Cause No. _____

In the Supreme Court of the United States

JWAN HARDIN
Petitioner,

v.

STATE OF INDIANA
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE INDIANA COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRSENTED

1. Is *McCarthy v. United State*s, 394 U.S. 459 (1969) still good law? That is, are trial courts still required to examine the relation between the law and the act(s) a defendant admits to protect a defendant who is in the position of pleading voluntarily with an understanding of the nature of the charge but without realizing that his conduct does not actually fall within the charge, particularly with regard to juveniles?

2. Whether defense counsel renders ineffective assistance of counsel in violation of the Fifth, Sixth and Fourteenth Amendments to the United States Constitution by telling a juvenile client who does not want to plead guilty that he cannot raise self-defense despite evidence and case law to the contrary, and by not telling the client about a) the option to pursue conviction of a lessor offense, also supported by evidence and case law, and b) a statutory alternative sentence for juveniles, in order to attain the lawyer's objective of securing the minimum sentence for murder?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED PROCEEDINGS

The following is a list of all directly related proceedings:

- *Jwan Hardin v. State of Indiana*, 24A-PC-00579, Indiana Supreme Court (Order Denying Transfer entered July 15, 2025.)

- *Jwan Hardin v. State of Indiana,* 24A-PC-00579, Indiana Court of Appeals (Decision on the merits affirming the lower court's denial of post-conviction relief, issued February 3, 2025. Rehearing denied April 8, 2025.)(New cause number assigned and prior record, generated under 22A-PC-02691, transmitted to this cause upon grant of motion to restore appeal on April 1, 2024.)

- Jwan Hardin v. State of Indiana, Elkhart Circuit Court, 20C01-1801-PC-000008, (Amended Order affirming denial of post-conviction relief following remand, entered February 6, 2024).

- *Jwan Hardin v. State of Indiana*, 22A-PC-02691 Indiana Court of Appeals (Remand granted April 28, 2023.)

- *Jwan Hardin v. State of Indiana*, 20C01-1801-PC-000008, Elkhart Circuit Court Original Order denying post-conviction relief entered October 14, 2022.)

- *State of Indiana v. Jwan Hardin,* Cause No. 20C01-1504-MR-000002, Elkhart Circuit Court (Judgment of conviction and sentence entered October 22, 2015.)

There are no additional proceedings in any court that are directly related to this case.

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PETITION FOR A WRIT OF CERTIORARI

Jwan Hardin respectfully petitions for a writ of certiorari to review the judgment of the Indiana Court of Appeals.

OPINIONS BELOW

The Opinion of the Indiana Court of Appeals (Pet.App. pp.5a–29a) is unpublished but is available at 255 N.E.3d 445 (Table), 2025 WL 380231. The Order of the Indiana Supreme Court, narrowly denying transfer, (Pet.App. p.3a) is available at 2025 WL 2048777 (Table). The trial court's order denying post-conviction relief is reprinted in Appendix A, (Pet.App. pp.30a-60a).

JURISDICTION

The Indiana Court of Appeals issued its Decision on February 3, 2025. Rehearing was denied on April 8, 2025. The Indiana Supreme Court denied transfer on July 15, 2025 (Pet.App. p.3a). Hardin sought an extension of time within which to file the Petition on September 18, 2025, which was granted under Docket # 25A364. This corrected Petition is timely filed in accord with correspondence with this Court dated December 18, 2025.

The jurisdiction of this Court to review the judgment is invoked under 28 U.S.C. Section 1257(a), Hardin having asserted below and asserting herein deprivation of rights secured by the Constitution of the United States of America, the right to the effective assistance of counsel and the right to enter a knowing and voluntary plea.

CONSTITUTIONAL PROVISIONS INVOLVED

The following Amendments to the United States Constitution are integral to this case:

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

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.

AMENDMENT XIV

Section 1 …. Nor shall any State deprive any person of life, liberty or property without due process of law; ….

STATEMENT OF THE CASE

A. Underlying Prosecution

On April 23, 2015, the Elkhart County Prosecutor's Office charged sixteen-year old Jwan Hardin with knowingly killing D. S. on April 14, 2015 [Remand App.Vol.2 p.3, Rem.Conf. Exh.Vol., p.12][1]. On May 19, 2015, public defender Jeff Majerek entered his appearance [Rem.App.Vol.2, p.5]. On September 17, 2015, Jwan pled guilty. On October 22, he was sentenced in accord with an agreement with the State to the presumptive fifty-five year sentence, with ten years suspended to probation [Exh.Vol.1, pp.4-28]. Jwan is due to be released on May 2, 2048 when he is 49 years old.

