

No. -

In the Supreme Court of the United States

REGINALD ELLISON,

PETITIONER

V.

UNITED STATES OF AMERICA,

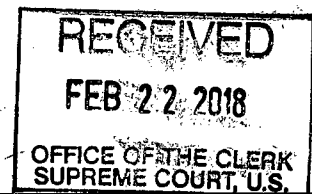
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITION FOR WRIT CERTIORARI

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QUESTION(S) PRESENTED

The Petitioner was declared disabled by United States Social Security Administration. As a qualified individual with physical and mental impairments that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Is protected under Americans with Disability Act Title II.

1. Whether the practice of the court and prosecution were done according to procedure in the handling of a citizen with physical and mental impairments.
2. Whether the Petitioner was deprived of the effective assistance of counsel on Appeal and if relief should be granted when a genuine issue is presented. App. R. 26 (B) State v. Murnahan (1992), 63 Ohio St.3d 60,66

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Petitioner, Reginald Ellison, asks that this Court issue a writ of certiorari and summarily reverse the judgment of the Fifth Circuit Appeals.

CITATION TO OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendix to the petition and is unpublished.

1.

JURISDICTION

The judgment of the Court of appeals was entered On October 4, 2013

and later reinstated on December 4, 2017. The United States Federal Court denied Appeal on March 30, 2017. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. This case involves the Sixth Amendment to the United States Constitution, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein 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, and to have the Assistance of Counsel for his defense."

2. This case involves the Fourteenth Amendment to the United States Constitution, which provides, in relevant part, that "No state may deprive any person of life [or] liberty . . . without due process of law."

STATEMENT OF THE CASE

On October 4, 2013 Appellant Counsel's filed a motion to have the instant Appeal dismissed pursuant to Fed. R. App. P. 42 (b) and 5th Cir. R. 42 (b). This motion was granted on October 24, 2013. The Appellant file a Motion to Vacate the Clerk's Dismissal of Order on October 24, 2013 and

reinstate his direct appeal proceedings on the basis that Appellate Counsel's inadequate performance compromised the appeal was filed in November of 2017. Appellant has suffered severe prejudice as a direct result of his appellant counsel's inadequate representation and this Court should reopen his direct appeal. Reinstatement of Appeal was denied on December 4, 2017.

I.

A timely Notice of Appeal was filed on July 19, 2013 with the Middle District Court of Louisiana before the withdrawal of Court Appointed Counsel, Mr. Thomas C. Damico on July 31, 2013. Mr. Damico did not file an Appellate Briefs on behalf of Mr. Ellison. Shortly following the withdrawal of Mr. Damico, Attorney Peter Q. John was hired and Enrolled as Counsel on August 5, 2013.

On October 4, 2013, Deputy Clerk Alison G. Lopez sent a letter to Mr. John stating, "We have received your Motion to Withdraw the Appeal on behalf of the Appellant in this case; however, you must obtain and send us written authorization from your client to withdraw the Appeal. You must also serve your client with a copy of the Motion and provide the Court with a copy of your Certificate of service pursuant to FED R. APP. P. 25(d). Mr. John wrote in this Motion he had the Consent of the Counsel for the Government, but he did not the Consent of those who worked hard every day to ensure he received payment for his services when he filed the

Motion to Withdraw the Appeal and an Unopposed Motion to Dismiss Appeal. Although, he has only met with Mr. Ellison once. His family was in constant contact with the Mr. John's law firm regularly for updates and to make payments. At no time did Mr. John or his staff state we are filing a Motion to Dismiss and we need Reginald Ellison signature to waive his rights when his office made request regarding paying for the transcripts. The Court of Appeal Clerks Office verified they did not receive a wavier sign by Mr. Ellison nor was the Court provided with a copy of the certificate of service.

1. Appeals are favored by the law and protected by the Louisiana Constitution, Article 1, § 19. At no time did Mr. Ellison sign a written authorization to withdraw his Appeal with in the Court of Appeals. Mr. Ellison maintains his constitutional right to an appeal. This right can only be waived by the defendant himself. Any wavier of right to appeal must be an informed one.

