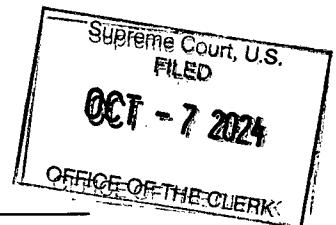


24-5746 ORIGINAL
No.

IN THE
Supreme Court of the United States



In re TREY TARELL BRADLEY,
Petitioner.

ORIGINAL PETITION FOR A WRIT OF HABEAS CORPUS

TREY TARELL BRADLEY
of Kansas City, Missouri
in Washington, D.C.
parthenianheir@gmail.com

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QUESTION PRESENTED

Can a State summarily deny a defendant's right to self-representation and subsequently bar a constitutional challenge to such because of the defendant's coerced continued cooperation with the court appointed defense counsel that was alleged to be unconstitutionally imposed?

PARTIES INVOLVED

The petitioner of this petition for writ of habeas corpus is Trey Tarell Bradley (hereinafter "Mr. Bradley"). The respondents are Mike Parson, the Governor of Missouri; Andrew Bailey, the Attorney General of Missouri; Brent Teichman, Associate Judge of the Johnson County Circuit Court; and Denise Welch-Masters, Owner of the Electronic Sentencing Agency (hereinafter "respondents" unless named individually).

In addition to the parties aforementioned, the peculiarity of this petition requires the mention of Gary Fenner, Senior Judge of the United States District Court for the Western District of Missouri.

LIST OF PROCEEDINGS

State of Missouri v. Trey Tarell Bradley; 20JO-CR00128-01

State of Missouri v. Trey Tarell Bradley; WD85321

Trey Tarell Bradley v. Mike Parson et al.; 24-00351-CV-W-GAF

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ORDERS BELOW

The court order directly below is that of the Missouri Court of Appeals for the Western District; WD85321. The order that was issued was accompanied by an exclusively provided memorandum that went unpublished – both are provided in the appendix hereto. The judgment that was appealed to the Missouri Court of Appeals for the Western District is that of the Johnson County Circuit Court at Warrensburg Missouri; 20JO-CR00128-01. Neither the aforementioned order or judgment require review, for it is the summary denial of Mr. Bradley's constitutional right to self-representation by Brent Teichman, Associate Judge of the Johnson County Circuit Court, during the trial court's proceedings that necessitate this Court's review. The transcript in relevant portion has been provided in the appendix hereto.

JURISDICTIONAL STATEMENT

The Court's original jurisdiction to entertain this particular petition for writ of habeas corpus is invoked by 28 U.S.C. § 1651(a) and 28 U.S.C. § 2241(a) because of its compliance with 28 U.S.C. § 2242 and particularly the last paragraph of the same.

28 U.S.C. § 2242 and RULE 20.4(a) STATEMENT

The case at hand is truly a peculiar one and Mr. Bradley prays the Court sympathize with the following assertions, which he believes warrant exercise of the Court's original jurisdiction. 28 U.S.C. § 2242 and Rule 20.4(a) require that a petition for writ of habeas corpus addressed directly to this Court entail the "reasons for not [petitioning] the district court of the district which the [petitioner] is held." In this particular case, Mr. Bradley actually has petitioned the respective district court and it is out of those proceedings which Mr. Bradley has subsequently decided to address his petition to this court. Further, Rule 20.4(a) requires that one "[s]how that

exceptional circumstances warrant the exercise of the Court’s discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.” Mr. Bradley has exhausted all state remedies available to him. Subsequently, Mr. Bradley petitioned the United States District Court for the Western District of Missouri for a writ of habeas corpus, where Senior Judge Gary A. Fenner (hereinafter “Judge Fenner”) was assigned his Petition. No order has resulted from the proceedings and so there is no issue of successive claims.

Judge Fenner refuses to adhere to the federal law governing petitions for writ of habeas corpus and is compromising the integrity of the federal judiciary while eroding Mr. Bradley’s faith in having his petition adjudicated justly and reasonably according to the merits. According to 28 U.S.C. § 2243, Judge Fenner was to issue a show cause order directed to the respondents as to why Mr. Bradley’s petition should not be granted once he was assigned Mr. Bradley’s petition. Judge Fenner did not issue the mandated show cause order until Mr. Bradley’s petition had been pending before the court for nearly four months. When Judge Fenner finally issued the show cause order, it was inconsistent with 28 U.S.C. § 2243. Instead of ordering the respondents to return the show cause order within three days as prescribed by 28 U.S.C. § 2243, Judge Fenner prescribed 30 days for the respondents to return the show cause order despite no good cause being shown and all respondents having been in contempt of court exceeding 50 days.

When Mr. Bradley expressed his concerns to the court regarding the undue delay in the adjudication of his petition and its deviation from 28 U.S.C. § 2243, Judge Fenner insisted that his concerns carried no weight under the pretense that he was not in custody. If Judge Fenner believed that Mr. Bradley was not in custody, he should have forthwith dismissed the petition according to 28 U.S.C. § 2243, as a person not in custody is not entitled to seek habeas relief. Furthermore, Judge Fenner explicitly stated in the order provided in the appendix hereto that “the

policy concerns that typically warrant expeditious resolution of [§ 2254 petitions] are not present here because [Mr. Bradley] is not being detained in violation of the constitution." Because of the ambiguous language used in the statement, Mr. Bradley believes that the Court has prematurely decided its position on his petition before the respondents have even had a chance to return the show cause order. Mr. Bradley is prejudiced by what seems like collusion of the court and State.

