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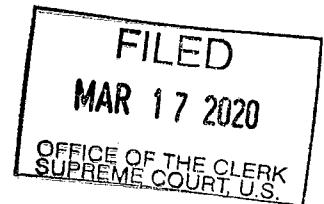
IN THE UNITED STATES SUPREME COURT

ORIGINAL

SCOTT DWAYNE CHATMAN,
Petitioner,

vs.,

STATE OF IOWA,
Respondent.



ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF IOWA

PETITION FOR WRIT OF CERTIORARI

Scott D. Chatman, *Pro Se* Petitioner
2000 North 16th Street
Clarinda, IA. 51632

QUESTIONS PRESENTED FOR REVIEW

- I. DID THE IOWA COURT OF APPEALS DENY AN INCOMPETENT DEFENDANT DUE PROCESS?**

- II. DID THE IOWA COURT OF APPEALS AND IOWA SUPREME COURT CONVICT AN INNOCENT MAN IN A CASE WHERE THE ALLEGED ACCUSER DIED?**

LIST OF PARTIES

All Parties appear in the caption of the case on the cover page.

RELATED CASES

Cooper v. Oklahoma, 517 U.S. 348, 116 S.Ct. 1373, 134 L.Ed.2d 373 (1996)

Medina v. California, 505 U.S. 437, 112 S.Ct. 2572, 120 L.Ed.2d 353 (1992)

Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004)

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Appendix C—Decision of Iowa Supreme Court Denying Rehearing

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**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

The opinion of the Iowa Court of Appeals appears at Appendix B to the petition and has been designated for publication but has not yet been reported.

JURISDICTION

The date on which the highest state court decided my case was November 30, 2020. A copy of that decision appears at Appendix B.

A timely petition for rehearing was there after denied on the following date: January 25th, 2021 and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

Constitutional and Statutory Provisions Involved

14th Amendment to the United States Constitution, Due Process
5th Amendment to the United States Constitution, Due Process
6th Amendment to the United States Constitution, Confrontation
8th Amendment to the United States Constitution, Cruel and Unusual
Punishment

STATEMENT OF THE CASE

The Petitioner, Scott Chatman, is a former U.S. Marine with P.T.S.D. and Bipolar Disorder whom was charged with the Robbery and Burglary of Felix Mandujano. However, before he would go to trial, Felix Mandujano, the accuser, *died* and Chatman was tried and convicted without confronting his accuser.

In addition to being tried *without an accuser*, the Petitioner was tried whilst *he had not been properly determined to be competent* to stand trial under the procedures that are set forth by law. The court held the competency hearing to determine if the Petitioner was competent *without the Petitioner present*.

The Petitioner was tried in the Iowa District Court for Polk County, Des Moines, Iowa, and convicted and given 25-year sentence *with a 70% mandatory*. Though the Court of Appeals did reverse concerning issues involving his sentence, the underlying conviction and the issues herein were not reversed. The Petitioner, Scott Chatman, appealed to the Iowa Supreme Court and his appeal was transferred to the Court of Appeals. When his appeal was denied, he then applied for further review to the Iowa Supreme Court which was also denied.

REASONS FOR GRANTING THE WRIT

I. THE IOWA COURT OF APPEALS DENIED AN INCOMPETENT DEFENDANT DUE PROCESS

Iowa has a set procedure to determine whether or not a person is competent to stand trial. See Iowa Code §812.3, *et seq.* The petitioner was denied this procedure when he was not brought to the hearing to determine whether he was competent. This court determined in *Medina v. California*, 505 U.S. 437, 112 S.Ct. 2572, 120 L.Ed.2d 353 (1992), that a defendant in a criminal proceeding has the right to a *set procedure* to determine their competency. Under Iowa Law, Chapter 812 of the Code of Iowa, the defendant has the right to be *at the proceedings* and the right to be given a meaningful evaluation concerning his competency. The Petitioner, Scott Chatman, was denied the right to be present. The hearing was a sham and was not a real determination as to whether or not he was competent.