The filing of the Motion to Withdraw the Appeal and an Unopposed Motion to Dismiss Appeal was only made known to the Ellison's family after receiving a copy of the Magistrate Judge Report and Recommendation (February 28.2017) written by U.S. Magistrate Judge Erin Wilder-Doomes regarding the Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, challenging the validity of conviction on the ground of Ineffective Assistance of his Trial Counsel, Mr. Benn Hamilton filed

on March 3, 2014. In the section labeled Background of the Report and Recommendation it states:

On May 22, 2012, after a jury trial, Petitioner was found guilty of one count of Attempted Receipt of Child Pornography in violation of 18 U.S.C. ' 2252(a)(2) (Count I) and one count of Attempted Possession of Child Pornography in violation of 18 U.S.C. ' 2252(a)(4)(B) (Count 2) in the United States District Court for the Middle District of Louisiana. Petitioner was sentenced to serve a total of 72 months of imprisonment in the custody of the United States Bureau of Prisons. Judgment was entered on July 18, 2013. Petitioner appealed, but the appeal was later dismissed pursuant to Appellant motion. United States v. Reginald Ellison, No. 13-30775 (5th Cir. Oct. 24, 2013).

Attorney Peter John did not submit a response to Judge Wilder-Doomes Report and Recommendation. Whenever the Ellison family contacted his office they were told Mr. John was out of town or the country. Forcing Ellison's family to write a letter to Judge Wilder-Doomes on Mr. Ellison behalf. As a result of Mr. Johns misconduct both Judge Brady and Judge Wilder-Doomes have told Mr. Ellison he is out of Appeals as stated in the Certificate of Appealability.

" An appeal may not be taken to the court of appeals from a final order in a habeas corpus proceeding "unless a circuit justice or judge issues a certificate of 28 U.S.C. 2253(c)(1)(A). Although the Petitioner has not yet filed a Notice of Appeal

herein, the Court may address whether he would be entitled to a certificate of appealability. See *Alexander v. Johnson*, 211 F.3d 895, 898 (5th Cir. 2000). A certificate of appealability may issue only if a habeas petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. 2253(c)(2). In cases where the Court has rejected a petitioner's constitutional claims on substantive grounds, a petitioner must demonstrate that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Pippin v. Dretke*, 434 F.3d 782, 787 (5th Cir. 2005), quoting *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). In the instant case, the Court finds that reasonable jurists would not debate the denial of the Petitioner's 2254 application or the correctness of the procedural or substantive ruling. Accordingly, it is appropriate that, in the event that the Petitioner seeks to pursue an appeal in this case, a certificate of appealability be denied."

II.

Ellison was deprived of meaningful appellate review by virtue of his attorney's decision to dismiss his direct appeal. The claims raised in Mr. Ellison federal habeas proceedings were dismissed.

Appellant Counsel failed to raise on direct appeal. Attorney Hamilton received a second copy of Reginald's' SSA Documentation at Trial. During the questioning of a witness for the defendant a copy of Ellison's SSA Documentation was presented before the court and Mr. Hamilton at the witness stand. (Transcript No. 2, Pg. 73 Line 8-18) Which made this the second time a copy of the SSA Documentation were seen by and given to Mr. Hamilton. Although, Trial Counsel repeatedly denied

receiving any SSA Documentation at his office or having any knowledge that Reginald had mental deficits. He cannot make the same argument he made at the Evidentiary Hearing and in his Affidavit. Mr. Hamilton did not ask for a recess to address these documents, but he simply continued with the questioning of his witness and the trial as if Reginald SSA Documentation did not exist or were not relevant.

Prior to the witness testimony of the Reginald physical and mental impairments. It was entered into records by Special Agent Charles Wagner on the Search Warrant and later signed by Magistrate Judge Christine Noland. After receiving those documents, a second time Mr. Hamilton had an obligation to address these documents and request a competency hearing.

Mr. Hamilton was still Reginald Counsel when a Notice of Pre-sentencing Report Disclosure was filed on July 31, 2012. He had 14 days to state in writing any objections, including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report. After receiving objections, the probation officer may meet with the parties to discuss the objections. Mr. Hamilton failure to provide the probation officer a copy of Ellison's SSA Documentation, request probation to consider 52k.13 of the federal sentencing guidelines and file a Motion to Determine Mental Competency. (Evidentiary Hearing, Pg. 62, Lines 24-25; Pg. 63 Lines 1-4, 11-22)

Mr. John had Audio recording of Trial Counsel discussing Mr. Ellison brain damage. This information should have been given to the court to further show Mr. Hamilton was aware Ellison had mental deficits.

