NO. 21-7540

IN THE
SUPREME COURT OF THE
UNITED STATES

IN RE,
RUFUS PAUL HARRIS
Petitioner,

VS

UNITED STATES OF AMERICA
Respondent.

ON PETITION FOR A WRIT OF MANDAMUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Submitted by,
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QUESTION PRESENTED

The question presented by this case has never been addressed by the Court. It is whether the Sixth Amendment requires a trial court to permit existing stand-by counsel to assume representation for an 'in absentia' pro-se defendant?

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OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

The Eleventh Circuit affirmed the districts court's denial of my § 2255 motion and request for a certificate of appealability on February 28, 2017. The Denial is attached as Appendix A.

RELEVANT CONSTITUTIONAL PROVISIONS

The Sixth Amendment to the United States Constitution states:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

RELEVANT LEGAL DEFINITIONS

Black's Law Dictionary, Tenth Edition, Criminal Law

Stand-by Counsel (1961)

1. A lawyer appointed by the court to be prepared to represent a defendant who waives the right to counsel, so as to ensure both that the defendant receives a fair trial and that undue delays are avoided. ** The court may appoint stand-by counsel over a defendant's objection. The counsel may also provide some advice and guidance to the defendant during the self-representation.
2. A court appointed lawyer who is prepared to assume representation.. if a pro-se defendant's self-representation ends.

JURISDICTION AND SUPREME COURT RULE 20 COMPLIANCE

This petition was prepared under the provisions of Supreme Court Rule 20 and seeks Supreme Court's jurisdiction under 28 U.S.C. § 1651(a).

Supreme Court Rule 20.1

Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. § 1651(a) is not a matter of right, but a discretion sparingly exercised. To justify the granting of any such writ, the petition must (1) show that the writ will be in aid of the Court's appellate jurisdiction, (2) that exceptional circumstances warrant the exercise of the Court's discretionary powers, and (3) that adequate relief cannot be obtained in any other form or from any other court.

This petition addresses a case where the Eleventh Circuit decided a constitutional issue in a manner which conflicts with the controlling principles announced in previous cases by this Court. Raising a new and important question. And because the question has never been addressed by the Court, the lower courts have issued diametrically opposing opinions on the matter that helped to create the 'perverted circumstances' herein where a case was allowed to proceed to conviction with no defense, with the defendant not present and not represented by counsel. Therein, establishing the need for guidance to prevent future similar cases.

To ensure that the trial was constitutinally sound the court simply should have allowed stand-by counsel to assume representation. Especially, since counsel had been part of the process from arraignment to trial and was ready, willing and able to re-assume control. Hereby, noting that counsel argued gallantly to do so.

The court merely dismissed the argument that 'existing stand-by counsel should assume representation' with a cursory "Harris cannot show that the Sixth Amendment required the court to permit stand-by counsel to take over." Stanley at 650. Therein, merging the right to be present with the right to have counsel through waiver, ironically, creating the 'very dangerous' example that undermines the people's confidence in the judicial system that it warned about in **Golden vs Newsome**, 755 F.2d 1478 (11th Cir. 1985).

The trial court's refusal to allow stand-by to assume representation, standing alone, should furnish a substantial ground for issuing the writ. Because, when the court so obviously ignored the limits of its discretion it created the exceptional circumstances that warrant exercise of this Court's discretionary power (2) to revise and correct the proceeding. The essential criterion of appellate jurisdiction. Therefore, establishing that the writ sought by this mandamus petition will be in aid of the Courts appellate jurisdiction. (1)

On May 26, 2011 the United States District Court for the Northern District of Georgia, convicted me. On January 5, 2012 and then on February 6, 2014 the United States Court of Appeals, Eleventh Circuit affirmed the conviction and denied an appeal. On February 9, 2016 the District Court would deny a challenge under 28 U.S.C. § 2255. On February 28, 2017 the United States Court of Appeals, Eleventh Circuit would affirm the denial of the §2255 and certificate of appealability. Therein, exhausting the judicial remedies available to me within the federal district courts. There is no other adequate alternative means to attain the requested relief. (3) And no other form of relief would be sufficient to protect my rights while aiding this Court in exercising its supervisory authority.

