

UNITED STATES SUPREME COURT

Adrien John Matuck

vs.

Case No. 20-10483

United States of America

Certiorari Rehearing Motion.

The Petitioner Adrien John Matuck, pro-se hereby motions this Honorable Court for a rehearing on Writ of Certiorari. This Motion is being presented in good faith and not for delay.

The Petitioner wants to direct this Courts attention to *Ramos v. Louisiana*, 140 S. Ct. 1390; 2016 L. Ed. 2d 538. (2020)

In this case, this Court reversed the judgement with a 5-4 decision; 3 Concurrences, and 1 dissent. This Court found that the Sixth Amendment right to a jury trial, as incorporated against the states by way of the Fourteenth Amendment, required a unanimous verdict to convict a defendant of a serious offense. This petition has other substantial grounds not previously presented.

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Mr. Matuck's Trial Counsel were ineffective for failing to ensure that Mr. Matuck had an impartial Jury. Trial Counsel errors pertaining to locating the Jurors, and re-questioning them are below the standard of any Bar Certified attorney.

Mr. Matuck's Counsel was ineffective for allowing the District Court to re-question the Jurors about the victim after Mr. Matuck had already been convicted by that same Jury. This is a structural error, and a direct violation of the Sixth Amendment.

The Constitution guarantees both Criminal and Civil litigants a right to an impartial Jury. It is a Sixth Amendment violation for the District Court to order that the Jurors whom convicted Mr. Matuck to be located years later, and re-questioned about their impartiality. This process should have been conducted prior to trial, not years later.

Trial Counsel was ineffective for not raising this Structural Error and not demanding that Mr. Matuck's conviction be vacated and a new trial before an impartial Jury be ordered.

This Court knows that Mr. Matuck should have been present while the Jurors were being re-questioned, he was not present, this is also a Sixth Amendment Violation and a Structural Error requiring automatic reversal.

This is a Structural Error that deprived Mr. Matuck of his Constitutional right to a fair trial. The fact that Mr. Matuck's Trial was conducted by Jurors who were never asked of the victim is an error simply too hard to measure, therefore it is a structural error under *Weaver v. Massachusetts*, 137 S.Ct. 1899; 198 L.Ed. 2d 420 (2017).

The Petitioner was entitled to automatic reversal of his convictions, regardless of the errors actual effect or outcome. Mr. Matuck has shown that his Counsel's performance was deficient and his attorneys' errors were so serious that counsel was not functioning as the counsel guaranteed by the Sixth Amendment when counsel allowed the Jury to be impaneled without asking them whether or not they knew the victim or could they be impartial.

Mr. Matuck is praying that this Honorable Court will Grant a Rehearing.

Respectfully Submitted, 3/15/21
S. J. Matuck

CERTIFICATE OF SERVICE

The Petitioner, Adrien John Matuck, pro-se hereby Certifies that the statements in this Motion for Rehearing are true and correct. Mr. Matuck has mailed a copy of this Motion to the United States Solicitor General at Room 5614, Department of Justice, 950 Pennsylvania Ave, N.W. Washington D.C. 20530-0001. Mr. Matuck also mailed this motion to this Court on March 15th 2021.

Respectfully Submitted,

Adrien J Matuck

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