B. Post-Conviction Proceedings and Appeal

On January 29, 2018, Jwan filed a *pro se* Petition for Post-Conviction Relief [App. Vol.2, p.22]. Multiple amendments were filed by counsel from the Office of the State Public Defender, specifically claiming, for purposes of this

[1] Remand and Rem. designations to parts of the record reflect those portions of the post-conviction record generated following dismissal of the first appeal without prejudice (Record bearing Cause Number 24A-PC-579). References to the record that do not bear the Rem designation pertain to the post-conviction record (bearing Cause Number 22A-PC-2691) generated prior to the dismissal and incorporated into this appeal.

Court's review, violations of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution as follows:

> 1) His guilty plea was not entered knowingly, intelligently and voluntarily due to his lack of understanding of the nature of the charge, reasoning limitations by virtue of his undeveloped adolescent brain and ADHD diagnosis; counsel's failure to accurately inform him of the culpability required to convict him at trial; and the court's flawed minimalist factual basis protocol [Appendix Vol.2, pp. 120-122, 124-130].
>
> 2) Jwan was denied the effective assistance of counsel because his attorney told him he could not raise self-defense despite favorable caselaw contradicting his reasoning; his attorney did not tell him he could seek conviction of a lesser offense, again, despite caselaw plainly supporting the strategy under the facts; his attorney did not tell him he could pursue an alternative juvenile sentence particularly suitable for children like Hardin, who struggled with ADHD, childhood trauma, neighborhood violence, and an undeveloped brain. Counsel was unfamiliar with case law familiarizing lawyers nation-wide with the science of adolescent brain development and its impact upon youth in the criminal justice system. All of which led to counsel convincing Hardin and his grandfather that there was no option but to plead guilty to murder [Appendix Vol.2, pp. 123-124, 126-128.].[2]

The post-conviction court held a total of four (4) evidentiary hearings on: January 22, 2020 [Tr.Vol.2 pp.3-77], August 5, 2020 [Tr.Vol.2 pp. 78-123],

[2] The claims listed are contained in the second amendment, which pre-empted the first. [App. Vol.2, p. 132].

February 10, 2021 [Tr.Vol.2 pp.124-196], and March 16, 2022 [Tr.Vol. 2 pp.197-250, Tr.Vol.3 pp.3-101]. On October 14, 2022, the Court issued an Order denying all claims for relief [App. Vol.3 pp.160-83].

In the course of perfecting the appeal of the post-conviction court's Order, Jwan's counsel came to believe that the pre-sentence report had not been made a part of the appellate record.[3] The Court of Appeals granted a remand of the cause to the post-conviction court for the purpose of addressing the omission of the report. The original appeal was dismissed without prejudice.

A fifth hearing was held where the parties were informed that the court had considered the pre-sentence report prior to issuing its original judgment [Rem.Tr. pp. 7-8]. Hardin pointed out the importance of comments attributed to him in the report, relative to his mindset regarding the incident and the guilty plea, relevant to whether he would have pled guilty but for counsel's alleged errors. The pre-sentence report was not cited in the original appellant's brief based on her inability to locate the report in the appellate record [Rem.Tr. pp. 16-17]. During the remand hearing the Court reiterated that he had already taken judicial notice of the document but allowed the parties to submit supplemental findings of fact and conclusions of law addressing the relevance

[3] On December 4, 2025, undersigned counsel discovered the pre-sentence report inexplicably misfiled within the original Appendix.

of the pre-sentence investigation report [Rem.Tr. pp. 18-20]. On February 6, 2024, the Court issued an Amended Order again denying all claims for relief [Rem.App. pp.125-55].[4]

On February 23, 2025, the Court of Appeals affirmed the judgment of the lower court [Appendix C]. Relevant to this Court's review on the claim of ineffective assistance of counsel, the court held: that counsel's advice to Hardin that he could not claim self-defense was reasonable based on the facts; counsel's failure to discuss lesser included offenses was reasonable as he believed the facts showed Hardin did not act in sudden heat; counsel's decision to not tell Jwan about the option to pursue alternative juvenile sentencing was reasonable because he had never seen it applied.