STATEMENT OF THE CASE

I was convicted of securities fraud in the Northern District of Georgia, Atlanta Division. The government claimed a "pump and dump" scheme. Prior to trial, I was represented by court appointed counsel. Just after the government's opening statement, I requested to represent myself and made it clear that I wanted counsel to remain in the case as stand-by counsel, the court, without conducting a proper **Faretta** inquiry granted the motion and I made an opening statement. After my pro-se opening statement and after a break, the district court conducted, somewhat of a **Faretta** inquiry and continued to allow me to represent myself with stand-by counsel to assist. During the course of the government's presentation stand-by counsel actively assisted, including making objections, submitting charges and interceding with the court.

After the government rested, I would request that stand-by counsel prepare multiple subpoena's to include one for the FBI agent who testified for the government to obtain the indictment. In cross of the public company stock transfer officer, the agent's testimony and supporting documentation was proven to be false. That very evening I would be approached by two armed men. They would tell me that my family would be murdered if I returned to the trial. I would leave Atlanta, Georgia and return to my wife and kids in Oklahoma, praying that stand-by counsel would post a defense on my behalf.

Initially, the trial court asked stand-by counsel to step in and post a defense, but the government urged that stand-by counsel should not be permitted to proceed because the court's ruling that I was voluntary absent from trial forfeited my right to participate. Stand-by counsel urged that a defendant who has chosen to proceed pro-se can forfeit that right and, when that occurs, the court must step in and protect his residual right to counsel. In spite of this trial court decided that it would not permit stand-by counsel to step in and said there was not need for him to show up for the remainder of the trial. Thereafter, the government was permitted to argue my absence as evidence of consciousness of guilt. No defense or closing argument was made on my behalf.

For sentencing, the court would re-appoint former stand-by as counsel. Sentencing counsel, prior to the hearing and against my objection, would stipulate to a loss amount of $7 to $20 million derived from the sale of stock by officers of the merging public company prior to my time as CEO. The sentencing court would then utilize the amount to calculate an offense level. The government would attempt to use two misdemeanor DUI's to increase my criminal history category to a level III. After my personal objection the court would ultimately impose a sentence of 276 months, 23 years.

In imposing my sentence, the court expressed that it was disturbed by the fact that I would not admit wrong. After the sentence was imposed, counsel objected to the court's great emphasis

in this sentence on my failure to repent before the court. The court stated, "I am just making the point that he is not repentant. Listen, I want the record to reflect that it is just a factor, it is one of many. I am not trying to hide anything."

Sentencing counsel appealed to the Eleventh Circuit. Prior to filing, counsel requested that the jury instructions be transcribed and the request was denied. Therefore, on appeal counsel contended that I did not validly waive my Sixth Amendment right to counsel, that the district court erred when it did not permit stand-by counsel to represent me after my failure to attend trial, that the court erred when it denied counsel's request that the court's jury instructions be transcribed for purpose of an appeal, and that the court erred when it held the exercise of my right to trial and Fifth Amendment right against self-incrimination against me when imposing sentence.

Co-defendant's counsel contended on appeal that his case was irreparably harmed when the court did not grant a mistrial after my failure to appear to trial in light of the court's failure to allow stand-by counsel to post a defense or make a closing argument.

In its published decision the Eleventh Circuit rejected the arguments by both defendants. I am currently serving my sentence at the Federal Transfer Center in Oklahoma City. To this day, I have never been questioned by a government authority concerning my forced

absence from trial. I have served almost 11 years of a 23 year sentence for a stock pump and dump scheme and, in my life-time, I have never even opened a brokerage account or sold a single share of stock in a publicly traded company.

REASONS FOR GRANTING THE WRIT

The trial courts refusal to allow stand-by counsel to assume representation, standing alone, should furnish a substantial ground for issuing the writ. Because, when the court so obviously ignored the limits of its discretion it created the exceptional circumstances that warrant the exercise of this Court's discretionary power to revise and correct the proceedings. The essential criterion of appellate jurisdiction.

I. RIGHT TO SELF-REPRESENTATION AND STAND-BY COUNSEL

1. Background

In **Faretta vs California**, 422 U.S. 806, 96 S.Ct. 2525 (1975) this Court recognized that a criminal defendant has a constitutional right to conduct his own defense at trial when he voluntarily and intelligently elects to proceed without counsel. Id, at 8076, 836, 95 S.Ct. 2525.

