

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON.DC 20543-0001

No.18-5810

LAUREANO CHIRINO RIVERA
DEFENDANT, PETITIONER.
V,
UNITED STATES OF AMERICA
PLAINTIFF-APPLLEE.

Petitioner Under, Rule 44 Rehearing and before Honorables and Distinguished Judges of the Supreme Court of the United States The defendant solicit any Petitioner for the rehearing of any Judgment on the merits. Violation of all Constitutional Rights Illegal Sentence and Detained the District Court and the Government erred by not evidence or arguments at sentence to support the enhancement, The Brief Certiorari sent July 19, 2018 and placed on the docket August 29, 2018 as No, 18-5810.

PETITIONER FOR REHEARING
LAUREANO CHIRINO RIVERA

LAUREANO CHIRINO RIVERA
Housing Unit, V, B.
Federal Correctional Institution (Low)
P, O, Box, 26020
Beaumont, TX, 77720-6020.

To Be Argued By; Laureano Chirino Rivera.
This Case Entitled to Preference (Criminal)
Petitioner (PRO-SE)

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Hereby comes the Petitioner Under, Rule 44 Rehearing and before the Honorable and Distinguished Judges of the Supreme Court of the United States to present this Petitioner Brief, Argument and attached documents to endorse his Rehearing Petitioner pursuant to Rule 44 Rehearing, Petitioner claims that he is in custody in violation of the Constitution or Laws of the United States therefore seeks to vacate sentence and requests trial by Jury.

Petitioner Under, Rule 44 Rehearing claims that the sentence and sentence enhancement were illegal, in violation of the Petitioner's civil rights. Therefore the Petitioner files this Brief and arguments, Attached copies of pages of the following page of documents, #13, pages of document #244 and pages of document #248 pages of affidavit of FBI, And other documents, With respect for (LAW) and Justice, To do of the Justice and not injustice.

ISSUES TO REVIEW

Hereby Mr, Laureano Chirino Rivera files this Petitioner Under Rule 44 Rehearing on the merits Petitioner to this Court, from a forced and involuntary guilty plea to Count one; Conspiracy to commit robbery by means of actual and threatened force, violence, and fear injury 18, U.S.C., & 1951(a) a class(c) felony. Count three conspiracy to possess a fire arm in furtherance of a crime of violence 18 U.S.C., & 924(0) a class(c) felony.

Mr, Chirino seeks to vacate sentence and request a trial based in deficient and ineffective assistance of counsel, denial of trial by jury, and exposed to cruel and unusual punishment, sentence was unconstitutional imposed in violation of Mr, Chirino's civil rights, and abuse of discretion.

STATEMENT OF FACTS

Here in this case the Court appointed lawyer did not allow Mr Chirino's version of the facts for his defense that would have helped to prove his non involvement and innocence in the crime.

See attached page 12 of 15 document #13 of case No;1;10-cv-22290 MGC of report by Judge,Patrich white.The attorney was dishonest by have prepared for Jury trial and at the same time through ruinous statements forced Mr,Chirino to plea guilty.See attached document #244 page 3 lines 7 to 9,Mr Chirino's attorney discussed with his client and family.Intimidated and threatened the defendant,this conversation out of the record,However Mr,Chirino's family and friends are witnesses that such conversation took place on May 20,2008,Mr,Tannebaum state,to Mr,Chirino and his family that in the Court there will be no one that would win a case ,and that even if Mr, Chirino was innocent,he was going to be incriminated.that he would received life prison,and the Judge was going to do what the U,S,Attorney wanted.Mr,Chirino version and witnesses for his defense to show his non involvement in the robbery was not considered to be tool to help and defend Mr, Chirino,according to his attorney,Mr,Tannebaum.

Mr,Chirino mentioned the following story to his attorney two months before the robbery,another employee of Brinks Mr,Jorge Dominguez,the messenger in the truck that Mr,Chirino used drive came to him and told Mr,Chirino that Mr,Rubalcava,the scott of the truck that Mr.Chirino drove.had said to Mr.Dominguez was under survillance by people that wanted to rob the truck.The 3 men worked in the same truck,Mr Chirino went and confronted Mr Rubalcava and told him that he had not noticed anything about Mr,Dominguez being in surveillance and that he should ask in the office for a job change,because Mr,Rubalcaba was inflicting worry and fear to Mr,Dominguez,Mr.Rubalcaba did asked to for a change i in the Brinks office and ened working in another truck,However,Mr Rubalcaba had also informed the Brinks office that they were under surveillance and that was possible that they might be rob. Mr,Chirino gave this information to his attorney to see if it will be useful for his defense and he also wanted to call as witnesses Mr,Rubalcava and Mr,Dominguez to testify in the Jury trial,that such conversations had taken place before the robbery but Mr,Tannebaum refuse to do this and informed Mr,Chirino that Rubalcaba whom also had worked for Brinks,had inflicted worry and

