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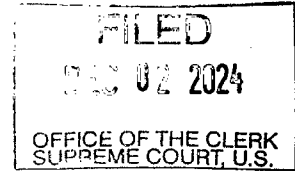
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

JAN. TERM, 2025

_____*_____



RAMIEN COLLINS,
Petitioner,

VS.

UNITED STATES OF AMERICA

Respondent.

_____*_____

On Petition for Writ of Certiorari
To the United States Court of Appeals
For the 8th Circuit

_____*_____

PETITION FOR WRIT OF CERTIORARI

_____*_____

Ramien Collins #10539-010
Yazoo City Low
Federal Correctional Institution
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Yazoo City, MS 39194

QUESTIONS PRESENTED FOR REVIEW

Did the appellate commit reversible err denying Petitioner's direct appeal on the issue where the district court allowed the admission of chemical analysis reports into evidence during trial although it knew that the chemical analyst would not be present which would be a violation of the Confrontation Clause?

Did the appellate court commit reversible denying Petitioner's direct appeal on the issue where Petitioner's appellate attorney filed a Anders Brief seeking a withdrawal from Petitioner's case as his appellate attorney and granted Petitioner's appellate attorney's request and denied Petitioner's request for another appellate attorney which violated Petitioner's Sixth Amendment which guarantee him the right to counsel during his Due Process and direct appeal proceedings during criminal proceedings?

PARTIES TO THE PROCEEDINGS

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Pro se Representation for Petitioner
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CITATIONS OF OPINIONS AND ORDERS IN CASE

The original judgment of conviction of Petitioner in the United States District Court for the Eastern District of Arkansas and is attached hereto as Appendix "1".

The original judgment of Petitioner was appealed to the United States Court of Appeals for the Eight Circuit, which affirmed the conviction and sentence is attached hereto as Appendix "2".

The opinion of the United States Court of Appeals for the Eight Circuit is attached hereto as Appendix "3".

_____ *

II.

JURISDICTIONAL STATEMENT

The judgment of the United States Court of Appeals for the Eight Circuit was entered on July 16, 2024.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

_____ *

III.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

1. The Sixth Amendment of the United States Constitution provides: "This Clause guarantees a criminal defendant's right to confront an accusing witness face to face to cross-examine that witness."

2. The Sixth Amendment of the United States Constitution provides: "A criminal defendant's constitution right is guaranteed by this Amendment, to representation by a court-appointed lawyer if the defendant cannot afford to hire one."

3. The statutes involved and under review are, Rule 40(a)(2),

Fed. R. Evid. 801 and 803, Fed. R. of Evid. 901, and Rule 52(b).

4. Petitioner sought relief on direct appeal. A defendant who preserved his appeal rights in a plea agreement or by maintaining his innocence by pursuing a jury trial which would extend a defendant's Due Process Rights throughout his direct appeal proceedings.

*

IV.
STATEMENT OF THE CASE

On September 5, 2019, a grand jury in the United States Court for the Eastern District of Arkansas indicted Ramien Collins, the Petitioner and charged him with three counts of knowingly and intentionally distributing fifty grams or more of methamphetamine, which is a violation of 21 U.S.C. §841(a)(1).

A jury heard the case on April 12, 2022 and April 13, 2022, returned a verdict of guilty on each of the three counts in the indictment. On September 28, 2022, the district court entered the judgment and commitment order and sentenced Mr. Collins to 262 months' imprisonment, which was a downward departure from the recommended sentencing guidelines sentence of 360 months to life imprisonment. On October 12, 2022, Mr. Collins filed a timely notice of appeal.

Petitioner's appellant counsel submitted an Anders Brief on February 23, 2023. On May 15, 2023, the United States Court of Appeals for the Eight Circuit concluded that Petitioner's Counsel did not satisfy his obligations under Anders v. California, 386 U.S. 738, 744-45 (1967), and ordered counsel to file a complaint Anders brief. Also, in the very same Order from the Appeals mentioned

above dated on June 29, 2023. Petitioner then respectfully made a request for appointment of counsel for representation on his direct appeal and that request was denied.

On July 16, 2024, the United States Court of Appeals for the Eight Circuit affirmed the judgment of the district court.

Petitioner timely filed this Petition for Writ of Certiorari with this Honorable Court, The Supreme Court of the United States.

*

V.

REASONS FOR GRANTING THE WRIT

THE COURT OF APPEALS HAS DECIDED A FEDERAL QUESTION IN DIRECT
CONFLICT WITH THE APPLICABLE DECISION OF THIS COURT.

1. The Fifth Circuit Panel Opinion affirming the district court's Judgment after allowing Petitioner's appellant counsel to withdraw as Petitioner's appellant counsel and denying Petitioner's request to be appointed another appellant counsel violated Petitioner's Sixth Amendment right to appellant counsel on his direct appeal. See Douglas v. California, 372 U.S. 353, 83 S. Ct. 814, 9 L. Ed 811 (1963).

2. The district court's decision to admission of testimonial statements/evidence by a non-testifying declarant violates the Confrontation Clause. In Petitioner's case, the district court allowed the admission of a chemistry analyst's statements although it was aware of the fact that he would not be present to testify. A violation of the Confrontation Clause. See Crawford v. Washington, 541 U.S. 36, 53-55 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004); and Smith v. Arizona, 144 S. Ct. 1785, 1788, 219 L. Ed. 2d 420 (2024).

Petitioner respectfully urges that this Honorable Court find that all aspects of the Circuit Court decision are erroneous and

at a variance with this Court's decisions as explained the argument below.

*

VI.

