

No. 17-4132

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

HERBERT PRIDGEN — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Herbert Pridgen

(Your Name)

#77786-083

United States Penitentiary Big Sandy  
P.O. Box 2068, Inez, KY. 41224

(Address)

Inez, KY. 41224

(City, State, Zip Code)

None

(Phone Number)

## QUESTION(S) PRESENTED

1. Did the Circuit Court error in its opinion when it failed to properly address the four issues raised on appeal for adjudication giving a insufficient judgment on the matters presented.

## 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:

Eric Pridgen

Muarice McLain

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OTHER

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,

☒ is unpublished.

The opinion of the United States district 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☐ is unpublished.

☐ 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☐ is unpublished.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☐ is unpublished.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**:

The date on which the United States Court of Appeals decided my case was March 16th 2018.

☒ 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

18 U.S.C. § 1962(d)

18 U.S.C. § 1959(a)(1)(2)

18 U.S.C. § 924(j)(1)(2)

~~18 U.S.C.~~ § 922(g)(1)

18 U.S.C. §§ 1951(a) & (a)(2)

### STATEMENT OF THE CASE

The Appellants, Eric Pridgen, Herbert Pridgen, and Maurice McLain were charged in a second superseding indictment with numerous acts in furtherance of a Rico conspiracy, and Eric Pridgen and Herbert Pridgen were charged with various substantive offenses also related to the conspiracy. All three defendants were tried by a jury and found guilty as charged with the exception of Herbert Pridgen, who was not found guilty of count 12. Eric Pridgen and Herbert Pridgen were sentenced to multiple life sentences plus a term of years. Maurice McLain was sentenced to 40 years' imprisonment. All appellants timely noted their appeals to this court. The cases are consolidated for appeals, and the issues raised by each appellant are set forth in this joint brief.

## REASONS FOR GRANTING THE PETITION

Petitioner raised four issues on Direct Appeal to the Fourth Circuit Court of Appeals, Namely,

### ISSUE I.

Did the District Court err in denying defendants Motion for a judgement of Acquittal as to Counts one, six, eleven, and sixteen as the evidence was factually insufficient to prove that Thug Relation was an enterprise?

### ISSUE II

Did the District Court Abuse its discretion when it allowed a Commonwealth's Attorney to testify as to her opinion of a witness's truthfulness and to his reputation for truthfulness in the Commonwealth's Attorney office?

### ISSUE III

Did the District Court err in denying defendants Motion for a judgement of Acquittal as to Counts six, eleven and fifteen as the evidence was factually insufficient to show the murders were committed to the aid of Thug Relation?

### ISSUE IV

Did the District Court err in admitting evidence that the Appellant shot Tony Liles multiple times on Nov 16 2009 when the Appellant was only charged with being a felon in possession of a firearm and ammunition on that date and the evidence was not necessary to prove any listed overt act in furtherance of the Rico Conspiracy.