However, the Faretta opinion also recognized, the right to self-representation is not absolute. First, the defendant must "voluntarily and intelligently elect to conduct his own defense, " 422 U.S., at 835, 95 S.Ct. 2525 (quoting **Johnson vs Zerbst**, 304 U.S. 485, 464-465, 58 S.Ct. 1019 (1938)), and most courts require him to do so in a timely manner. He must also be "made aware of the dangers and disadvantages of self-representation." 422 U.S., at 835, 95 S.Ct. 2525. A trial judge may also terminate self-

representation or appoint stand-by counsel, even over the defendant's objection, if necessary. Id. at 834, n. 46, 95 S.Ct. 2525. This Court has recognized that "even at the trial level, the government's interest in ensuring the integrity and efficiency of the trial at times, outweighs, the defendant's interest in acting as his own lawyer." Martinez vs Court of Appeal of California, 828 U.S. 152, 162, 120 S.Ct. 684, 691.

2. The Eleventh Circuit Opinion.

The Eleventh Circuit opinion gave short shrift to counsel's argument that the trial court erred in not allowing stand-by counsel to complete the trial once it concluded that I was voluntarily absent from the trial. It decided that "in the face of Harris's knowing and intelligent Sixth Amendment waiver, the district court did not violate Harris's right to counsel by refusing to allow stand-by counsel to represent the runaway Harris during the final days of the trial." Stanley, at 649.

The Eleventh Circuit noted that it had not previously considered whether counsel must be appointed in a defendant's absence when the defendant has waived both the right to counsel and then the right to be present at trial. Id. at 650. It discussed the case of Clark vs Perez, 510 F.3d 382 (2nd Cir. 2008), which involved a defendant who waived her right to counsel and thereafter voluntarily absented herself from trial as an act of political protest. The second circuit reasoned that "if she

faced trial without advantages guaranteed by the Sixth Amendment, that was not by the trial judge's imposition, but by her own informed choice, which the trial judge was bound to respect." Id. at 397. In Clark, the defendant walked out of the court room in political protest, but was in a holding cell with the ability to hear the events of the trial. The trial court in the case made it clear that the defendant could return to the trial at any point. Id. at 387.

The Eleventh Circuit opinioned that it was not confronted with the question and thus need not decide, whether the Sixth Amendment allowed the district court to permit stand-by counsel to represent me. The court said, "Harris cannot show that the Sixth Amendment required the court to permit stand-by counsel to take over." Stanley, at 650. The Eleventh Circuit did not engage in any meaningful analysis in coming to its conclusion that the Sixth Amendment right to counsel was not implicated in this case. It cited no authority from other circuits involving similar situation or from this Court in making its decision. Further, it's reasoning was conclusory and ignored important constitutional and policy considerations.

3. Because this question has not been addressed by this Court the lower courts have been left with no guidance and have rendered conflicting opinions.

In Thomas vs Carrol, 581 F.3d 118 (3rd Cir. 2009), the third circuit confronted a case presenting the tension between the Sixth

Amendment right to counsel and its corollary right to self-representation. The case came to the court in the form of an appeal from the denial of a federal petition seeking to set aside a Delaware conviction. The defendant was charged with assaulting a state prison guard while serving a sentence, and appointed the services of public defender for his trial. After the defendant refused the assistance of public defender and stated that he wished to represent himself, the public defender moved to withdraw. The trial court granted the motion to appoint new counsel, but denied the defendant's motion that his new counsel serve only as stand-by counsel. Thomas at 120. At the final pretrial hearing, Thomas asked to represent himself and validly waived his right to counsel. At trial Thomas sought to have thirteen inmates who had been present during the incident brought to court as witnesses. The trial court refused to bring all the inmates and told the defendant to pick two or three of the inmates, as the rest would be cumulative. Thomas refused, informed the court that he would not participate in the trial, and told the court to mail him the verdict.