fear to Mr, Dominguez, and had reported to the Brinks office that they were under surveillance and that was possible that they might be robbed, had been caught now with part of the stolen money from the robbery to the truck that Mr, Chirino drove and was involved in the robbery was now going to testify against Mr, Chirino. See Doc, #248 (Id, at P, 14) Lines 11 to 14. Mr, Chirino also wanted to present as his witness Mr, Dominguez, the messenger to testify in his behalf, that two Months before the robbery, Mr, Rubalcaba had told Mr, Dominguez was under surveillance attorney Mr, Tannebaum disagreed with Mr, Chirino in using this commentarie for his defense an ineffectively assisted, Mr Chirino, instead misguided his client and through ruinous staements recomended a guilty plea to Mr, Chirino, telling him that eventif he was inoce innocent, he was going to be incriminated and was going to life in prison. Mr, Chirino also wanted to present his neighbors as witnesses that the robbers, Mr, Rubalcaba and the athers have had never been his home,

ARGUMENT WITH MEMORANDUM OF THE LAW.

1=) See Doc, #244 (Id, at P, 2) Lines 17 to 20. Mr, Tannenbaum states the factsthat the had been speaking with Mr, Chirino family whole in recess.

2=) See Doc. #244 (Id, at P, 3) Lines 10 to 13 on May 20, 2008 the Judge allows three minutes to Mr, Tannebaum to discuss with Mr, Chirino and Mr, Chirino family and his family that Mr, Chirino should change his plea to guilty, because even if he was to get life in prison. Wtnesses to this conversation are , Mr, Chirino wife, his son and daugther, and friends.

3=) See Doc, #244 (Id at P. 4) Lines 2 to 4 The Judge presumes that Mr, Chirino wants to change his plead from not guilty plea to guilty and the U, S, Attorney, Mr, Koukios states that he will need to draft a guilty plea agreement. The Court states that Mr, Koukios will be able to state a plea in the record.

THE GUILTY PLEA WAS FORCED.

See Doc

THE GUILTY PLEA WAS FORCED

See Doc, #244 (Id, at P, 7) Lines 23 to 25, when the Court asked the defendant, "is anyone forcing you to plea guilty?" Defendant answered "YES" See Doc #244 (Id, at p, 8) Lines 1 to 4, The Court asked, are you doing this because you have talked over with your family and the attorney, in this case and is the best thing for you to do. Defendant answered, "YES".

Petitioner's guilty plea was not given voluntarily. See Brady V, United States, 397 U.S, 742, 748 (1974)! A guilty plea is constitutionally valid only to the extent it is "voluntarily" and "intelligent"

On May 19, 2008 at the hearing to select the Jury panel, petitioner requested to change or remove the Court appointed attorney, Mr Tannebaum, because there was a conflict between defendant and attorney over some ruinous statements, Counsel said that, "there was no way that any one would win a jury trial in this Court." The Court's Judge replied that it was her decision to remove him or not, Attorney Mr, Tannebaum had said to the Judge that, he had a lot experience. The following persons are witnesses the conversation that took place May 19, 2008 between Judge, Marcia G, Cooke and Mr, Chirino, petitioner. Witnesses are Marta Reyes, Wife Yaneidys Chirino, Dagther, Yasniel Chirino, son Victoria Chirino, Carlos Campos, Yasmani Parra, Yusleidys Somosa, and Aisa Alonso. Mr Chirino wants to point to the fact he was not provided with transcripts or records of the proceeding of what occurred in the Court room on May 19, 2008. At the sentencing hearing on July 28, 2008 Mr, Chirino expresses his wishes to withdraw his guilty plea and stated that, "he has not been well represented" See Doc, #248 (Id. at P. 11) lines 3 and 4.

1=) the Court erred denying petitioner access about the plea, trial attorney did not accurately or fully inform Mr, Chirino about plea discussions that he had with prosecutor.

