

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FRANCISCO REZA — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

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

PETITION FOR WRIT OF CERTIORARI

Francisco Reza

(Your Name)

LSCI Butner Low, P. O. Box 999

(Address)

Butner, North Carolina 27509

(City, State, Zip Code)

(919) 575-5000 (FBOP)

(Phone Number)

QUESTION(S) PRESENTED

Issue 1: Did Petitioner's prior crimes for which he spent less than 1 year and a day imprisonment qualify as Federal Crimes for enhancement?

Issue 2: As a Citizen of the United States and North Carolina with misdemeanor NC State Crimes, did Petitioner's possession of guns create a federal crime under the 2nd Amendment to the Constitution?

Issue 3: Could Petitioner sentence be enhanced using NC State minor crimes where Petitioner did not spend over 1 year and 1 day imprisonment?

Issue 4: Could Petitioner be enhanced a felon in posses guns?

Issue 5: Did the Court error in sentencing Petitioner to 120 Months imprisonment?

Issue 6: Is Petitioner qualified for an additional reduction for his 11(c)(1)(c) plea?

Issue 7: Ineffective Assistance of Counsel. Did Petitioner's counselors provide ineffective assistance of counsel when they failed to question if Petitioner's prior NC Crimes comport to a federal felony crime for enhancement and excessive imprisonment?

Issue 8: Is Petitioner's rights violated under 2nd Amendment?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [x] 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:

The Honorable Judge Leonie M. Brinkema

Defense Attorney Lavonda Niccole Graham-Williams

Defense Attorney Caroline Swift Platt

Ass't U.S. Attorney Lawrence Joseph Leiser

Defendant Francisco Reza

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APPENDIX A (Exhibit 1) INFORMAL BRIEF No. 18-6780

APPENDIX B (Exhibit A) (2014, CAS Tex) 588 FED APPX 333

APPENDIX C FRCIVF 52b Motion, E MOLINA-MARTINEZ v U.S. 130 S. Ct.
Cl. 1338 (2016) Plain Error

APPENDIX D United States District Court, Eastern District/ORDER

APPENDIX E MOTION, 1:14CR185-LMB Appeal of Denial of FRCIMP Rule
52(b) Plain Error

APPENDIX F Notice of Judgment & Judgment

APPENDIX G Mandate 18-6780, 4th Circuit Court of Appea

TABLE OF AUTHORITIES CITED

CASES

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OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment 5: Due process - deprived of life and liberty without due process of law.

Amendment 6: Counsel's Representation did not meet the minimum standards of U.S. v Strickland creating excessive imprisonment.

Amendment 8: Cruel and unusual punishment inflicted. May have to spend an excessivemnt amount of time imprisonment illegally.

Amendment 10: The powers not delegated to the United States by the Constitution, nor prohibited by it to States, are reserved to the States respectively or to the people. (Jurisdiction)

Amendment 14: Equal Protection under the Law

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 G 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 D to the petition and is

☒ reported at 1:14-CR-00185-LMB ORDER; 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 10 / 21 / 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).

Court recommend I proceed to this Supreme Court for Relief.

☐ 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).

STATEMENT OF THE CASE

Francisco Reza has been directed by the Fourth Circuit Court of Appeal to present this Certiorari to this Supreme Court through its denial in the legal process. Petitioner does not agree with the denial because the Appellate Court did not review the Issues claimed.

Specifically, Petitioner is being punished because he is a Pro Se Petitioner who has identified an injustic and violation of Rights in the administration of his sentence through a 11(c)(1)(c) Plea Agreement. Because Petitioner is filing Pro Se., he claims protection under Haines v Kerner and will comply, to the best of his abilities with the format of this Supreme Court.

Exhibits E; F; and G (Appendixes: Appendix F) are Fourth Circuit Court of Appeals documents recently rendering a decision in this case. The Nature of Judgment IAW Fed. R. App. P. 36; Herein Petitioner is provided 90 days to petition this court for a Writ of Certiorari advising a granting for compelling reasons. Herewithin, Petitioner is seeking approval of his Writ of Certiorari to protect his Rights under the Constitution to avoid cruel and excessive punishment; and protection of his rights to due process of law caused by inadequate legal representation; and to prevent shock to the citizenry at the level of mal-treatment.

STATEMENT OF THE CASE

In its Exhibit G (Appendix G) The Fourth Circuit Court of Appeal provides an Unpublished Brief which did not address the legality behind Petitioner's filing for Relief choosing instead to address dead issues caused by a lack of legal representation as is obvious within the case.