The trial began without Thomas' presence or an attorney to represent him. After jury selection and after opening statement the trial court inquired of Thomas whether he was still declining to participate in the trial. The jury convicted Thomas and was excused. Thomas was brought to the courtroom and informed of the verdict. He participated in his sentencing hearing, acting pro-se and was sentenced to a mandatory minimum of eight years

imprisonment. Thomas filed a pro-se appeal to the Delaware Supreme Court and contended that the trial court violated his rights under state law and the Sixth Amendment by not appointing counsel after he left the courtroom because no one was present for the defendant. The Delaware Supreme Court concluded that Thomas made it clear that he did not want stand-by counsel and under state authority relying upon **Illinois vs Allen**, 397 U.S. 337, 342-343, 90 S.Ct. 1057 (1970), that Thomas voluntarily decided not to be present at trial and the judge had no choice but to proceed in Thomas' absence. Thomas at 123.

Thomas filed a federal habeas raising the same issue. The district court rejected all of the claims but granted a certificate of appealability regarding whether Thomas' right to a fair trial was violated when the Superior Court proceeded with his trial in absentia without appointing counsel to represent him. The district court denied habeas relief noting that the Superior Court's decision was not contrary to Supreme Court's decision dealing with the appointment of counsel or stand-by counsel after a defendant knowingly waives his right to counsel.

In it's analysis, the Thomas court framed the issue as whether the trial court committed constitutional error in allowing the case to proceed to trial with no one present for the defense. The third circuit emphasized that it had never faced the precise issue presented by this case. It further examined the constitutional

right to self-representation, noting that the right can be lost if a defendant deliberately engages in serious and obstructive conduct and that the state may, even over objection by the accused, appoint stand-by counsel. Thomas Id. at 125, citing **Faretta**, 422 U.S. at 834 n. 46, 95 S.Ct. 2525; and **Mckaskle vs Wiggins**, 465 U.S. 168, 184, 104 S.Ct. 944 (1984). It concluded that Faretta & Wiggins clearly established that the trial court should have appointed stand-by counsel, but nothing in those cases mandated it.

Like the Eleventh Circuit, the Thomas court also discussed the second circuit case of **Clark vs Perez**, 510 F.3d 382 (2nd Cir. 2008), which involved an appeal to the second circuit from a federal habeas filed after a state conviction in a trial where the defendant, who was acting pro-se was removed from the courtroom in light of her political outburst. The defendant in Clark contended that the state trial court had violated her Sixth Amendment right when it allowed her to proceed pro-se when she had given ample notice that she intended to use a disruptive political defense, including an unwillingness to be present at trial. The second circuit rejected her argument and concluded that her absence, by her own concession was a tactic to influence the jury in her favor and therefore, if she faced the trial with out the protection of the Sixth Amendment, it was by her own informed choice. Clark at 397.

Although, the third circuit distinguished Thomas from Clark on the grounds that Clark participated in parts of the trial, including

closing arguments and the case was intensely adversarial, it ultimately denied relief. Thomas at 126-127. The third circuit noted in Thomas that the overriding factor in it's decision to deny habeas relief was the fact the case came to them on federal habeas from a state conviction, but if the case came to them on direct appeal, they "might hold differently." Thomas at 127. The decision likewise acknowledged a similar sentiment from the second circuit who expressed in yet another federal habeas case regarding a state conviction, Davis vs Grant, 532 F.2d. 132, 144 (2nd Cir. 2008). The concurring opinion, taking issue with the phrase "might hold differently" stated, "I not only 'might' hold differently, I 'would' hold differently." (Pollack district judge sitting by designation, concurring.) In the view of the concurrence, the Fifth Amendment's due process clause and the SiXth Amendment's assistance of counsel's provision united to require that a federal judge, confronted by a defendant without retained counsel and who absented himself from the courtroom must have appointed counsel to represent the 'in absentia' defendant. The concurring opinion specifically pointed out that the Supreme Court had not addressed the constitutional problem presented by a criminal trial going forward to conviction with the defendant not present and not represented by counsel.

In Davis, the second circuit also noted the lack of guidance from this Court on the issue, stating:

> "That this is an area of law in need of further clarification is evident from the diametrically opposed positions taken by Davis and the government in this case." and "Ultimately, however write primarily to draw attention to this issue. We believe that the contrasting arguments of the parties in this case, as well as the divergence of thought between courts that have previously considered the issue, indicated that this is an area in which further guidance from the Supreme Court would be useful." Id at 149-150.