2=) Counsel did not provide with adequate advise about Mr Chirino claim of innocence, deceived and forced the petitioner by intimidation to change plea. The point of this Brief is simple the 2nd Circuit has held that defendants in criminal cases have

the constitutional right to be fully advised about all plea offers and discussions, and then to receive counsel's informed opinion as to plea should be entered, *Boria v. Keane*, 99F.3d 497 (2d Cir, 1996). *Boria* interpreting the seminal ineffective assistance of counsel case of *Strickland v. Washington*, 416 U.S. 668 (1984). Holds that where counsel does not provide accurate such information, advise and professional opinion to the defendant counsel has performed ineffectively, *Boria* goes on to hold that counsel is not excused from performing his duty simply because the client has told his counsel that he is innocent, and that he won't plead guilty. Assertion of innocence matter not at all, *Boria* clearly held, because opinion concerning plea offer, can and often does, change clients thinking on critical issues of whether or not to plead guilty, *Boria* simply recognizes the realities of counsel pivotal Plea-bargain role in today's Criminal Justice System grounded in sentencing guide Lines, Counsel who does not inform and advises the client in this area is not performing effectively. And sentence made longer by such failure should be vacated. Here in this case the attorney failed to subject prosecution to a meaningful challenge, *Davis v. Alaska*, 415 U.S. 308 (1974), The attorney stated on May 19, 2008 that, "No one will win a case in this Court, that the Judge will do what the U.S. Atty. wanted" And on May 20, 2008 the attorney stated that, even if Mr. Chirino was innocent, he was going to be incriminated, and that he would get life in prison, and in three minutes time without written plea agreement obtained a forced guilty plea from Mr. Laureano Chirino Rivera.

COUNSEL'S INEFFECTIVE ASSISTANCE CONTINUES AT SENTENCING HEARING.

Mr. Chirino also informed his attorney Mr. Tannebaum, that the day the robbery occurred he didn't activate the siren from inside the truck, because through the port hole of the truck's door a pistol was introduced pointing at him, his life and the messenger's life were in danger, so he did not move. That also he did not press simultaneously a button to open the side door when Mr. Dominguez inserted the key to open the side door, as the FBI Affidavit of agent John K. Jefferson declared

And also told Mr, Tannebaum that contrary to what is stated in the report by FBI agent, John K, Jefferson , The truck that Mr, Chirino drove the day of the robbery is an old truck, that does not possess the mechanism or button inside the driver's compartment in order to open the side door, when the messenger inserts the key to open the the side door, See Exhibit, (001), Affidavit by FBI agent, John K, Jefferson in page #1. Mr, Chirino information to his attorney is corroborated by the officer's report in Page #5 , paragraph #7 that states, "a button inside the driver's compartment has to be activated in order to gain entry, which was never done, See Exhibit; #002. Mr, Chirino also made an objection in opposition that the planning of the robbery had occurred at his Home , and told his attorney that his neighbors will be presented as witnesses that neither Mr, Rubalcaba or any of the other robbers had have ever been at his House. Instead Mr, Chirino attorney stated in the sentencing hearing that, Mr, Chirino had not provided an explanation for the objection to the pre-sentence report, that his home had been used to plan the robbery, The pre-sentence report states that a change of plans occurred at Mr, Chirino's house, However Mr, Chirino could not give any explanation about the change of plans, Because he was not involved in planning the robbery, and had witnesses that the robbers and had witnesses that the robbers were never at his house, In Doc #248 (Id, at P, 15) Lines 15 to 22 The U, S, attorney mentions that one of the of the robbers Mr, Rubalcaba was going to testify against Mr, Chirino, Mr, Chirino had informed to his attorney the following before the robbery Jorge Dominguez, the messenger approximately in the month of July came to Mr, Chirino and told him that, the now robber, Mr, Rubalcaba was telling Mr, Dominguez that he, Mr, Dominguez was under surveillance, Mr, Chirino confronted Rubalcaba and told him to ask to the manager of Brinks for a Job change, because he was inflicting worry and fear to Mr, Dominguez, Mr, Chirino also mentioned this information to his attorney, Mr, Tannebaum, but his attorney did not want to use this as an argument for his defence However now after the robbery Mr, Rubalcaba was going to testify against Mr, Chirino because Mr, Rubalcaba had said to the FBI and U, S, Attorney, that Mr, Chirino had approached him suggested and proposed or agreed to participate to rob the truck that Mr, Chirino

was driving, See Doc, #244 (Id at P,9) Lines 16 to 19 and Doc, #248 (Id, at P,19) Lines 16 to 18.

