

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DALE MICHAEL WAKEFIELD PETITIONER
(Your Name)

vs.

FORD ELLIOTT et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPERIOR COURT OF PENNSYLVANIA EASTERN DISTRICT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DALE MICHAEL WAKEFIELD
(Your Name)

SCT SOMERSET, 1600 WALTERS MILL ROAD
(Address)

SOMERSET, PA 15510
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- ① Is a guilty plea knowingly, intelligently, and voluntarily made when a defendant is being "bribed" by his own trial counsel, to provide "coached" answers at the guilty plea proceeding in exchange for money ^{being} installed onto the defendant's inmate ~~counsel~~ account?
- ② Should counsel's ineffectiveness claims be deferred until post-collateral proceedings, even when the issues presented exhibit such magnitude and national importance?

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:

- RANSOM, J.
- STEVENS, P. J. E. (Former Justice specially assigned to the Superior Court)

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⑱ 18 U.S.C. § 201 "Bribery of Public Officials and witnesses." (c) (2) (3) (Amendment 1986: H) (pg. 11)	(pg. 11)
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⑳ 18 Pa. Cons. Stat. § 4701 (a) "Bribery in official and political matters." (pg. 11)	(pg. 11)
㉑ Fed. R. Evid. 803 (6) "Exception to the Rule against Hearsay." (pg. 11)	(pg. 11)
㉒ The Pennsylvania Constitution: Rights of Accused in Criminal Prosecutions. Art 1, § 9 (pg. 12)	(pg. 12)

OTHER

- ⑨ Webster's New Universal Unabridged Dictionary 2195 (pg. 8)
- ㉓ Black's Law Dictionary: Abridged Sixth Edition "Criminal coercion" (pg. 11)
- ㉔ W. LaFare & J. Israel, Criminal Procedure § 20.6 (1984) (pg. 12)

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- (25) Mosley, 965 F.2d at 910 (pg. 11)
- (26) Olmstead v. U.S., 277 U.S. 438, 72 L. Ed. 944, 48 S. Ct. 564 (1928) (pg. 11)
- (27) Berman v. Cookley, 243 Mass. 348 (1923) (156 A.2d 869) (pg. 11)
- (29) Strickland v. Washington, 466 U.S. at 688 + 694 (pg. 12)
- (30) U.S. v. Cronin, 466 U.S. 648 (pg. 12)
- (32) U.S. v. Pearce, 1995 U.S. App. LEXIS 6043 (pg. 12)

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 _____ to the petition and is

- ☐ reported at _____; 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 _____ to the petition and is

- ☐ reported at _____; 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 N/A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. (Petitioner provided the US Supreme Court his only copy of the

Pennsylvania Supreme Court's denial on September 5, 2017, by way of an Application To Extend The Time To File A PETITION For Writ of Certiorari)

The opinion of the Bucks County Trial court appears at Appendix B to the petition and is

- ☐ reported at _____; 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 _____.

☐ 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: _____, 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. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 8-7-17.
A copy of that decision appears at Appendix N/A. (See previous page)

☐ 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 1-4-18 (date) on 9-12-17 (date) in Application No. 17 A 278.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- ② Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy trial and public trial; by an impartial jury of the state and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor. (pg. 7)
- ④ Amendment VI: An accused shall have the assistance of counsel for his defense. (pg. 7)

The Due process clause of the Fourteenth Amendment of the U.S. Constitution applies the protections to criminal defendants in cases brought by states.

Fifth Amendment deprivation of life, liberty, or property without due process of law.