As evident herein, the lower courts have issued opposing opinions about how to handle a trial wherein the defendant, acting pro-se, is absent from the courtroom. The second circuit collected such cases in Davis, espousing the view that counsel 'must' be appointed when the pro-se defendant is absent from court because of his behavior, in contrast with its holding in the case. **United States vs Mack**, 362 F.3d 597, 601 (9th Cir. 2004) ("A defendant does not forfeit his right to representation at trial when he acts out. He merely forfeits his right to represent himself in the proceeding... While we do understand that the district court had to do something about the defendant's obnoxious behavior, effectively leaving him without representation was still far from appropriate.") **People vs Carroll**, 140 Cal.App.3d 135, 189 CalRptr. 327 332 (1983) ("Excluding ... a defendant representing himself was fundamental error requiring reversal, because there was, then, no defense counsel present."); **People vs Cohn**, 160 P.2d 336, 343 (Colo.Ct.App. 2007) ("Nor can we find defendant, by his conduct, implicitly waived his right to have counsel present at all, whether himself or someone

else. Rather, ... the trial court could have found defendant had waived his right to proceed pro-se and appointed counsel to represent defendant's interest during the time he was excluded from the courtroom."); Saunders vs State, 721 S.W.2nd 359, 363 (Tex.Ct.App. 1985) ("Was it error of constitutional dimension for the trial court to remove the defendant without expressly terminating his right of self-representation based on his behavior and directing stand-by counsel to assume the management of the defendant's defense? Under such facts, the court's action left the defendant without counsel authorized to conduct his defense. We hold that this question must be answered in the affirmative."); United States vs Pina, 844 F.2d 1, 15 (1st Cir. 1988) ("Removal of a defendant from the courtroom is more difficult when the defendant is acting pro-se. We thus encourage a trial judge to employ his or her wisdom to appoint stand-by counsel whenever a defendant refuses or discharges counsel."); Jones vs State, 449 So.2d 253, 257 (Fla 1984) ("it was prudent of the court to appoint stand-by counsel, even over defendant's objection, to observe the trial in order to be prepared, as well as possible, to represent defendant in the event it became necessary to restrict or terminate self-representation...")

4. There are important countervailing considerations for appointing counsel in the absence of a pro-se defendant

Although the right to self-representation is an important component of the Sixth Amendment related to respect for individual

autonomy and must be honored, when the defendant absents himself from the trial after waiving the right to counsel, there are important countervailing considerations in suppoprt of the appointment of counsel to represent the in absentia defendant. **Faretta**, 422 U.S. at 834, 95 S.Ct. 2525.

A. The public has a stake in a fair trial

In **Mayberry vs Pennsylvania**, 400 U.S. 455, 468, 91 S.Ct. 499, 506 (1971), this Court recognized that the public has a stake in a fair trial. This Court said:

> In every trial there is more at stake than just the interests of the accused; the integrity of the process warrants a trial judge's exercising his discretion to have counsel participate in the defense even when rejected. A criminal trial is not a private matter; the public interest is so great that the presence and participation of counsel, even when opposed by the accused, is warranted in order to vindicate the process itself. The value of the precaution of having independent counsel, even if unwanted, is underscored by situations where the accused is removed from the courtroom under **Illinois vs Allen**. The presence of counsel familiar with the case would at the very least blunt Sixth Amendment claims, assuming they would have merit, when the accused has refused legal assistance and then brought about his own removal from the proceedings.

B. A fair trial is denied when there is no representation to ensure the adversarial process

The second circuit recognized the adversarial process as an important countervailing consideration in the support for appointment of counsel, warning, "if no counsel is appointed to represent an absented pro-se defendant, there is a real danger that the ensuing lack of rigorous adversarial testing that is the norm of

Anglo-American criminal proceedings, Maryland vs Craig, 497, U.S. 836, 846, 110 S.Ct. 3157, 111 L.Ed.2d. 666 (1990), will undermine the accuracy of the truth-determining process by eliminating the trier of fact's... basis for evaluating the truth of the testimony, Dutton vs Evans, 400 U.S. 74, 89, 91 S.Ct. 210, 27 L.Ed.2d. 213 (1970)." Thomas, 532 F.2d at 126, quoting, Davis vs Grant, 532 F.3d 132, 143 (2nd Cir. 2008).