ARGUMENTS AMPLIFYING REASONS FOR WRIT

I. THE COURT OF APPEALS ERRED IN AFFIRMING THE CONVICTION ON THE BASIS THAT A DEFENDANT/PETITIONER CAN PROCEED PRO SE ON HIS DIRECT APPEAL AND BY DENYING PETITIONER'S REQUEST TO BE APPOINTED COUNSEL

Petitioner claims that he was denied his Sixth Amendment right that guarantees him a right to be represented by counsel throughout his Due Process proceedings that also extends to his direct appeal process as long as he did not waive those right through a plea agreement. Based on the facts and law surrounded Petitioner's issues, the magnitude of the constitutional violations are not harmless and thus, they should be review by the U.S. Court of Appeals.

Chapman v. California, 386 U.S. 18, 23 (1967); Federal Rule of Criminal Procedure 52(a). The U.S. Court of Appeals for the Eight Circuit should have reviewed Petitioner's claims under the "plain-error doctrine." United States v. Barthman, 919 F.3d 1118, 1120-21 (8th Cir. 2019).

Under plain-error review, the Appellant Court will Reverse if there is an error, that is plain, that affects the defendant's substantive right(s), and seriously affects the "fairness, integrity or public reputation of judicial proceedings. Evans, 2023 U.S. App. LEXIS 7180 (quoting U.S. v. Lara-Ruiz, 681 F.3d 914, 920 (8th Cir. 2012)). This Honorable Court presumes prejudice in the following circumstances: (1) "if the accused is denied counsel at a critical stage of his trial," (2) If the accused is "left entirely without

the assistance of counsel on appeal," (3) "if the counsel entirely fails to subject the prosecution's case to meaningful adversarial testing," and (4) "when counsel's constitutionally deficient performance deprives a defendant of an appeal that he otherwise would have taken." Garza v. Idaho, 586 U.S. 232, 237, 139 S. Ct. 738, 203 L. Ed. 2d 77 (2019). This honorable Court has held and stated, "When an indigent is forced to his ganlet of a preliminary showing of merit, the right to appeal does not comport with fair procedure. In the federal courts, on the other hand, an indigent must be afforded counsel on appeal whenever he challenges a certification that the appeal is not taken in good faith. Johnson v. United States, 352 U.S. 565, 1 L ed 2d 593, 77 S. Ct. 550. The federal courts must honor his request for counsel regardless of what they think the merits of the case may be,; and "representation in the role of an advocate is required."" Ellis v. United States 356 U.S. 674, 675, 2 L ed 2d 1060, 1061, 78 S. Ct. 974. citing from, Douglas and Meyers v The People of the State of California, Petitioner's conviction has been affirmed by the United States Court of Appeals without Petitioner receiving a fair appellant process guaranteed by the Fifth and Sixth Amendment rights of the United States Constitution.

*

II. THE COURT OF APPEALS ERRED BY AFFIRMING THE CONVICTION BECAUSE WITHOUT THE CONSTITUTIONAL VIOLATION OF THE CONFRONTATION CLAUSE, THE OUTCOME OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT

In regards to the Confrontation Clause, the United States Court of Appeals for the Eight Circuit's holding is in conflict with this Honorable Court's ruling. The Sixth Amendment's Confrontation

Clause provides '[i]n all criminal prosecutions, the accused shall enjoy the right... to be confronted with the witnesses against him.' Crawford v. Washington, 541 U.S. 36, 42, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004). "Out-of-court statements of expert witnesses conducting scientific analysis of forensic evidence are subject 'to the Confrontation Clause.'" In, Melendez-Diaz v. Massachusetts, 557 U.S. 305, 311, 129 S. Ct. 2527, 174 L. Ed. 2d 314 (2009). This Honorable Court has held that, "An affidavit by a state laboratory analyst swearing that he had chemically tested a substance and found it to contain prohibited narcotics is a testimonial statement such that the affidavit could not be admitted into evidence absent an opportunity for the defendant to cross-examine the analyst." Melendez-Diaz v. Massachusetts, 557 U.S. 305, 311, 129 S. Ct. 2527, 174 L. Ed. 2d 314 (2009).

The United States Court of Appeals for the Eight Circuit's opinion in regards the Confrontation Clause also conflicts with this Honorable Court's decision in, Smith v. Arizona, 144 S. Ct. 478, 216 L. Ed. 2d 1311 (2023). Both of Petitioner's issues started with a violation of Petitioner's Sixth Amendment, 'effective assistance of counsel.' However, at this time, Petitioner is not raising a effective assistance of counsel claim. Petitioner is only seeking a Writ of Certiorari based on the reasons mentioned above.

*

CONCLUSION

Petitioner, Ramien Collins, has been deprived of basic fundamental rights guaranteed by the Fifth and Sixth Amendments of the United States Constitution and seeks relief in this Court to restore those rights. Based on the arguments and authorities

presented herein, Petitioner's conviction was affirmed in violation of Due Process and Petitioner's Fifth and Sixth Amendment rights were violated in the district court and appellate court. Petitioner prays this Court will issue a writ of certiorari and reverse the judgment of the Eight Circuit Court of Appeals.

Respectfully submitted on this 21 day of JAN. 2025.



RAMIEN COLLINS #10539-010

PRO SE REPRESENTATION

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PROOF OF SERVICE

I, Ramien Collins, do swear or declare that on this date, JAN. 21, 2025, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR WRIT OF CERTIORARI AND Appendix on each party to the above proceeding on 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 prepared in the order as it has been mailed to this Honorable Court.



PRO SE REPRESENTATION