

22-5040
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JUN 22 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Priscilla A. Ellis - Erickson
(Your Name) — PETITIONER

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals / District of Columbia
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Priscilla A. Ellis
(Your Name)

Aliceville FCJ
P.O. BOX 4000
(Address)

Aliceville, AL 35442
(City, State, Zip Code)

254-630-6885 P.O.C. Retired Army
(Phone Number) SHARON Callens

QUESTIONS PRESENTED

1. Does a criminal defendant have the right to an Attorney Immediaetely once criminal charges are presented in an Indicment?
2. If criminal defendant is on the record in Court telling the Judge that they were denied the right to call their attorney until AFTER they saw the Judge, were they denied sixth Amendment protections to an attorney per the Us Constittution?
3. Should the Judge have stopped the 5.1 Hearing after the defendant told him that she was denied the right to call and appear before him with an attorney?
4. Was the criminal defendant unlawfully extradited to another district and state violating Article III, 2, cl 3 because she was denied the right to appear before the Judge at 5.1 hearing with an attorney ?

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

WA-15-MJ-184 (1) JCM
Priscilla A Ellis Initial appearance where she is on the
record telling the Judge that she was denied the right
to call an Attorney to appear with her before him

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Rothgery v. Gillespie County, Tex., 554 US 191,
128 S. Ct. 2578 171 L. Ed. 2d 366 (2008)

Powell v. Alabama, 287 U.S. 45, 77 L. Ed 158, 53 S. Ct
55 (1932)

Gideon v. Wainright, 372 U.S. 339, 9 L. Ed 2d
799, 83 S. Ct. 792 (1963)

Miranda v. Arizona, 384 U.S. 426, 16 L. Ed 2d 694
86 S. Ct 1002 (1966)

Young v. Duckworth, 733 F. 2d 482 (CA 7 1984)

Summerlin v. Schriro, 427 F. 3d 623 (CA 9 2005)

Cronic, 466 U.S. at 659, n. 25[.]

Brecht v. Abrahamson, 507 U.S. 619, 629... 1993

STATUTES AND RULES

Sixth Amendment of the United States Constitution
Every person has the right to an attorney as soon as criminal
charges or indictment attaches or the loss of liberty is at threat.

Fifth and Fourteen Amendment of the US Constitution
Every person has a right to Due Process and confrontation

OTHER

The SCOTUS has routinely found constitutional error without any
specific showing of prejudice to a defendant when counsel is either
totally absent , or prevented from assisting the accused during
a critical stage of the proceedings . Cronic, 466 U.S. at 659,
n. 25 [.]

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 _____ 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 5-27-2022.

☐ 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: 5-27-2022, 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 _____.
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 _____.

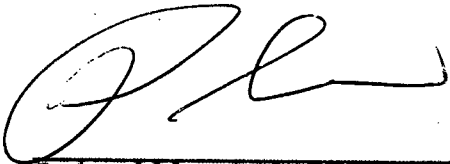
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

JURISDICTION STATEMENT

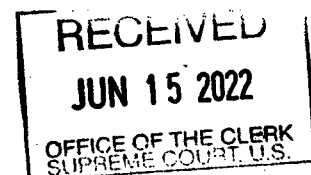
The United States Supreme Court has Power to review and Revise the District Court's decision per the United States Constitution Article III 2 which vests appellate Jurisdiction in the Supreme Court, while 28 USCA 1291-1295 grant appellate Jurisdiction to lower Federal Courts.

The United States Supreme Court holds power to review this Appeal per Article III, 2 of the United States Constitution insofar as applicable.

*United States Court of Appeals, District of Columbia
denied Rehearing, which gives this Honorable Court
Jurisdiction to resolve in Interest of the Public*



Priscilla A. Ellis
U.S. Army Veteran
Pro-Se



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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Sixth Amendment of the United States Constitution
All persons are entitled to an attorney, and to be taken to trial before a fair and impartial jury. All persons are entitled to an attorney as soon as criminal charges/indictment attaches

Fifth and Fourteen Amendments of The United States Constitution
All persons are entitled to Due process and confrontation of witness and the right to be free from restraints and loss of liberty without having Due Process

Article III, 2 cl. 3
All persons have a right to be taken to trial in their proper venue, home or resident state where the criminal conduct would have taken place, where the person resides or conducts business on a daily basis.

When Ellis is on the record telling the Judge that she was denied the right to call an attorney until after she appeared before the Judge. This was inaccurate and unconstitutional, had Ellis been allowed to call and appear before the Judge with her attorney, she would have not been extradited out of her Venue to a jurisdiction unknown to her and in which she never conducted any banking nor business. This was a grave injustice and has caused Ellis unlawful loss of liberty, and constitutional protections warranted and guaranteed to all Americans.

Whenever there are Constitutional protections involved and blatantly disregarded, this is and cannot be considered a plain error or a harmless error but a harmful error that denied protected liberties that cannot be given back once taken or infringed upon.