Petitioner did not seek reversal of the case, rather he requested relief from a PLAIN ERROR U.S. v Molina-Martinez (2014, CA5 Tex) 588 Fed Appx. 333 Exhibit A and 2 points reduction for taking an 11(c)(1)(c) Plea under Supreme Court Guidance on 3582 Motions with 11(c)(1)(C) Pleas in Hughes v United States. No. 17-155 584__ (2018) for years (2007); 2011; and 2014.

Petitioner was sentenced in 2014.

In Appendix C, Exhibit B, pages 14, third paragraph, is disclosed argument with Petitioner's adjusted offense level at 27 and Criminal History I resulting in 70-87 months imprisonment. Adjustment for the Supreme Court's (-2) level reduction under Hughes v United States Petitioner is History level I, offense level 25 or 57 - 71 months. Petitioner has been confined since March 17, 2014, and now exceed 55 months imprisonment.

His maximum should not have exceed 71 months.

STATEMENT OF THE CASE

Under the adjusted considerations, his punishment should not exceed 51 months. Thus, the exigency is to avoid Excessive Imprisonment.

Statute Definition
For
Federal Drug Felony

21 U.S.C. 802 (44) "The term 'felony drug offense'
an offense that is punishable by imprisonment
for more than one year under any Law of the
U.S. or of a State or foreign country that
prohibits or restricts conduct relating to narcotic
drugs, marihuana, or depressant or stimulant
substances."

DOCUMENT 60, filed 7/28/2014

EXTRACT OF ENTRIES 63 and 64

Page 12

<u>Page 12</u>	<u>Entry</u>	<u>Nature</u>	<u>Sentence</u>	<u>POINTS</u>
12	63	A-20 4/10/2009 Driving while impaired	9/29/2009 60 days jail, suspended, 24 months unsupv. probation \$100 fine \$150 court	1
12	64	A-20 5/18/2009 D) Possession of marijuana, assault , govern ment	6/1/2009 45 days jail suspended consecutive to Count 2	2

EVIDENCE FROM PRISON SENTENCE REPORT

REASONS FOR GRANTING THE PETITION

Petitioner Reza asks this court to intervene in the decision making process so that its lower court can follow and enforce the Laws as determined and made by Congress and the Senate to benefit those whom they are meant to benefit. Such a decision will bring uniformity where it is required by maintaining consistency and integrity in the court system. Petitioner only seeks a correct of his sentence in accordance with the guideline and changes as implemented by Hughes v United States, 3582 and as corrected by Laws issued by the government, nothing more. Petitioner seeks relief from this court because the Appellate court decided not to address the true issues and Laws governing this case. Even 3582 states Petitioner should not be held longer then necessary to effect the cause and reasonableness of the law to avoid violation of Constitutional protections against an extend imprisonment.

Petitioner prays for this court's favorable ruling to hear this certiorara.

With "Compelling meaning to drive or urge with force and or a strong enough reason for...." Petitioner claims he was excessively sentenced for his minor as disclosed in the Prison Sentence Report. Petitioner was not directly involved in the conspiracy rather he did execute minor deliveries for his uncles.

Petitioner did conspire with his uncles to distribute kilograms of cocaine. Petitioner talked to his uncles about coming clean. Petitioner's life long goal was going to the Marines and travelling around the World but Petitioner knew that if he didn't do what his uncles asked him to do, Petitioner believed they would just involve others.

Petitioner's second reason is that the district court used non-qualifying North Carolina State Crimes to enhance his sentence where numerous cases preventing the courts from such practice have been ruled upon by the Supreme Court.

The third reason is that the Fourth Circuit Court of appeal has directed Petitioner present this case to the Supreme Court without giving Petitioner reasons why he should present to this Court.

The fourth reason is that Petitioner's Constitutional Rights were violated as they pertain to Amendments 5, 6, 8, 10 and 14.

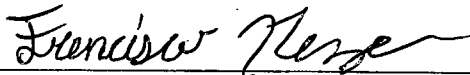
Finally, Petitioner's Attorney was ineffective. The statement provided to Defense Attorney by oral presentment was changed to that which is published in the PSR. When the Attorney's para-legal brought the statement to me for signature at the Alexandria, Virginia jail, I informed her the statement was incorrect and for her to call my attorney. My Attorney was contacted but was persistent that Petitioner sign the statement due to going to court the following day. Petitioner was informed he could get more than 30 years, thus he was forced to sign the statement. Petitioner's attorney allowed the North Carolina State non-qualifying charges be utilized against Petitioner to enhance his sentence.

In terminating their current involvement, the Fourth Circuit Court of Appeals favorable ruling regarding this certiorari and immediate response to hear this controversial case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Francisco Reza
P.O. Box 999
Butner, NC 27509-0999

Date: 11 / 19 / 2018