In addition to the due process requirements under *Medina*, the Iowa Code requires that a person be present for the testimony and cross-examination for confrontation. Therefore, under Iowa Law, the

defendant also has a quasi-confrontation clause inserted into the Iowa Law, as well.

The Iowa Law states, “[t]he defendant shall be entitled to representation by counsel, including appointed counsel if indigent, and ***shall be entitled to the right of cross-examination and to present evidence***”. Iowa Code §812.3 (2020) (emphasis mine). Indeed, the law states that defendants have the right to cross-examination and to “present evidence”. Part of that evidence being the testimony and/or visual determination of the demeanor of the defendant by the judge. How is the judge to determine the competency of a defendant without the defendant being present?

It is impossible to determine the competency of a defendant when the defendant is not present in the court room. Moreover, it has always been the burden of the criminal defendant to prove that he is not competent. When the defendant must shoulder the burden of proving that he is not competent, it denies due process to change the procedure and make it more difficult. *Cooper v. Oklahoma*, 517 U.S. 348, 356-57, 116 S.Ct. 1373, 134 L.Ed.2d 373 (1996).

II. DID THE IOWA COURT OF APPEALS AND IOWA SUPREME COURT CONVICT AN INNOCENT MAN IN A CASE WHERE THE ALLEGED ACCUSER DIED?

In this country, we have the right to confront our accuser according to the history of our jurisprudence. However, the state of Iowa has slowly eroded the right to confronting one's accuser since *Crawford v. Washington*, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004). In this case, the accuser *died before any trial or confrontation took place*. Iowa has pretty much done away with the requirement to confront one's accuser in light of *Crawford*.¹ Iowa previously tried to do this in the very last case tried by this court in *Coy v. Iowa*, 487 U.S. 1012, 108 S.Ct. 2798, 101 L.Ed.2d 857 (1988). That is, Iowa believed that they can do away with confrontation and substitute some other process for it.

As stated in *California v. Green*, 399 U.S. 149, 90 S.Ct. 1030, 192 26 L.Ed.2d 489 (1970), "There is no way to test the recollection and sift the conscience of a witness regarding the facts of an alleged

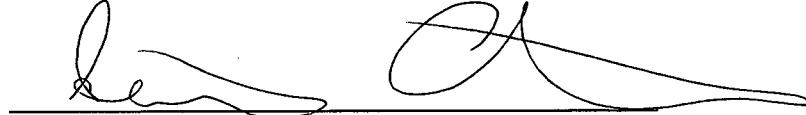
¹ *State v. Shipley*, 757 N.W.2d 228, 236 (Iowa 2008) (Also stating that the court "appeared to minimize the scope of *Crawford*" in *Davis v. Washington*, 547 U.S. 813 (2006); *State v. Schaer*, 757 N.W.2d 630, 635 (Iowa 2008) (Stating that this court has "not provided a comprehensive definition of what constitutes 'testimony' or of what statements are 'testimonial'" and essentially since 2008 the Iowa Courts have used statements where there was *no accuser* to convict individuals in non-homicide cases. In *State v. Hilson*, 829 N.W.2d 190 (Iowa 2013), 2016 Iowa App. LEXIS 1219 (Iowa Ct. App., Nov. 9, 2016), the accuser had been *dead* from a car accident for 3 years.

offense" when they are not there to testify. The defense cannot probe the accusation of a silent accuser or attempt to expose the facts that either qualify or discredit it.

CONCLUSION

The state of Iowa failed to follow the process to determine whether or not the Petitioner was competent to stand trial. Then tried the Petitioner without an accuser, thereby denying the right to confront an accuser. The Petition for writ of certiorari should be granted.

Respectfully submitted,



Scott Chatman
2000 North 16th Street
Clarinda, IA. 51632