

No. 20-8296

IN THE
SUPREME COURT OF THE UNITED STATES

Carrington Sturgis
(Your Name)

vs.

— PETITIONER FILED

FEB 21 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Maryland — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ORIGINAL

Court of Special Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Carrington Sturgis
(Your Name)

13860 McNiven Hwy SW
(Address)

Cumberland, MD 21205
(City, State, Zip Code)

443-931-9699 (Family)
(Phone Number)

RECEIVED
JUN 2 - 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1) Did the court abuse its discretion in refusing to ask voir dire questions about whether members of the venire were biased against appellant out of frustration for having to return for a second day of jury selection and whether members of the venire were afraid to answer questions in appellant's presence?
- 4.) Was the evidence legally sufficient to sustain appellant's conviction?
- 5.) Did the court abuse its discretion in failing to address appellant's request to discharge counsel?
- 6) When the court granted counsel's motion to withdraw appearance, was Appellant denied his right to be present and his right to counsel of choice? (Jeffrey M. Ross)

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

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A Special Appeals Court Response

APPENDIX B February 1st Transcripts

APPENDIX C This was the only response from the State High Court
in regards to the WRIT of certiorari

APPENDIX D N/A

APPENDIX E Letters from Public Defender's Office

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

CASES	PAGE NUMBER
Pearson v State 437 Md 350, 356, 86 A.3d 1232, 1235 (2014)	
US v Blitch 622 F.3d 658, 664-65 7th Cir (2010)	
State v Shim 418 Md. 37 (2011)	
Wilder v State 191 Md. App. 319, 335 (2010)	
Maye v State 369 Md. 2, 13 (2002)	
White v State 363 Md. 150, 163 (2001)	
Crowe v Roth 172 F.3d 991, 999 (7th Cir. 1999)	
Kucharczyk v State 235 Md. 334, 337 (1964); but see Bailey v. State 16 Md. App. 83 (1972)	
Williams 435 Md. at 486-87.	

STATUTES AND RULES

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 _____ 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 _____ to the petition and is

[] reported at _____; 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 6 to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

Special Appeals

The opinion of the Special Appeals Court appears at Appendix 4 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 0 NA.

No petition for rehearing was timely filed in my case.

*Excuse
this*
 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 _____ (date) on _____ (date) in Application No. __ A _____.

*Excuse
this*

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 March 27, 2020.
A copy of that decision appears at Appendix C.

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 _____.

*Excuse
this*

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

6th Amendment

Mar Rule 4-214(a)

STATEMENT OF THE CASE

On April 9, 2018 I was found guilty of Murder 1, use of a firearm in the commission of a crime of violence; wear, carry and transport a handgun; possession of an illegal firearm; conspiracy to wear, carry and transport a handgun in the open. Appellant was sentenced to a term of incarceration of life imprisonment for first degree murder, twenty years (first five without parole) for possession of an illegal firearm, and three years for conspiracy.

The following facts were presented at Trial. Late at night on July 9 or early morning of July 10 2014 William Johnson was shot and killed at the home of Charlene Davis. Mr. Johnson, Ms. Davis, and three other individuals were at the house using drugs. Two men entered Ms. Davis's house and argued with and physically assaulted Mr. Johnson, and then one of the men fatally shot him. At Trial Ms. Davis and the other eyewitnesses to Mr. Johnson's murder provided detailed accounts of the incident. The witnesses all admitted to using drugs habitually and on the night in question. Ms. Davis was the only eyewitness who testified that she saw appellant and his co-defendant. After conviction Appellant filed a motion for new trial. Appellant argued that there was insufficient evidence to support his convictions and that he was denied his constitutional right to counsel of his choice when the court struck his private attorney's appearance without holding a hearing.

At appellant's sentencing hearing on April 9, 2018, appellant presented along with the motion for new trial a letter dated January 31 2018 from the Office of the Public Defender indicating they had forwarded a request for a panel attorney to his former private counsel. Defense counsel argued that the letter showed that appellant was awarded a panel attorney other than himself. The court denied motion for new trial.

REASONS FOR GRANTING THE PETITION

The lower court erred on numerous occasions that my writing the Public Defender's office and then awarding me an Panel Attorney due to Robert Durkin's Jr. ineffective performance prior to trial was in effect to me wanting my former private counsel.

I was unaware that Andrea Jaskulsky took on pro bono cases nor that Kirsten Gretty Downs would ~~not~~ replace ^{her} on my case. This letter was to show that I never wanted Robert Durkin Jr. as my attorney due to his legalistic approach to my case in the preliminary stages.

Reason also belying in the fact the lower court finds that it can be sound prudent that under Rule 4-214(d), in the Courts Rulemaking Capacity that required hearings on motions to withdraw which from my scant understanding is an constitutional right.

The letter attached from the Public Defender's office (Appendix E) is the response to my crying out about Robert Durkin's ineffectiveness for the second time. This was not received until the day after I was found guilty which was February 1st.

The lower court never once addressed my number 1 or 4 question picking what they chose to address from my PROSC petition themselves.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

C. Sturges

Date: 3/15/21