STATEMENT OF THE CASE

Honorable Justices, this case is a simple case of a person being denied Constitutional right to appear before the Court with the representation of an attorney once criminal charges and an indictment was presented.

Ellis appeared before the Magistrate Judge Manske on 31 August 2015, in the Western District of Texas, WACO, TX) for and to appear for a 5.1 hearing.

Priscilla Ellis was not aware of the consequences nor to the excessive extent that this initial appearance was detrimental but was aware that she needed an attorney and had requested to call her attorney and was denied by the US Marshals the right to ~~xxx~~ call and appear before the Judge with an attorney.

Ellis is on the record, evidenced from attached transcripts tellign the Judge ~~tyh~~ that she was denied the right to call and appear before him with an Attorney, and ~~seh=att~~ Ellis is also on the record tellign the Judge that she would liek to call her attorney.

Instead of the Judge demanding that the US Marshalls/Agents remove Ellis from his Court room and to allow her to return before him for proceedings with an attorney, he continued the initial appearance and 5.1 hearing to remove Ellis from her Home state of Texas since 1994 as a military trasnplant for and to answer for an indictment that she had no knowledge of in which she was denied Due process and removed to a State and City in Flroida that she had never visited, never conducted business or banking and never knew it's existence on the Map

This was a denial of constitutional protections pusuant to the Fifth Amendment, Fourteen Amendment and the Sixth Amendment of the United States Constitution as well as Article III, 2. cl 3.

REASONS FOR GRANTING THE PETITION

Ellis Should be granted a Writ, simply because this denial of Constitutional Protections, especially the right to an Attorney at a critical stage in a criminal proceeding is essential and of the interest of the Public and other incarcerated Persons that perhaps are experiencing or have experienced the EXACT same denial of Constitutional protections which resulted in a loss of liberties, which could have been prevented, had the person been allowed to exercise the rights to the protections of callign and contacting and appearing before the Judge with an Attorney of choice, in which she would have surely not been taken to trial in a district that did not have proper Venue to extradict, take to trial, convict nor sentence.

The SCOTUS has routinely found constitutional error without any specific showing of prejudice to a defendant when counsel is either totally absent, or prevented from assisting the accused during a critical stage of the proceedings. *Cronic*, 466 U.S. at 659, n. 25 [.]

The fact that Priscilla Ellis was on the record telling the Judge (magistrate) that she was denied the right to call her attorney and appear at the initial appearance and 5.1 hearing before him with counsel, and the Magistrate Judge failed to allow Ellis to be taken from his court to re-appear with Counsel at such a critical stage (a 5.1 HEARING) caused Ellis reversal and denial of constitutional protections under the Fifth, Sixth and Fourteen Amendments of the United States Constitution. This cannot be solicited to the Public as a Harmless error but a Harmful error in which poisoned the entire proceedings in this instant case which must be vacated. The conviction nor sentence can stand, and must be vacated.

These Sixth Amendment protections to an attorney at all Stages of a criminal indictment, initial appearance or critical stages belong to the Public and protected for all under the United States Constitution, not just Priscilla Ellis, and turning a blind eye to this blatant abuse of the Sixth Amendment would be turning an eye to protecting the laws under the US Constitution that all to include Priscilla Ellis while in the US Army took an oath to protect and serve.

Rothgery v. Gillespie County, Tex, 554 US 191, 128 S. Ct. 2578 171 L. Ed. 2d 366 (2008)]

p2581 This Court has held that the right to counsel guaranteed by the Sixth Amendment applies at the FIRST appearance before a judicial officer at which a defendant is told of the formal accusation against him and restrictions are imposed on his liberty.

FROM: 03260180

TO:

SUBJECT: SUPREME COURT WRIT

DATE: 08:00:23 PM

REASONS FOR GRANTING THE PETITION CONTINUED

See Brewer v. Williams, 430 U.S. 387, 398-399, 97 S. Ct. 1232 (1977)

Powell v. Alabama, 287 U.S. 45, 77 L. Ed 158, 53 S. Ct. 55 (1932)

Even the Intelligent and educated Layman has small and sometimes no skill in the science of Law. If charged with a crime, he is incapable, generally of determining for himself whether the indictment is good or bad. He is unfamiliar as Ellis was with the Rule of Evidence.

Left without Aid of counsel, as Priscilla Ellis was, and put on trial without proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible.

P64. Mr. Justice Sutherland; " The right to be heard would be in many cases, of little avail if it did not comprehend the right to be [US 45] heard by Counsel.

Gideon vs. Wainwright. 372 U.S. 339, 9 L. Ed 2d 799, 83 S. Ct. 792 (1963)

P796 The Government hires Lawyers to prosecute and defendants, who have the money hire lawyers in a criminal case are NECESSITIES, not luxuries.

