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No. _____

ORIGINAL

Supreme Court, U.S.
FILED

MAY 13 2026

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Aaron Robinson — PETITIONER
(Your Name)

vs.

Gregory Hancock — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

On Petition for Writ of Certiorari To The U.S. Ct. of Appeals 8th Cir.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Aaron Robinson

(Your Name)

Southeast Correctional Center
300 East Pedro Simmons Drive - 6A-203
Charleston, Missouri 63834

(Address)

Charleston, Missouri 63834

(City, State, Zip Code)

(Phone Number)

Questions Presented

Whether or not counsel can waive Mental Evaluation after being ordered by the Trial Court?

Whether or not A District Court Judge CAN Deny A Sealed Competency Motion Concerning A Mental Evaluation?

Can A Trial Court convict A Defendant when Judge had Ruled that the Defendant Needed A Mental Evaluation?

Rather or Not An Inmate can bring an action Under 28 USCS 2254, After Exhausting his state remedies, alleging that his constitutional rights were violated and that he was denied a psychiatric examination or hearing on the question of his competency to stand Trial?

CAN An Inmate properly raise A Standard of Competency pursuant to Rule 60(b) from the dismissal of his 28 USCS 2254 Petition?

Applicant needs to know, whether or not United States District Court (Eastern), violated U.S. Supreme Court precedent's ruling pursuant to Sanders vs United States, 373 U.S. 1 (1963) In denying petitioner's Second Motion filed alleging facts regarding his Mental Competency?

Another Important question of this case is that many Americans suffer from some form of Mental disease or defect?

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:

Aaron Robinson Petitioner

Gregory Hancock Respondent

RELATED CASES

Sanders vs United States, 373 U.S. 1 (1963)

Pate vs Robinson, 383 U.S. 375

Drope vs Missouri, 420 U.S. 162, 181 (1975)

Kibert vs Peyton, 383 F.2d 566

Strickland vs Washington, 466 U.S. 668

State vs Tilden, 988 S.W. 2d 568

Tillery vs Eymann, 492 F.2d 1056

Speedy vs Wyrick, 702 F.2d 723

Dusky vs United States, 362 U.S. 402

Moore vs United States, 464 F.2d 663

Rand vs Swenson, 501 F.2d 394

Barnett vs Hargett, 174 F.3d 1128

Spitznagel vs Boone, 2000 U.S. App. Lexis 2345

Spitznagel vs Boone, 464 F.3d 1213

Griffin vs Lockhart, 935 F.2d 926

Reynolds vs Norris, 86 F.3d 796 (1996)

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aaron Robinson 1209619

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STATUTES AND RULES

552.020(a) RSMO	Rule 35(c) of the Federal Rules
552.030(b) R.S.Mo	of Civil Procedure
18 U.S.C.S. 4241 (a), (b) (c)	
18 U.S.C.S. 4244 (a)	U.S.C.S. Sec.
18 U.S.C.S. 3006 A. (F)	2254 Cases, Rule 6. Discovery
Rule 10(a)(c),	
28 U.S.C.S. 2254 (d) (1)	U.S.C.S. Fed Rules Civ Proc Rule 26
28 U.S.C.S. 2254 (b)	Duty to Disclose; General Provisions
18 U.S.C.S. 4247	Governing Discovery
28 U.S.C.S. 2254(e) (a) (B)	(Rule 60 (b))

OTHER

Fifth Amendment, Sixth Amendment, Fourteenth Amendment
United States Constitution
Article I, 10, 18(c), 19, and 22(c) of the Missouri Constitution

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 A1 to the petition and is

8th Cir.

☒ reported at 25-3076 UNITED STATES Ct OF APPEALS; 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 A2 to the petition and is

☒ reported at 1:24-CV-238 CDP; 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**:

March 3, 2026
The date on which the United States Court of Appeals decided my case was March 3, 2026.

☐ No petition for rehearing was timely filed in my case.

7/24
☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 3, 2026, and a copy of the order denying rehearing appears at Appendix A2.

☐ 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

United States Constitution: (U.S. Const, amend. XIV)

Fourteenth Amendment, Due Process Clause:

... No State shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person Jurisdiction, Equal protections of the laws.

