

No. _____

IN THE
Supreme Court of the United States

SIMEON BOZIC,

Petitioner,

v.

THE COMMONWEATLH OF PENNSYLVANIA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF PENNSYLVANIA
PHILADELPHIA COUNTY

PETITION FOR A WRIT OF CERTIORARI

SIMEON BOZIC

HL 9179

175 Progress Drive

Waynesburg, PA 15370

Pro Se Petitioner

QUESTION PRESENTED

1. Do the *Shinn v. Ramirez*, 142 S. Ct. 1718, 596 U.S. ____ (2022), and *Martinez v. Ryan*, line of cases require the State to provide a post-conviction petitioner with minimal due process where (1) the State provides a right to effective post-conviction counsel; (2) the petitioner had counsel during state post-conviction proceedings; but (3) state post-conviction counsel failed to review the relevant evidence or notify the client of exonerating photographs that would have supported the petitioner's original defense of duress and allegations of ineffective assistance of trial counsel?

PARTIES TO THE PROCEEDING

The parties to the proceeding are petitioner Simeon Bozic, and respondent the Commonwealth of Pennsylvania. The petitioner is not a corporation.

STATEMENT OF RELATED PROCEEDINGS

Commonwealth v. Bozic, No. CP-51-CR-0107651-2005 (Phila. Ct. of Com. Pls. Mar. 13, 2008) (conviction and sentence)

Commonwealth v. Bozic, 997 A.2d 1211 (Pa. Super. Jun. 24, 2010) (opinion affirming judgment and sentence on direct appeal)

Commonwealth v. Bozic, 13 A.3d 474 (Pa. Dec. 2, 2010) (order denying petition for allowance of appeal seeking review of direct appeal)

Bozic v. Pennsylvania, 563 U.S. 1025 (U.S. May 31, 2011) (order denying petition for writ of certiorari seeking review of direct appeal.)

Commonwealth v. Bozic, No. CP-51-CR-0107651-2005 (Phila. Ct. of Com. Pls. Mar. 17, 2015) (opinion and order dismissing petition for post-conviction relief)

Commonwealth v. Bozic, 156 A.3d 351 (Pa. Super. Aug. 29, 2016) (decision affirming dismissal of post-conviction relief)

Commonwealth v. Bozic, 165 A.3d 874 (Pa. Jan. 10, 2017) (order denying petition for allowance of appeal seeking review of post-conviction appeal)

Bozic v. Gilmore, et al., No. 17-1810 (U.S. Dist. Ct., E.D., 3rd Cir., currently pending) (petition for writ of habeas corpus).

Commonwealth v. Bozic, No. CP-51-CR-0107651-2005 (Phila. Ct. of Com. Pls. Apr. 6, 2021) (opinion and order dismissing subsequent petition for post-conviction relief)

Commonwealth v. Bozic, 289 A.3d 67 (Pa. Super. Nov. 14, 2022) (disposition affirming order dismissing subsequent post-conviction relief petition)

Commonwealth v. Bozic, No. 42 EAL 2023 (Pa. Aug. 9, 2023) (order denying petition for allowance of appeal seeking review of subsequent post-conviction appeal).

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APPENDIX C: Petitioner's Response to the Court's Notice pursuant to Pa.R.Crim.P. 907, *Commonwealth v. Bozic*, No. CP-51-CR-0107651-2005 (Phila. Cnty. Ct. of Com. Pleas, Feb. 23, 2021).

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Simeon Bozic, an indigent prisoner sentenced to life without the possibility of parole in Pennsylvania, respectfully requests that this Court grant certiorari to redress the Pennsylvania state court's disregards of this Court's recommendations in *Shinn v. Ramirez*, 142 S.Ct. 1718, 596 U.S. ____ (2022), and *Martinez v. Ryan*, 566 U.S. 1 (2012).