1=) Mr, Rubalcaba had been found with some money from the robbery after the truck was robbed.

2=) However in Doc, # 248 (Id at P,6) Is mentioned that is Mr, Rubalcaba who was suppose to make a phone call when the truck that Mr, Chirino was driving left the Brinks's office.

3=) Is apparent that Mr, Rubalcaba's story that Mr, Chirino had planned the robbery was believed by the FBI and the U,S Attorney and Mr, Tannebaum did nothing to effectively assist Mr, Chirino and instead told him that even if he was innocent, he was going to be incriminated and was going to get life in prison, Mr, Tannebaum did not give the version of Mr, Chirino or used to defend him against the accusations, On the contrary Mr, Tannebaum said, said to Mr, Chirino that Mr, Rubalcaba was going to testify against him.

Mr, Chirino had made an objection to statements of false information given to FBI by Joel Triana and Mr, Rubalcaba that the planning of the robbery had been initiated at his house, See page #2 paragraph #6 in affidavit by FBI agent, John K, Jefferson Exhibit #003, Also the statement by other robber Mr, Dixan Rodriguez, Rubalcaba or as has been previously named Mr, Rubalcaba, whom was found with \$50,000,00 of the money stolen, falsely stated to authorities that Mr, Chirino had approached him about robbing the armored truck and that the robbery had been planned at Mr, Chirino's Home, Mr, Chirino informed to his attorney that what Joel Triana and Mr, Rubalcaba state to FBI was not truth, his attorney declined to use any argument for Mr, Chirino's defense, even after the transcripts show the following (A), See Doc, #248 (ID, at P,6), That it is mentioned Mr, Rubalcaba whom is also employed at Brinks that is supposed or made a phone call.

(B), See in Doc, # 244 (ID, at P.9) Lines 20 to 25) Statements by U,S, Attorney, that is Mr, Rubalcaba whom recruits two brothers Osdraniel Padron and Osdrené Padron, Then the Padróns were to be look outs along with a subject named, Vladimir and it is the Padróns whom knew two robbers, Triana and Valdez, these two committed the robbery.

(C), See Doc # 244 (Id, at P, 10) Lines 1 and 2, Joel Triana states that he has to ask the driver if the "Plan" suggested by the Padron is OK,

1=) This proves that the robbery was not being "PLANNED" at Mr, Chirino's home as it was informed by Joel Triana to the FBI agent.

2=) The plan was suggested by the Padrons.

3=) Is Mr, Rubalcaba whom recruits the Padrons.

4=) The information provided by Joel Triana the FBI that Mr, Chirino would take next highest amount of money, because it was his plan and that he was going to receive his share until the next a couple days because Brinks would likely focus on Chirino is not true, See Doc, # 244 (ID, at P, 10) Lines 18 and 21.

According to the PSR page #6 Paragraph # 13 the money recovered was \$696,073 and According to a United States answer to petitioner's Motion to vacate Sentence Case No; 1; 10-cv-22290-MGC Mr, Onay VALdez had fled to MEXICO with much of the money .He was extradited to the United States and Sentenced. See attached page # 6 of U,S, answer to petitioner's Motion, See Doc # 248 (Id, P, 7) Lines 10 to 12, the U,S attorney statements are disparities and is absurd what he spoke, "That's why Mr, Chirino had more money than his share in part because he still had Mr, Chirino Rivera's share.

A=) Mr, Chirino did not have any money product of the robbery.

B=) Mr, Chirino and Mr, Chirino Rivera are the same person.

C=) The U,S, attorney is mistaken Mr, Chirino with another person who had been caught with money from the robbery.

Mr, Chirino informed his attorney that he did not know Joel Triana Onal Valdez, Vladimir, or the Padrons, But Chirino's attorney refused and failed to provide effective assistance to the defendant,

1=) Counsel representation fell well below an objective standard of reasonableness.

2=) The deficient performance prejudiced the defence.

The sixth Amendment was violated by the ineffective assistance of counsel. The sixth Amendment guarantee that the accused in criminal proceeding shall enjoy right to have assistance of counsel, Means

effective assistance, distinguished from bad faith, sham mere pretense or want of opportunity for conference and preparation, United States V, Davis (1974, CA-7 III) 502 F, 2d 894.

ABUSE OF DISCRETION

See Doc, #248 (Id, at P, 11) Lines 1 to 4; Petitioner states his wishes to withdraw guilty plea, because he is not well represented.