STATEMENT OF THE CASE

- On Docket No. CP-09-CR-0006123, Petitioner was charged in Bucks County Pennsylvania with Murder Of The First Degree (18§2502 §§A), Aggravated Assault (18§2702 §§A1), and Aggravated Assault (18§2702 §§A4) from an incident that took place on July 3, 2013 in Doylestown, Pennsylvania.
- From the beginning of the homicide investigation through Petitioner's guilty plea and sentencing proceeding, Petitioner was represented by three (3) attorneys from the Bucks County Public Defender's Office: Laura Riba, Deborah Weinman, and Jack Fagan.
- On October 21, 2013, at 8:53 AM, Petitioner's counsel Ms. Riba secretly installed \$63.00 onto the Petitioner's inmate account, while he was housed at the Bucks County Correctional Facility. Ms. Riba used the BCCF's kiosk, by way of credit card, to install money on the Petitioner's account.
- Petitioner maintained his decision to pursue his constitutional right to a jury trial, which upset his trial counsel, as they continued to advise him to take a guilty plea. Counsel continued to "bribe" the Petitioner to get him to plea guilty.
- On November 9, 2013, at 11:48 AM, public defender Ms. Riba made a second installment of \$25.00 on the BCCF's kiosk.
- On December 24, 2013, at ~~10:58 AM~~ ^{10:58 AM}, Ms. Riba again made another installment, this time \$50.00, onto the Petitioner's account.
- On December 26, 2013, at 5:16 PM, Ms. Riba installed more money, this time, \$25.00
- On January 24, 2014, at 4:17 PM and on February 21, 2014, at 3:36 PM, attorney Ms. Riba installed \$17.50 respectively onto Petitioner's account. Ms. Riba installed all of the money transactions by way of using her credit card for all of the installments.
- In accordance with Pa. R.Crim.P. 802, the Commonwealth filed a "Notice of Aggravating Circumstances" on February 19, 2014, notifying the Petitioner of their intent to seek the death penalty.
- On February 24, 2014, while the Petitioner was housed at BCCF pending trial on the murder case, he was charged on Docket No. CP-09-CR-0002725-2014 with Criminal Attempt-Murder Of The First Degree (18§901 §§A), Aggravated Assault (18§2702 §§A1 and A4), Assault By Prisoner (18§2703 §§A), Simple Assault (18§2701 §§A), and Harassment (18§2709 §§A1), which involved another inmate
- On April 25, 2014, a hearing was held on Petitioner's pro se "Motion To Change Appointed Counsel," which the Petitioner ultimately withdrew, when he was promised more money by his counsel.
- On June 5, 2014, Petitioner, by the "gifts" by counsel, entered negotiated guilty pleas in exchange for the Commonwealth to forgo seeking the death penalty in case No. 6123/2013. The Commonwealth also agreed to nolle pros the charge of Attempted Murder in case No. 2725/2014. The Sentence was open as to the remaining charges in case No. 2725/2014

STATEMENT OF THE CASE (continued from pg 4)

- Following a guilty plea colloquy according to Pa. R. Crim. P. 590, the plea court accepted the guilty plea as knowingly, voluntarily, and intelligently made by the Petitioner.
- In accordance with the plea negotiations, Petitioner was sentenced to a mandatory minimum of life without parole for Case No. 6123/2013. For Case No. 2725/2014, Petitioner was sentenced to an aggregate sentence of 5 1/2 - 20 years for the Aggravated Assault charge and the Assault By Prisoner charge, to be served consecutive to the life sentence.
- After being abandoned by counsel after sentencing, Petitioner filed a pro se "Notice of Appeal" and a petition seeking to proceed on appeal in Forma Pauperis, and for the appointment of counsel on July 1, 2014.
- On July 29, 2014, trial counsel filed Nunc Pro Tunc Post-Sentence Motions and a "Petition to Reinstate Appellate Rights Nunc Pro Tunc on the Petitioner's behalf. Counsel also petitioned to withdraw as counsel, based on Petitioner's claims of ineffective assistance of counsel, which included the unlawful actions of counsel "bribing" the Petitioner.
- Ultimately, on March 27, 2015, Petitioner, through new court-appointed counsel, withdrew the Nunc Pro Tunc Post-Sentence motions in order to proceed on direct appeal.
- On June 9, 2015, Petitioner filed a Post Conviction Relief Act Petition raising direct appeal counsel's ineffectiveness for not raising the issue of the unlawful acts conducted by his former trial counsel.
- On July 21, 2015, new direct appeal counsel was appointed.
- On August 31, 2015, counsel filed a 1925(b) statement, failing to raise the claims of trial counsel's violations of constitutional, federal, state, and criminal laws for "bribing" the Petitioner.
- On January 8, 2016, counsel filed an "Application To Remand" and an "Application For Leave To Withdraw As Counsel," as Petitioner raised claims of ineffectiveness of direct appeal counsel for not raising the claim of trial counsel's illegal acts and conduct.
- On February 2, 2016, The Pennsylvania Superior Court Eastern District remanded for a "Grazier Hearing" to see if the Petitioner is competent to represent himself on appeal.
- On March 7, 2016, Petitioner withdrew his request for a "Grazier Hearing" and petitioned the Bucks County trial court for the appointment of new counsel, which the trial court denied.

