24-6052 ORIGINAL

No. 25-_____

IN THE
Supreme Court of the United States

DAVID J. RUDOMETKIN
Petitioner,

v.

United States
Respondent.

On Petition for a Writ of Certiorari the United States Court of Appeals for the Armed Forces

PETITION FOR A WRIT OF CERTIORARI

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March 15, 2025

QUESTION PRESENTED

The questions presented are:

Whether the Court of Appeals for the Armed Forces (CAAF) has jurisdiction to deny appellate defense counsel assigned by U.S. Army Judge Advocate General under 10 U.S.C. § 870, when Petitioner did not knowingly, intelligently, or by conduct waive assigned appellate defense counsel.

Given, the CAAF does not have jurisdiction to assign or deny appellate defense counsel, whether the Sixth Amendment deprives the CAAF of jurisdiction to review any legal matters pursuant to 10 U.S.C. § 867(a)-(c) and under the All Writs Act, 28 U.S.C. § 1651.

RELATED PROCEEDINGS

United States v. Rudometkin, No. 20180058, Army Court of Criminal Appeals, judgment entered on November 9, 2021

United States v. Rudometkin, No. 22-0205/AR, Court of Appeals for the Armed Forces, judgment entered on August 15, 2022, 82 M.J. 396 (CAAF, 2022)

United States v. Rudometkin, No. 24-0179/AR, Court of Appeals for the Armed Forces, 2024 CAAF LEXIS 426, 85 M.J. 99, 2024 WL 3798800, July 26, 2024; 2024 CAAF LEXIS 818 __M.J.___2024 WL 5342425

In Re: David J. Rudometkin, No. 25-0090/AR, Court of Appeals for the Armed Forces, 2025 CAAF LEXIS 78, Dated February 3, 2025

In Re: David J. Rudometkin, No. 25-0104/AR, Court of Appeals for the Armed Forces 2025 CAAF LEXIS 134, Dated February 19, 2025

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PETITION FOR A WRIT OF CERTIORARI

Petitioner David J. Rudometkin respectfully petitions for a writ of certiorari to review the constitutionality of an order published by the United States Court of Appeals for the Armed Forces denying Petitioner appellate defense counsel assigned under 10 U.S.C. § 870, during the direct review of a court-martial, although Petitioner did not knowingly, intelligently, or by conduct waive the Sixth Amendment right to assigned appellate defense counsel, and Petitioner is indigent and cannot afford to hire appellate defense counsel. Petitioner asserts the CAAF does not have jurisdiction under Article 67(a)-(c) Uniform Code of Military Justice (UCMJ) to approve or deny appellate defense counsel, and consequently the Sixth Amendment bars its jurisdiction to review any legal matter concerning Petitioner.

OPINIONS BELOW

The order of the court of appeals denying assigned cost-free appellate defense counsel is reported at 2024 CAAF LEXIS 818 __M.J.___2024 WL 5342425 and reprinted in the Appendix to the Petition ("Pet. App.") at 80a-81a.

JURISDICTION

The court of appeals entered its order on December 17, 2024, Pet. App. 1a. The jurisdiction of this Court is invoked under 10 U.S.C. § 867a, 28 U.S.C. § 1259(4) (prior to December 24, 2024).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Due Process Clause of the 5th Amend. prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." Id.

The 6th Amend provides accused "to have the Assistance of Counsel for his Defense."

Article 70 UCMJ, 10 U.S.C. § 870(a)-(c), provides that "[TJAG], **shall** detail his office one or more commissioned officers as...appellate defense counsel....Appellate defense counsel **shall** represent the accused before the Court of Criminal Appeals the Court of Appeals for the Armed Forces, or the Supreme Court — (1) when requested by the accused." Id.

18 U.S.C. § 3006A. "Representation shall be provided for any financially eligible person who— (I) faces loss of liberty in a case, and Federal law requires the appointment of counsel." Id.

