

No. 22-6918

Supreme Court, U.S.
FILED

OCT 17 2022

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE
UNITED STATES

Ralph Hall, PETITIONER,

VS

UNITED STATES COURT OF APPEALS FOR THE
SECOND CIRCUIT, RESPONDENT.

ON PETITION FOR A WRIT
OF CERTIORARI TO:
THE UNITED STATES SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

Ralph Hall #05A5367
GHC
594 ROUTE 216
STORMVILLE, N.Y. 12582

ORIGINAL

RECEIVED

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SUPREME COURT, U.S.

QUESTION PRESENTED

1. WHETHER CIRCUIT COURT FAILED TO ASSESS THE WRONGFUL CONVICTION AND IRREGULAR DISTRICT COURT REVIEW OF PRO-SE PLEADINGS WHERE ONLY SELECTIVE PRO-SE PLEADINGS WERE CONSIDERED; RATHER THAN THE REQUIRED REVIEW IN TOTALITY? (LIBERAL CONSTRUCTION)
2. WHETHER CIRCUIT COURT DENIAL OF C.D.A., WOULD BE AGREED ON BY JURY OF REASON?

LIST OF PARTIES

ALL PARTIES APPEAR IN THE CAPTION ON THE COVER PAGE.

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APPENDIX "A" (1-2)	OPINION OF SECOND CIRCUIT
APPENDIX "B"	OPINION OF DISTRICT COURT

TABLE OF AUTHORITIES CITED

SHINN v. RAMIREZ, SHINN v. JONES, — S. Ct. — (2022) citing MARTINEZ v. RYAN, 566 U.S. 1 (2013) —	2.
SIMMONS v. U.S., 88 S. Ct. 967 (1968) —	4.
People v. DANIELS, 88 A.D.2d 392 (2 Dept. 1982) —	4.
People v. WILSON, 5 N.Y.3d 778 (2005) —	4.
DOWNS v. LAPE, 657 F.3d 97 at 115-117 (2 Cir. 2011) citing WALLER v. GEORGIA, 467 U.S. 39, 45, 48 (1984), People v. HARRISON, 85 N.Y.2d at 796 (1995) —	2.
CAMP v. PITTS, 411 U.S. 138 (1973) —	3.
ESTELLE v. MCGUIRE, 502 U.S. 62, 67 (1991) —	2.
CUMEN v. PINTHOLSTER, 563 U.S. 170, 182 (2011) —	3.

STATUTES AND RULES

UNITED STATES CONSTITUTION, SIXTH, FOURTEENTH AMENDS.

CPLR SECTION 4511-RE: JUDICIAL NOTICE

CPL SECTION 330.30-RE: CHALLENGE TO JURY VERDICT

CPLR SECTION 5525(c)-RE: MOTION TO AMEND RECORD

JUDICIARY LAW, SECTION 295 RE: STENOGRAPHIC RECORD

UNITED STATES Supreme Court; Rule 10, 28 USC A

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THE OPINION OF THE UNITED STATES COURT OF APPEALS APPEAR AT APPENDIX "A" TO THE PETITION AND IS UNPUBLISHED

THE OPINION OF THE UNITED STATES DISTRICT COURT APPEAR AT APPENDIX "B" TO THE PETITION AND IS UNPUBLISHED

JURISDICTION

FOR CASES FROM FEDERAL COURTS:

THE DATE ON WHICH THE UNITED STATES COURT OF APPEALS DECIDED MY CASE WAS, ~~SEPTEMBER 15, 2022~~
~~XXXX~~ JULY 13, 2022.

A TIMELY PETITION FOR REHEARING WAS DENIED BY THE USCA ON SEPTEMBER 15, 2022.

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. SECTION 1254 (1),

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTION'S SIXTH AMENDMENT
RIGHT TO EFFECTIVE REPRESENTATION AT A JURY
TRIAL AND UPON APPEAL OF SUCH JURY TRIAL.

UNITED STATES CONSTITUTION'S FOURTEENTH AMENDMENT
RIGHT TO EQUAL APPLICATION OF ESTABLISHED LAW
AS DISTINGUISHED FROM THE COURT'S DISCRETIONARY
PREROGATIVES TO APPLY SAME UNDER DISCRIMINATORY
APPLICATION, ALLEGEDLY IN VIOLATION OF LAWS AGAINST,
DISCRIMINATION.