Decisions Below

The Pennsylvania Supreme Court denied discretionary review of Mr. Bozic's subsequent post-conviction claims on August 9, 2023 in a per curiam order. App. R. The Pennsylvania Superior Court issued a dismissal of relief on Mr. Bozic's newly discovered photographic evidence claim in an unpublished disposition issued on November 14, 2022. App. N.

The Philadelphia County Court of Common Pleas entered its dismissal in an unpublished opinion and order on April 6, 2021. App. D.

Statement of Jurisdiction

The Pennsylvania Supreme Court entered judgment against Mr. Bozic on August 9, 2023 when it denied review of his subsequent post-conviction case. App. R. Mr. Bozic applied for additional time to file the instant petition, and Justice Samuel Alito extended the time to seek certiorari to January 8, 2024. *Bozic v. Pennsylvania*, No. 23A335 (U.S. Oct. 16, 2023). This Court's jurisdiction is invoked under 28 U.S.C. §1257(a) and 28 U.S.C. §2106.

Constitutional Provisions

The Fifth Amendment, U.S. Const. amend. V, provides in relevant part:

No person shall be***deprived of life, liberty, or property, without due process of law.

The Sixth Amendment, U.S. Const. amend. VI, provides in relevant part:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, *** and to have the Assistance of Counsel for his defence.

The Fourteenth Amendment, U.S. Const. amend XIV, provides in relevant part:

No State shall***deprive any person of life, liberty, or property, without due process of law.

Statement of the Case

The issue in this case surrounds Pennsylvania's establishment of the right to effective post-conviction counsel, yet the state court's refusal to provide a remedy for the enforcement of this right.

In order to safeguard the importance and deference to and independence of the state courts, in *Shinn v. Ramirez* , 142 S.Ct. 1718, 596 U.S. ____ (2022), this Court recommends state petitioners, who have unexhausted claims, to "return to state court to adjudicate the[ir] claim[s]."

In *Commonwealth v. Bradley*, 261 A.3d 381 (Pa. 2021), the Pennsylvania Supreme Court provides a right to effective post-conviction counsel.

In spite of this right to effective post-conviction counsel, the state courts below failed to provide Mr. Bozic with a procedure for the enforcement of his right contrary to it's own precedent as set forth in *Bradley*.

At his first available opportunity, Mr. Bozic returned to the state court to adjudicate his claim of post-conviction counsel's ineffectiveness.¹ In spite of Mr. Bozic's efforts to litigate his claim in state court, the Pennsylvania Supreme Court refused to apply *Bradley* to his case. Pennsylvania's refusal ultimately results in Mr. Bozic having to appeal to the federal courts for habeas relief to correct the error - contrary to this Court's recommendation in *Shinn*.

This case is just one example where Pennsylvania arbitrarily decides not to apply it's own

¹Mr. Bozic's claim was that initial post-conviction counsel was ineffective for failing to raise claim of trial counsel's ineffectiveness for his failure to review evidence, notify client of existing evidence, and failing to present, at trial, exonerating photographic evidence that would have supported his original defense of duress.

precedent even though the facts require application to be made.

Failure to provide Mr. Bozic with a procedure for the enforcement of his right to effective post-conviction counsel is a simple and clear due process violation. Pennsylvania's deficiency, in this regard, may be viewed as a failure to provide a remedy where an existing right has been violated contrary to *Marbury v. Madison*, 5 U.S. 137 (1803).

In order to correct the obvious violations of Mr. Bozic's constitutional rights, and to ensure equitable and equal treatment among similarly situated petitioners, certiorari should be granted here.

A. Facing capital murder charges, Petitioner pleaded not guilty and presented a defense of duress.

On a cold November morning, Thomas Strode called his friend, then twenty-six-year-old Simeon Bozic, and invited him to come over to his girlfriend Asia Adams' house to hang out and have fun with them. Prior to this weekend, there were many occasions where Mr. Bozic would have fun and party with Mr. Strode, Ms. Adams, and some of Ms. Adams' friends. These experiences are typical in the lives of many young adults in their twenties. Because of Mr. Bozic's history with Mr. Strode and Ms. Adams, he had no reason to believe that anything sinister was going to happen that weekend. All of them had a friendly relationship. Mr. Bozic accepted Mr. Strode's invitation and went to Asia's house where they all watched movies, smoked weed, and later went to a local nightclub together.

