ORIGINAL

No:24-6007

IN THE

SUPREME COURT OF THE UNITED STATES

WARREN D WATSON— PETITIONER
(Your Name)

vs.

DAVE BERGMAN et al— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Warren Watson #69401
(Your Name)

AVCF, 12750 Hwy 96 Ln 13
(Address)

Ordway, Colorado 81034
(City, State, Zip Code)

N/A 720-808-1897
(Phone Number)

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PETITION FOR REHEARING AND SUGGESTION IN SUPPORT

Comes now petitioner, Warren Watson , pro-se and prays this court to grant Rehearing pursuant to Rule 44, and there-after, grant him a Writ of Certiorari.

STATEMENT OF FACTS,

At trial Warren Watson was convicted by a jury of premeditated first degree murder and several other felonys, of an attorney in Jefferson County, Colorado by the Jefferson County District Court and sentenced to life in prison without the possibility of parole and over 200 years.

The only issue that Watson brings forth at this time is that on 5/18/15, he requested to go pro-se , the district court held a hearing on May 28, 2015, ten days after his request. The court entered a detailed oral ruling on Mr. Watson's request to proceed pro-se.

The trial court believed that the request was made unequivocally and was made knowingly, voluntarily and intelligently. R.Tr.5/28/15 p 39 II 20-23.

The court found this not to be determinative, after reiterating that Mr. Watson's request to proceed pro-se was unequivocal, knowing, voluntary and intelligent, the court stated that it could still deny the request, even when he had met the Supreme Court standards set in Feretta.

Through counsel Mr. Watson informed the trial court that he was ready to go to trial at the current trial date. He would go to trial on the date it was currently set. P 55 II 19-22, Mr. Watson's counsel informed the court that he had been working on this case for a long time and that he was prepared to go to trial, he would not ask for continuance, or ADC ."The court informed Watson that he would need counsel in a murder case".

The court found that Mr. Watson was unwavering but that because he previously accepted counsel after requesting to go pro-se he was regarded as vacillating. P 58 I 15-P59/2.

"The trial court admitted later that they erred when reappointing counsel."

THE TENTH CIRCUIT FAILED TO ADDRESS WATSON'S REQUEST 5/18/15 AND 5/28/15, WHEN MAKING THEIR RULING.

Watson had only went pro-se once, previous to this request, and had medical issues that caused him to stop representing himself, and while he later continually made the request after his denial on 5/28/15 it was never granted." In no part of the record will it show there was four attempts at going pro-se nor was there ever four times in which Watson went back and forth on his request".

The Tenth Circuit made the same error that the previous courts made when rejecting Watson's argument that his medication caused him to temporarily not be able to represent himself. The evaluations the Tenth Circuit relied on was evaluations that took place prior to the prescribing of the medication that Watson had claimed caused him to have an adverse reaction. "Depakote".approx 2000 mg. .

REASON'S MERTING REHEARING

1. The Tenth Circuit's decision is in conflict with the Sixth Amendment and an individuals right to go pro-se, if they have made a clear and unequivocal, knowing, voluntary and intelligent request : See 5/18/15 p 39 and 5/28/15 p 39, 20-23, because the Tenth Circuit did not even address this part of Watson's claim his six amendment right was violated as it had been with the trial court and the court of appeals.

Mr. Watson had believed the constitutional right of self-representation in a criminal case was conditioned upon a voluntary, knowing and intelligent waiver of the right to be represented by counsel. In support of that belief he quotes, Faretta v. California 422 U.S. at 835., Edwards v. Arizona 451 U.S. 477,482,68 L.Ed 378,101 S.Ct 1880.

The state had recognized that Watson had met the requirements needed to go pro-se. R.Tr. 5/28/15. P39.and there has been no court that has argued that his request was equivocal, therefore conceding that his request was unequivocally.