The appellate court also held that Jwan's plea had been knowing, intelligent and voluntary because the factual basis was "adequate" meaning the judge could be satisfied that there was sufficient evidence with which to conclude Jwan could have been convicted at trial, noting the "wide berth" trial courts enjoy in judging the sufficiency of a factual basis. *Hardin* at p.21a. In so

[4]In the course of appealing the remand judgment, Hardin encountered difficulties, necessitating an Order restoring his right to appeal, issued on April 1, 2024. At the same time the record of proceedings docketed under the first appeal (PC pleadings, transcripts and exhibits) were transferred to and included as part of the record for the second appeal. Following an extension of time, the Appellant's Brief was timely filed on May 31, 2024.

ruling the Court deemed harmless error the lower court's misplaced reliance on the probable cause affidavit as a source of support for the factual basis as the probable cause affidavit played no role in the guilty plea hearing. Hardin, p.24a.

The Court of Appeals denied Jwan's Petition for Rehearing. Jwan sought transfer to the Indiana Supreme Court. Three of the five Justices voted to deny transfer. Chief Justice Rush and Justice Goff voted to grant the Petition to Transfer.

REASONS FOR GRANTING THE PETITION

A. Deficient Factual Basis/Unknowing Plea/Due Process

In *McCarthy v. U.S.*, this Court wrote: "The judge must determine "that the conduct which the defendant admits constitutes the offense charged in the indictment or information or an offense included therein to which the defendant has pleaded guilty." Requiring this examination of the relation between the law and the acts the defendant admits having committed is designed to "protect a defendant who is in the position of pleading voluntarily with an understanding of the nature of the charge but without realizing that his conduct does not actually fall within the charge." 394 U.S. 459 , 467 (1969). (citations omitted)

The factual basis adduced in this case is a perfect example of what can go wrong when courts are given unbridled discretion, or as put by the Indiana

Court of Appeals, "wide berth" in determining the sufficiency of the colloquy between the court and the defendant. *Hardin, p.21a,* citing *Butler v. State*, 658 N.E.2d 72, 77 (Ind. 1995).

Ironically, "wide berth" is an idiom meaning to avoid someone or something unpleasant,[5] as in, to avoid questioning a defendant to such a degree that it becomes apparent he does not really understand what he is pleading to, and worse yet, believes he is not truly guilty of the crime to which he is pleading, as is the case here. Asking yes or no questions concerning abstract legal principles, such as "knowingly killed" avoids grey areas that might cause a guilty plea to collapse thus necessitating a trial. That is where we are today, with this colloquy. The Appellate Opinion fawns over the twelve pages spent asking Jwan whether he knowingly killed D. S. *Hardin*, *infra*, 24a. Yet by page five of the guilty plea transcript the lawyers and judge had agreed the factual basis was sufficient:

The Court:	All right. Sir, are you telling me on the 14th day of April, 2015, in Elkhart County, Indiana you knowingly killed another human being?
The Defendant:	Yes.
The Court:	And are you telling me that

[5] https://www.merriam-webster.com/dictionary/give%20%28someone%20or%20something%29%20a%20wide%20berth#examples, last accessed December 1, 2025.

	person that you killed was a D.S?
The Defendant:	Yes.
The Court:	And D.S., uh, languished and died here in Elkhart County as a result of your killing him. Is that correct?
The Defendant:	Yes.
The Court:	Mr. Majerek, are you satisfied with the factual basis?
Mr. Majerek:	Yes, Your Honor.
The Court:	And how about you, Ms. Becker?
Ms. Becker:	I am. Thank you.
The Court:	All right.

[Exh.Book, Vol. 1, pp. 6-7]. The judge asked Hardin 5 more times if he understood the charge [Exh.Book, Vol. 1, pp. 8-10].

It is up to this Court to affirm or dispel the notion that a juvenile can convict himself of murder by way of suggestive, if not force-fed, conclusions. Asking a child repeatedly if he understands the charge does not enlighten the court as to the defendant's understanding.