During his visit to Ms. Adams' home, Mr. Bozic heard Mr. Strode arguing with Ms. Adams. Mr. Strode and Ms. Adams were in the second floor bedroom when the argument took place and Mr. Bozic was downstairs in the first floor living room. By the time Mr. Strode and Ms. Adams came downstairs, it appeared to Mr. Bozic that they had resolved their argument. Mr. Bozic has no knowledge of what Mr. Strode and Ms. Adams were arguing about.

Before leaving the house, Mr. Strode picked up a piece of pottery from the living room and hit Ms. Adams over the head with it, knocking her down to the floor. From the perspective of Mr. Bozic, this all happened so suddenly and unexpectedly. Mr. Bozic cried out to Mr. Strode, "What are you doing?!" Mr. Strode retorted, "Shut the f*** up! Try anything and I swear to God I'll kill you!" Mr. Bozic was in shock and disbelief. He was terrified and paralyzed by his own fear.

Mr. Bozic looked at the door and thought to himself, 'Run,' but Mr. Strode looked at Mr. Bozic, then looked at the door and, in an instant, ran to the door and locked it shut. Mr. Strode then put the key in his pocket. From this point on, Mr. Bozic was locked inside of Ms. Adams' house with no conceivable way to escape.

At this point, Mr. Strode pulled a knife from his pocket and proceeded to stab Mr. Adams numerous times. Mr. Bozic protested but was met with numerous death threats from Mr. Strode. After that, Mr. Bozic felt it was best not to say anything else out of fear that he would provoke Mr. Strode which, he felt, would have resulted in Mr. Strode carrying out his threats to kill him.

Mr. Strode took Ms. Adams to the basement of her house and ordered Mr. Bozic to follow him. Reluctantly, Mr. Bozic followed Mr. Strode to the basement. There, Mr. Strode placed Ms. Adams in a chair, he took a shovel and ordered Mr. Bozic to hit Ms. Adams in the head. Mr. Bozic was trembling and with tears streaming down his face he cried to Mr. Strode saying, "I can't." In a loud and terrifying voice, Mr. Strode yelled, "You have no choice!" Seeing that Mr. Bozic was unable to carry out Mr. Strode's command, Mr. Strode took a bag and put it over Ms. Adams' head so Mr. Bozic would not have to see what Mr. Strode was making him do.

Mr. Strode put the shovel in Mr. Bozic's hand and ordered him to hit Ms. Adams. Mr. Bozic was trembling so much that he was barely able to hold the shovel. Out of fear he swung the

shovel at Ms. Adams, then Mr. Bozic dropped the shovel on the floor. Mr. Strode had a look of disgust and contempt on his face and he picked the shovel up off of the floor and repeatedly hit Ms. Adams with it, knocking teeth out of her mouth and knocking her unconscious.

After this, Mr. Strode took a knife and cut Ms. Adams' throat. After killing Ms. Adams, he told Mr. Bozic to take the knife and to cut Ms. Adams' again. Mr. Bozic was shaking so uncontrollably that he was unable to grip the knife. Observing this, Mr. Strode took Mr. Bozic's hand and closed it around the knife with his, making Mr. Bozic do as he commanded him. Mr. Strode told Mr. Bozic that this was the only way he could allow him to live. He said, "I wouldn't of wanted to kill you too, but I would have if I had to. Now you're just as guilty as me. Now I know you won't go to the police because you have just as much to loose as me."

Mr. Strode had taken money from Ms. Adams' purse and her ATM card which he used to make eight withdrawls totaling over \$700. He took approximately \$180 to purchase clean clothes for Mr. Bozic and him to change into. Mr. Strode pocketed the rest on the money and said he was going to use it to purchase durgs to sell.