U, S District attorney cited United States V, Buckles, at 843 F, 2d 469 at 472, Eleven Circuit 1988, The Eleven Circuit set four factors, that court should consider in determining whether or not to grant a motion to withdraw guilty plea. And states in, Number two, whether the plea was knowing and voluntary. The record shows that the change of plea from not guilty to guilty plea was forced.

See Doc, #244 (Id, at P, 7), lines 23 to 25,

The Court; Sir is anyone forcing you to plead guilty?

THE DEFENDANT: YES.

GUILTY PLEA PRICIPLES

To be voluntary and knowing, (1) The guilty plea must be free from coercion, (2) The defendant must understand the nature of the charges; (3) The defendant must know and understand the consequences of his guilty plea, United States V, Moriarty, 429 F3d 1012, 1019 (11th Cir, 2005) United States V, Mosley, 173 F, 3d 1319, (11th Cir, 1999) rule 11 of the Federal Rules of Criminal Procedure explicitly directs the District Judge not to accept a plea without determining these core concerns, See Fed R, P, 11(b), Therefore in review the Court is "Warranted in regarding the court's acceptance of plea as a positive finding on each component of the Rule)" United States V, Buckles 843 E, 2d 469, 473 (11th Cir, 1988) cert, denied, 490 U, S, 1099, 109, S, Ct 2450, 104 L, ed. 2d 1005 (1989),

Therefore the court abuse of discretion was/is shown by not allowing the Petitioner to withdraw his guilty plea, there are five factors not four factors as district attorney state for reviewable denial of a motion

of a motion to withdraw a plea under Rule 32(d), district attorney did not mention number (5) the lapse of time between the entry of the plea and the motion to withdraw.

Mr, Chirino was visited in the jail by attorney, Mr, Tannebaum about May 30, 2008 and is when Mr, Chirino refused to sign a document that probably was the guilty plea agreement, and was not accepting the responsibility and told to his lawyer that he wished to withdraw his guilty plea.

Rule 32(d), Fed, R, Crim, P, Provides that "the court may permit withdrawal of the plea upon showing by defendant of any fair and just reason "denial of a motion to withdraw a plea under Rule 32(d) is reviewable only for an abuse of discretion, some factors considered are.

- 1=) Whether the close assistance of counsel was available.
- 2=) Whether the original Plea was knowing and voluntary.
- 3=) Whether judicial resources would be conserved.
- 4=) The lapse of time between the entry of the plea and the motion to withdraw.
- 5=) Whether the government would be prejudiced by withdrawal of the plea. United States V, Gonzales-Mercado, 808 F, 2d 796, 799-801 (11th Cir, 1987) (Citations omitted).

1=) The guilty plea was not voluntary.

2=) Mr, Chirino told his attorney he wanted to withdraw his guilty plea 10 days after, See Doc, #248 (Id, at P, 14) Lines 10 to 15; U, S, district attorney stated.

Your Honor, just to go over a few more things that Mr, Tannebaum was able to do in this case, He developed a witness for this case and evidence. He actually served me as he is required to do under rules with witness list and exhibit list showing that he worked diligently on this case to provide the best offense to Mr, Chirino as possible. Is apparent that Mr, Tannebaum misrepresented Mr, Chirino and had developed a witness and evidence against Mr, Chirino and did not work to provide the best defense.

The conflict between attorney and client had began May 19,2008. The attorney did not advise the court of Mr,Chirino intentions to withdraw his guilty plea after 10 days when Mr,Chirino refuse to sing the gulty plea agreement,when he visited him in May 30,2008 See doc,#248,(Id,at P,18)Lines 16 to 20,the U,S,District Attorney State that over two months have elapsed sinse Mr,Chirino had been forced to enter a guilty plea.Mr,Tannebaum,had said to Mr,Chirino and his family that no one would win a jury trial in that court. And in Doc #248(Id,at P,22),Lines 5 to 9) Mr,Tannebaum state that the allegations that Mr,Chirino is making that are in support of his motion to withdraw his guilty plea are allegations against him,And understand that he finds himself in a conflicted position.

Mr,Tannebaum had made some ruinous statements to his client and had forced him to plea guilty by have stated,"That even if he was innocent he will be incriminated,and was going to get life in prison and on May 20,2008 when Mr,Chirino was in bad physical condition,in three minutes that court allowed him and witten plea agreement,but by have intimidated Mr,Chirino forced him to plea guilty.

