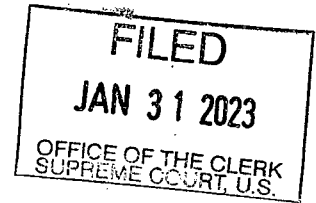


22-6761 ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

Joshua David Lambert — PETITIONER
(Your Name)

vs.

State of Washington — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals, Division One of Washington State,
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)
State Supreme Court Denied Discretionary Review
PETITION FOR WRIT OF CERTIORARI

Joshua David Lambert
(Your Name) DOC# 807036
Washington State Penitentiary
1313 W. 13th Ave.
(Address)

Walla Walla, WA 99362
(City, State, Zip Code)

None - inmate
(Phone Number)

QUESTION(S) PRESENTED

1. Can a defendant waive counsel to some charges but not all charges, and the waiver still be valid.
2. If the defendant is not apprised of all charges and potential punishment is the waiver still valid,

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:

Petitioner and criminal defendant
is Joshua D. Lambert

Respondent is the State of Washington
from the Island County Superior Court

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2018 Judgment and Sentence

APPENDIX C Decision of State Supreme Court
Denying Review Entered 11/9/2022

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- 1) *Gideon v. Wainwright*, 372 U.S. 335,
at 339 (1963)
- 2) *Von Moltke v. Gillies*, 332 U.S. 708,
at 723-24 (1948)

STATUTES AND RULES

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☐ is unpublished.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☐ is unpublished.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 _____; 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 11/9/2022.
A copy of that decision appears at Appendix C.

☐ 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

Sixth Amendment and also Due Process
14th Amendment, Right to Valid Waiver
of Counsel to be pro se, in a
Criminal trial

STATEMENT OF THE CASE

The defendant was sentenced to 80 years for six counts, murder one, kidnapping one, burglary one, burglary one, unlawful possession of a firearm two, and taking a motor vehicle two.

Defendant went back to resentencing post remand from a direct appeal. He then requested to be pro se, his motion was granted, but, the waiver was invalid.

REASONS FOR GRANTING THE PETITION

In 2 counts or claims for direct appeal review I challenged the validity of the waiver of counsel for my resentencing.

I was charged with six counts (or charges), but the record reflected that I only waived counsel for two of them.

This violated my right to counsel without a valid waiver under *Gideon v. Wainwright*, 372 U.S. 335, 339 (1963), and *Von Moltke v. Gillies*, 332 U.S. 708, 723-24 (1948).


This waiver form and colloquy did not advise me of the charges and the potential amount of time I could ~~get~~ ~~possibly~~ get.

These two counts were Count 12 and Count 13 of my direct appeal brief.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 12-24-2022