

22-5257

No. \_\_\_\_\_

FILED

JUL 22 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Daryl Stephen — PETITIONER  
(Your Name)

vs.

The people of the State of New York — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

New York Supreme Court Appellate Division First Department

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

PETITION FOR WRIT OF CERTIORARI

Daryl Stephen  
(Your Name)

1316 sterling pl apt 1R  
(Address)

Brooklyn New York 11213  
(City, State, Zip Code)

917-547-2145  
(Phone Number)

**QUESTION(S) PRESENTED**

Legal malpractice by petitioner attorney

Contravention of the law

## 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

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☐ is unpublished.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☐ is unpublished.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  
supreme court of the state of new york

☐ reported at appellate division first judicial department; 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☐ is unpublished.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☐ is unpublished.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 <sup>DS</sup> ~~5/25/22~~ 3/27/22  
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).

### STATEMENT OF THE CASE

I never had knowledge of waving my constitutional right to appeal. I asked my defense attorney in court when the judge mentioned the word "appeal", what was she talking about, and told my council i don't want anything to hinder my appeal or process there of. My attorney told me "not to worry all the judges say that". I was further reinforced by what my attorney said about not worrying the day of sentencing. When my attorney and i completed sentencing, my attorney had a women present that took my information for the appeal process. A few months later i received a call from my legal aid appeals attorney who've i've contacted once a month about my appeals process. in March of 2022 i was informed by my appeals attorney that my appeals was denied due to me waving my right to appeal. I feel completely discriminated against, and bamboozled throughout my entire criminal process and appeals. From having to post bond out of jail 3 separate times within 60 days, and the appeals smoke and mirrors from both the courts and my own council.

### **REASONS FOR GRANTING THE PETITION**

My attorney in 2016 did not convey to me the judges decree about waving my right to appeal in a language i can comprehend. waving my right to appeal is a direct contravention of my constitutional right to appeal.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Daryl Stephen

Daryl Stephen

A handwritten signature in dark ink, appearing to be 'Daryl Stephen', written over a horizontal line.

Date: 7/20/2022