

IN THE
SUPREME COURT OF THE UNITED STATES

Marcrease DeLance Farmer
Petitioner

v.

United States of America

Petition for Rehearing of Order
Denying WRIT of Certiorari

Now comes, Petitioner, Marcrease Delance Farmer, acting in pro se, hereby now submits this petition for a rehearing of order denying Writ of Certiorari. Pursuant to all Supreme Court rules, regulations and procedures in conjunction with Rule 44. This petition for rehearing is timely.

Therefor, petitioner now ask the Court to consider the following grounds:

- I. Whether Certiorari should be granted due to apparent violation of petitioners guaranteed constitutional right to effective assistance of counsel by counsels failure to protect petitioners rights to have a fundamentally fair trial by an impartial jury?
- II. Should Certiorari be granted in this particular case because of the courts erroneous decision to not strike juror that has shown a verifiable conflict in Voir Dire?
- III. Should Certiorari be granted because of lower court not addressing the core issues of movants §2255 motion in conflict with other circuits?

I. Defendant's position is that counsel was not functioning as the counsel guaranteed by the Sixth Amendment. As counsel had an obligation to protect defendant's fundamental constitutional rights. Counsel's failure to advise the court's of the ongoing altercation before trial, constitutes representation which fell below an objective standard of reasonableness. STRCKLAND, 466 U.S. at 688.

In light of this crucial information, counsel had an obligation to not only protect defendant's fundamental constitutional rights, but also advise the court of this ongoing altercation. The Sixth Amendment entitles defendant to the effective assistance of counsel not only at trial but during all proceedings as a right. EVITTS v. LUCEY, 469 U.S. 387, 396-97 83 L.ED 2d 105 S. CT. 830 (1985).

II. Petitioner argues that the District Courts failure to strike juror (VP 27) that has shown a conflict during a side-bar in voir dire with defendant's sister, because she was "the only black juror" member for selection is a miscarriage of justice.

The District Court's errors, deprived defendant of a verdict by an impartial jury. The Sixth Amendment guarantees criminal defendants a verdict by an impartial jury. DYER v. CALDERON, 151 F.3d 970, 973 (9th Cir. 1998). The bias or prejudice of even a single juror is enough to violate that guarantee. ID. Accordingly the presence of a bias juror cannot be harmless; the error requires a new trial without a showing of actual prejudice. DYER, 151 F.3d at 973, n2. See also, United States v. Martinez-Salazar, 528 U.S. 305, 120 S. CT. 774, 782, 145 L.ED 2d 793 (2000).

At the very least, counsel could have brought the issue of the ongoing altercation to the court's attention at the jury pool. This would have gave the court the opportunity to remedy the problem and thereby avert the violation of defendant's rights and reversible error. In addition its worth noting that an evidentiary hearing would have given the District Court the opportunity to question defendant's sister in regards to the information she

provided counsel and her affidavit.

This is one of those situations that no matter how minor or how fleeting it cannot be overlooked as the District Court has done. In sum, the issue is not about the defendant who had no knowledge of the information until after trial. The ignored issue's are (1) if defendant was denied his constitutional right to have a verdict by an impartial jury? and... (2) rather counsel denied defendant his right to effective assistance of counsel?

If a defendant is denied the right to an impartial decisionmaker regardless of the nature of the bias, any subsequent conviction is tainted with constitutional infirmity. See *Virgil*, 446 F.3d at 607.

It is self-evident that for Voir Dire examination to serve purpose of furnishing basis for exercising peremptory challenges and challenges for cause, answers given by prospective jurors must be truthful and complete. *Jackson v. United States*, 408 F.2d 306 (9th Cir. 1969).

Petitioner contends that trial counsel was ineffective for failing to advise the court of the alleged juror misconduct prior to the juror verdict. It is clear that when trial counsel is aware of juror misconduct, yet fails to advise the court or request the court to voir dire the jury for possible prejudice, this failure can, under certain circumstances, constitute ineffective assistance of counsel. *Goven't of Virgin Island v. Weatherway*, 20 F.3d 572 (3rd Cir. 1994).

III. The petitioner contends that the lower court did not address the core issues of his §2255, a criminal police report filed by petitioners sister on jurors son, but rather focused on the minor issue of the "family relationship" between petitioner and juror.

CLOSING

Based on the foregoing, petitioner relied on his constitutional rights of due-process and a fair trial, by exercising his right

to trial, and was denied both due-process and a fair trial due to counsel's decision to keep juror 11 in "his back pocket" and withhold critical information from the court. Petitioner respectfully request that this court prevent a fundamental miscarriage of justice by granting a hearing for Certiorari.

Respectfully submitted on this April 7, 2025.

Marcrease Delance Farmer

Marcrease Delance Farmer

Yazoo Medium

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CERTIFICATE OF SERVICE

I, Marcrease D. Farmer, certify that I have served a true and correct copy of the following: Petition for Rehearing of Order Denying Writ of Certiorari.

This ACTION is deemed filed at the time it was delivered to prison authorities for forwarding, [see Houston v. Lack, 101 L.Ed.2d 245 (1988)], upon the defendant(s) or plaintiff(s) and/or their attorney(s) of record, by placing said MOTION/PETITION in a sealed, postage pre-paid envelope addressed to:

Supreme Court of the United States
Office of the Clerk
Washington, D.C. 20543-0001

This LEGAL ACTION was deposited in the United States Mail at the FCC-Yazoo City Legal Mail Room, located in Yazoo City, MS. I declare, under penalty of perjury, that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Executed and signed on this 7 day of April, 2025.

Marcrease Delance Farmer

Marcrease Delance Farmer
Petitioner
Pro Se/Affiant

United States
v.
Marcrease Farmer

§
§ Certificate of party
§ unrepresented by
§ Counsel
§

I, Marcrease D. Farmer, declare and certify that I am the movant in the above case; and unrepresented by counsel. I further declare that this petition is presented in good faith and not for delay. Pursuant to Rule 44, the grounds in above petition are limited to intervening circumstances and substantial or controlling effect or to other substantial grounds not previously presented.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct, executed on:

April 7, 2025
DATE

Marcrease Farmer
Signature

CERTIFICATE