INTRODUCTION – PROCEDURAL HISTORY

Petitioner is a former United States officer removed from office pursuant to the fixed-term tenure provisions in 10 U.S.C. § 632(a)(1) on January 31, 2016 and later tried and convicted by a court-martial as a military officer, although Petitioner no longer held a title to the office he was appointed to, for alleged offenses committed while an officer on active duty. Later, during the military appellate review process Petitioner found there was an ongoing actual conflict of interest between previous Army Judge Advocates General, and then-Brigadier General Joseph B. Berger III (who were all personally involved during the trial phase of Petitioner's illegally convened court-martial case and obstructed justice by concealing records the military trial judge was not statutorily qualified as per 10 U.S.C. § 826(b)). Later, BG Joseph B. Berger III, became Major General (MG) Berger and Deputy Judge Advocate General (DJAG) who professionally rated all judicial officers in the Army Defense and Government Appellate Divisions and all appellate judges in the Army Court of Criminal Appeals. And later, when Joseph B. Berger was promoted to Lieutenant General and assigned as the Army Judge Advocate General (TJAG) he became statutory responsible to provide appellate defense counsel as per 10 U.S.C. § 870 for all assigned appellate defense counsel in Petitioner's court-martial case. After Petitioner discovered the years-long ongoing actual conflict of interest between Joseph B. Berger III who is presumably bias against Petitioner (due to

concealing case-dispositive evidence) and his role in professionally rating and controlling all military appellate defense counsel, Petitioner motioned to the CAAF that all appellate defense counsel from the Army Defense Appellate Division were ineffective because of actual conflicts of interests and that Petitioner was never assigned constitutionally effective counsel (See **Appendix A** – motions to the CAAF concerning conflict of interest and ineffective assistance of appellate defense counsel). Petitioner would not accept military appellate defense counsel from the Army due to the actual conflict of interest between their employer – TJAG – and their own professional career considerations. Petitioner identified there was a conflict of interest and command influence by TJAG, and requested the Army provide conflict-free civilian appellate counsel. Later, Petitioner was offered two military appellate defense counsel from the U.S. Coast Guard and the U.S. Marines. On July 16, 2024 the CAAF granted a withdraw of all Army appellate defense counsel and civilian appellate defense counsel (who is a military retiree)(See **Appendix B**, order from the Court) and entered U.S. Coast Guard Commander Roberts and Marine Corps Captain (CPT) Norton.

Petitioner attempted to work with newly assigned counsel, however, due to their lack of appellate experience, failure to read, understand, and digest the massive tomes of information from the court-martial record and communications with previous appellate defense counsel about their failure to raise reversible error and

were ineffective because they were operating under an actual conflict of interest between themselves and their superiors – TJAG and DJAG, newly assigned appellate defense counsel did not make cognizable progress in drafting a brief of legal error to the Court of Appeals of the Armed Forces (CAAF). Also, counsel fundamentally misunderstood that because the undersigned's legal title to the office he was appointed to by the President expired on 31 January 2016, pursuant to 10 U.S.C. § 632(a)(1), which was long before court-martial charges were illegally preferred, that a supplement to a petition for a grant of review under Article 67(a)(3) UCMJ, was not legally appropriate because there was never a legally constituted court-martial and it is a legal nullity. Petitioner asserted the only legal remedy is a petition for extraordinary relief in the form of a writ of habeas corpus.

As a result of Commander Roberts and CPT Norton's lack of progress in representing and understanding the legitimate legal issues of the undersigned's case: that the court-martial lacked jurisdiction on multiple levels; the actual conflict of interest by U.S. Army TJAG and DJAG which rendered previous appellate defense counsel constitutionally ineffective since the inception of the case; and Commander Roberts and CPT Norton did not produce any noticeable progress on drafting a legal brief within the artificial timeline imposed by the CAAF, the undersigned asserted they were ineffective in their assistance as appellate defense counsel (see **Appendix C** – Petitioner's motions to the CAAF concerning ineffective

assistance of appellate defense counsel). Commander Roberts and CPT Norton then moved the CAAF to withdraw from the case under a conflict of interest.

On December 17, 2024, the CAAF issued an order Petitioner is to proceed without appellate defense counsel, and if he wanted counsel, it is at his own expense (See **Appendix D** – order from the court). Also, the CAAF did not comply with its own Rule 16, "a motion by an appellate defense counsel must indicate the reasons for the withdrawal and the provisions which have been made for the continued representation of the accused. A copy of the motion filed an appellate defense counsel shall be delivered or mailed to the accused by the moving counsel." Id. However, nothing was done – no motion was delivered to Petitioner and no provisions for counsel was made.

