

No. 21-7743

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
APR 18 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

MATTHEW J KIDDER — PETITIONER
(Your Name)

vs.

DIRECTOR SCOTT FRAKES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Matthew J Kidder
(Your Name)

P.O. Box 900
(Address)

Tecumseh, Ne 68450-0900
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Is the State Court required to hear and make a determination on the Petitioners U.S. Constitutional sixth and fourteenth right to effective assistance of counsel claims?

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

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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[] is unpublished.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[] is unpublished.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 A to the petition and is

[✓] reported at STATE v KIDDER 299 NEB. 232 No. S-16-1124; 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[] is unpublished.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[] is unpublished.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).

For cases from **state courts**:

The date on which the highest state court decided my case was March 9, 2022.
A copy of that decision appears at Appendix A.

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 fourteenth amendment requires that the State afford State prisoners some adequate corrective process for the hearing and determination of claims of violations of Federal Constitutional guarantees.

STATEMENT OF THE CASE

Petitioner was convicted by a jury on the charges of first degree murder and use of a deadly weapon to commit a felony and sentenced to consecutive terms of life imprisonment and 50 to 50 years' imprisonment in the Nebraska State District Court Case No. 15-2381.

Trial dates September 12, 2016 through September 21, 2016. Sentenced November 1, 2016.

The conviction and sentence were affirmed on direct appeal in the Nebraska State Supreme Court on March 9, 2018. See State v. Kidder, 299 Neb. 232, 908 N.W.2d 1 (2018).

The Petitioner was represented by Court appointed attorneys L. Robert Marcuzzo and Douglas Johnson at trial and on Direct appeal.

Petitioner filed a motion for post-conviction claiming that his trial counsel violated his sixth and fourteenth amendment right to effective assistance of Counsel under the US Constitution. The State District Court and the Nebraska Supreme Court declined to hear and make a determination on the Constitutional claim. The Petitioner filed a 22521 Federal Writ of habeas Corpus on the claim and the Federal Court declined to hear and make a determination on the claim.

The Petitioner then proceeded once again to ask the Nebraska District Court and the Nebraska Supreme Court to hear the claim. Both the Nebraska State District Court and the Nebraska Supreme Court declined once again to hear and make a determination on whether the Petitioner was denied his sixth and fourteenth amendment rights to effective assistance of counsel under the U.S. Constitution.

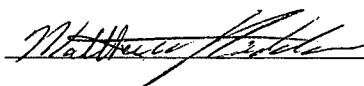
REASONS FOR GRANTING THE PETITION

The Nebraska State District Court and the Nebraska Supreme Court has decided an important federal question in a way that conflicts with relevant decision of Case v. Nebraska, 381 U.S. 336 (1965) in this case. The State Court refused to hear and determine whether the petitioner's US Constitutional sixth and fourteenth amendment right to effective assistance counsel was violated in his trial. This US Supreme Court made a decision in Case v. Nebraska, 381 U.S. 336 (1965) that the fourteenth amendment requires that the States afford State prisoners some adequate corrective process for hearing and determining claims of violation of Federal constitutional guarantees. Since 2011 to 2022 the Nebraska District Courts and Nebraska Supreme Courts in Lancaster County and Douglas County Nebraska have refused to give State prisoners hearings and make determinations on their US Constitutional right to effective assistance of Counsel claims. At least 40% of State prisoners are without an adequate fair hearing and determination on their denial of effective assistance of Counsel claims. This is an issue that affects "society" and requires this Court's attention and immediate decision on the issue.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: April 18th 2021