Mr. Bradley has made representations that he has sought out all relief provided to him in the State of Missouri. Mr. Bradley has most recently sought relief in the U.S. District Court and hopes that the representations made in this statement show the inadequacy of the same. The U.S. Courts of Appeals cannot provide the desired relief. This honorable Court seems to be the last resort for Mr. Bradley to receive adequate and impartial relief concerning his constitutional infirmities. Wherefore, Mr. Bradley prays that the Court sympathize with him in his burden of showing exceptional circumstances and the inability to seek adequate relief elsewhere by exercising its discretionary powers to entertain this original petition for habeas corpus.

STATEMENT OF THE CASE

Mr. Bradley seeks habeas relief pursuant to his conviction in the circuit court of Johnson County, Missouri at Warrensburg, Missouri: case number 20JO-CR00128-01. On April 8, 2022, Mr. Bradley entered into a plea agreement with the prosecution and the court accepted such, entered judgment, and rendered a sentence of sixty days of incarceration (suspended) and two years of supervised probation for the crimes of possession of a controlled substance and resisting a lawful stop. Mr. Bradley appealed his conviction in the Missouri Court of Appeals for the Western District: case number WD85321. On appeal, Mr. Bradley argued that he was denied his constitutional right to self-representation. The court rejected Mr. Bradley's argument and barred his appeal. The court forwent issuing a *formal* opinion on the matter and filed an order, accompanied by an exclusively provided memorandum, on September 12, 2023 in lieu. Upon rejection, Mr. Bradley attempted to seek relief in the Missouri Supreme Court. The Missouri Supreme Court refused Mr. Bradley's electronic filing request. Mr. Bradley, being overseas at the time, had no other practical filing option and his time for filing lapsed. Being so, Mr. Bradley has exhausted his available remedies with respect to his direct appeal in the State of Missouri.

REASONS FOR GRANTING THE WRIT

Mr. Bradley's sole ground for relief is the summary denial of his constitutional right to self-representation by Brent Teichman (hereinafter "Judge Teichman"), an Associate Circuit Judge for the Johnson County Circuit Court at Warrensburg, Missouri. Mr. Bradley appeared before Judge Teichman for arraignment on April 6, 2022, at which time he unequivocally asserted his desire to exert the right to self-representation. Judge Teichman summarily dismissed Mr. Bradley's assertion and insisted that his only options were to continue cooperation with court appointed defense counsel, Nathaniel Anderson, or hire alternate counsel – completely

precluding the option for self-representation. Upon summary dismissal, Judge Teichman coercively prescribed Mr. Bradley “some time to think about it,” at which time he continued the hearing two weeks out, leaving Mr. Bradley with no inclination of a trial date or potential release date to communicate to his employer. Seemingly having no cure to his avail within the trial court and needing to return to work to avoid termination, Mr. Bradley reluctantly submitted to the advice of counsel and pleaded guilty. The summary dismissal being structural error is negated by no one, not even the State of Missouri. Instead, and in an attempt to cunningly evade responsibility, the State of Missouri has insisted that Mr. Bradley’s coerced continued cooperation with counsel amounts to a waiver of a constitutional challenge to such structural error – *even if* the merits of the case were considered and it was found that counsel was unconstitutionally imposed. This conclusion is logically flawed – if not outright sophistry.

Mr. Bradley is not currently in physical custody but does have the potential to be. The Electronic Sentencing Agency was charged with supervising Mr. Bradley’s probation, thus it has been named, by and through its owner, as a respondent hereto. Against the conditions of his probation, Mr. Bradley has sought refuge from the illegitimate sentence in Washington, District of Columbia. The Electronic Sentencing Agency has notified the Johnson County Circuit Court of this probation violation. As a result, Judge Teichman has issued a warrant for Mr. Bradley’s arrest. Judge Teichman has the power to have said warrant executed if Mr. Bradley was to return to the State of Missouri, thus he is also named as a respondent hereto. The Missouri Attorney General, being charged with the legal interests of the State of Missouri, has been named as a respondent hereto also because of his supervisory position. Mr. Bradley, being out of state, is subject to extradition only by way of a governor’s warrant issued by the Governor of Missouri –

the Missouri Constitution controlling. This immediate threat places a direct restriction on Mr. Bradley's liberties, and so the Governor of Missouri has been named as the primary respondent hereto. Nonetheless, this honorable Court has jurisdiction over each.

CONCLUSION

All in all, no State should be able to stiff arm you into working with counsel – The Court of *Farretta* wrote the chapter on that – and even more so, they shouldn't be able to bar a defendant from seeking relief because of continued cooperation with said counsel when they have done such. The chapter concerning the latter has yet to be written, but there is certainly ample case law supporting such. **WHEREFORE**, Mr. Bradley, is prayerful that *this* honorable Court may recognize the importance of the question presented by the case at hand, grant the writ of habeas corpus, come to an independent conclusion ordering reversal and remand for new proceedings consistent with the same, and/or whatsoever other relief it may deem just and proper given the circumstances.

Respectfully submitted,



TREY TARELL BRADLEY
Petitioner
parthenianheir@gmail.com

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