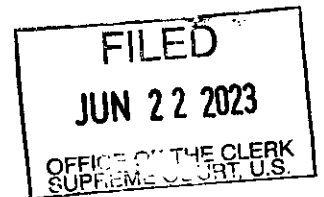


23-5015

No.

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Jeffrey Kent

(Your Name)

— PETITIONER

VS.

State of Delaware

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals (Third Circuit)

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

PETITION FOR WRIT OF CERTIORARI

Jeffrey Kent

(Your Name)

1181 paddock Road

(Address)

Smyrna, DE, 19977

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

Even though the facts in this case satisfy the prejudice prursum in the Sullivan case, should the petitioner not receive relief because trial ^{counsel} + refrain from mentioning a tactic he could have actually mentioned?

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

United States v. Acty, 77 F.3d (8th Cir. 1996)
Sullivan v. United States

TABLE OF CONTENTS

| | |
|--|---|
| OPINIONS BELOW..... | 1 |
| JURISDICTION..... | |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED | |
| STATEMENT OF THE CASE | |
| REASONS FOR GRANTING THE WRIT | |
| CONCLUSION..... | |

INDEX TO APPENDICES

| | |
|------------|-----------------------------------|
| APPENDIX A | <i>Jeffrey Kent v. Robert May</i> |
| APPENDIX B | |
| APPENDIX C | |
| APPENDIX D | |
| APPENDIX E | |
| APPENDIX F | |

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

United States v. Acty
Sullivan v. United States

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 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☐ is unpublished.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 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☐ is unpublished.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 ~~March 25, 2023~~ October 13, 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: March 25, 2023, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTIONAL 6TH AMEND-
MENT

STATEMENT OF THE CASE

A month before trial, trial counsel inform the court of a potential conflict of interest. The trial court conducted a hearing and stated he needed additional information. ~~Because~~ what was provided was mental health issues of his former client which was the state witness and the court determine it was public knowledge. Trial counsel declined to provide the additional information which was confidential information of former client ~~so~~ until the ~~day~~ same day the motion was denied.

Trial counsel informed the trial judge in the early stages of the hearing that if he gets a chance to cross-examine his former client with these mental health issues he "certainly" will. He also informed the trial judge that because he represented the state witness before he can not mention mental health issue because of a client-attorney privilege.

During cross-examination of the state witness trial ^{counsel} stated during a sidebar to the judge that "because of the conflict i'm making a tactical decision to not mention mental health issues, 'Just in case'"

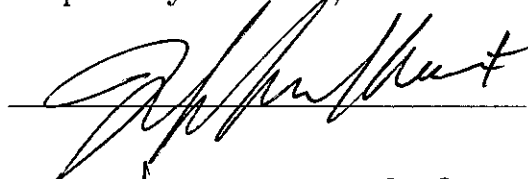
REASONS FOR GRANTING THE PETITION

The fact the trial counsel could have actually mentioned these mental health issues. Should have not been enough to not grant relief. The Federal courts acknowledge that mental health issues are important to measuring a witness credibility. ~~and~~ Trial counsel when refrain from mentioning these mental health issue trying to avoid a conflict of interest. all of that satisfy the Sullivan presume prejudice standard. These things are going to continue to happen if nothing gets done about it. The petitioner is being punish because counsel continued to show why he was not sane in front of the Judge.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. P. Kunt", is written over a horizontal line.

Date: June 22, 2023