28 U.S. Code 1257(a) provides in relevant, Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari.

United States Supreme Court Rule 10, provides in relevant, A Petition for a writ of certiorari will be granted based on the Court considers (b) a state court last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States Court of Appeals;

(c) a state court or a United States Court of Appeals has decided an important question of federal law that has not been, but should be settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

28 U.S. Code 1254(1): Grants Supreme Court jurisdiction over circuits court judgments.

United States Supreme Court Rule 10(c)

as to call for an exercise of this Court's Supervisory power;

Rule 35(a) of the Federal Rules of Civil Procedure.

requires discriminating application by the trial Judge, who must decide, as an initial matter in each case, whether the party requesting a mental or physical examination or examinations has adequately demonstrated the existence of the Rules necessarily related requirements of "in Controversy" and good cause.

A movant under Rule 35, for a mental or physical examination of a party who has not asserted his mental or physical condition either in support of or in defense of a claim must, by appropriate means, affirmatively show the condition sought to be examined for controversy and good cause exist for the particular examination requested.

STATEMENT OF THE CASE

Petitioner was denied the right to effective assistance of counsel, right to be competent before being tried, right to due process of law, and right to a fair trial in violation of his Constitutional rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Article I, 10, 18(a), 19, and 22(a) of the Missouri Constitution for Trial Counsel failed to exercise the customary skill and diligence that a reasonably competent attorney would exercise under similar circumstances and, as a result, Mr. Robinson (petitioner) was prejudiced. Specifically, trial Counsel failed to request a competency evaluation, despite objective and subjective beliefs that petitioner was neither competent to stand trial, nor assist with the defense.

Secondly, During Trial The Judge Expressed Concern about Petitioner's Mental competency, ON Record stating that defendant was at times utterly unintelligible or incomprehensible. The court entered Guilty Verdict without determining whether petitioner was Incompetent to Stand Trial.

During Post-Conviction Proceedings:
The Trial Court Judge, Appellant Attorney, and Prosecutor, All agreed ON An Order/Judgment/Memorandum (Court Order), that Movant has pleaded sufficient Facts to entitle him to An Evidentiary Hearing At Movant's Counsel's request to further investigate Movant's Mental Competency.

AT A Later Day During Post-Conviction hearing Counsel for Movant waived petitioner's Mental Evaluation.

REASONS FOR GRANTING THE PETITION

The following is being filed on behalf of petitioner through next of friend, and pro se.

In petitioner's case, The Court should grant certiorari because the Missouri United States Court of Appeals Eastern District has failed to comply with holdings in Sanders v. United States, 373 U.S. 1 (1963), petitioner is the first Missouri defendant to seek certiorari with a request for The Court to describe: the precise quantum of proof necessary to establish sufficient doubt concerning what constitutes a mental evaluation of the accused when the court record shows the issue is relevant. Reynolds v. Norris, 86 F. 3d 796 at 800 (1996). Id. (Exhibit #1 (T.T. p. 912-14)).

The trial court's judge made a record stating that petitioner needed to be evaluated during his criminal trial; prior to that, petitioner had not been psychologically evaluated by a medical professional, however the judge made the call to bring competency into question, sua sponte, and 18 U.S.C.S. § 4241(a) and (b), known in Missouri as § 552.020.2 RSMo states the evaluation should have taken place immediately thereafter. See, State v. Tilden, 988 S.W. 2d 568, 574 (Mo. App. W.D. 1999).

Because each Missouri Court petitioner has traversed in this case has avoided ruling on this issue, Cf. Speedy v. Wyrick, 702 F.2d 723 (1983)(Discussed in overview); nor did the Courts even attempt to address the matter to conform with due process, petitioner request The Court exercise it's supervisory power on this

REASONS FOR GRANTING THE PETITION

second federal habeas in accord with the opinion in Sanders v. United States, 373 U.S. 1 (1963) respective of \$ 552.030.6 RSMo. See, Drope v. Missouri, 420 U.S. 162 (1975), Cf. Moore v. United States, U.S. 464 F.2d 663, 666 (1972).

CONFLICT OF INTEREST

Petitioner's memorandum & order denying post-conviction relief in the Eastern District Missouri Court of Appeals highlights thee main issue on p.3 of 46, i.e.:

"Movant made one other claim in his amended motion, alleging his trial counsel was ineffective for failing to request a mental evaluation of Movant related to his competency to stand trial and assist in his own defense. Because Movant withdrew that claim, it is not discussed in this judgment."

(Exhibit #2 p.3 of 46) Court of Appeals Order No. ED103301).