Mr. Strode would not let Mr. Bozic out of his sight until he felt sure that Mr. Bozic was not going to report this crime to the police. In hopes to save his own life, Mr. Bozic spent this time trying to assure Mr. Strode that he was not going to go to the police. Mr. Strode ordered Mr. Bozic to help him clean up the scene of the crime, then Mr. Strode set Ms. Adams' house on fire in an attempt to cover up the crime.

When Mr. Strode finally let Mr. Bozic out of his sight, Mr. Bozic contacted the police. Mr. Bozic felt the weight of tremendous guilt for lacking the courage needed to make an attempt to save Ms. Adams' life, and for being forced to participate against his will. Because Ms. Adams' life was taken, Mr. Bozic felt his life no longer mattered. Mr. Bozic knew that he would go to

prison if he reported this homicide to the police, but he did so anyway because his conscious compelled him to give a full statement. He reasoned that since he was unable to put his life on the line to save Ms. Adams' life, the least he could do was surrender his life so that Ms. Adams' family would know what happened to their loved one. He knew he could never heal their pain, but he felt the least he could do was provide them with some closure.

Mr. Bozic fully admitted to his involvement in this crime and informed detectives that all of his actions were the direct result of his fear that Mr. Strode was going to kill him if he did not do exactly as he commanded him. Detective Thomas Augustine, the lead detective in the case, told Mr. Bozic that he believed him and that if he consented to signing a statement, and having it videotaped, then, he would not charge him with a crime but only use him as a witness to testify against Mr. Strode.

At the conclusion of the interrogation, The Philadelphia County District Attorney charged Mr. Bozic with the murder of Ms. Adams in violation of the deal Detective Augustine promised Mr. Bozic.

Mr. Bozic plead not guilty to all charges and, based upon the facts, trial counsel presented a defense of duress at trial.

B. The jury sentenced Petitioner to life without the possibility of parole after Petitioner testified at his co-defendant's trial.

After the jury reached it's guilty verdict against Mr. Bozic, his sentence was postponed. Mr. Bozic testified at Mr. Strode's trial to ensure Mr. Strode would be brought to justice for the murder of Ms. Adams. Mr. Bozic's testimony included the fact that he willingly reported this crime to the police and the fact that all of Mr. Bozic's actions, as it relates to this crime, were solely the result of fear from Mr. Strode's terroristic threats to kill him. At Mr. Strode's trial, the prosecutor argued to the jury that "[Mr. Bozic] told you the truth." See *Commonwealth v. Strode*,

CP-51-CR-0107652-2005, Notes of Testimony, 3/6/08, pp. 56-58.

During Mr. Bozic's sentencing hearing, and as a result of Mr. Bozic's testimony at Mr. Strode's trial, the prosecutor withdrew the death penalty and sought a sentence of life without the possibility of parole.

Defense counsel did not present any mitigating arguments, or evidence, to reduce Mr. Bozic's sentence from life without the possibility of parole to a sentence that would include parole eligibility.

C. Despite *Bradley*'s clear holding that Pennsylvania Petitioners have a rule based right to effective post-conviction counsel, and may challenge post-conviction counsel's effectiveness at their first available opportunity to do so, the state post-conviction courts refused to apply the decision in Petitioner's case.

At the time that Mr. Bozic's subsequent post conviction relief act petition was still being considered by the state courts, the Pennsylvania Supreme Court decided *Bradley*, 261 A.3d 381 (Pa. 2021). That court followed the lead from this Court in *Martinez*, 566 U.S. 1, and *Trevio*, 569 U.S. 413, and made it clear that finding the right to post-conviction counsel means the right to *effective* post-conviction counsel. *Bradley*, at 389. See also pages 8-11 of Appendix J, Appellant's Reply Brief, *Commonwealth v. Bozic*, No. 972 EDA 2021 (Pa. Super. Ct. Aug. 6, 2022.)