STATEMENT OF THE CASE (continued from pg. 5)

- On June 8, 2016, counsel filed the Appellate Brief only raising one issue for review: "Did the lower court err by accepting Defendant's guilty plea, which was unknowing and involuntarily tendered while he was under the influence of prescribed psychotropic medications?"
- In a Non-Precedential Decision, The Pennsylvania Superior Court Eastern District affirmed the Judgment of Sentence on March 21, 2017.
- On April 21, 2017, Petitioner, through counsel filed a "Petition For Allowance of Appeal" with the Pennsylvania Supreme Court Middle District
- On August 7, 2017, The Pennsylvania Supreme Court Middle District denied review of Petitioner's "Petition For Allowance of Appeal."
- Petitioner, on the advise from counsel, did not file for "Reconsideration" with the Pennsylvania Supreme Court Middle District.
- On September 5, 2017, Petitioner, pro se, filed a "Motion For Leave To Proceed In Forma Pauperis" and a "Application To Extend The Time To File A Petition For Writ of Certiorari" with the United States Supreme Court's Clerk of Courts
- On September 12, 2017, Justice Alito extended the time to and including January 4, 2018.
- Now, this "Petition For Writ of Certiorari" is properly before this Court to review.

REASONS FOR GRANTING THE PETITION

Petitioner humbly presents an extraordinary issue and topic for this Court's consideration. This important issue carries the characteristics of becoming known as a "landmark case." To the best of Petitioner's knowledge and legal research, this novel issue has never been effectively presented throughout the country's various court systems. This unique issue raises a new question of procedural and criminal law. Petitioner presents constitutional, due process, and criminal violations that warrants this Court's attention and action. The Petitioner will do his best to explain and map out these issues presented below, which should satisfy the considerations governing review on certiorari. Petitioner prays for this Court's full attention, as these extraordinary issues are presented below:

Attorneys from the Bucks County, Pennsylvania Public Defender's Office "bribing" the Petitioner for the evil purpose of satisfying their own unlawful purposes, which includes, affecting the outcome of a judicial proceeding, has stricken at the heart of the judicial system itself. There is no telling, as of yet, of how many defendants across the country this has happened to. It may happen more than we think. Fair adjudication is predicted upon the ability of the courts to arrive at the truth. It is further predicted upon the confidence that the courts will make their decisions based on that truth. If instead, the courts are foreclosed from arriving at the truth because the attorneys subvert the truth determining process, then justice cannot be administered. ^① The purpose of criminal trials is to discover the truth, but that did not happen with the Petitioner's guilty plea proceeding.

What makes this issue more concerning is the fact that the Petitioner was facing a capital murder charge. Petitioner contends that his trial counsel were upset with him because he wanted to exercise his Sixth Amendment ^② right to a jury trial, even after learning that the Commonwealth were seeking the death penalty. Counsel continued to pressure and take advantage of Petitioner's mental and financial state to have him plea guilty, which they were ultimately successful. Public defender, Ms. Riba, told the Petitioner to "keep quiet" about her placing money on his inmate account. Ms. Riba also made the comment that, "we have never done anything like this before." These secret and unlawful actions conducted by counsel continued until they were sure that the Petitioner would take a guilty plea. Bribery involving two people can easily elude detection, since both parties to the transactions have an interest in concealment. ^③ But in this case, Petitioner presents to this Court copies of the transactions at Appendix C. Petitioner asserts that his interests in the matter were manipulated by counsel. Petitioner's counsel used these unlawful acts to bring about change in his decision to proceed to trial and have him instead plea guilty, constituting due process violations under the Sixth Amendment. ^④

Petitioner humbly asks this Court to please consider the issues presented in this writ of certiorari, even though these allegations are outside of the record. (con. pg 2)

Petitioner contends that under the Federal Rules of Criminal Procedure: Rule 11 "Plea" ⁽⁵⁾ and Pennsylvania's Rules of Criminal Procedure 590(a), ⁽⁶⁾ that the Courts should not by law and procedure find a defendant's guilty plea to be knowingly, voluntarily, and intelligently made when a defendant was, in fact, being bribed and coerced by counsel.