Miranda v. Arizona, 384 U.S. 436, 16 L. Ed 2d 694, 86 S. Ct 1002 (1966)

p1609 An individual must be assured that they are accorded their privileges under the Fifth Amendment to remain silent and the Sixth Amendment, the right to Counsel

p1612 Statements cannot be used by prosecution against a defendant whether exculpatory or inculpatory unless it demonstrates the use of procedurally safeguards and allow the criminal defendant the right to an attorney if he so chooses as Ellis requested evident by Initial appearance transcript of her on the record telling the Judge that she was denied the right to call her Attorney prior to seeing him. This was denial of procedural safeguards and denial of constitutional protections to an attorney pursuant to the Sixth Amendment of the US Constitution.

Young vs Duckworth, 733 F. 2d 482 (CA 7 1984)

p483. The assistance of counsel to be fully effective, must be continuous from the time when the prosecution begins, which we have said occurred when the INITIAL HEARING was held that resulted in Ellis being bound over to the Grand Jury.

Summerlin v. Schriro, 427 F. 3d 623 (CA 9 2005)

p629. The Sixth Amendment right to Counsel in a criminal trial includes "the right to effective assistance of counsel, whereas Ellis was denied Counsel period at her initial appearance and 5.1 hearing.

There is no way that the extradition, conviction and sentence can stand and must be vacated to protect the boundaries and protections for all persons within the realms of the United States Constitution Sixth Amendment.

The right to an attorney extends to ALL critical stages of the criminal process see Iowa v. Tovar, 541 U.S. 77, 80-81, 158 L. Ed 2d 209 (2004)

The initial Appearance of Priscilla Ellis on 31 August 2015 before judge Manske for the 5.1 hearing to be removed to another State required the protections of her exerting her right to an attorney and the Judge disregarded Ellis, plea for help to contact her Attorney, yet he just ignored the fact that she had exerted her Sixth Amendment protections, but was denied, this was not a Harmless error but Harmful, and detrimental to the entire process. This conviction nor sentence cannot be allowed to remain and must be vacated and remanded for New trial.

Also The SCOTUS has routinely found Constitutional error without any specific showing of prejudice to a defendant when

Counsel is either totally absent or prevented from assisting the accused during a critical stage of the proceedings.

Cronic, 466 U.S. at 659, n. 25[.]

Ellis was highly prejudiced when she was denied the right to call her attorney prior to appearing before the Magistrate Judge and denied the right of her Sixth Amendment protections to appear before the Magistrate Judge with her Attorney and the Magistrate Judge knew better. At this point Priscilla Ellis has been held with loss of liberty without adequate Due Process and without Sixth Amendment rights to an Attorney at the initial appearance on 31 August 2015.

See e.g. *powell v. Texas*, 392 U.S. 514, 88 S Ct 2145, 20 I. Ed 2d 1254

SCOTUS SAID IN ABOVE CASE "We are by no means convinced that legal and constitution questions involved in a case that actually leads to imprisonment even for a brief period are any less complex then when a person can be sent off for six months or more.

The Magistrate Judge that denied Ellis her Sixth amendment protections and right to an Attorney was well aware of the excessive loss of liberty that Ellis possibly faced and should have demanded that she appear before him with an Attorney for the Initial 5.1 hearing in which he extradited her to another State outside of her Home state and Venue of Texas.

Also see *Brecht v. Abrahamson*, 507 U.S. 619, 629... 1993

AMENDMENT XIV

Section I. All persons born or naturalized in the United States and subject to the Jurisdiction thereof, are citizens of the United States and of the State wherein they reside. NO State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of LIFE, LIBERTY, or property, without Due Process of law, nor deny any person within its jurisdiction the EQUAL protection of laws.

SIXTH AMENDMENT

The right to the assistance of Counsel in criminal cases/proceedings
The right to be informed of the Nature and grounds of a criminal accusation.

FIFTH AMENDMENT

Protection against compulsory self incrimination Protection against deprivation of Life, liberty or property without due process of law

PROCEDURAL DUE PROCESS

We think of procedural due process in terms of "notice," and the opportunity for a full and fair hearing. Procedural due process also means the opportunity to be heard on an unbiased judicial platform.
in the area of criminal law, when the government seeks to deprive the person of his liberty, we afford the greatest procedural safeguards to ensure a fair trial.

Ellis was denied Procedural Due Process as well as protections under the Sixth Amendment of the US Constitution for the right to an Attorney at a critical stage in a criminal proceeding and initial appearance and 5.1 hearing as well as the right to be heard before a fair and impartial tribunal in her Venue of Texas, her home state since 1994 see Article III, 2 cl 3.

For the above reasons and more, Ellis is praying upon SCOTUS to intervene and grant relief and answer the questions presented before the Honorable Justices.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard A. Ellis
U.S. Army Veteran

Date: 27 March 2022