Eventhough Pennsylvania established the right to effective post-conviction counsel, it refused to apply *Bradley* in Mr. Bozic's case.

Mr. Bozic entered his initial state post-conviction proceedings in February of 2012. *Commonwealth v. Bozic*, CP-51-CR-0107651-2005. Mr. Bozic was represented by Mr. Daniel Silverman, esq. After the appeal of Mr. Bozic's post-conviction proceedings were concluded, Mr. Bozic entered his habeas corpus proceedings in the District Court of Eastern Pennsylvania in

January of 2017 *Bozic v. Gilmore, et al.*, No. 17-cv-1810. [Mr. Bozic's habeas corpus proceedings are still pending.] At that time, Mr. Bozic represented himself pro se. Mr. Bozic was attempting to preserve claims raised in his direct appeal briefs for his habeas corpus proceedings, but he did not have any of his direct appeal record. All records were in the possession of Mr. Silverman.

Mr. Bozic requested his entire case file from Mr. Silverman, but Mr. Silverman initially refused to surrender the record. After a long and strenuous struggle, Mr. Silverman finally surrendered Mr. Bozic's complete case file to him. Mr. Bozic received his file on January 19, 2018.

While looking through his case file for his direct appeal record, Mr. Bozic discovered two crime scene photographs, that he never saw before, in his discovery materials. These photographs showed the interior front door and interior back door of Ms. Adams' house. These photographs proved that if the doors were locked, it would of been nearly impossible for Mr. Bozic to escape the crime scene without having possession of the key to unlock the doors. These pieces of evidence were crucial because at trial, the prosecutor argued to the jury, "You would have run away." See Trial Transcript, Volume 4, p. 94. Mr. Bozic could not run through locked doors.

Mr. Bozic could not understand why trial counsel did not use these photographs to rebut the prosecutor's theory. Mr. Bozic also could not understand why post-conviction counsel failed to raise claim of trial counsel's ineffectiveness for failing to present these exonerating photographs to the jury.

Within 60 days of discovering these photographs, Mr. Bozic filed his subsequent post-conviction motion to challenge Mr. Silverman's effectiveness. This was Mr. Bozic's first available opportunity to make this challenge.

While his case was in state court, *Bradley* squarely affirmed that petitioners are entitled to *effective* assistance of counsel for their first petition under the Post-Conviction Relief Act, that petitioners could raise claims of ineffective assistance of counsel at their first available opportunity to do so, and that a hearing may take place to determine whether post-conviction counsel was effective or not.

Bradley's effect upon Mr. Bozic's subsequent post-conviction challenges to counsel's effectiveness could not have been more candid or apparent. After *Bradley*, post-conviction petitioners were given a means to enforce their rule-based right to effective post-conviction counsel at their first available opportunity to do so, or so it seemed. As it came to pass, the state post-conviction courts have eluded their own mandate and have sidestepped this Court's recommendations and authorities.

Reasons for Granting Certiorari

- A. Because, following the lead from this Court's precedent in *Martinez* and *Trevino*, *Bradley* established the right to effective post-conviction counsel, equitable principals mandate that right be applied here.**

This Court has previously held that "[i]nadequate assistance of counsel at initial-review collateral proceedings may establish cause for a prisoner's procedural default of a claim of ineffective assistance at trial." See *Martinez v. Ryan*, 566 U.S. 1 (2012), and *Trevino v. Thaler*, 569 U.S. 413 (2013).

While Mr. Bozic was still litigating his case in the state courts, the Pennsylvania Supreme Court, in the spirit of *Martinez* and *Trevino*, established that "[a] petitioner has a rule-based right to the appointment of counsel for a first petition under the Post-Conviction Relief Act... Pa.R.Crim.P. 904," and "[p]ursuant to the procedural rule, not only does a PCRA petitioner have the right to counsel, but he is also entitled to the effective assistance of counsel." See

Commonwealth v. Bradley, 261 A.3d 381 (Pa. 2021).