Petitioner presents the argument that even though he provided the trial court with sworn statements on the record, these statements were motivated by his trial counsel's unlawful actions. Petitioner contends that one wrong answer provided by him to the trial court, would see his counsel stopping all money transactions. Petitioner gave the trial court what they needed to hear to find the Petitioner's plea knowingly, voluntarily, and intelligently made. During the guilty plea proceedings, Counsel metaphorically "dangled the carrot" in front of the Petitioner's face. Petitioner contends that this serious issue should overcome the Petitioner's statements that he was not coerced, threatened, or promised. This issue is so serious as to constitute an exceptional circumstance to excuse the statements made by the Petitioner.

In *Walters v. Harris*, the 4th Cir. Courts stated that: "Of course, the accused may not always answer the court's interrogation in a Rule 11 proceeding with complete candor. The accused may be fearful that full disclosure would jeopardize the bargain. He may be overwhelmed by his desire to have his plea accepted. He may have been advised to give answers that the court would require in order to accept the plea, rather than those which reflected the truth. Examination of the defendant alone will not always bring out into the open a promise that has induced his guilty plea. It is well known that a defendant will sometimes deny the existence of a bargain that has in fact occurred."

The law is settled that a plea of guilty induced by promises or threats which deprive the plea of its voluntary character is void and a conviction based upon it may be set aside. In *Boykin v. Alabama*, ⁽⁸⁾ this Court stated: "Ignorance, incomprehension, coercion, terror, inducements, subtle, or blatant threats might be a perfect cover-up of unconstitutionality. Petitioner asserts that he was denied due process of law under the Fourteenth Amendment, for the trial ^{Court} and the Pennsylvania Superior Court finding his guilty plea to have been made voluntarily, knowingly, and intelligently. The trial court accepting and upholding the Petitioner's guilty plea violates his rights under the Federal Constitution, among this issue.

Petitioner further contends, with the above issue, that his prescribed medication's side effects helped induce his guilty plea and accept his trial counsel's unlawful acts. Petitioner contends that he unwillingly accepted his counsel's "bribery scheme" because he was at an emotional, mental, and financial disadvantage. Counsel took advantage of Petitioner's extreme hardships. Petitioner contends that once he started taking Risperdal (anti-psychotic medication) and Alpraxolam (anti-anxiety medication), he was less able to resist his counsel's actions. The above medication's side effects include, but not limited to, dizziness, drowsiness, confusion, and difficulty concentrating ⁽⁹⁾

Petitioner asserts that he "covered up" his mental illness at the guilty plea proceeding, just like he provided "coached" answers, to receive more money from his counsel. In *Riggins v. Nevada*,⁽¹⁰⁾ Justice Kennedy explained in a concurring opinion that, "drugs can prejudice a defendant by changing his demeanor in the courtroom and interfering with his ability to assist counsel."

Also in *U.S. v. Kauffman*,⁽¹¹⁾ doctors testified how "a manic individual could appear to an observer to understand the nature and wrongfulness of his actions and yet suffer from such impaired judgment as to be disconnected from reality." Petitioner contends that the trial court were easily mistaken by the Petitioner's competency and demeanor at the guilty plea proceedings. Petitioner did not present the compelling picture of someone who was incompetent, which violates the Petitioner's due process rights under the Fourteenth amendment. Petitioner also presents a due process liberty interest that he was subjecting himself to his prescribed medications, along with their side effects, to receive counsel's promise of adding more money to his inmate account. These due process considerations come into play when the competency of the accused is in question. Due process also requires that a guilty plea be voluntary, intelligent, and knowing. Petitioner asserts that these facts conclude that the Petitioner's state of mind truly had to be severely impaired and defective to unknowingly "sign away" his life and constitutional rights, to receive money from the unlawful acts of his trial counsel.

Petitioner also asserts another due process violation of how the trial court failed to ask the Petitioner why he was pleading guilty or requested an early guilty plea. Also, the trial court did not explain or properly describe the terms of what "threatened," "pressured," and "promised" means in context to pleading guilty with the assistance of counsel.

Petitioner contends that the trial court relied too much upon the answers of the Petitioner and his counsel. Defense counsel's opinion as to the defendant's competence or incompetence is an important factor to consider. The Second Circuit Court has pointed out that, "since competency involves an inability to assist in the preparation of a defense or rationally to comprehend the nature of the proceedings, failure by trial counsel to indicate the presence of such difficulties provides a substantial evidence of defendant's competence. Although the Courts do not suggest that the lower courts must accept without question a lawyer's representation concerning the competence of their client, an expressed doubt in that regard by one with "the closest" contact with the defendant is unquestionably a factor, which should be considered. While the opinion of defendant's counsel certainly is not determinative, a defendant's counsel is in the best position to evaluate a client's comprehension of the proceedings."^{(12) (13) (14)}

In this case, Petitioner's counsel wanted him to plead guilty by any means necessary, which included them unlawfully and secretly installing money on his inmate account. Once counsel saw how the money effected their client's behavior, they used that tactic to force and promise their client to, by any means necessary, plead guilty.

