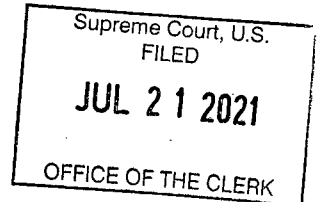


21-5221
No.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



ANDRE M. ADAMS

— PETITIONER

(Your Name)

SUPERINTENDENT SCI HUNTINGDON,
COMMONWEALTH OF PA.

VS

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THIRD CIRCUIT COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

ANDRE M. ADAMS # KY-4693

(Your Name)

SCI-HUNTINGDON
1100 PIKE STREET

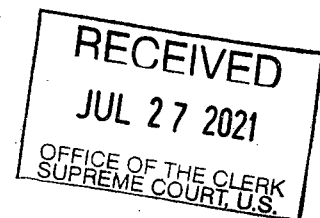
(Address)

HUNTINGDON, PA. 16654-1112

(City, State, Zip Code)

N/A

(Phone Number)



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:

Attorney General of Pennsylvania->(Representing the Commonwealth)
Strawberry Square, 16th Floor
Harrisburg, Pa. 17120

RELATED CASES

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OTHER

SIXTH AMENDMENT AND FOURTEENTH AMENDMENT

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☒ is unpublished.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 _____; 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☒ is unpublished.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☐ is unpublished.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 _____. <-----

☐ 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 _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).
THIS IS TIMELY FILED. NO EXTENSIONS WERE REQUESTED.

☐ 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

S I X T H A M E N D M E N T

F O U R T E N T H A M E N D M E N T

D U E P R O C E S S

THE RIGHT TO BE REPRESENTED BY COUNSEL IN A CRIMINAL TRIAL

STATEMENT OF THE CASE

PETITIONER FORCED TO TRIAL WITHOUT COUNSEL.
NO PRO-SE COLLOQUY OR WAIVER HEARING CONDUCTED.

THIS WAS AN EXTREMELY SERIOUS TRIAL CONSISTING OF SERIOUS CASES INVOLVING CONTROLLED SUBSTANCE VIOLATIONS OF LAW AND OTHER RELATED CRIMINAL CHARGES. THE SENTENCE WAS: 158 YEARS. <EMPHASIS>
PETITIONER FILED A \$2254 HABEAS CORPUS & IT WAS DENIED.
THE THIRD CIRCUIT COURT OF APPEALS DENIED A C.O.A..

In this instant case, the Petitioner received a 158 year sentence after being convicted at trial by a jury in Centre County, Pennsylvania in Central Pennsylvania. The Attorney General Office of Pennsylvania led the investigation and the prosecution of the Petitioner.

The Petitioner was "forced" to trial without counsel and forced to represent himself, during the trial. <EMPHASIS>

The Petitioner did not want to represent himself at trial, but the trial court judge forced the Petitioner to proceed to trial pro-se. NOTE: There was never a pro-se colloquy or a waiver of trial counsel. WHAT HAPPENED WAS ALMOST UNBELIEVABLE IN AMERICAN LAW. But it did happen in Centre County, Pennsylvania. Petitioner was forced to go to trial and represent himself in a serious criminal case that resulted in a 158 year sentence. (State Court ruled: Forfeiture of Counsel).

THIS CANNOT BE PERMITTED BY THIS COURT.

Petitioner is an African American from Philadelphia and was before an all white court, all white lawyers, and denied a fair trial. PETITIONER NEEDED COUNSEL. (COUNSEL WAS REQUESTED)

[[SEE APPENDIX [C]]] —> <N.T. 1-3-2013, p.62>

REASONS FOR GRANTING THE PETITION

PETITIONER'S SIXTH AMENDMENT RIGHT TO COUNSEL IN A CRIMINAL CASE TRIAL WAS **NOT** AFFORDED TO THE PETITIONER. THIS WAS A SERIOUS CRIMINAL CASE (PETITIONER RECEIVED 158 "YEAR" SENTENCE) AND HE WAS FORCED TO GO TO TRIAL WITHOUT A LAWYER. FORCED TO REPRESENT HIMSELF.

NO FARETTA V. CALIFORNIA, colloquy.

NO WAIVER of counsel hearing.

PETITIONER asked for counsel for the trial. SEE THE ATTACHED TRANSCRIPT PAGES.

PETITIONER IS AN AFRICAN AMERICAN.

PETITIONER WAS DENIED A FAIR TRIAL.

This is a case for the books. Almost no one would believe what took place here. There are factors that should be considered.

First: The Petitioner is an African American. Second: The Judges involved and the prosecution and all lawyers are Anglo Americans, (white).

The Petitioner was facing serious charges (drug related cases), and received a 158 "YEAR" sentence. (That is more than a human can live to serve out).

The Petitioner never caused any physical disturbance (NONE) in Court or Hearings. None at all.

The Petitioner presented "respectful" verbal arguments and did assert verbally, that he believed he was not being treated fairly. Petitioner never brought up race. He argued his opinion on laws and rules that were involved with his case and his defense.

There was never a personal attack on the Judge, lawyers etc. There was verbal legal argument (yes) but that pertained to the case, and the legal issues being discussed. NEVER DID THE PETITIONER HAVE TO BE REMOVED FROM THE COURTROOM OR GAGGED. The arguments were civil, and —involved legal issues.