The method instituted in *Bradley*, for the enforcement of the right to effective post-conviction counsel, was to allow "a PCRA petitioner to raise claims of ineffective assistance of counsel at the first opportunity to do so." *Bradley* also recommends that a hearing may be necessary to determine post-convictions counsel's effectiveness.

Mr. Bozic did exactly what *Bradley* recommended he do. He filed his claim of post-conviction counsel's ineffectiveness at his first available opportunity to do so, yet the state courts refused to hear his claim, they refused to apply *Bradley* to his case, and refused to provide Mr. Bozic with a due process hearing for the enforcement of his right.

Mr. Bozic's circumstance may be exactly what this Court was concerned with in *Martinez* when it reasoned that "if counsel's errors in an initial-review collateral proceeding do not establish cause to excuse the procedural default in a federal habeas proceeding, no court will review the prisoner's claims." This may be why, in *Martinez*, this Court established cause in situations identical to Mr. Bozic.

Mr. Bozic was deprived of his right to effective post-conviction counsel. Mr. Bozic had to represent himself pro se when he was preparing to file his initial petition for writ of habeas corpus in the United States District Court. Mr. Bozic wanted to preserve claims, raised in his direct appeal, in his habeas petition but was without any documents from that proceeding. Mr. Silverman had, in his possession, Mr. Bozic's complete case file. Mr. Silverman was Mr. Bozic's post-conviction attorney. Mr. Bozic wrote Mr. Silverman many letters requesting him to send his complete case file to him. At first, Mr. Silverman refused to surrender the case file. It was only after Mr. Bozic was able to send Mr. Silverman \$100.00 that he finally surrendered the file.

When Mr. Bozic received the file, he discovered two crime scene photographs that

picture the interior living room front door and the interior kitchen back door. One photograph shows that the interior front door requires a key to open from the inside. This was important considering the fact that Mr. Strode locked the front door and put the key in his pocket when he attacked Ms. Adams. The second picture showed that the back door also required a key to open from the inside and was barricaded with heavy kitchen furniture blocking the rear exit.

These photographs should have been used at trial to prove Mr. Bozic had no way of escaping, but they were not. This is especially critical because the prosecutor repeatedly argued that Mr. Bozic "can run. He can move." [He can] "Run out the door." Putting himself in Mr. Bozic's shoes he argues, "I'm running away. I'm getting out of this house," and asking the jury to put themselves in Mr. Bozic's shoes he argues, "No reasonable person would have done that. You would have ran away." See *Commonwealth v. Bozic*, CP-51-CR-0107651-2005, Trial Transcript, Volume 4, pp. 91-94. Mr. Bozic *could not run through locked doors*. The photos should have been used to prove the prosecutor's theory false.

While deliberating, the jury sent out a note asking to "have a reading of the first degree murder definition" again. See *Commonwealth v. Bozic*, CP-51-CR-0107651-2005, Trial Transcript, Volume 8, p. 5. The jury obviously struggled with whether the prosecutor had indeed proved specific intent to kill. If the jury was already struggling with what evidence of duress was presented, imagine if they had fully understood that Mr. Bozic was trapped. The photographs should have been used to prove Mr. Bozic was trapped, and the jury would have likely returned a different verdict.

As soon as Mr. Bozic discovered these photographs he filed his claim of post-conviction counsel's ineffectiveness for failing to raise trial counsel's ineffectiveness as it relates to his failure to present the crime scene photographs at trial and his failure to share this evidence with Mr. Bozic. This was Mr. Bozic's first available opportunity to raise this claim in state court.

While Mr. Bozic's case was still being litigated in the state courts, the Pennsylvania Supreme Court issued its ruling in *Bradley*. The state courts completely ignored Mr. Bozic's claim of ineffective post-conviction counsel. In doing so, the state courts have disregarded this Court's rulings in *Martinez* and *Trevino*. The Pennsylvania Supreme Court further compounds this error by refusing to apply its own precedent in *Bradley* here.