That does not constitute a knowingly, voluntarily, and intelligently waiver of constitutional rights, no matter what the Petitioner and his counsel say during the guilty plea proceedings. The interests of justice demand that a review of this novel issue be addressed and corrected. The guilty plea should be withdrawn, as the Petitioner shows a substantial amount of manifest injustice, as the plea was not an intelligent, truthful admission of guilt. The contentions involved with these matters that fall outside of the record offer such national and lawful importance, that if reviewed by this Court, can lead to setting aside the Petitioner's unlawful guilty plea.

This second issue for this Court's consideration is that the above issue is of such magnitude and importance as to be raised as soon as possible, instead of waiting for post-collateral proceeding.

In Pennsylvania, the "general rule" is to wait to raise claims of ineffectiveness of counsel until collateral proceedings. ⁽¹⁵⁾ Petitioner was previously under direct review and represented by court-appointed counsel, where he couldn't raise this issue 'pro se'. ⁽¹⁶⁾ Now that the Petitioner is representing himself on this writ of certiorari, he wishes and pleads to have this Court's attention on this important issue. Petitioner is raising this issue at his first opportunity to do so pro se and believes that this issue needs this Court's attention first. Petitioner has done his best to demonstrate good cause for this issue to be raised now and presents the following:

Petitioner believes that it would be a miss to let this issue and case go ahead until it becomes hopelessly entangled in post-collateral proceedings, from which it may not be easy or even possible to extricate the issue with justice for the Petitioner. Petitioner strongly believes that the Bucks County and Pennsylvania appellate courts will be "extremely hesitant" to properly review and overturn the Petitioner's guilty plea conviction. Petitioner hopes to avoid a probable conflict of interest with the trial court and violations of due process rights under the Fourteenth Amendment. A issue of this magnitude and importance needs to be heard by this Court first, which carries a serious miscarriage of justice of constitutional due process. Petitioner also believes that the Pennsylvania courts will not be willing to "open a can of worms" in regards to this issue. Bucks County Court of Criminal Pleas will want to limit the exposure this issue can generate. Petitioner believes that this issue is best suited for this Court to handle.

In *Con v. McKenna* ⁽¹⁷⁾, the Pennsylvania Supreme Court stated, "There are, however, occasional rare situations where an appellate court must consider the interests of society as a whole in seeing to it that justice is done, regardless of what might be otherwise the normal procedure. We conceive then that in the circumstances of this case, we have a duty to uphold the mandates of the constitution over the counter-vailing considerations of normal appellate procedure."

Even though the Petitioner did not have this issue raised on direct appeal and has yet to raise this claim in a post-collateral proceeding, this Court should still be able to consider this issue.

Petitioner contends that his trial counsel committed violations of Federal Criminal laws of bribery and tampering with a witness. (18) (19) (20) Petitioner asserts that these claims are an exception to the Rule against Hearsay (21), since he has introduced copies of counsel's illegal transactions taken from the Bucks County Correctional Facility's record base. These copies provide banking records of trial counsel's transactions.

Petitioner compares counsel's illegal actions to the "Outrageous Conduct Defense," (22) which shows how counsel's actions "shock the conscience." (23) Petitioner contends that public defenders are "government officials" for the courts and that the language from this "defense" should apply to the current argument. Counsel's actions violate the universal sense of justice and fundamental fairness, which demonstrates a high level of outrageousness. (24) The challenged conduct of counsel, which warrants this Court's review, is truly shocking, outrageous, and clearly intolerable. (25)

In *Olmstead v. U.S.* (26), Justice Brandeis provided an eloquent dissent on a broader definition of unconstitutional outrageous conduct, stating; "Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a law breaker, it breeds contempt for law; it invites every man to become law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means - to declare that the government may commit crimes in order to secure the conviction of a private criminal - would bring terrible retribution. Against that pernicious doctrine of this Court should resolutely set its face.