See Doc,#248(Id,P,14 and 15) in page 14 Lines 25 and in page 15 Lines 1 and 2,now on July 28,2008 the U,S district attorney was saying to the Judge that,"Your honor gave Mr,Chirino time to discuss this with his family and his counsel before he changed his plea.

In Doc,#244 (Id,at P,4) Lines 7 to 9.The Judge asks the U,S, district attorney if he would be able to state a plea agreement on the record.

THERE WAS NO WRITTEN PLEA AGREEMENT

See Doc,#244(Id at P,4),in Lines 2 to 9,The U,S,district attorney Mr,Koukios and the court stated in the record.

THE COURT:YOUR client decided to withdraw his previous plea of not guilty and enter aplea of guilty to the indictimet without a plea

Agreement, is that correct?

Mr, Koukios; There will be a plea agreement, I need to go back to draft that.

THE COURT; You will be able to state the plea agreement in the Record.
Mr, Koukios; that is correct.

THE COURT IS IN ERROR THERE IS NO WRITTEN PLEA AGREEMENT

See Doc, #244 (Id, at P, 21) Lines 9 to 13.

The Court; And you understand that by signing this agreement you have waived certain of your rights in regards to a trial as well as certain of your rights in regard to appeal.

The court has forgotten that there is no plea agreement drafted. The court abuse of discretion violated Fed. Rule Crim, P, 11(c)(1), by have accepted a plea, guilty plea that was not in written, did not specify, was not discussed by the attorney for government and the defendant's attorney, And the court participated by given three minutes for the defendant's attorney to discuss in the court room with the defendant and his family, The court must not participate in these discussion,

UNCONSTITUTIONAL SENTENCE

See; Federal; Rule of Criminal Procedure 11(B)(2) considering and accepting a guilty or nolo contendere plea. Therefore it was unconstitutional for the court to impose a sentence for a crime without, "ensuring that a plea is voluntary" Before accepting a Plea of guilty or nolo contendere, The court must address the defendant personally in open court and determine that the plea is voluntary and did not result from force, Threats or promises (other than the promises in a plea agreement). Here in this case the guilty plea was not voluntary, as the record show, See in attached document #244 (Id at page 7) Lines 23 to 25

THE COURT

Sir; is anyone forcing you to plea Guilty?

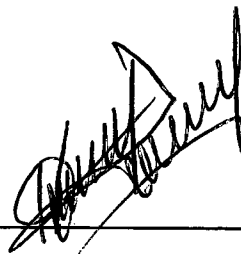
THE DEFENDANT

YES

The sentence and sentence enhancement were illegal, in violation of the petitioner civil rights. Therefore the petitioner files this brief in the rule 44 Rehearing and therefore, Attached copies of pages of the following, Pages of document #13 pages of document #244 and pages of document #248, pages of affidavit of (FBI) and pages of PSR, and other documents petitioner is seeking the following relief to vacate sentence and request a trial by Jury, Before this honorable court seeking an order from this court to dismiss the outstanding case against him or in the alternative, issue an order to bring this petitioner before this court thereby invoking the petitioner's Sixth Amendment Speedy Trial Guarantee pursuant to the authority under 18, U.S.C., & 3161 and the United States Constitution. The court is hereby violating the petitioner's due process clause of the Fifth Amendment to the United States Constitution, which provides in relevant part that "(n)o person shall be deprived of life, liberty, or property without due process of Law," U.S. CONST., AMEND., V. Furthermore the petitioner asserts that because Rivera has failed to bring this petitioner before the Court Rivera hereby invokes his Sixth Amendment Speedy Trial Guarantee, and respectfully requests this honorable court to grant this part of the foregoing brief in the alternative this court does not dismiss the outstanding case against him.

RESPECTFULLY SUBMITTED

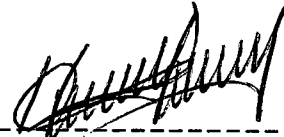
Laureano Chirino Rivera
Housing Unit V, B.
Federal Correctional Institution (Low)
P.O. Box, 26020.
Beaumont, TX, 77720-6020.



CONCLUSION

Based on foregoing arguments and citations of authority, Laureano Chirino Rivera would request that this Honorable Court vacate the sentence and remand the case for rehearing as to his BRIEF to withdraw his plea and be granted his rights for a Trial, In the alternative, he asks that the sentence be vacated and the case remanded for resentencing without the four-Level enhancement.

RESPECTFULLY SUBMITTED



Laureano Chirino Rivera
RE; No, 79091-004.
Housing Unit V, B.
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