's right to be present "at every stage of the trial including the impaneling of the jury" Voir dire is to be done before trial begins. Seven years after trial without Matuck present is a clear violation of due process.

STATEMENT OF THE CASE

September 7th 2012 Matuck was convicted of first degree murder under 18 U.S.C. 1153.

A notice of appeal was timely filed January 14th 2013. In 2015 a change in law denied Matucks direct appeal in March 2016.

June 2017 Matuck timely filed a Habeas Corpus petition.

March 2nd 2020 Matucks Habeas Corpus was denied.

April 2020 Matuck applied for a certificate of Appealability. The Ninth Circuit Court of Appeals denied Matucks request.

Now Matuck Comes before The Honorable Supreme Court of America.

Matuck addressed the issue of ~~voir dire~~ voir dire Seven years after trial, without Matuck present, to the Court of Appeals for the Ninth Circuit. The Ninth Circuit responded with a Texas state Case. The case used to address Matuck discusses race, Matuck believes ~~because~~ he is misunderstood because he did not have access to the law library to properly explain his matters. The Boston Marathon Bomber DZOHKHAR TSARNAEV and Scott Peterson of SAN FRANCISCO had issues with their jury and were addressed.

Matuck hopes The Supreme Court will properly address any issues that may have been improperly addressed.

REASONS FOR GRANTING THE PETITION

The Habeas Corpus Matuck filed in 2017 has several issues which were overlooked by the district ~~court~~ court. The voir dire issue was not properly addressed, Matuck informed the court that the element for premeditation under 1153 for first degree was not proven to the jury as a matter of law. The court relies on a pathologists testimony that it had taken 30 seconds for Raymond Brown to be killed. A pathologists testimony is improper to satisfy an element of the offense.

No Witness to 30 seconds of anything compared to Derek Chauvin of MN who choked George Floyd to death for over 8 minutes and was charged with Second degree murder.

At Matucks trial no one testified that Matuck had done anything wrong. No witness testified they seen Matuck and R. Brown fight. No one testified Matuck and R. Brown had an altercation, No one agreed they fought.

REASONS FOR GRANTING THE PETITION

There is no evidence that Matvek and Brown had any interaction. Matveks black T-shirt proves he is innocent, Matveks black shirt was not presented in trial. Also agent Holland did not testify at trial. The District Attorney relies on a piece of fabric which R. Browns DNA is inconclusive. Also the carpet that is wall to wall throughout the trailer which would be on everyone who was in the trailer. The discovery DNA results do not identify Raymond Brown or his twin brother as contributors. During trial Gabe Garfield did not identify Matvek, Jessica Betley put a picture of Matvek on a projector and asked if that was Matvek.

Since March 2020 USP Tucson has been on a modified lock down and all the way locked down sometimes. Currently the prison is completely locked down, due to COVID-19 pandemic.

REASONS FOR GRANTING THE PETITION

Matuck has not had the opportunity to properly address The Supreme Court of the United States nor was Matuck given access to the law library to address the Ninth Circuit Court of Appeals.

Also Matuck understands that an opinion from the Texas State Court should be included, but Matuck is unable to get a print out without access to the law library. Matuck sent a copy out/request to Mr. Amico and requested the case law print out.

The due process guaranteed to all Americans has not been guaranteed to Matuck.

Matucks Conviction should be reversed.
The judgment should be vacated and a
judgment of ~~an~~ acquittal should be entered
due to the insufficiency of the evidence
and the violation of Due Process. In the
alternative, Matuck should be granted a new
trial.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Adrien J Matuck

Date: 10/28/2020