III.

Assignments of Error Not Considered on Appeal

FIRST ASSIGNMENT OF ERROR:

WITNESS TESTIFIED THE DEFENDANT SUFFERED WITH BRAIN DAMAGE. THIS TESTIMONY RAISED THE ISSUE OF THE DEFENDANT'S CAPACITY TO PROCEED TO TRIAL. THE PROCEEDINGS SHOULD HAVE STOP AND A COMPETENCY HEARING ORDERED.

Prior to the witness testimony of the defendant physical and mental impairments. It was entered into record by Special Agent Charles Wagner and later signed by Magistrate Judge Christine Noland. On page 8 of the Search Warrant in the "Personal and Criminal History" section it states. (August 11, 2009) "Reginald Ellison is a single 47 years old black male. Mr. Ellison does not work due to being disabled. He is currently taking prescription medicine for diabetes and high blood pressure. A criminal check on Mr. Ellison was negative."

Mr. Ellison suffers from organic brain damage as a result of an automobile accident sometime in the late 1980s. Further, Ellison is partially blind and diabetic. As a result of the same, Ellison suffers from severe

depression and mental illnesses as reported in Ellison's Social Security Disability Determination, which states that he was eligible for Social Security Disability due to medical and mental condition, including, but not limited to brain disorder as well as affective disorder. Furthermore, Ellison's Comprehensive Neuropsychological Evaluation report, that he exhibits neuropsychological impairment and related psychological sequence related to the automobile accident. Of significance, the report states that Ellison's greatest defects are in the areas of concept formation and reasoning. This was not the first time Ellison sustained a head injury. As an adolescent into martial arts Ellison sustain two head injuries and suffered with amnesia for a month all before the age of 18.

Ellison has not received his Diabetic medication to regulate his Glucose levels for over three years (2014) since his incarceration at Oakdale Federal Correctional Institute. This was not an issue at other Institutions, West Baton Rouge Parish Jail and Tangipahoa Parish Prison, where he received his Diabetic medication regularly before being transport to a Federal Institution. His Primary Care Physician would prescribe around of antibiotics to fight the infections in his body yearly as a diabetic. Ellison has undergone surgery to remove a large section of the back of his head and neck from an infection going to his brain.

Inmate's Glucose levels are check by the Medical Staff at Oakdale Federal Correctional Institution once every three to four months. Since his

incarceration at this Institute, he was admitted to the hospital for chest pain. Ellison continues to have other Diabetic issues including nerve pain and swelling of the feet. Oakdale Physician has document Ellison is Anemic. This is another issue of concern when a diabetic becomes Anemic, it is often a sign he/she might have liver or kidney damage.

The Advocacy Center of Louisiana was contact by his family seeking for assistance for this matter. The Center requested a copy Ellison Medical Records from the Bureau of Prison Health Service for Inmates. The following chronic health problems was documented: Proteinuria, Anemia, History of Traumatic Brain Injury, Hyperlipidemia, Exotropia, Diabetes Mellitus Type II, Hypertension, and Acute Chest Pains.

SECOND ASSIGNMENT OF ERROR:

PROSECUTORS CONCEAL EVIDENCE AND FAILED TO CORRECT THE RECORD WHEN THESE WITNESSES TESTIFIED FALSELY. THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT BARS PROSECUTORS FROM PRESENTING FALSE TESTIMONY AND REQUIRES THEM TO CORRECT FALSE TESTIMONY WHEN IT OCCURS.

