

ORIGINAL

No. _____

21-6089

FILED
OCT 07 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

EDWARD N. DANIELS — PETITIONER
(Your Name)

vs.

Superintendent SCI Rockview — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

EDWARD DANIELS

(Your Name)

1 ROCKVIEW PLACE, BOX-A

(Address)

BELLEFONTE, PA. 16823-0820

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

DID THE LOWER COURT ERR WHEN THEY REFUSED TO APPLY THIS COURT'S PRECEDENT IN BRUTON V. UNITED STATES, 391 U.S. 123 (1968) WHEN THE CO-CONSPIRATOR / CO-DEFENDANT (MURCHISON) REFUSED TO BE CROSS-EXAMINED AFTER HE TESTIFIED AND IMPLICATED DANIELS IN THE CRIME? DID THE LOWER COURT ERR WHEN IT HELD THAT BRUTON DOES NOT APPLY TO A CO-DEFENDANT WHO PLEADS GUILTY BEFORE THE OTHER CO-DEFENDANTS GO TO TRIAL?

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:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

BRUTON V. UNITED STATES, 391 U.S. 123 (1968)

STATUTES AND RULES

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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

For cases from **federal courts**:

The opinion of the United States court of appeals 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 is unpublished.

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 is unpublished.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 B 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 is unpublished.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 B 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 is unpublished.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 9/27/2021.

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: 9/27/2021, and a copy of the order denying rehearing appears at Appendix B.

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

THE BILL OF RIGHTS

STATEMENT OF THE CASE

DANIELS WAS CONVICTED IN STATE COURT OF FIRST DEGREE MURDER. HIS CO-DEFENDANT PLEAD GUILTY BEFORE TRIAL. WHEN HIS CO-DEFENDANT TESTIFIED HE IMPLICATED DANIELS ON DIRECT EXAMINATION. HOWEVER, THE CO-DEFENDANT REFUSED TO BE CROSS-EXAMINED. DANIELS APPEALED AND ARGUED THE CO-DEFENANT'S TESTIMONY VIOLATED BRUTON V. U.S..

REASONS FOR GRANTING THE PETITION

THIS COURT'S DECISION IN BRUTON V. UNITED STATES WOULD HAVE NO MEANING OR PRACTICAL APPLICATION IF THE LOWER COURT'S RULING IS ALLOWED TO STAND. THEREFORE, IT IS NECESSARY FOR THIS COURT TO REMEDY THIS ERROR.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edward Daniels

Date: 10-8-21