Petitioner was confounded as he cannot afford civilian counsel because he was made indigent by illegal military confinement by the judgment of an illegally convened court-martial and made indigent by the CAAF's illegal decision *United States v. Rudometkin*, 82 M.J. 396 (CAAF, 2022) after the case was first overturned (*United States v. Rudometkin,* CCA LEXIS 596, 2021 Army No. 20180058, November 9, 2021). Also, at no time did Petitioner knowingly, intelligently, or by conduct waive appellate defense counsel – there were only legitimate and justifiable conflicts of interest with counsel assigned from the U.S. Army Defense Appellate Division who are presumptively ineffective because of the actual conflict of interest with U.S. Army TJAG and DJAG. Also, the undersigned had legitimate issues as to

the effectiveness with the second set of appellate counsel (Commander Roberts and Captain Norton) for reasons already described.

On January 15, 2025, Petitioner submitted a request to the Army TJAG (See **Appendix E** for Petitioner's request) for the appointment of Appellate Defense Counsel. In this request, the undersigned identified the conflict of interest between himself and TJAG criminally obstructing justice in Petitioner's case, but nevertheless TJAG is obligated pursuant to 10 U.S.C. § 870(d). Also, Petitioner argued since he was removed from office 9-years ago pursuant to 10 U.S.C. § 632(a)(1) and is a civilian that TJAG should provide conflict-free appellate defense counsel under 18 U.S.C. § 3006A(a)(1)(H)(-I) by coordinating with a defender organization for the assignment of civilian appellate defense counsel to assist the undersigned his petition for a writ of habeas corpus under the All Writs Act (18 U.S.C. § 1651). Petitioner never heard an answer from TJAG concerning the request.

On January 20, 2025, five days after Petitioner sent his request for independent civilian appellate defense counsel directly to TJAG's email inbox, the Army Defense Appellate Division email inbox, and to the CAAF's efiling system, the President of the United States published Executive Order 14147, 90 FR 8235 *Ending Weaponization of the Federal Government*. This document is profound in its implications, because it effectively describes the behavior of the previous Army TJAGs in the Petitioner's case, where they weaponized the military justice system

by committing criminal obstruction of official proceedings in the administration of military justice, while covering up the misconduct of a military trial judge, who as a result of his substantiated misconduct, was never legally qualified to be a military trial judge as per 10 U.S.C. § 826(b)

On February 3, 2025 Petitioner (without the assistance of counsel) filed a Petition for Extraordinary Relief in the form of a Writ of Habeas Corpus,. *In Re: David J. Rudometkin,* No. 25-0090/AR, Court of Appeals for the Armed Forces, 2025 CAAF LEXIS 78. This petition outlined the court-martial lacked jurisdiction, and illustrated the judicial misconduct of successive Army TJAGs in Petitioner's case.

On February 19, 2025 Petitioner (without the assistance of counsel) filed a Petition for Extraordinary Relief in the form of a Writ of Prohibition, I*n Re: David J. Rudometkin,* No. 25-0104/AR, Court of Appeals for the Armed Forces 2025 CAAF LEXIS 134. In this writ, Petitioner asserted the CAAF has no jurisdiction to review any legal matter concerning Petitioner because both TJAG and the CAAF illegally deprived appellate defense counsel.

Then, two days later on February 21, 2025, the Secretary of Defense, the Honorable Pete Hegseth, "fired" all of the service TJAGs, including LTG Joseph B. Berger III who only served in the position of TJAG for approximately 4-months. This too is a profound and unprecedented event and of import to Petitioner's case.

This decision by the Secretary of Defense essentially validates the undersigned's complaints[1] on Joseph B. Berger III who obstructed justice in the undersigned's and many other cases (since the military trial judge Richard J. Henry was never legally qualified pursuant to 10 U.S.C. § 826(b) to act as military judge in over 14 courts-martial cases), and affected the fair handling multiple appellate cases.

Based on these intervening events, it is unknown if TJAG actually received Petitioner's request for counsel. Over 60 days have elapsed without a response either to the request for assignment of independent civilian appellate counsel, or for TJAG to motion the CAAF to Stay the case because the undersigned did not waive counsel.

