

No. 17-13293-ff

7015 3430 0000 1203 6867

IN THE
SUPREME COURT OF THE UNITED STATES

John register,jr — PETITIONER
(Your Name)

vs.

United staes of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eleventh circuit court of appeals

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

PETITION FOR WRIT OF CERTIORARI

John register

(Your Name)

Coleman u-s-p-1 p.o. box 1033 coleman fl, 33521

(Address)

coleman fl,33521

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

A. Did the court commit a plain error, by applying a career offender enhancement to petitioner, even though his prior convictions (to wit: possession of marijuana and possession of cocaine with intent to distribute.) , neither of which had the requisite quantity to be considered significant enough to warrant a 180 months sentence pursuant to §3553 factor (1).?

B. Is it unconstitutional for a court to not allow a defendant time to rebut his/hers attorneys anders brief.

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:

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

NO CASES WERE CITED AS AUTHORITATIVE HOW EVER

ANDERS V. CALIFORNIA 18 1ed 2d 493 ,386 u.s. 738 was
cited.

STATUTES AND RULES

21 u.s.c § 841 (a) (1) and (b) (1) (c)
§ 3553

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 _____ 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☐ is unpublished.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 B to the petition and is

☒ reported at UNITED STATES V. REGISTER #17-13293; 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☐ is unpublished.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☐ is unpublished.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 1-16-18.

☒ 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

THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION
(due process) WAS VIOLATED.

STATEMENT OF THE CASE

Petitioner was indicted on september 14,2016 for possession with intent to distribute cocaine 21 u.s.c § 841,(a) (1) and 841(b)-(1) (c) and possession of a firearm by a convicted felon. subsequently petitioner plead guilty and was sentenced to 180 months imprisonment followed by, 3years supervised release . A notice of appeal was filed 7-21-17 by petitioner . counsel filed an anders brief on 9-20-17 , the court affirmed the district courts judgement in 1-17-2018 . A mandate issued shortly after. Now petitioner is filing this writ of certiarari.

REASONS FOR GRANTING THE PETITION

I. This court shall grant petitioners writ of certiorari because the fairness, and integrity of the court, and judicial system is at stake, being that the eleventh circuit court of appeals did not give petitioner adequate time to rebutt his counsels anders brief inlight of "Anders v. california 18. led 2d 493,386 u.s.738

In essence, petitioners counsel left him high, and dry because counsel chose to wait a considerable amount of time before deciding to file a "anders brief. The court in anders stated " WE have concluded that californias action does not comport with fair procedure and lacks that equity that is required by the fourteenth amendment." Counsel waited roughly two additional months before filing his withdrawl, this left petitioner in a state of dismay because had he been afforded enough time to prepare his rebuttal, the outcome of the proceeding may have have been different.

II. The district court committed plain error for allowing petitioner to be catagorized as a career offender, because the prior convictions that this court relied upon did not contain the requisite amount of drugs to be considered significant as it relates to the §3553 factors.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jake Rogers Jr.

Date: ~~July 30-18~~ 8-20-18