Hardin knew that he killed D. S. Not all killings constitute knowing murders. The goal should not be to save time or grease the wheels. The factual

basis requirement is intended to ensure the reliability of the proceeding. It is time for this Court to set a bar that will protect vulnerable children. Asking anyone if they understand the charge and are admitting that it is true, *assumes* if the person says yes, they actually understand the charge. At least when it comes to children, more should be required. What is their understanding? What did they do and why?

In *Miller v. Alabama*, this Court acknowledged that kids are different, that their minds are not yet developed, that they are impulsive, unable to access consequences and are at times undeserving of the most severe punishments as most will grow out of the disability at work. In light of the science of adolescent brain development and its impact upon the understanding of juvenile crime, limitations have been placed upon the types of sentences juveniles may receive. *Miller v. Alabama*, 567 U.S. 4660, 471-472 (2012).

Those same considerations should also frame the examination of what constitutes a knowing, intelligent and voluntary guilty plea any time a juvenile agrees to plead guilty to a knowing murder in return for an adult sentence. If the court had read the probable cause affidavit in this case, it would have learned that a witness said the victim grabbed Hardin as if to fight just before Hardin shot him [Exh. Book Vol. 1, p. 136]. Had that actual fact been elicited, it may have triggered Hardin's ability to share his true feeling about the plea,

as expressed to the probation officer. "It's all messed up. It ain't even right. It all started the day before. I had run into this person. They said I said I was going to kill him the day before and that I wanted to fight him. He blamed me for it. I walked past the house. I happened to figure out in here that he lived in that house on Harrison. They came out and got to following me. They said I was trying to fight, but I was walking and told them to leave me alone. He swung at me, so I turned around, closed my eyes, and shot him, then ran." Hardin also expressed to the probation officer that he "wish[ed] [the sentence] could go lower and they could give me a better plea." About the incident he said "it's crazy what happened. Stuff happens." [Rem.Exh.Vol. p. 9]. Hardin explained during the post-conviction hearing that he was never surprised by violence but always thought it would be him who got hurt [Tr.Vol.3, p.36].

The trial court was not obligated to search for a defense on behalf of Hardin, but it was obligated to discern Hardin's mindset at the time of the killing, since Hardin was pleading to a knowing murder, and at the time of the guilty plea. Instead, the court asked him six times if he understood the charge. That cannot be what this Court was looking for when it required an examination of the relation between the law and the acts the defendant admits … in order to "protect a defendant who is in the position of pleading voluntarily with an understanding of the nature of the charge but without realizing that his conduct does not actually fall within the charge." *McCarthy* at 467.

B. Ineffective Assistance

This case boils down to whether trial counsel had a duty to accurately inform his client about possible defenses and a sentencing alternative before the client made the decision to plead guilty and whether counsel's failure to do so resulted in the client pleading guilty to a knowing murder when otherwise he would not have.

The Indiana courts' review of counsel's performance completely disregards the client's right to be informed in the context of the attorney-client relationship. Ind.Prof.Conduct Rule 1.4(b). The Rule states that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. The comment to Rule 1.4 provides in part that "[t]he client should have sufficient information to participate intelligently in decisions concerning the objections of the representation and the means by which they are to be pursued, to the extent the client is willing and able to do so." *Id.*, Comment 5. Counsel was not ineffective because he advised Jwan to plead guilty. He was ineffective because he did not share with Hardin information about plausible alternatives.

a. Self-defense

In Indiana, a defendant is entitled to have the jury instructed on self-defense if there is some foundation in the evidence, even if the evidence is weak or inconsistent, as long as the evidence had some probative value. *Creager v.*

State, 737 N.E.2d 771, 776 (Ind.Ct.App. 2000), trans. denied.

The evidence of self-defense in this case was neither weak nor inconsistent. Counsel recounted during post-conviction proceedings that D.B., a friend of the victim, gave a statement to police soon after the incident. D.B. told police that that he, D.S., D.D. and a child were at D.B.'s home. They saw Hardin walking by the house, going in a direction away from the house. D.B. and D.S. approached Hardin and began questioning him about activities that occurred the night before [TR. Vol.2, p.140]. Counsel agreed that DB told police Hardin started walking quickly or running from D.B. and D.S. when they began walking toward him. Counsel remembered D.B. saying he and D.S. caught up with Hardin, still asking about the previous night. When D.S. 'put his hand on Hardin's shoulder turning him around' Hardin fired a gun, striking D.S. [TR.Vol.2, pp.141-45, 168].