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[1] Judicial misconduct of Joseph B. Berger is the subject of multiple lawsuits: *Rudometkin v. Commanding General U.S. Army Leg. Serv. Agency et al.,* Civ. A. No. 23-2549-LLA (D.D.C.); *Rudometkin v. Department of Defense et. al,* Civ. A. No. 20-2687-TSC (D.D.C.), Case No. 23-5180 (D.C. Cir.); *Rudometkin v. Wormuth,* Civ A. No. 22-01968-TSC (D.D.C.); *In Re: David J. Rudometkin,* USCA Dkt. No. 25-0093/AR (C.A.A.F.); *In Re: David J. Rudometkin,* USCA Dkt. No. 25-0103/AR and Dkt No. 25-0093/AR (C.A.A.F.).

STATEMENT

Petitioner asserts the CAAF abused its discretion by issuing an order that Petitioner is to proceed in direct appellate review of this case without the assistance of counsel assigned to him without expense, because he is indigent and cannot afford counsel, and has an indisputable right appointment of counsel without cost as per Article 70 UCMJ:

> The "[TJAG], **shall** detail his office one or more commissioned officers as...appellate defense counsel....Appellate defense counsel **shall** represent the accused before the [CCA], the [CAAF], or the Supreme court — (1) when requested by the accused." Id.

And 18 U.S.C. § 3006A(a)(1)(I), *Adequate representation of defendants:*

> each "court...shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation in accordance with this section...Representation shall be provided for any financially eligible person who— (I) faces loss of liberty in a case, and Federal law requires the appointment of counsel.

Also, Petitioner did not knowingly, intelligently, or by conduct waive counsel. This Court has long held that criminal defendants have a right to court-appointed counsel in direct criminal appeals as per *Johnson v. Zerbst,* 304 U.S. 458, 465 (1938); *Douglas v. California,* 372 U.S. 353 (1962); *Penson v. Ohio,* 488 U.S. 75, 88 (1988). Again, Petitioner did not at any time knowingly or intelligently waive the Sixth amendment right to counsel – there were only legitimate conflicts of interest which is why counsel withdrew.

Furthermore, as per this Court's decision in *Clinton v. Goldsmith,* 526 U.S. 529 (1999) the CAAF's jurisdiction is narrowly circumscribed and does not have

jurisdiction to grant or deprive counsel because this under the purview of the service TJAG's administration of justice, and not a "finding or sentence" from a Court of Criminal Appeals. Congress granted the service TJAGs shall provide counsel on request. See Article 70(a) UCMJ, "the [TJAG] shall detail his office one or more commissioned officers as...appellate defense counsel." Id. And, "Appellate defense counsel shall represent the accused before the [CCA], the [CAAF], or the Supreme court — (1) when requested by the accused." Id.

Petitioner did not knowingly, intelligently, or by conduct waive his Sixth Amendment right to assigned appellate defense counsel under Article 70 UCMJ and 18 U.S.C. § 3006A(a)(1)(H)-(I). In this case, the JAG and the CAAF have violated Petitioner's Sixth Amendment right to counsel on direct appellate review, and accordingly, the CAAF is without jurisdiction to decide any legal matter concerning Petitioner, as per *Johnson v. Zerbst*, 314 U.S. 458, 464 (1938):

> Since the Sixth amendment constitutionally entitles one charges with crime to the assistance of counsel, compliant with this constitutional mandate is an essential jurisdictional prerequisite to a federal court's authority to deprive an accused to this life or liberty. This right is properly waived the assistance of counsel is no longer a necessary element of the court's jurisdiction to proceed to conviction and sentence. If the accused however, is not represented by counsel and has not competently and intelligently waived his constitutional right, the Sixth amendment stands as a jurisdictional bar to a 'valid' conviction and 'sentence' depriving him or his life or liberty. A court's jurisdiction at the beginning of a trial may be lost 'in the course of the proceedings' due to failure to complete the court – as the Sixth amendment requires – by providing counsel for an accused who is unable to obtain counsel, who has not intelligently waived this constitutional guaranty, and whose life and liberty is at stake. If this requirement of the Sixth amendment is not complied with, the court no longer has jurisdiction to proceed. The judgment of a conviction pronounced by a court without jurisdiction is void, and the one imprisoned thereunder may obtain release by habeas corpus.

