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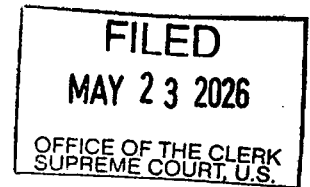
ORIGINAL

PETITION FOR WRIT OF CERTIORARI

No. 2025-SC-0141

IN THE

SUPREME COURT OF THE UNITED STATES



KALIEF CUMMINGS,

Petitioner,

v.

COMMONWEALTH OF KENTUCKY,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE

KENTUCKY SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

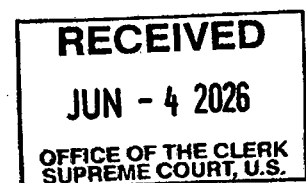
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QUESTIONS PRESENTED FOR REVIEW

I. Whether the Kentucky Supreme Court violated the Fifth and Fourteenth Amendments to the United States Constitution and Sections Seven and Eleven of the Kentucky Constitution by denying fundamental procedural due process rights when trial counsel was permitted to withdraw without the appointment of substitute counsel, forcing Petitioner to proceed pro se in a complex criminal proceeding despite lacking legal training or experience.

II. Whether the Kentucky Supreme Court's affirmance of Petitioner's conviction violated the Sixth and Fourteenth Amendments to the United States Constitution and Section Eleven of the Kentucky Constitution when trial counsel provided ineffective assistance by failing to object to the placement of an improper juror on the trial panel who should have been struck for cause, thereby denying Petitioner's right to an impartial jury and effective assistance of counsel.

III. Whether the cumulative effect of the procedural due process violations and ineffective assistance of counsel errors resulted in a fundamentally unfair trial that violated Petitioner's constitutional rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Sections Seven and Eleven of the Kentucky Constitution.

PARTIES TO THE PROCEEDING

Petitioner: Kalief Cummings was the defendant-appellant in the Kentucky Supreme Court proceedings and seeks review of the final judgment entered against her.

Respondent: Commonwealth of Kentucky was the plaintiff-appellee in the Kentucky Supreme Court proceedings. The Commonwealth may be served through:

Office of the Attorney General

Commonwealth of Kentucky

700 Capitol Avenue, Suite 118

Frankfort, Kentucky 40601

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OPINIONS BELOW AND JURISDICTION

The Kentucky Supreme Court entered its final judgment in this case on March 11, 2026, in Case No. 2025-SC-0141. No written opinion was issued by the Kentucky Supreme Court in connection with its final judgment. The Kentucky Supreme Court affirmed the conviction and sentence imposed by the Jefferson Circuit Court following Petitioner's appeal from the trial court's judgment dated October 10, 2023.

This Court has jurisdiction to review the final judgment of the Kentucky Supreme Court pursuant to 28 U.S.C. § 1257(a), which provides jurisdiction to review final judgments rendered by the highest court of a state where the validity of a federal constitutional right is drawn in question. The Kentucky Supreme Court's final judgment was entered on March 11, 2026, making this petition timely filed within the ninety-day period prescribed by 28 U.S.C. § 2101(c) and Supreme Court Rule 13.

The federal constitutional questions presented in this petition were properly raised and preserved in the state court proceedings below. Petitioner specifically challenged the procedural due process violations and ineffective assistance of counsel claims based on violations of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution during the trial court proceedings and on appeal to the Kentucky Supreme Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED This case involves the following constitutional provisions, which are set forth verbatim below: U.S.

Constitution, Fifth Amendment:

“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.”

U.S. Constitution, Sixth Amendment:

“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 defence.”

U.S. Constitution, Fourteenth Amendment, Section 1:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Kentucky Constitution, Section 7:

“Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority. The right of persons to be secure in their persons, houses, papers and possessions, against unreasonable search and seizure shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized. The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Kentucky Constitution, Section 11:

“In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; and he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions for felony, the consent of the accused to trial by a jury of less than twelve shall not be valid unless expressed in open court and entered of record in the presence of the accused and his counsel.”

STATEMENT OF THE CASE

A. Procedural History

This case arises from Petitioner Kalief Cummings' criminal conviction in the Jefferson Circuit Court for first degree assault enhanced by persistent felony offender status (PF 01). Following trial and sentencing pursuant to the jury's recommendation, Petitioner appealed to the Kentucky Supreme Court. The Kentucky Supreme Court entered its final judgment on March 11, 2026, in Case No. 2025-SC-0141, affirming the trial court's judgment dated October 10, 2023, without issuing a written opinion.

Petitioner now seeks review by this Court of the Kentucky Supreme Court's final judgment, challenging fundamental violations of her constitutional rights to procedural due process and effective assistance of counsel that occurred during the trial court proceedings and were affirmed on appeal.

B. Factual Background and Constitutional Violations

The constitutional violations in this case stem from two primary sources: (1) the systematic denial of effective assistance of counsel, and (2) the denial of fundamental procedural due process rights during the trial proceedings.