The Court must take judicial notice, any time a trial court calls for a defendant to be evaluated, neither the defendant, nor counsel, can waive the evaluation... petitioner never, ever, withdrew the claim of competency nor waived the claim. "It is contradictory to argue that a defendant may be incompetent, and yet knowingly or intelligently waive his right to have the trial court determine his capacity to stand trial". Pate v. Robinson, 383 U.S. 375 (1966). See, (Exhibit #3 Case No. 1122-CC-1665 ORDER/JUDGMENT/MEMORANDUM MARCH 27, 2012): I.E. Claim 8(b) of the Form 40:

REASONS FOR GRANTING THE PETITION

"Parties appear, Court and counsel agree that movant has pled sufficient facts to entitle him to an evidentiary hearing. At Movant's counsel's request, pre-hearing conference is continued for Movant's counsel to further investigate claim (regarding Movant's mental competency. Counsel for movant is to submit a statement, by May 11, 2012 about whether he intends to procede on Claim 8(b) about Movant's mental competency at the time of trial. Upon receipt of counsel's statement, the Court will set a date for further hearing.

So Ordered, Judge Edward Sweeney.

A.C.A Tanya Engelhardt

Atty. Andrew Zleit Public Defender".

Petitioner was prejudiced by his trial counsel and trial judge... when they decided to waive his claim 8(b) of the Form 40.

Whether Missouri Court's have erred by avoiding, and thus rejecting petitioner's claim that he was denied effective assistance of counsel based on his counsel's waiver of a competency~~the~~ hearing despite ample evidence of his mental health issues needs to be decided by The Court. Cf. Pate supra. See, (Exhibit #3 (T.T. p.71-72) Lines 1-25; and Lines 1-25). See, Kibert v. Peyton, 383 F.2d 566 at 569; 18 U.S.C.S. 4241 is silent with respect to which party bears the burden of proving competence.

REASONS FOR GRANTING THE PETITION

The United States Supreme Court has not directly addressed the burden issue in § 4241(d), but the Supreme Court has held categorically that the defense of incompetency to stand trial cannot be waived by the incompetent. Pate Supra; and it ~~is~~ ineluctably follows that his counsel cannot waive it for him, by failing to move for examination of his competency.

The district court refused to apply a state procedural bar to the competency claim, but that's dispositive, because the Court can remedy this issue, since the claim is exhausted. Id. at Docket #32 (Judge Henry Autrey sealed the motion and then denied it -- 4:17-cv-00004-HEA).

Pursuant to the court's holding's in Drope v. Missouri, 420 U.S. 162 (1975), under § 552.030.6 RSMo, an evaluation of petitioner is required, and, when a corrective process is provided by a state to one whose conviction of crime violates a federal constitutional right, but error in relation to the federal question of constitutional violation creeps into the record, the United States Supreme Court has the responsibility to review the state proceedings.

Especially when the violation was exacerbated during the post-conviction relief proceedings. See, [HN14] of Drope supra, (Discussing where a State court judgment denying PCR is relevant by the U.S. Supreme Court because the state court's failure to inquire into defendant's mental competency to stand trial).

The Fourth Circuit, Eighth Circuit, Ninth Circuit Conflict's with Other Circuits

Along among the federal circuits, The Eighth Circuit maintains that the deficient of Mental Incompetency evidence raised a sufficient doubt of appellant's competency and that failure to conduct an adequate hearing on the issue deprived appellant's due process. See cases on these issues, Fourth Circuit, *Kibert vs Peyton*, 383 F.2d 566
Eighth Circuit, *Griffin vs Lockhart*, 935 F.2d 926
Ninth Circuit, *Tillery vs Eymann*, 492 F.2d 1056

In line with Supreme Court precedent, *Pate vs Robinson*, 383 U.S. 375,
Strickland vs Washington, 466 U.S. 668
Tillery vs Eymann, 492 F.2d 1056

As discussed infra at least some other circuits have found prejudice from trial counsel's failure to conduct a Mental Evaluation, Also case law in *Drope vs Missouri*, 420 U.S. 162, 181 (1975)
Certiorari Granted in *Drope vs Missouri*, 420 U.S. 162, (1975)

ccw Robinson
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In this case, over fifteen (15) years have passed since petitioner's trial, and it seems impossible to now conduct a meaningful hunc pro tunc hearing into the issue of competency. FOR The foregoing reasons, This COURT should Grant this Petition FOR A Writ OF Certiorari. And vacate and set aside his convictions and sentences; or in the alternative, Commanding the release of Petitioner from custody of his unlawful conviction of the Respondent.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Aaron Cornell Robinson #1209619

Date: _____