Counsel recalled that the probable cause affidavit attributed a statement to D.B. that D.S. "grabbed Hardin's shoulder, as if to begin fighting" just before he was shot [Exhibit Vol. pp.126, 136]. Counsel further recalled that D.B. informed police that Hardin had "not instigated things in front of the house." He remembered being aware of the disparate sizes of the boys, with Hardin being "a little guy" [TR.Vol.2, p.146]. Yet counsel maintained that self-defense was not viable as it would have required the jury to take D.B.'s

statement in a vacuum and ignore D.D.'s statement that Hardin had invited them to fight, which, he said, would dispel any notion of self-defense [TR. Vol.2 pp.146-48, p.175].

In the context of mis-advice during a guilty plea proceeding, prejudice is shown by proving a reasonable probability that the petitioner would not have pled guilty but would have insisted on having a trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). There must be facts that substantiate the claim. *Lee v. United States,* 137 S. Ct. 1958, 1961 (2017). Hardin did not want to plead guilty to murder. His and D.B.'s descriptions of the incident indicate he acted out of fear. His grandfather would have supported the choice to turn down the offer if he had known, before the guilty plea hearing, that there was a witness who described him as running away and scared in the moments before the gun was fired [Exh. Vol. 1, Electronic Exhibit 10; TR.Vol.3 pp. 5-6, pp. 22-23].

b. Voluntary Manslaughter

The Indiana courts affirmed the lower court's holding that counsel was not ineffective for failing to tell Hardin about the possibility of defending himself on the basis that he committed voluntary manslaughter rather than murder because: Hardin "attacked" D.S. the day before, on the day of the shooting he armed himself and sought out the victim, and made statements about shooting D.S. when he was "touched." *Hardin*, *infra,* 16a.

Voluntary manslaughter, in Indiana, is the same conduct as murder but is mitigated by the actor's sudden heat. Ind. Code 35-42-1-3. Sudden heat is described as "sufficient provocation to excite in the mind of the defendant such emotions as anger, rage, sudden resentment, or terror, and that such excited emotions may be sufficient to obscure the reason of an ordinary man." *Collins v. State*, 966 N.E.2d 96, 103 (Ind.Ct.App. 2012). Terror is defined as "Alarm; fright; dread; the state of mind induced by the apprehension of hurt from some hostile or threatening event or manifestation; fear caused by the appearance of danger." *Clark v. State*, 834 N.E.2d 153, 159 (Ind.Ct.App. 2005). If there is any appreciable evidence of sudden heat, the instruction should be given. *Collins,* supra at 103. Once raised at trial, the State of Indiana would have borne the burden of disproving beyond a reasonable doubt that Hardin acted in sudden heat. *Eichelberger v. State*, 852 N.E.2d 631, 636 (Ind.Ct.App. 2006) trans.denied.

The evidence is clear that Hardin did not "attack" D.S. the day before, there was only a verbal confrontation [Tr. Vol.3, p.30, p. 69]. There was evidence that Hardin threatened to kill D.S. the night before though Hardin denies that he did [Tr.Vol.3 pp.30-31]. Hardin did go to school the next day, and afterward did collect a gun from his home in order to return to its owner who had loaned it to him the night before to ensure his safety returning home [Tr.Vol.3, at p.31, p.42, p.55]. Hardin would have testified he did not seek

out the victim on the way to Washington Gardens, where he would meet friends. He would have testified he did not know that D.S. would be in a house he passed on a daily basis [Tr. Vol.3 p.45]. D.B.'s statement to police corroborated the likelihood that Hardin would not know he would encounter D.S. on the way, when DB told the officer that his family, not D.S.', had so recently moved into the house that he could not initially remember the address [Exh.10, Exh. Vol. 1, disc of D.B. statement @ 1:53:15-25].

According to D.B., the victim's friend, it was he and D.S., not Hardin, who initiated the contact between them that day. They saw him, came toward him and followed him despite his pleas that they leave him alone [Electronic Exh.10 @ 1:35:55; 2:05, 2:17-2:19, 2:30]. D.S. was five inches taller than Hardin and weighed eighty pounds more [Exh.9, Exh.Vol.1, p.127]. The Court of Appeals misunderstood the facts in their finding that D.S. had inflicted only minor injuries upon Hardin in a physical confrontation the summer before, an incident that the post-conviction court deemed inadmissible but nonetheless used by the appellate court to minimize Hardin's fear of D.S., when in fact it was D.B. who participated in the fight against Hardin the summer before, not D.S. [Tr. Vol.3, p. 26].