REASONS FOR GRANTING THE PETITION

This Court has long held that criminal defendants have a right to cost-free appointed counsel in direct criminal appeals as per *Johnson v. Zerbst,* 304 U.S. 458, 465 (1938); *Douglas v. California*, 372 U.S. 353 (1962); *Penson v. Ohio*, 488 U.S. 75, 88 (1988). Petitioner's actions concerning appellate defense counsel like the case of *United States v. Moore*, 706 F.2d 538 (5th Cir. 1985), nor was Petitioner provided a warning or notice from the CAAF his actions concerning appellate defense counsel amounted to a waiver. Waiver by conduct requires that a defendant receive warning about the consequences of conduct including the risks of proceeding *pro se* — a "*Faretta*" warning. "Thus, to the extent that a defendant's actions are examined under the doctrine of 'waiver,'" —including waiver by conduct—"There can be no valid waiver of the Sixth Amendment right to counsel unless the defendant also receives *Faretta* warnings." *United States v. Goldberg*, 67 F.3d, 1092, 1100 (3rd Cir. 1995) (quoting *Faretta v. California*, 422 U.S. 806 (1974)). A waiver is ordinarily an intentional relinquishment or abandonment of a known right or privilege and must be the product of a free and meaningful choice (*Moore v. Michigan*, 355 U.S 155, 164 (1957)). This Court found "waivers by conduct" only where a defendant has engaged in "conduct inconsistent with the assertion of the right." *Pierce Oil Corp. v. Phoenix Refining Co.*, 256 U.S. 125, 129 (1922). Waiver of counsel as per *Johnson v. Zerbst,* 314 U.S. 458, 464 (1938), courts will carefully scrutinize a waiver of the right to counsel and, "indulge every reasonable presumption against waiver of fundamental constitutional rights." 304 U.S. at 464.

To relieve counsel as ineffective for an actual conflict of interest is not a voluntary decision in this case. A clear choice between two alternative courses of action does not always permit a defendant to make a voluntary decision. If a choice is presented to a defendant that is constitutionally offensive, then the choice cannot be voluntary. A defendant may not be forced to proceed with incompetent counsel; or with counsel having an actual conflict of interest; or counsel being constrained by artificial timelines[2] imposed by a court rendering counsel ineffective or incompetent because they could not review and articulate meritorious legal issues — these are in essence no choices at all. The "choices" presented to Petitioner are constitutionally offensive that deprived him of effective assistance of counsel — his Sixth amendment right to effective and conflict-free counsel was violated in this case because an actual conflict of interest exists that disabled all appellate counsel (to include Commander Roberts and Captain Norton) because of TJAG, DJAG, and then BG Joseph B. Berger III were all personally involved at the trial level of the case, committed judicial misconduct by obstruction of justice by illegally suppressing case-dispositive records that the trial judge was not certified to be qualified as a military judge. The JAG's awesome powers to affect the professional certification and the livelihood of any attorney who practices before a military court

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[2] "A myopic insistence on expeditiousness in the face of a justifiable request for delay can render the right to a defendant with counsel an empty formality." *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964) ("A defendant must be given a reasonable opportunity to employ and consult with counsel; otherwise the right to be heard by counsel would be of little worth." *Chandler v. Fretag*, 348 U.S. 3, 10, (1954))

is a legitimate conflict of interest issue. This Court has long-held there must be *independent* counsel for counsel to be effective and — counsel that is free of state control. There can be no fair trial unless the accused receives the service of effective and *independent* advocate, *Polk County v. Dodson*, 454 U.S. 312 (1981):