There is no justifiable reason for the state courts to deprive Mr. Bozic of his right to effective post-conviction counsel. Because Mr. Bozic was not afforded a due process hearing to enforce his right to effective post-conviction counsel, the principals of fundamental fairness should guide this Court to grant certiorari, vacate the decision below, and remand to allow the state court the opportunity to properly consider his claims of ineffective assistance of counsel before having to bring forth this issue to the district court for habeas relief.

B. Petitioner is entitled to a new state post-conviction proceeding because the law of *Marbury* and *Shinn* suggest that Petitioner complied with the proper procedures for enforcing his right to effective post-conviction counsel.

This Court's long-standing and well known precedent provides that, where a state provides a right, it *must* also provide a remedy when that right has been violated. See *Marbury v. Madison*, 5 U.S. 137 (1803).

In this case, the Pennsylvania Supreme Court held that post-conviction petitioners, in Pennsylvania, have the right to *effective* post-conviction counsel in *Bradley*. Yet, the Pennsylvania Supreme Court refused to apply *Bradley* in this case, which will ultimately result in Mr. Bozic having to appeal to the federal courts to correct the error - contrary to this Court's recommendation in *Shinn*.

This Court, in *Shinn*, has reasoned that it has "repeatedly reaffirmed that there is no constitutional right to counsel in state postconviction proceeding[s]." However, this Court has yet to determine whether the state must provide a post-conviction petitioner with minimal due

process where, as is the case here, the state provides a rule based right to effective post-conviction counsel, and said counsel was ineffective. This question is ripe for review.

Furthermore, this Court recommends prisoners who have unexhausted claims to "return to state court to adjudicate the claim." See *Shinn v. Ramirez*, 142 S.Ct. 1718, 596 U.S. ____ (2022) (quoting *Rose v. Lundy*, 455 U.S. 509, 520 (1982)).

In this case, that is the exact procedure that Mr. Bozic followed. He brought his unexhausted claim of post-conviction counsel's ineffectiveness to the state court at his first available opportunity to do so. While his case was still pending in the state court system, *Bradley* was decided giving post-conviction petitioners a remedy with which they could redress their claims of ineffective post-conviction counsel, however, the state courts failed to apply *Bradley* here. By the state court's failure, Mr. Bozic was deprived of his right and remedy. This is a classic text book example of a due process violation.

By refusing to provide a remedy for the enforcement of Mr. Bozic's rule based right to effective post-conviction counsel, the Pennsylvania courts committed a clear and reversible error. This Court should correct the clear violation of Mr. Bozic's rights by reversing and vacating the lower court's decision and remanding the case for a new state post-conviction proceeding.

CONCLUSION

For the foregoing reasons, Mr. Bozic respectfully requests that this Court grant his petition for a writ of certiorari, vacate the lower court's decisions, and remand accordingly.

Respectfully submitted:



Simeon Bozic

HL-9179

175 Progress Drive

Waynesburg, Pa 15370

January 2, 2024

Pro Se Petitioner

No. _____

IN THE
SUPREME COURT of the UNITED STATES

SIMEON BOZIC,
Petitioner,

v.

THE COMMONWEALTH OF PENNSYLVANIA,
Respondent.

PROOF OF SERVICE

I, Simeon Bozic, pro se petitioner, do declare that on this date, January 2, 2024, as required by Supreme Court Rule 29, I have served the enclosed PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above document in the United States mail properly addressed to each of them and with tracked and insured U.S. Priority Mail.

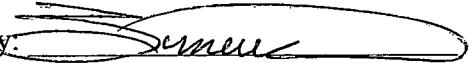
The names and addresses of those served are as follows:

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Lawrence S. Krasner
District Attorney's Office of Philadelphia
3 South Penn Square
Philadelphia, PA 19107-3499

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 2, 2024

By: 
Simeon Bozic, *Pro Se Petitioner*
HL-9179
175 Progress Drive
Waynesburg, PA 15370