The Prosecutors in this case had prior knowledge that the Los Angeles Company was cleared of selling child pornography on April 1, 2009 by the Western District of Virginia Court. The allegations made regarding the company selling child pornography, the Baton Rouge address listed the companies' database, and ordering of the 25 movies from this Los Angeles Company

were used to establish Mr. Ellison had a prior a history of ordering illegal material. These allegations were inappropriately presented at Trial in 2012 and there was insufficient proof of a pattern of activity. In his opening statement, U.S. Attorney Reginald Jones, the connection between the Los Angeles Company and Mr. Ellison are made. (Transcript #1, Pg.14, lines 12-21) "The facts of this case, let's connect these facts to the evidence that will be presented during trial. In May of 2009, Agents began an investigation regarding individuals who have previously purchased DVDs of nude minors from a Los Angeles company. In being proactive and trying to combat this type of behavior, agents began an operation involving creating a factitious company called Little Feet Productions, which was in the business of offering child pornography DVDs for sale." U. S. Attorney Richard Bourgeois line of questioning would further show he knowingly used perjured testimony.

Witness Testified: (Transcript #1, Pg. 25, lines 13-15)

Q: And IVC, what were they selling?

A: They were selling videos, VHS tapes, books of nude boys via the U.S. Mail.

Witness Testified: (Transcript #2, Pg. 22, lines 8-12)

Q: Now, you heard Inspector Covington testify about 25 videos being previously ordered from IVC, this company in California.

What did the defendant say about ordering items from IVC?

A: He Also admitted to ordering those.

Witness Testified: (Transcript #2, Pg. 34, lines 16-23)

Q: Agent Wagner, Mr. Hamilton started about the connection of the defendant to IVC, the videos ordered by Reado Ellison. who told you that he ordered the DVDs from the videos from IVC?

A: Inspector Covington

Q: No, who admitted to you in the interview?

A: Well, Mr. Ellison admitted that he had used the Name Reado to order those videos.

THIRD ASSIGNMENT OF ERROR:

THE TRIAL COURT ERRED BY DENYING THE DEFENDANT'S REQUEST TO INCLUDE AN ENTRAPMENT INSTRUCTION TO THE JURY.

The Los Angeles Company accused of selling child pornography was cleared on April 1, 2009 by the Western District of Virginia Court. Prior to the mailing of the flyer to Reginald Ellison on May 14, 2009 as documented by Inspector Wagner Search Warrant Affidavit provide to the Middle District Court. (Pg. 3 #15) Inspector Covington testified she had no information that tied Reginald Ellison to this case or IVC. In *Jacobson v. United States*, 503 U.S. 540, the court held that the government must prove not only that a suspect was predisposed to commit the crime before the opportunity to commit it arose, but also before the Government came on the scene.

Inspector Covington took the names of customers from the database of a company who did not have any involvement in selling of any type of Illegal Material by Mail. There were over 40,000 customers listed in the company database. She did not send flyer to all 40,000 customers, but only

the customer had to order more than one Oskar film to get a flyer in the mail. (Transcript #1, Pg. 29, lines 7-17) There was an Address Query ran on the Baton Rouge address listed in the company's database which identified five individuals living at the address. Instead of sending the flyer to the name listed on the customer database. It was sent to Reginald Ellison. Mr. Ellison testimony was that he has never, prior to the contact of the government, had any involvement, contact with, or dealings with child pornography.

Mr. Ellison did not have a Criminal record. He was a law-abiding citizen with mental and physical impairment. Also documented in Inspector Wagner Search Warrant Affidavit provide to the Middle District Court. (Pg. 8) "Reginald Ellison is a single 47 years old black male. Mr. Ellison does not work due to being disabled. He is currently taking prescription medicine for diabetes and high blood pressure. A criminal check on Mr. Ellison was negative."

FOURTH ASSIGNMENT OF ERROR:

THE TRIAL COURT ERRED BY DENYING THE DEFENDANT'S MOTION FOR A JUDGMENT OF ACQUITTAL ON THE GROUNDS THAT THE EVIDENCE PRESENTED BY THE UNITED STATES AT TRIAL DURING THE PROSECUTION'S DIRECT CASE WAS INSUFFICIENT TO SUSTAIN A CONVICTION OF THE DEFENDANTS

The government has failed to prove beyond a reasonable doubt that

the defendant possessed the predisposition to commit the criminal acts prior to the contact by the government's agents. They also failed to prove that the defendant possessed the necessary and requisite intent to commit the crimes charged. Government Witness testified :(Transcript #1, Pg. 33, lines 17-21; Pg. 34, lines 1-7)

1. The Defendant claimed that he thought that this company was, again, a business where he could order materials from but would be adult actors portraying younger actors.
2. The Defendant claimed he never ordered it, which means he probably wouldn't have seen it.