THIS INSTANT CASE AND THE CIRCUMSTANCES DID NOT EVEN COME CLOSE TO HAVE THE PETITIONER'S RIGHT TO COUNSEL (6TH AMENDMENT) BE ORDERED FORFEITED. <EMPHASIS>

It is the representation by counsel that is the standard, not the exception. MARTINEZ V. COURT OF APPEALS, 120 S.Ct. 684 (2000). POWELL V. ALABAMA, 287 U.S. 45 (1932). This Court's landmark case GIDEON V. WAINWRIGHT, GUARANTEED THE RIGHT TO COUNSEL IN ALL CRIMINAL TRIALS, and GIDEON is to be embraced here as well. Here in this instant case, the Petitioner was forced to proceed to trial without counsel--but the Petitioner wanted counsel. SEE PAGE 62 in appendix "C" -- attaced. THE DEFENDANT: --but I don't have any way to represent myself-I NEED A LAWYER. I would ask the court to appoint me a lawyer... <EMPHASIS> N.T. 1-3-2013,<p. 62>attached.

The Petitioner clearly asked the court to appoint counsel but in this instant case, counsel was not appointed, as requested.

The State Court Judge decided that the Petitioner forfeited his right to counsel. SEE N.T. 1-3-2013, <p. 62>. THE DEFENDANT: What did I do to lose my right ? The State Judge ignored that question.

The point is, the Petitioner did nothing whatsoever to forfeit his right to counsel, at trial. Forfeiture of counsel cannot be allowed, unless there is strong evidence of a defendant's very extreme serious misconduct. U.S. v. Thomas, 357 F.3d 357, 362 (3d Cir. 2004); United States v. Goldberg, 67 F.3d 1092, 1100-02 (3d Cir. 1995).

Here, the Petitioner was not verbally abusive to the judge or any lawyer, never, ever, made any threats to harm his attorney, and never asked an attorney to engage in unethical activities. **NEVER DID THE PETITIONER DO ANY OF THESE.**

PETITIONER SHOULD NOT HAVE HAD TO PROCEED TO TRIAL PRO SE. HE DID NOT WANT TO. HE ASKED FOR COUNSEL. N.T.1-3-2013 <p. 62> attached as APPENDIX "C" to this Petition. EMPHASIS.

Look at COMMONWEALTH V. BASEMORE, 582 A.2d 861, 867-68 (1990). Basemore demonstrated outrageous disruptive behavior but he did not suffer forfeiture of his right to counsel. EMPHASIS.

The CHICAGO 7, demonstrated disruptive behavior and they did not forfeit their right to counsel. Charles Manson, demonstrated very disruptive behavior and he did not forfeit his right to counsel.

FORFEITURE OF COUNSEL WAS ABSOLUTELY WRONG IN THIS INSTANT CASE. The Petitioner did nothing whatsoever to lose/forfeit his right to be represented at trial by counsel. This was a very serious case. Petitioner was sentenced to 158 "YEARS" in prison.

Most constitutional errors can be harmless, but some errors are structural and are subject to automatic reversal. Forcing a defendant to trial (such as happened here) without counsel, in such a serious case as this (158 "YEAR" sentence) denies the defendant a fair trial and here in this instant case denied the Petitioner his Sixth Amendment right to be represented by counsel. GIDEON V. WAINWRIGHT, the landmark case where This Court did hereby establish the right of criminal defendants to be represented by counsel for trial. Petitioner made perfectly clear that he wanted to be represented by counsel at trial. N.T. 1-3-2013, pages 62, lines 11 to 15. PETITIONER ASKS FOR COUNSEL.

N.T. 1-3-2013, page 62, lines 23-24: Petitioner asks the court this: WHAT DID I DO TO LOSE MY RIGHTS ? (Right to counsel).

The State Court ignored the Petitioner.

Here, the erroneous denial of counsel, cannot be harmless. UNITED STATES V. STUBBS, 281 F.3d 109, 118 (3d Cir. 2002).

There never was a waiver of counsel by the Petitioner. NEVER !
There never was a Faretta v. California colloquy. NEVER !

Instead the State Court decided that Petitioner forfeited his Sixth Amendment right to counsel. The record shows that the said Petitioner did nothing to warrant his right to be forfeited.

The United States District Court Judge was in error to find that the Petitioner's verbal legal arguments met the standard for forfeiture of his Sixth Amendment right to counsel. THE PETITIONER WAS NEVER ABUSIVE TO COUNSEL OR TO THE JUDGE. NEVER ! NOWHERE DOES THE RECORD SHOW THAT THE PETITIONER WAS ABUSIVE.

The State Court's order that forfeited Petitioner's right to counsel (Sixth Amendment) was unreasonable and directly conflicts with This Courts holding in GIDEON.

Also the State Court's order that forced Petitioner to go to trial in such a serious criminal case was unreasonable and directly conflicts with the holding of This Court in FARETTA V. CALIFORNIA.

What is perfectly clear is this: Petitioner was one African American, alone, in a hostile court and among hostile lawyers, who were all Anglo Americans (white). The manner in which the Petitioner was treated is a disgrace to the justice system. The record (transcripts) show that the Petitioner was treated like someone less than human, less than an American and less than what every citizen expects of > State Court systems, concerning fairness. Having to represent himself in such a serious case is a mockery by the State Court and it's Court Officers, including the lawyers. This case is one for the books and needs to be made right. Petitioner did not receive a fair trial.

The Petitioner, in such a serious criminal case as this case is should never have been forced to go to trial and represent himself because the State Court decided the Petitioner forfeited his right to counsel. Forfeiture of the Sixth Amendment right, in this instant case, is outrageous and never should have happened. Petitioner never committed even one act-against counsel or any court officer etc., that would have permitted forfeiting the right to counsel. See the APPENDIX [C]. Counsel was requested, by Petitioner.<EMPHASIS>

CONCLUSION

The Petitioner was forced to represent himself in this serious case. (158 "YEAR" sentence). This must be corrected.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Andre M. Adams

Date: 7/20/2021