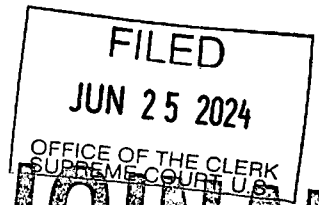


24-5277

No. _____



ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

July 22, 2024

Robert Scott, Pro se — PETITIONER
(Your Name)

vs.

Commonwealth of Pennsylvania et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Third Circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Robert Scott
(Your Name)

1 Kelley Drive
(Address)

Coal Township, PA. 17866-1020
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Was Counsel constitutionally ineffective for Failure to inform Petitioner of his right to appeal constitutes ineffective assistance of Counsel? Was Counsel constitutionally ineffective for his Failure to introduce DNA, and all tapes, evidence at trial when identity was at issue? Did the United States Court of Appeals for the Third Circuit, commit reversible error denying petitioner's § 2255 Motion without conducting an evidentiary hearing to resolve the factual disputes?

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

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APPENDIX B	<u>Opinion</u> - of Magistrate Judge For Eastern District of PA,
APPENDIX C	<u>Opinion</u> - of U.S. District Court For the Third Circuit adopting MJ, report and recommendation
APPENDIX D	<u>Opinion</u> - of U.S. Court of Appeals For the Third Circuit,
APPENDIX E	<u>Opinion</u> - of common Pleas Court,
APPENDIX F	<u>Opinion</u> - Supreme Court of Pennsylvania,

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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 March 30, 2023; 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☐ is unpublished.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 B to the petition and is

☒ reported at January 18, 2023; 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 F to the petition and is

☒ reported at March 30, 2012; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Common Pleas of Philadelphia court appears at Appendix E to the petition and is

☒ reported at February 27, 2018; 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 April 1, 2024.

☐ 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 30, 2023, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).

The original opinion of the Third Circuit Court of Appeals was entered April 1, 2024, motion to the court for rehearing was overruled on May 1, 2024, Appendix "C"

☒ For cases from **state courts**:

The date on which the highest state court decided my case was March 30, 2012. A copy of that decision appears at Appendix F.

☐ 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

1. The Fifth Amendment of the United States Constitution.
2. The Sixth Amendment of the United States Constitution.
3. Strickland Standard.

STATEMENT OF THE CASE

On July 13, 2007, Robert Scott, Petitioner, was arrested and charged with Murder and related offenses. On October 3, 2008, the Petitioner, was Found guilty by a jury, of attempted Murder, and related offenses, but the jury could not reach a verdict on Murder. Petitioner, was retried on the murder, charge on May 27, 2010, and was Found guilty by a jury. Petitioner, was sentenced to life imprisonment without the possibility of Parole.

REASONS FOR GRANTING THE PETITION

Petitioner, was deprived of effective assistance of Counsel as guaranteed by the Fifth and Sixth Amendment of the United States Constitution provides.

Counsel's failure to consult with Petitioner, about

appealing his sentence, Counsel is provided constitutionally

ineffective assistance, U.S. v. Shepley, 493 F.3d

293, 301 (3rd Cir. 2007), Counsel failed to connect

evidence DNA and cell tapes when identity was

at issue Adem v. Hopkins, McCoy v. Norris,

Phoenix v. Mateyanz. The Third Circuit Panel opinion

erred affirming the district court's denial of Petitioner's

claims

Reasons For Granting The Petition

Saying that Petitioner, did not File his Motion on time but the record will show that Petition File his Motion 30, days within the time he received it, Petitioner, received note on 10/11/2023,

See also "Exhibit 1"; and then Petitioner File his Motion on October 27, 2023, that is 30 day From time Petitioner, received note.

Petitioner, Robert Scott, Pro Se, has been deprived of his basic fundamental rights guaranteed by the Fifth and Six Amendments of the United States Constitution and seeks relief in this court to restore those rights. Petitioner, was deprived of his right to effective assistance of Counsel in the appellate court. Petitioner, Prays this court will issue a writ of Certiorari and reverse the judgment of the Third Circuit Court of Appeals,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Robert Scott

Date: July 22, 2024