The government did not have a reason to contact Mr. Ellison since the Los Angeles Company was cleared of selling child pornography in 2009. The witnesses for the government gave false testimony. The raid of the Mr. Ellison home resulted in No illegal material being found. The catalogs and flyer sent to the Mr. Ellison did not have any visuals depicted as stated in the law only misleading phrasing. The Defendant was a law-abiding citizen with mental and physical impairments.

FIFTH ASSIGNMENT OF ERROR:

THE TRIAL COUNSEL FAILURE TO BRING UP VIOLATIONS UNDER PRESERVATION OF RELIGIOUS FREEDOM ACT

Mr. Ellison is Pentecostal. He does not smoke, drink alcohol of any

kind, and does not do drugs. He is an advocate for abiding by the law. Being responsible for family, friends, and the Community. Before becoming disabled he attended Louisiana Technical College for Culinary Art and Carpentry, School of Art Commercial College, and Nursing School American College. He is a video enthusiast and makes that No secret upon entering our home is a vast movie collection. He was a Gospel Singer in a traveling Group. Our mother suffered from heart failure and he took care of his younger siblings. Reginald is a family man and community oriented volunteering Pick-up Trash Day at the Delmont Community Center, Church Fairs, Health Fairs, Community Pharmacy, Donating School Uniforms and Supplies, CADAV, Donating Supplies to Support our Troops family of Cedar Rose Thrift Store. Donating to the Special Olympics and the Police Department.

Mr. Ellison's beliefs do not align with those of the government. As a victim of child abuse and a witness to the abuse of a family member. Also documented in Inspector Wagner Search Warrant Affidavit provide to the Middle District Court. (Pg. 8) Mr. Bourgeois even motioned to bar the mention or evidence regarding defendant's claim of being abused as a child and witness to the abuse of a family member. Mr. Ellison witnessed his twin sister's rape, at the age of six, by a stranger who had taken her into a wooded area and he had subsequently identified his sister's attacker who was arrested and prosecuted. (Search Warrant Affidavit pg. 8)

The infliction of a 72-month prison sentence on Mr. Ellison who, if simply left alone by our government, would otherwise be free, is a manifest injustice. The government had no reason to contact Mr. Ellison regarding the L.A. company in 2009. Since the Prosecutors and Special Agents in this case had prior knowledge that the Los Angeles Company was cleared of selling child pornography in 2009 by a Virginia Court. This evidence was concealed during the trial in 2012. When Special Agents testified Mr., Ellison was identified as someone who purchase illegal material the Prosecutor failed to correct the record when their witnesses testified falsely. Special Agent Wagner testified Mr. Ellison claimed he never ordered it, which means he probably wouldn't have seen it.

REASONS FOR GRANTING THE PETITION

The United States Supreme Court determined that “nominal representation on an appeal as of right- like nominal representation at trial- does not suffice to render the proceeding constitutionally adequate.” *Evitts v. Lucey* (1985), 469 U.S. 387, 396. Proper Appellate review must be had to ensure that a criminal conviction has been obtained through a reliable process. *Id.* At 399-400. App. R. 26(B) provides a remedy to defendants who have been deprived of the effective assistance of Appellate Counsel. To succeed on a claim of ineffective assistance of Appellate Counsel, a criminal defendant must prove that counsel performance was deficient, and counsel’s deficient performance prejudiced him. *Strickland v. Washington* (1984), 466 U.S. 668, 687.

The appellate Counsel failed to raise winning issues. But for appellate counsel's unreasonable and unjustifiable errors, the appeal would have resulted in a different outcome. Moreover, there was no reasonable justification for counsel's ineffective performance. Because there is a reasonable probability that but for these errors, the outcome of his appeal would have been different, Reginald Ellison was prejudiced. Strickland, 466 U.S. at 687.