The focus of the ineffective assistance claim is not really whether or not Hardin acted in self-defense, committed voluntary manslaughter, or knowingly murdered D.S., the focus is on whether counsel's decision to deny Hardin

the tools with which to make an informed decision regarding his right to defend against the murder charge, violated his constitutional duty to effectively *assist* his client

c. Alternative Juvenile Sentencing

Counsel's decision to not tell Hardin about the alternative juvenile sentencing statute is but one more example of counsel limiting Hardin's access to information. Counsel had never seen the statute applied and concluded that Hardin didn't need to know about it [Tr.Vol.3, p.84, p.86]. His goal throughout his representation of Hardin had been to secure the 'minimum' sentence for murder [Tr.Vol.2, p.137].

Counsel recounted that he saw Hardin as a kid, who needed to be treated as a kid and explained things as you would to a kid. He treated Hardin differently than he did older, street-smart clients [TR.Vol.2.pp.179-80]. He believed he acted in his client's best interest in ruling out self-defense and not telling him about lesser included offenses or about Indiana's alternative juvenile sentencing statute that would have allowed Hardin to receive punishment outside the confines of adult prison system. Counsel's goal was to "save as much of his life as I could" [TR. Vol.3, pp.85-86].

However laudable his intentions, Hardin's public defender deprived his client of information that risked *counsel's* objective, to secure the minimum sentence for murder. The rules of professional conduct require attorneys to do

what they can to effect the client's objective, to provide their clients with information essential to informed consent in those matters over which the client has decision making power, including whether to plead guilty. Hardin could not attain informed consent to waive his trial rights because he was not informed of his choices: that if he went to trial he would have been entitled to an instruction on self-defense, he could have sought conviction of a lesser offense, and/or to be sentenced as a juvenile. No guarantees, just awareness. Counsel's fears that the judge would not instruct the jury on self-defense or lesser included offenses were baseless and dismissive of the courts of review ability to correct trial error. As a result, Jwan's decision to plead guilty was not a choice. It was an inevitability brought about by an attorney who didn't know the law, or didn't want Jwan to know the law, thought he was acting in a child's best interests, and who confessed trial work tired him [TR. Vol.2, p. 171]. It was not his job to act in Jwan's best interest, or take the easy way out. It was his job to inform and advise his client in accord with the law.

C. Importance of Issues

Given the ever growing population of young men charged with serious crimes in adult courts, this Court must make it clear that the Constitution demands their attorneys provide the effective assistance of counsel by providing them with the information essential to exercise their decision-making power.

Here, counsel made decisions his client didn't even know were being made for him. Whatever the motivation, such lawyer-centered representation deprives defendants of their rights.

Jwan Hardin was denied the effective assistance of counsel because of his status as a juvenile and his attorney's belief it was okay to make decisions for him by eliminating options. This Court should send a message that to do so is inconsistent with the concept of the effective assistance of counsel.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ *Vickie Yaser*
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Cause No. _____

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Supreme Court of the United States

JWAN HARDIN
Petitioner,

v.

STATE OF INDIANA
Respondent.

PROOF OF SERVICE AND CERTIFICATE OF MAILING

I hereby certify that I have, this 31st day of January, 2026 mailed the attached and foregoing **PETITION FOR WRIT OF CERTIORARI TO THE INDIANA COURT OF APPEALS**, to the Clerk of the United States Supreme Court, One First Street, North East, Washington, D.C. 20543-0001, pursuant to Supreme Court Rule 29, by certified mail, return receipt requested, designating said method of filing as of the time of mailing, in the United States Mail, first class postage affixed.

I hereby certify that I have, this 31st day of January, 2026, served upon Mr. Theodore Edward Rokita, Attorney General for the State of Indiana, a copy of the above and foregoing **PETITION FOR WRIT OF CERTIORARI TO THE INDIANA COURT OF APPEALS**, by mailing it in the United States Mail, first class postage affixed, addressed to his office located at 302 W. Washington St., 5th Floor, Indianapolis, IN 46204 and electronically.

Respectfully submitted,

/s/ *Vickie Yaser*
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