The question for this court to answer is whether an individual who has met the requirements to go pro-se can still be denied that right. "Watson believes that the lower courts are more reliant on this court not reviewing this claim, than the actual merits and facts Watson has put forth."

While the court has claimed Watson was manipulating the process, they also claimed that his request was unequivocal.

The trial courts are protected against defendants attempt to manipulate the rights to counsel and self-representation, by requiring their request to be clear and unequivocal, which the record shows Watson did. R.Tr. 5/18/15, p39, R.Tr. 5/28/15. Watson did make his request everyday after his denial, and it would seem the lower courts want to use this as vacillation. Because he filed a motion after the denial stating he didn't want to be there since he couldn't go pro-se. There has been several individuals who has made the same argument after they had been denied their request, and the courts have ruled in their favor, giving the opinion that a court could not use an individual's request to absent themselves after a denial as part of the reason for the denial.

Buhl v. Cooksey, 233 F.3d. 783 App. at 76-7

A defendant must voluntarily and intelligently elect to conduct his own defense, this is exactly what Watson did, and while the Tenth Circuit has ruled in favor of strikingly similar cases, such as United States v. Loya-Rodriguez 672 F.3d 849, in which Judge Tymkovich agreed that a defendant can represent himself when four conditions are satisfied: First the defendant must clearly and unequivocally inform the district court of his intentions to represent himself, second the request must be timely and not for the purpose of delay, third the court must conduct a comprehensive formal inquiry to ensure that the defendant's waiver of the right to counsel is knowingly, and intelligently made. Finally the defendant must be able and willing to abide by rules of procedure and courtroom protocol. No court has declared that Watson didn't meet these

standards . R.Tr.5/28/15 p 39 sec 20-23.

There was nothing in the record that declared Watson's request was either equivocal or untimely.

Throughout the Tenth Circuits argument the claim that he was manipulating the trial process by vacillating, but they did not state what they believed Watson hoped to gain from this tactic. The facts simply did not support the trial court's finding that Mr. Watson's request to represent himself was not a genuine request but instead was done for delay, manipulation, or disruption. "It was the district court who praised Watson's behavior as compliant and respectful".

Watson believes that according to Faretta that once the court found that the request was made knowingly voluntarily and intelligently, the court was constitutionally obligated to allow Mr. Watson to represent himself, no matter how much they believed he needed counsel, Faretta v. California, supra; U.S. Const, Amend, VI,.

There was neither subsequent conduct indicating vacillation nor an abandonment of the right to proceed pro-se at any time after May 18, 2015 request.

The trial court erred in denying Mr. Watson's request to proceed pro-se.

2. The Tenth Circuit's decision is in direct conflict with Buhl v. Cooksey 233 F.3d 783, United States Court of Appeals for the Third Circuit, U.S.Const amend VI and Shoop v. Cassano 142 S.Ct 2051.

The trial court had admitted that Watson was unwavering in his request, then only a few sentences later claimed that his actions had been wavering" quoting the court. "Mr Watson was unwavering and that's exactly right".

SUGGESTION IN SUPPORT OF REHEARING

The Colorado Court of Appeals decision that Mr. Watson was manipulating is in contradiction

of what the trial court claimed, that Watson made a clear and unequivocal request, accordingly one could not be manipulating while at the same time make a clear and unequivocal request. State v. Graham, 2023-Ohio-2728, Shoop v. Cassano, 142 S.Ct. 2051.

The requirement of a clear waiver of counsel prevents a defendant from weaponzing his U.S. Const amend VI. Edwards v. Commonwealth, 49 Va. App. 727

In an oft-cited passage the Supreme Court has written that the requirement of a clear and unequivocal waiver prevent[s] the defendant from manipulating or abusing the system.

United States v. Curry, 575 Fed. Appx. 143.

It is in that sense that no matter how "clear" a defendant request for self-representation may be, requirement that it also be unequivocal" prevents[s] the defendant from manipulating the process.

