

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Daniel D. Walker #188960 — PETITIONER
(Your Name)

vs.

Michael Brumback — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court for the Western Dist. of Missouri
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Daniel D. Walker #188960 (SCC)
(Your Name)

255 W. Highway 32
(Address)

Licking, MO. 65542
(City, State, Zip Code)

404.404.404.404
(Phone Number)

QUESTION(S) PRESENTED

Ascertaining Missouri Rule of Appellate Procedure 84.22(b), Courts will find that, "the Legislative Branch of Missouri Government? Intended to Create a [Criminal Appellant] Remedy for, setting right/correcting/rectifying Mr. Walker's predicament of not having Retention? Ineffective Assistance of Trial Counsel Claim Presented in Mr. Walker's Post-conviction Appeal case?"

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:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A *U.S. Court of Appeals 8th circuit, Maricopa's Judgment*

APPENDIX B *U.S. Dist. Ct. W.D. Mo. Habeas Corpus Order*

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 A 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☒ is unpublished.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 B 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☒ is unpublished.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 _____ 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☐ is unpublished.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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was February 12th, 2018.

☒ 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: NA, and a copy of the order denying rehearing appears at Appendix NA.

[] An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (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 NA.
A copy of that decision appears at Appendix NA.

[] A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

[] An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Now Applicable

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Not Applicable

STATUTES AND RULES

Missouri Rule of Appellate Procedure 84.22

OTHER

Not Applicable

STATEMENT OF THE CASE

the last sentence in Missouri Rule of Appellate Procedure 84.22(b), Although the term Comprehensive. Opens a procedural gateway for overcoming a procedural default ruling; in other words

the intended aim of MO. R. App Proc. 84.22(b), is to prescribe a state court process that is available to be raised (prose), collateral to the January 27th, 2015, denial of Mr. Walker's Rule 29.15(c) Post conviction Relief Motion. Particularly when Mr. Walker's "Ineffective Assistance of Trial Counsel" claim was not raised in Mr. Walker's Rule 29.15(c) Post conviction Appeal case; thus

Petitioner's Missouri Supreme Court Rule 84.22 claim, case # SC95050. WALKER VS BARNES [Says Right] did not raise preservation of Mr. Walker's Ineffective Assistance of Trial Counsel claim; in so far

Petitioner sought a Writ of Mandamus in the 8th circuit court of Appeals requesting them to compel the district court to "Re-open" the Ineffective Assistance of Trial Counsel claim or Adjudicate the merits based on the premise that, MO. Rule of App. Proc. 84.22(b), becomes a procedural default ruling. The Petition for Writ of Mandamus was denied February 12th, 2018; under the loss

Mr. Walker returned to the district court, asking for further consideration of the Ineffective Assistance of Trial Counsel claim. Based on the same above indicated premise. Yet the matter was "Rejected" on March 14th, 2018...

REASONS FOR GRANTING THE PETITION

The United States Court of Appeals for the 8th circuit has "defered" an important question that, has not been, but should be settled by the Federal Courts; ~~also~~

Mr. Walker can not / has not been able to obtain Adequate Relief in any other form or from any other court. Warranting the exercise of this Courts discretionary power.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: March 6th, 2018