1. Ineffective Assistance of Counsel Violations

During the trial proceedings, Petitioner's constitutional right to effective assistance of counsel

was violated in multiple respects. First, trial counsel failed to perform the fundamental duty of objecting to an improper juror who should have been struck from the jury panel for cause. Despite the fact that this juror should have been removed from consideration, counsel failed to exercise appropriate challenges, resulting in the placement of a biased or otherwise improper juror on the trial panel that ultimately decided Petitioner's fate.

This failure was not a matter of trial strategy or tactical decision-making, but rather constituted a fundamental breach of counsel's duty to provide competent representation. The presence of an improper juror on the trial panel directly compromised Petitioner's constitutional right to trial by an impartial jury as guaranteed by the Sixth Amendment to the United States Constitution and Section 11 of the Kentucky Constitution.

Furthermore, trial counsel failed to adequately investigate and challenge the Commonwealth's case, failing to subject the prosecution's evidence and witnesses to the rigorous scrutiny required to ensure a fair trial. Counsel's performance fell below the objective standard of reasonableness expected of competent criminal defense attorneys, and these deficiencies were not the result of reasonable professional judgment but rather constituted clear errors that no competent counsel would have made.

2. Denial of Procedural Due Process Rights

The most egregious constitutional violation occurred when, following the withdrawal of Petitioner's court-appointed counsel, the trial court failed to appoint substitute counsel to represent Petitioner during the remainder of the proceedings. Instead, Petitioner was forced to proceed pro se and defend herself against serious criminal charges despite having no legal

training, education, or experience as a litigator.

This forced self-representation occurred in a complex criminal proceeding involving serious felony charges with significant potential penalties. The denial of counsel at this critical stage of the proceedings violated Petitioner's fundamental rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as Sections 7 and 11 of the Kentucky Constitution.

The trial court's failure to ensure that Petitioner had adequate legal representation throughout the proceedings created a fundamentally unfair trial environment in which Petitioner was unable to effectively present her defense, cross-examine witnesses, make appropriate objections, or navigate the complex procedural requirements of criminal litigation.

C. Cumulative Effect of Constitutional Violations

The cumulative effect of these constitutional violations resulted in a fundamentally unfair trial that denied Petitioner the basic procedural safeguards guaranteed by the United States Constitution and the Kentucky Constitution. The combination of ineffective assistance of counsel and the subsequent denial of any counsel created a perfect storm of constitutional violations that rendered the trial proceedings fundamentally unreliable and the resulting conviction constitutionally invalid.

These violations were not harmless errors but rather went to the very heart of the adversarial system and the constitutional protections designed to ensure fair criminal proceedings. The Kentucky Supreme Court's affirmance of these violations without adequate consideration of their

constitutional implications warrants review by this Court to ensure that fundamental constitutional rights are protected in criminal proceedings throughout the nation.

REASONS FOR GRANTING THE PETITION

This petition presents important questions regarding the fundamental constitutional rights of criminal defendants to procedural due process and effective assistance of counsel. The Kentucky Supreme Court's decision affirming Petitioner's conviction despite clear violations of these constitutional rights warrants review by this Court for the following reasons:

I. THE KENTUCKY SUPREME COURT'S DECISION VIOLATES CLEARLY ESTABLISHED FEDERAL CONSTITUTIONAL LAW REGARDING THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL

The Sixth Amendment to the United States Constitution guarantees criminal defendants the right to effective assistance of counsel in all criminal prosecutions. This fundamental right is essential to ensuring the reliability of criminal proceedings and protecting the innocent from wrongful conviction. The Kentucky Supreme Court's affirmance of Petitioner's conviction despite clear evidence of ineffective assistance of counsel violates well-established constitutional principles.

As recognized in *Strickland v. Washington*, Supreme Court, 1984, the right to effective assistance of counsel requires that defense counsel's performance meet an objective standard of reasonableness under prevailing professional norms. When counsel's performance falls below this standard and prejudices the defendant's case, the conviction must be reversed.

In this case, trial counsel's failure to object to an improper juror who should have been struck for cause constitutes deficient performance that no reasonable attorney would have undertaken. This failure directly compromised Petitioner's right to trial by an impartial jury and cannot be justified as a matter of trial strategy or tactical decision-making.

The prejudice resulting from this deficient performance is evident from the fact that an improper juror participated in the deliberations that led to Petitioner's conviction. The presence of a biased or otherwise improper juror on the trial panel undermines confidence in the reliability of the verdict and requires reversal of the conviction.

II. THE KENTUCKY SUPREME COURT'S DECISION VIOLATES FUNDAMENTAL PROCEDURAL DUE PROCESS RIGHTS BY PERMITTING FORCED SELF-REPRESENTATION IN COMPLEX CRIMINAL PROCEEDINGS

The Fifth and Fourteenth Amendments to the United States Constitution guarantee that no person shall be deprived of life, liberty, or property without due process of law. This fundamental protection requires that criminal defendants receive fair proceedings that comport with basic notions of justice and fairness.