In *Berman v. Coakly*, (27) Chief Justice Rugg stated in part; "An attorney-at-law has been said to be a public officer. He is an officer the court sworn to aid in the administration of justice and to act with all good fidelity to his clients and to the court. The public have a deep and vital interest in his integrity... The attorney and the client do not deal with each other at arms length. The client often is in many respects powerless to resist the influence of his attorney... The attorney is not permitted by the law to take any advantage of his client."

Counsel in this instant case did not provide reasonable professional judgment by secretly installing money on the Petitioner's account. Petitioner contends that counsel are guilty of criminal coercion (28) by purposely and unlawfully restricting the Petitioner's freedom of action to his detriment. Counsel's actions seriously

effects the fairness, integrity, and public reputation of judicial proceedings. Under the Criminal Justice System, the Petitioner has a panoply of rights, powers, and privileges. But these rights, powers, and privileges did not protect the Petitioner from the unlawful conduct displayed by his trial counsel.

Petitioner asserts that he also satisfies the standards outlined in *Strickland v. Washington* ⁽²⁹⁾ for proving claims of ineffective assistance of counsel. Petitioner contends that he satisfies the first prong by showing throughout this petition how his counsel's illegal actions of installing money on his inmate account falls way below an objective standard of reasonableness. Also, the Petitioner contends that he satisfies the second prong of the test by earlier statements of a great probability that, but for counsel's unprofessional actions, the Petitioner would of exercised his constitutional right to a jury trial. Petitioner asserts that counsel's outrageous misconduct is so egregious that the due process clause demands that the Petitioner's guilty plea be withdrawn and the sentence overturned. ⁽³⁰⁾ No matter of showing of want or prejudice would ever cure it. Petitioner wants to make it clear and known that he did not voluntarily, intelligently, or knowingly enter into a private plea bargain with his trial counsel. Petitioner never asked his counsel to place money on his inmate account. This issue also accounts for counsel's violation of the Pennsylvania Constitution Art. 1, § 9. ⁽³¹⁾

In regards of raising this claim, the 9th Circuit Court stated in *U.S. v. Pearce*, ⁽³²⁾ that, "we may consider this claim to the extent that it implicates the voluntariness of his guilty plea." Also, in *Blackledge v. Perry* ⁽³³⁾ the Court held that a meritorious claim of prosecutorial vindictiveness amounting to a due process violation survived a guilty plea. The dividing line between the majority of constitutional claims waived by a voluntary plea of guilty is not crystal clear. ⁽³⁴⁾ Petitioner contends that this issue constitutes an exception and an exceptional circumstance.

Petitioner contends that he has done his best to provide compelling reasons that exist in his case for the exercise of this Court's discretionary jurisdiction. Petitioner has provided, to the best of his ability, substantial showings and valid claims of due process violations of the Fourteenth amendment, as well as Sixth Amendment violations to the right of effective assistance of counsel at every critical stage of the criminal process. Petitioner continues to face exceptional hardships with having his unlawful guilty plea withdrawn and his convictions overturned. The unlawful acts committed by counsel continue to cause clear injustice over the Petitioner and the courts. The Petitioner has done his best to show how his case decisions are in conflict with criminal law and procedures, as well as decisions in other appellate courts. This issue the Petitioner presented is not dictated by any existing case precedents, to best of the Petitioner's knowledge. This issue breaks new ground and imposes a new obligation to the

pg. (12)

Courts across the country to set new procedures in place to stop these unlawful acts, not only from government officials, but also any lawyers, public defenders, or court-appointed counsel as well. To the best of Petitioner's knowledge and legal research, there is no telling how many times this has happened or continues to happen to defendants across the country. Petitioner's goal is to have this issue in the spotlight with this Honorable Court, to stop these injustices from happening. Also, there is no telling how many "secret policies" exist within law offices across the country, to "bribe" unruly or unwilling clients into submission to their counsel's plans.

Petitioner contends that, this issue is of importance, that is beyond the particular facts and parties involved. Due to the Petitioner's current circumstances, being housed in solitary confinement, Petitioner wishes that this Court will not hold this written writ of certiorari against the Petitioner. Petitioner apologizes for any mistakes that he may of missed. Petitioner prays for this Court's consideration and relief. Petitioner kept this writ of certiorari as concise as possible. Thank you.

Respectfully Submitted,

Dukefield

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

D Wakefield

Date: December 4, 2017