C. There is a less compelling interest in protecting the right to self-representation over the right to counsel

In Martinez vs Court of Appeal of California. 528 U.S. 152, f158, 120 S.Ct 684, 689 (2000), the Court examined the prevalence of self-representation in colonial times which often resulted in self-representation versus no representation. The Court noted that since its decision in Gideon vs Wainwright, 372 U.S. 225, 83 S.Ct 792, 799 (1963), an individual's decision to represent himself is not compelled by incompetent or nonexistent representation, but rather a desire to conduct his own case. The Court therefore, opinioned, "Faretta is correct in concluding that there is abundant support for the proposition that a right to self-representation has been recognized for centuries, the original reasons for protecting that right does not have the same force when the availability of competent counsel for every indigent defendant has displaced the need, although not always the desire, for self-representation."

The fact that there is a "strong presumption against" waiver of right to counsel underscores the lesson that protection of the right to counsel is more compelling than protecting the right to self-representation. ... Patterson vs Illinois, 487 U.S. 285, 307, 108 S.Ct. 2389 (1988) (noting the "strong presumption against" waiver of right of counsel.)

Finally, the right to counsel at trial occupies an elevated status among fundamental Constitutional right and, as explained above is more compelling than protecting the absent defendant's right to self-representation. Gideo vs Wainwright, 372 U.S. 335, 342-343, 83 S.Ct. 792-796 (1963); Powell vs Alabama, 287 U.S. 45, 53 S.Ct. 55 (1932).

D. The circuit courts have recognized that a pro-se defendant can revoke the right to self-representation and the failure to thereafter allow the representation by counsel can violate the Sixth Amendment.

In United States vs Polloni, 146 F.ed. 269 (5th cir. 1998), the fifth circuit recognized, "if the right to counsel is waived, our Court has held that ordinarily the waiver can be withdrawn and the right to counsel can be reasserted." Id at 273 citing, United States vs Taylor, 933 F.2d. 432 (5th Cir. 1968); also, Horton vs Dugger, 895 F.2d. 714, 716 (11th Cir. 1990).

In Golden vs newsome, 755 F.2d. 1478 (11th Cir. 1985), interestingly, the Eleventh Circuit dismissed an appellee's argument that if the defendant escapes from custody he waives his right to be

present at trial and to confront witnesses, he must also waive his right to be represented by counsel and his right to effective assistance of counsel. The Eleventh Circuit noted that this was a weak attempt to merge the right to be present with the right to counsel, at least for purposes of waiver, and would lead to "dangerous if not absurd results" if the defendant absconded, leaving him to be tried and convicted in an "essentially inquisitorial proceeding with no attorney present on his behalf to put the government's case through the crucible of an adversarial process." Id at 1482.

The Eleventh Circuit focused on the possibility that a trial with no defendant and counsel would undermine confidence in the ultimate result in many cases in light of the heightened risk that a defendant might be convicted upon incompetent evidence, upon perjured testimony, or despite the existence of a valid defense. The Circuit found support in its position from this Court's teachings in **United States vs Cronic**, 466 U.S. 648, 104 S.Ct. 2039, 2043 (1984) ("lawyers in criminal cases are necessities, not luxuries" because the premise of our adversary system is partisan advocacy on both sides of the case thereby promoting the ultimate objective that the guilty be convicted and the innocent go free.)

Because a defendant is ordinarily entitled to revoke his waiver of counsel this Court should offer guidance on how the circuit

courts should analyze the absent pro-se defendant in relation to the Court's duty to ensure a trial comporting with due process. Furthermore, because the circuit courts have decided cases on this Court's precedent that there are limits on the defendant's exercise on his right to represent himself under the Sixth Amendment, this Court should clarify and provide guidance on this issue.

5. This case presents a excellent vehicle to provide guidance on this important constitutional right

My appeal was determined by a court that had little guidance on the constitutional issues raised by a conviction in a trial without a defense or representation and which conducted precious 'little analysis' of the situation.

This case presents an excellent vehicle for the Court to give clear guidance because it does not involve a defendant determined to make a political statement. It simply presents, that I worked well with the requested court appointed stand-by counsel that was ready, willing and able to assume representation.

CONCLUSION

In light of the forgoing arguments. I respectfully request that this Court grant the writ, vacate the conviction and remand the case for a new trial.

Dated: 2-15-2022

Respectfully Submitted,

Rufus Paul Harris

Rufus Paul Harris