According to this courts analogy, Watson could not have been manipulating the process while at the same time making a clear and unequivocal request. See: R.Tr. 5/28/15 p 39.

A review of the record reveals that contrary to the trial courts recollection, Mr. Watson filed no pleadings requesting counsel be appointed. On June 2, 2015 (sup cf. p 660), Mr. Watson moved to disqualify the public defender, due to unethical conduct, "Offering him money and a television if he took a plea deal," actually placing funds in his jail account. On June ,11 he moved to disqualify the public defender due to a conflict, Supp Cf p 665. Nothing was contradictory about these request that a conflict be found and counsel be removed and his continued and consistent request to proceed pro-se. The Tenth Circuits reasoning behind Watson making four (4) request is misleading, nor can it be said that he went pro-se four (4) times, as they have insinuated, the record points that out, thus a defendants request to represent himself should be honored unless the decision was not made knowingly, intelligently and voluntarily. The trial court has only attempted to muddy the waters by pointing to things that occurred after the denial, along with

evaluations that took place prior to the medication at issue.

While the trial court has used Watson's alleged manipulation to force counsel on him.

The case of La Verne Koenig v. North Dakota 755 F.3d. 636 (CA 8. 2014), stated that the defendants manipulative conduct caused a waiver of counsel.

This court has previously ruled that a defendant can lose important constitutional rights if, after he has been warned by the court about potential consequences of disruptive behavior, he nevertheless persist.

While Watson does not indicate here that he was being manipulative, and the record does not show that the trial court while claiming Watson was being manipulative ever admonish or warned Watson that a particular set of acts or actions would result in him losing his Sixth Amendment Rights, which in this case would seem the court could use their claim of manipulation either to withhold counsel or to force counsel on the defendant.

CONCLUSION

For the reasons stated, Mr. Watson hopes this court will grant Rehearing of its judgment entered on January 21, 2025, and issue a Writ of Certiorari to hold the Tenth Circuit and the other lower courts accountable for failing to properly apply the law of this court and grant Mr. Watson relief.

Mr. Watson's plea for justice should be recognized regardless of the circumstances or the individual involved. Watson ask this court to consider his rights, as these are protected by the principles of the rule of law, and when these rules are just they establish a basis for legitimate expectations. While his actions in this crime are horrific, his rights as an American citizen should not be diminished.

Respectfully Submitted,

Warren D Watson

Date: Feb 3. 2025

CERTIFICATE OF GOOD FAITH

Comes now petitioner Warren D Watson, and make certification that his petition for rehearing is presented to this court in good faith pursuant to Rule 44. Mr. Watson further states the following:

1. This court entered its judgment denying petitioner a Writ of Certiorari on January 21, 2025. Petitioner believes that he presents this court with adequate grounds to justify the granting of rehearing in this case and said petition is brought in good faith and not for any delay, furthermore petitioner believes that based upon the law of this court and facts of this case, Watson is entitled to relief which has been unjustly denied him. He also believes that if the Tenth Circuit Court of Appeals are continually allowed to apply the Sixth Amendment Right to self representation improperly, a number of people in Colorado will be denied their constitutional rights to self representation and due process.

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

Executed on this 30 day of Jan ,2025

WARREN WATSON

No.24-6007

IN THE

SUPREME COURT OF THE UNITED STATES

WARREN D WATSON— PETITIONER

VS.

DAVE BERGMAN, WARDEN ,et al— RESPONDENT(S)

PROOF OF SERVICE

I **WARREN D WATSON**, do swear or declare that on this date, Feb, 3, 2025, as required by Supreme Court Rule 29 I have served the enclosed Certificate In Good Faith and Petition for Rehearing 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 documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

United States Court of Appeals 10th Cir, Criminal Appeals
Byron White Courthouse 1300 Broadway
1823 Stout St, Denver CO 80257 Denver, CO 80203

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

Executed on 30 Jan, 20 25

(Signature)

Additional material from this filing is available in the Clerk's Office.