

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MARQUEZ T. HAWKINS — PETITIONER
(Your Name)

vs.

HAROLD CLARKE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals, Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marquez T. Hawkins # 1208249
(Your Name)

N.C.C. P.O. Box 488
(Address)

Burkeville, Va. 23922
(City, State, Zip Code)

N/A Prisoner
(Phone Number)

- 1.) As a question of great public importance and Judicial economy Shouldn't trial Courts accept the Veracity of Jailhouse witnesses equally when presented by the Defense, as when presented by the Government?
- 2.) As a question of great public importance and Judicial equality Shouldn't this Court in light of its holding in Martinez v. Ryan, intra mandate the appointment of Post Collateral Appeal Counsel to Indigent Petitioners.
- 3.) As a question of great public importance and in the interest of justice does this Court consider Court procedures more Sacrosanct than a citizen's Constitutional right to Liberty?

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:

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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,

~~X~~ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,

~~X~~ 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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

~~X~~ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

~~X~~ 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 _____.
A copy of that decision appears at Appendix _____.

[] 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 _____ (date) on _____ (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This Cause involves the application of the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

The Statutory provisions applicable here are, 28 U.S.C. § 2254 and 28 U.S.C. § 2244 (d)(1).

STATEMENT OF THE CASE

For Judicial economy and as a Convenience to the Court a complete and acceptable rendition of the Procedural history and Statement of the Facts of the Case is at Exhibit C appended to this Petition.

Pages 1 thru 16 of Exhibit C sets forth a Complete Statement of the Case and facts necessary to this Petition.

1) The reason this Court should grant this Petition is the fact that the Petitioner ("Hawkins") is actually, factually innocent. Schulp v. Delo, 513 U.S. 298 (1995).

In support of this Petition Hawkins adopts and incorporates the absolute and uncontroverted facts and arguments in attached Appendix E, and G. Also accord the recent opinion by this Court in Jenkins v. Hutton, 137 S.Ct. 1769 (2017).

In considering the questions presented Hawkins ask this Court to take Judicial Notice of the fact that nearly 90% of Criminal Prosecutions in this Country are initiate via Co-Defendant allegations or the sudden appearance of a Jailhouse witness.

In the Case at bar the purported abettor Hawkins is the only one to receive a prison sentence.

Hawkins two Co-Defendants, Hall and Armstrong obtained a Virtual Pass from the Prosecutor in this Case by falsely portraying Hawkins as a Co-Conspirator. The Court willing allowed their testimony without ~~any~~ Corroboration.

However, when it came to light via Robert Montgomery's revelations which refutes Hall and Armstrongs trial testimony. And, exposes their Scheme to evade Prison by falsely implacating Hawkins. The Court dismissed due to Montgomery's prisoner Status. Accord Appendix D and E.

In light of the totality of all the Circumstances of this Case, Hawkins alibi, the Ineffectiveness of Defense Counsel, and revelations post trial memorialized on the record the Court should grant relief. Jenkins supra, McQuiggin v. Perkins, 133 S.Ct. 1924 (2013).

In the interest of justice and judicial fairness this Court should take this opportunity to issue a precedent opinion that sets a standard for reliability of co-conspirator and jailhouse testimony.

2.) As a matter of great public importance and to truly effect justice and judicial equality, an evolutionary refinement in the Sixth Amendment right to counsel is necessary in light of this Court's opinion in Martinez v. Ryan, 566 U.S. 1 (2012).

In Martinez, this Court recognized the importance of the post collateral review proceedings in criminal cases.

It expanded on the fact that without counsel the pro-se litigant would unlikely have a meaningful opportunity to raise an ineffective

Assistance of trial and Appellate Counsel claim to bar. Id 566 U.S. 917, accord Trevino v. Thaler, 133 S.Ct. 1911, 1921 (2013).

The effectiveness of one's trial Counsel is paramount to a fair trial and the cornerstone of the adversary process. United States v. Cronin, 466 U.S. 648 (1984).

Merely allowing an exception to a Procedural bar is not enough to satisfy the Framers idea of due Process and equal protection, not to mention the right to Counsel.

This Court should make the appropriate evolutionary refinement requiring Counsel in all post collateral review proceedings. The ends of Justice demand it. Had Hawkins had Counsel for his required Post

.. Collateral review proceedings, his ineffective assistance of trial Counsel Claims would have been reasonably resolved differently. Martinez supra.

3.) Hawkins albeit a lay person untrained in law, with an average American Public School education has read all XXVII Amendments to the United States Constitution and can find no language which exalts or protects Judicial Administrative procedures above those Inalienable rights conferred to the Citizens.

When a Governments appointed arbitrators decide that their administrative procedures are more sacrosanct than the

the rights conferred the Citizens by its Constitution, that Government has stopped being a Democracy and became a Communist State.

The position by the Courts that a Citizens illiteracy, Pro-Se Status, lack of legal Knowledge could not be sufficient to establish prejudice is unconscionable.

This Court has ruled that pleadings by those untrained in the matters of Law be afforded a less stringent Standard of review. Hughes v. Rowe, 449 U.S. 5 (1980).

However the Courts consistently

Apply procedural default rulings on 99% of all Pro-Se initiated pleadings. The majority of all convicted offenders are either over charged or over sentenced its time this Court exercised judicial reform.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Margaret J. Hawkins
Margaret J. Hawkins

Date: March, 2018