The Kentucky Supreme Court's affirmance of proceedings in which Petitioner was forced to represent herself following counsel's withdrawal violates these basic due process protections.

When court-appointed counsel withdraws from a criminal case, the trial court has a constitutional obligation to ensure that the defendant continues to receive adequate legal representation, either through the appointment of substitute counsel or through other appropriate measures.

As recognized in *United States v. Cronin*, Supreme Court, 1984, there are certain circumstances in which the denial of counsel is so likely to prejudice the accused that the conviction must be reversed without inquiry into the actual conduct of the trial. The forced self-representation of an untrained defendant in complex criminal proceedings is precisely such a circumstance.

In this case, Petitioner was forced to navigate complex criminal proceedings, including evidentiary issues, procedural requirements, and legal arguments, without any legal training or experience. This denial of adequate legal representation created a fundamentally unfair trial environment that violated basic constitutional protections.

III. THE DECISION PRESENTS IMPORTANT QUESTIONS REGARDING THE SCOPE OF CONSTITUTIONAL PROTECTIONS IN CRIMINAL PROCEEDINGS THAT WARRANT THIS COURT'S REVIEW

The constitutional violations present in this case raise important questions regarding the scope and application of fundamental constitutional protections in criminal proceedings. These questions are of national importance and warrant review by this Court to ensure uniform application of constitutional principles across all jurisdictions.

The Kentucky Supreme Court's decision effectively permits state courts to deny criminal defendants basic constitutional protections through a combination of ineffective assistance of counsel and forced self-representation. This approach undermines the adversarial system and the constitutional safeguards designed to ensure fair criminal proceedings.

Review by this Court is necessary to clarify the constitutional requirements for ensuring

adequate legal representation in criminal cases and to establish clear standards for when forced self-representation violates due process rights. Without such clarification, criminal defendants throughout the nation may be denied basic constitutional protections in violation of fundamental fairness principles.

IV. THE CUMULATIVE EFFECT OF THE CONSTITUTIONAL VIOLATIONS REQUIRES REVERSAL UNDER ESTABLISHED CONSTITUTIONAL PRINCIPLES

Even if individual constitutional violations might not require reversal in isolation, the cumulative effect of multiple constitutional errors can render a trial fundamentally unfair in violation of due process rights. In this case, the combination of ineffective assistance of counsel and forced self-representation created a perfect storm of constitutional violations that rendered the proceedings fundamentally unreliable.

The Kentucky Supreme Court failed to adequately consider the cumulative impact of these constitutional violations and their effect on the overall fairness of the proceedings. This failure to apply established constitutional principles regarding cumulative error warrants review by this Court to ensure that criminal defendants receive the constitutional protections to which they are entitled.

V. THE PETITION SATISFIES THE CRITERIA FOR CERTIORARI REVIEW UNDER SUPREME COURT RULE 10

This petition satisfies the criteria for certiorari review established in Supreme Court Rule 10. The Kentucky Supreme Court's decision involves important questions of federal constitutional law

that have been decided in a manner that conflicts with established constitutional principles. The decision effectively permits state courts to deny criminal defendants fundamental constitutional rights through procedural mechanisms that circumvent constitutional protections.

The questions presented are of sufficient importance to warrant review by this Court, as they involve the fundamental constitutional rights that form the foundation of the American criminal justice system. Without review by this Court, criminal defendants may continue to be denied basic constitutional protections in violation of clearly established federal law.

CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, the petition for writ of certiorari should be granted. The Kentucky Supreme Court's decision affirming Petitioner's conviction despite clear violations of fundamental constitutional rights presents important questions of federal constitutional law that warrant review by this Court.

The constitutional violations present in this case go to the very heart of the adversarial system and the constitutional protections designed to ensure fair criminal proceedings. The denial of effective assistance of counsel and the forced self-representation of an untrained defendant in complex criminal proceedings violated Petitioner's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, Petitioner Kalief Cummings respectfully requests that this Honorable Court:

1. Grant the petition for writ of certiorari to review the final judgment of the Kentucky

Supreme Court entered on March 11, 2026, in Case No. 2025-SC-0141;

2. Reverse the Kentucky Supreme Court's decision and remand the case with instructions to the Kentucky courts to conduct proceedings consistent with constitutional requirements;
3. Issue such other and further relief as this Court deems just and proper to remedy the constitutional violations and ensure that Petitioner receives the constitutional protections to which she is entitled.

Respectfully submitted,


Kalief CUMMINGS

Pro Se Petitioner

EKCC

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West Liberty, Kentucky 41472

Telephone: (513) 476-6938

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

**TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE
SUPREME COURT OF THE UNITED STATES:**

Petitioner Kalief Cummings respectfully moves this Honorable Court for leave to proceed in forma pauperis in connection with her petition for writ of certiorari, pursuant to Supreme Court Rules 12 and 39.