

4-5128  
No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

JUL 13 2021

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

TERENCE Thomas — PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

20-3224; Dist/Ag dock et; 6:19-cv-01211-EFM, 6:16-ce-10034-EM

EFM -1

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

PETITION FOR WRIT OF CERTIORARI

TERENCE Thomas  
(Your Name)

42 Patton Road; FMC Devens, PO Box 879  
(Address)

Ayer MA 01432  
(City, State, Zip Code)

-NA-

(Phone Number)

QUESTION(S) PRESENTED

(1) I was denied a CoA (Certificate of Appealability) from the 10<sup>th</sup> circuit court of Appeals. I would like to know what is the process (appeal process) after the 10<sup>th</sup> CIR.

(2) I would like to know if I may have some templates in regards to the next process because our library don't have too many things.

(3) I would like to know what else I need to do in regards to Case No. 20-3224

## 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) No 20-3224

(D.C. No. 6:19-CV-01211-EFM) v (6:16-(K-10034-EFM-1))  
(D.Kan)

(2) No. 21-3067 (D.C. No 521-CV-03059-SAC)(D.Kan)

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

SEE CASE AB. 21-3067

STATUTES AND RULES I don't have access to enough law library  
Please order some ~~good~~ judgement so that  
we can have access to law library so that  
I may pursue this case

### 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 NO-20-324; 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[ ] is unpublished.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 16-40034-01-EFM; 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[ ] is unpublished.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.

## 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 us court of Appeal opinion. --

    No. 20-3224

APPENDIX B us district court of Appeal --

    No. 16-10034-01-6FM

APPENDIX C

    us court of appeals re hearing / coa denial

APPENDIX D

APPENDIX E

APPENDIX F

## JURISDICTION

### **For cases from federal courts:**

The date on which the United States Court of Appeals decided my case was June 24 2021.

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: June 24, and a copy of the order denying rehearing appears at Appendix C.

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. § 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

### Constitutional violations:

- Due process
- Force of will / duress
- Equitable tolling
- ~~improper~~ improper upward departure
- forced representation
- insufficient / ineffective assistance of counsel
- Prosecution misconduct
- ~~Notice of objections~~
- notice of objections
- Duration of sentence

## STATEMENT OF THE CASE

I would like to start by saying I have ~~8~~ mental health conditions my whole life that have impacted me. I included my order to prove this matter involved, secondly I would like to prove equitable tolling.

Phone system (David Freund) to appeal my case and he never ~~did~~ did.

I ask in agreement with him at Florence, CO to please send my papers so that we can appeal which I thought we was waiting on for appeal.

All contacts with the public defender office in regards to me ~~can~~ can be found and ~~is~~ is monitored. I will like the ~~for~~ to reflect that ~~it~~ it is the sole evidence that I asked for my case to pursue and that I diligently pursued my case.

NETT

I don't believe I should be denied a certificate of appealability or time barred.

If the court improperly departed upward then that should be a due process violation as well as being forced representation both have been proven however I ask before my complaint information not to be assigned my attorney and I was denied because I quoted what was called "my sovereign rights" and going outside sentencing guidelines is what happen with my plea and upward sentence.

Counsel failing to file notice of appeal is despite ~~instructions~~ instructions is ineffective/insufficient assistance of counsel

I would like to know what all is needed in regards to my case cause I feel like I'm explaining myself over or over explain I'm unsure what needs to be said my <sup>counsel</sup> ~~counsel~~ was wrong I was force under duress with my plea as I said on the record and I was fear for my life and families now some have ~~done~~ I want to speak out about it.

## REASONS FOR GRANTING THE PETITION

The counsel was appointed under false pretense I was told I had to be represented by him and I had to be sentenced by a judge which I believe was sent to them on purpose because my attorney told me I would be sentenced to 12 years.

The case is outside of sentencing guidelines for bank robbery and brandishing I will like at least a reduction of sentence

being forced to obtain legal representation is unconstitutional and given due diligence should prove that I should have a chance

Refusing to file a notice of appeal have time barred me by my counsel and destroyed my life I would like to know what can be done and granted

I would like a cost reduction of sentence,  
Plea withdraw, and ~~the~~ financial stability  
for damage, hardship, and liberty interest  
I also would like ~~to~~ to have access

to the law library more so I can pursue this

matter further.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Terence Thomas

Date: 6-29-21