A complaint was filed with the Louisiana Attorney Disciplinary Board Office of the Disciplinary Counsel in Baton Rouge against the Appellant Counsel in November of 2017. In Attorney Johns response he admits to using information relating to representation of a client to the disadvantage of his client:

1. Attorney John states, "Counsel did not deem the alleged secret recording of Attorney Benn Hamilton fair and credible and defensible." He had multiple audio recordings provided to him by the Ellison family, Mr. Johns never mention he deem these recording to be an unfair and credible and defensible to the Ellison family verbally or in writing. We could have sought the services of another Attorney and fired Mr. John. But instead he continued collecting monthly payments. The reason why Mr. John received those recordings were because, Mr. John stated he would use these recordings if Mr. Hamilton committed perjury on the stand during the Evidentiary Hearing conducted before Magistrate Judge-Stephen C.

Riedlinger. Attorney Hamilton testified that he provided the government with a sworn affidavit in which he stated that he was unaware of Mr. Ellison medical issues prior to trial and that he first became aware of on after the Ellison family filed a disciplinary complaint against him in May of 2013 with the Louisiana Office of Disciplinary Counsel. Mr. John had an obligation to be as honest as possible when communicating with his client. His actions are bias and a Conflict of Interest. Under LA R.S. 15:1303 regarding in-person conversations, "It states that a person cannot overhear or tape a private conversation to which that person is not openly present and participating or listening, unless consent to record is given by at least one of the parties to the conversation." Mr. John was not hired to represent Attorney Hamilton or the Government.

2. Mr. John states he had No Objection to U.S. Magistrate Judge Erin Wilder-Doomes Report and Recommendation that the Motion to Vacate under 28 U.S.C. § 2255 be denied and any Appeal Rights Mr. Ellison had in this case.

- a. Petitioner provided little evidence in support thereof at the evidentiary Hearing.
- b. Petitioner has met his burden of showing a likelihood that the results of the proceeding would have been different had his trial attorney engaged in additional investigation and attempted to show that Petitioner did not have the requisite intent to commit the charged offenses.

Counsel did not discuss this with his clients who repeatedly contact his office regarding the report. The Ellison's informed his Office he had 14 days to respond. By not doing so Attorney John abandon his representation. Forcing Reginald's family to write a letter to Judge Wilder-Doomes on Reginald's behalf. One of many reason given for why the motion should be denied, "Finally Petitioner did not call any witness to provide opinion testimony regarding the written psychological assessments that dated back more than 20 years, regarding whether Petitioner in fact suffered mental deficits or providing a psychological assessment of Petitioner's ability or inability to form the required intent to attempt to receive or possess." (pg. 12) Although Reginald's Social Security documents are 20 years old. Disability Judge Lawrence T. Ragona ruled on the findings of multiple doctors. Social Security Administration is legitimate division of the United States Government. Reginald's automobile accidents were not the first time he sustained a head injury. As an adolescent into martial arts Ellison sustain two head injuries and suffered with amnesia for a month all before the age of 18. Mr. John informed Mr. Ellison's family they would have to pay for all the transcripts and a specialist. But he did not arrange for an expert to testified. Dr. Thompson represented the interest of the Court and not that of Reginald. Dr. Thompson stated, "A review of Mr. Ellison medical records may be helpful, and I would suggest that his Attorney procure these records so that I can review them." This is another issue that should have been addressed. Mr. John was hired to correct/fix any problems or issue arising

out of the representation by the previous Attorneys. Mr. Ellison's family we're willing to pay for additional testing if needed had Mr. John made arrangements for an expert to testified maybe that person could have gotten the records Dr. Thompson spoke of. Maybe he or she could have compared our brothers' injuries with those of athletes whom have received multiple head injuries also.

3. Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him." This Clause was intended to prevent the conviction of a defendant upon written evidence without that defendant having an opportunity to face his or her accusers and to put their honesty and truthfulness to test before the jury. Due to both Attorney's failure to investigation any of the facts of this case. Further investigation into Mr. Ellison would have uncover Mr. Ellison had No connection to any child pornography, nor has he seen it. The company accused of selling this illegal material was cleared of all charges.

It is clear both Attorneys deliberately fail to provide the quality and kind of service that another legal professional would provide under the circumstances. There negligence has caused Mr. Ellison the right to an Appeal and a fair Trial. Mr. Johns misconduct has caused a miss opportunity to seek an Attorney who would do the job for which they were hired for. We trusted these Attorney to be our advocates.

CONCLUSION

This Petition for Writ of Certiorari should be granted.

Respectfully submitted,

X Reginald Ellison

Date: 2/15/2018