> First, a public defender is not amenable to administrative direction in the same sense as other employees of the State. Administrative and legislative decisions undoubtedly influence the way a public defender does his work. State decisions may determine the quality of his law library or the size of his caseload. But a defense lawyer is not, and by the nature of his function cannot be, the servant of an administrative superior. Held to the same standards of competence and integrity as a private lawyer, see *Moore v United States*, 432 F.2d 730 (CA3 1970), a public defender works under canons of professional responsibility that mandate his exercise of independent judgment on behalf of the client. "A lawyer shall not permit a person who recommends, employs, or pays him to render legal services for another to direct or regulate his professional judgment in rendering such legal services." DR 5-107(B), ABA Code of Professional Responsibility (1976).**11**
>
> Second, and equally important, it is the constitutional obligation of the State to respect the professional independence of the public defenders whom it engages.**12** This Court's decision **19>** in *Gideon v Wainwright*, 372 US 335, 9 L Ed 2d 799, 83 S Ct 792, 23 Ohio Ops 2d 258, 93 ALR2d 733 (1963), established the right of state criminal defendants to the " 'guiding hand of counsel at every step in the proceedings against [them].' " Id., at 345, 9 L Ed 2d 799, 83 S Ct 792, 23 Ohio Ops 2d 258, 93 ALR2d 733, quoting *Powell v Alabama*, 287 US 45, 69, 77 L Ed 158, 53 S Ct 55, 84 ALR 527 (1932). Implicit in the concept of a "guiding hand" is the assumption that counsel will be free of state control. There can be no fair trial unless the accused receives the services of an effective and independent advocate. See, e.g., *Gideon v Wainwright*, supra; *Holloway v Arkansas*, 435 US 475, 55 L Ed 2d 426, 98 S Ct 1173 (1978). At least in the absence of pleading and proof to the contrary, we therefore cannot assume that Polk County, having employed public defenders to satisfy the State's obligations under *Gideon v Wainwright*, has attempted to control their action in a manner inconsistent with the principles on which *Gideon* rests.**13**

Although Article 70 UCMJ authorizes appointment of appellate defense counsel, their performance was disabled the moment TJAG became implicated in Petitioner's case at the trial level for reasons already provided, which created an actual conflict of interest between appellate defense counsel — the "employee" and

TJAG, DJAG — the "employer," who controls all professional certifications for Army law officers. This power of the Army TJAG can influence other military appellate attorney careers through other service TJAGs by making a complaint — what lower grade judge advocate officer is going to point the finger at a service TJAG for committing judicial misconduct — that is career suicide. But, it is also a service TJAG that assigns appellate defense counsel as per Article 70 UCMJ.

This Court in *Moltke v. Gilles*, 332 U.S. 708, 725-26 (1948) stated the right to counsel guaranteed by the Sixth amendment contemplates the services of an attorney devoted solely to the interests of his client, and the constitution does not contemplate prisoners shall be dependent on government agents as counsel:

> The right to counsel guaranteed by the Constitution contemplates the services of an attorney devoted solely to the interests of his client. *Glasser v. United States*, 315 US 60, 70, 86 L ed 680, 699, 62 S Ct 457. Before pleading guilty this petitioner undoubtedly received advice and counsel about the indictment against her, the legal questions involved in a trial under it, and many other matters concerning her case. This counsel came solely from government representatives, some of whom were lawyers. The record shows that these representatives were uniformly courteous to her, although there is no indication that they ever deviated in the slightest from the course dictated by their loyalty to the Government as its agents. In the course of her association with these agents, she appears to have developed a great confidence in them. Some of their evidence indicates a like confidence in her.8
>
> The Constitution does not contemplate that prisoners shall be dependent upon government agents for legal counsel and aid, however conscientious and able those agents may be. Undivided allegiance and faithful, devoted service to a client are prized traditions of the American lawyer.9 It is this kind of service for which the Sixth Amendment makes provision. And nowhere is this service deemed more honorable than in case of appointment to represent an accused too poor to hire a lawyer, even though the accused may be a member of an unpopular or hated group, or may be charged with an offense which is peculiarly abhorrent.
>
> The admitted circumstances here cannot support a holding that petitioner intelligently and understandingly waived her right to counsel. She was entitled to counsel other than that given her by Government agents. She is still entitled to that counsel before her life or her liberty can be taken from her.

So too does this case apply to Petitioner, at no time did he knowingly or intelligently waive appellate defense counsel —and none of his actions amount to waiver, especially when there is an actual conflict of interest for all government agents - appellate defense counsel assigned by the U.S. Army, and Petitioner asserts this also extends to military appellate defense counsel from the U.S. Coast Guard and Marines. Petitioner through a memorandum, requested independent and effective representation through 18 U.S.C. § 3006A – but no answer was provided from TJAG or this Court.

Until Petitioner is appointed independent civilian appellate defense counsel under this statute or Article 70 UCMJ, the CAAF does not have jurisdiction as per the Sixth Amendment.

CONCLUSION

For the above reasons, the petition for a writ of certiorari should be granted and a writ of Mandamus should also be granted to compel the Army Judge Advocate General provide Petitioner civilian appellate defense counsel.

Dated: March 15, 2025

Respectfully Submitted,

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