STATEMENT OF THE CASE

PRO-SE DUE DILIGENCE HAVE SHOWN DISTRICT COURT
RELIANCE UPON RESPONDENT'S LATTER CORRESPONDENCE
DATED FEB. 07, 2008 AS PROOF OF RECORD ON APPEAL
BEING COMPLETE FOR REVIEW IN TOTALITY IS ACTUALLY,
PROOF THAT THE RECORD ON APPEALS WAS DEVOID
OF EVIDENCE THE DISTRICT AND CIRCUIT COURTS
MISTAKENLY MISREPRESENTED AS FACT. (DOWS V. LAPE,
657 F.3d 97 at 113-117 (2 Cir. 2011) citing WALKER V.
GEORGIA, 467 U.S. 39, 45, 48 (1984) RE: FINDING MUST BE
SPECIFIC ENOUGH TO AFFORD REVIEW IN TOTALITY); (SEE ALSO
PEOPLE V. HARRISON, 85 N.Y.2d at 796 RE: ABSENCE OF
MORE COMPLETE RECORDS FOR REVIEW.)

DISTRICT COURT AND CIRCUIT COURT ERRONEOUSLY
APPLIED, ESTELLE V. MCGUIRE, 502 U.S. 62, 67 (1991) WHICH
RESULTED IN MISAPPLICATION OF SUPREME COURT HOLDINGS.
REGARDING INEFFECTIVE ASSISTANCE OF DEFENSE AND
APPELLATE REPRESENTATION. (SHANN V. RAMIREZ; SHANN V. JONES,
S.Ct. (2022) citing MARTINEZ V. RYAN, 566 U.S. 1 (2013))

Reason For Granting The Petition

PRO-SE DEFENDANT'S DIRECT APPEAL WAS AFFECTED BY APPELLATE ATTORNEY'S DISPARAGEMENT OF HIS, INCOMPLETE RECORD FOR APPELLATE REVIEW CLAIM. SUCH DISPARAGEMENT WAS SUPPORTED BY APPELLATE ATTORNEY'S CORRESPONDENCE TO THE APPELLATE COURT DATED FEBRUARY, 2008, CLAIMING THAT RECORD WAS "NOT" INCOMPLETE. A CURSORY REVIEW OF DEFENDANT'S CLAIMS WOULD SHOW CONSTITUTIONAL ERROR IS NOT SUPPORTED BY, ESTELLE v. McGUIRE, 502 U.S. 62, 67 (1991), AS PRECLUDING FEDERAL RELIEF; RATHER, RELIEF IS AVAILABLE UNDER HOLDING IN MARTINEZ v. RYAN, 566 U.S. 1 (2013). ADDITIONALLY, THE UNDERLYING INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM IS SUPPORTED BY THE LANGUAGE IN SHINN v. RAMIREZ; SHINN v. JONES, S.Ct. (2022) CITING MARTINEZ v. RYAN, 566 U.S. 1 (2013) AND MURRAY v. CARLIER, 477 U.S. AT 488, AND DAVILLA v. DAVIS, 137 S.Ct. AT 2065, RE: "PROCEDURAL DEFAULT" AND ERR IS IMPUTED TO THE STATE. (SEE CAUSE AND PREJUDICE)

DEFENDANT WAS DEPRIVED OF EFFECTIVE ASSISTANCE AT TRIAL, SENTENCE, AND APPEAL, BECAUSE THE RECORD DOES NOT REFLECT A TIMELY FILING FOR OCTOBER 07, 2005 MOTION FOR CPL 330.30 RELIEF. LIKEWISE, THE RECORD DOES NOT REFLECT THE TIMELY FILING FOR JUNE 01, 2006 MOTION FOR CPLR 5525 (c) RELIEF BY SETTLING OR AMENDING THE RECORD. PRECLUSION OF ADEQUATE RECORD SERVED TO DEPRIVE DEFENDANT OF HIS SIXTH AND FOURTEENTH AMENDMENT RIGHTS TO DUE PROCESS OF LAW AND THE EQUAL PROTECTION OF SUCH RIGHT TO MEANINGFUL ADVOCACY. (COOLEY v. GRASON, 355 U.S. 41, 47 (1957); OSBORNE v. OHIO, 495 U.S. 103, 125 (1990) RE: PRECLUSIONS OF 28 USC 2254 REVIEW); (CULLEN v. PROHLSTER, 563 U.S. 170, 182 (2011)); (COMPEN PHS, 411 U.S. 138)

THIS COURT SHOULD GRANT PRO-SE PETITIONER, WRIT
OF CERTIORARI RELIEF. (U.S. Sup. Ct., Rule 10, 28 USC(A))

Dated September 28, 2022

Respectfully Submitted
Julph Dull - PRO-SE
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G.H.C.F.

TO:

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