No. 18-7960

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

ANDRACOS MARSHALL — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Andracos Marshall, pro se, #71874-066
(Your Name)

FCI Fort Dix, P.O. Box 2000
(Address)

Joint Base MDL, N.J. 08640
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

I. This court has previously addressed the constitutionality of pretrial restraints and seizures of untainted substitute assets, holding that the untainted assets may not be seized and forfeited without violating the Fifth, and Fourteenth Amendments. This court has also held that the pretrial restraint of untainted substitute assets needed to retain counsel of choice violates the Sixth Amendment. This case presents the same issue: Whether the Government's pretrial criminal forfeiture and seizure of petitioner's untainted substitute assets under 853, has subsequently been invalidated based off this court's previous decision in light of Honeycutt v. United States, 137 S.Ct. 1626 (2017), and whether this pretrial seizure of Petitioner's untainted substitute assets violated his Fifth, Sixth, and Fourteenth Amendment right to counsel of choice - free of conflict in light of Luis v. United States, 136 S.Ct. 1089 (2016).

LIST OF PARTIES

[X] 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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CONSTITUTIONAL AMENDMENT

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

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A.1-10 to the petition and is

[X] reported at 2018 U.S. App. Lexis 31372; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.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[ ] is unpublished.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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 6, 2018.

[X] 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

1. The Fifth Amendment to the United States Constitution provides, in pertinent part: "No person shall be ... deprived of ... property, without due process of law...." U.S. Const. Amend. V.

2. The Sixth Amendment to the United States Constitution provides, in pertinent part: "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense." U.S. Const. Amend. VI.

3. The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "... No state shall ... deprive any person of ... property, without due process of law." U.S. Const. Amend. XIV.

4. 21 U.S.C. § 853(a) provides for the criminal forfeiture of property connected to certain enumerated felonies ("tainted"). If the tainted property is no longer available, § 853(p) allows for the forfeiture of substitute property.

STATEMENT OF THE CASE

The Government filed a sealed criminal complaint against Petitioner Andracos Marshall on January 3, 2014, for various federal criminal offenses. On February 24, 2014, the grand jury returned its first superseding indictment in the District of Maryland, charging Petitioner, as well as Ishmael Ford-Bey, Anthony Torrell Tatum, and David Allen Jones, as co-conspirators in the alleged illegal distribution of controlled substances and money laundering. The first superseding indictment gave notice of the Government's intention to seek forfeiture of any property derived from Petitioner's alleged criminal activity (i.e. "tainted assets").

On February 20, 2015, Arthur McKinley Reynolds, Jr., Esq., was retained to represent Petitioner Andracos Marshall's federal case, and on May 8, 2015, Marvin David Miller, Esq., was also hired to represent Petitioner's case as co-counsel. Pet.app.A.1-3.

A. The Government's Motion to Disqualify and pretrial forteiture of untained assets.

On September 3, 2015, the Government filed a motion to disqualify Marshall's counsel arguing that his trial counsel was "patently conflicted because he also represented Petitioner's co-defendant Ford-Bey on appeal. Id. 142; Pet.app.A-3. At the motion hearing, the Government also argued that trial counsel was conflicted because counsel was retained. Id. 192-93; see also Id. 225, Petitioner's counsel Mr. Miller filed an opposition with affidavits from both clients waiving the conflict, Petitioner signed this waiver unintelligently and without knowing that his counsel, Mr. Miller was in conflict with Petitioner's other co-defendant Anthony Tatum, who never gave Mr. Miller, Esq., consent to represent his co-defendant, nor signed a waiver

of conflict. Id. 155; Pet.app.A.11-26. The waivers were executed by Petitioner and co-defendant Ford-Bey, after consultation with "independant counsel" Mr. Reynolds, Jr., who works with Petitioner's trial counsel and was acting as co-counsel for Petitioner. Petitioner was not aware that his co-counsel Arthur Reynolds, Jr. was laboring under a conflict of interest, because Mr. Reynolds was being investigated since 2014, for drug conspiracy by the same U.S. Attorney's office, who were prosecuting Petitioner's case, therefore, making the waiver void. See Id. 218-19; see also Id. 182; Pet.app.A.11-26.

In the meantime, on September 17, 2015, United States Magistrate Judge Charles B. Day issued a seizure warrant for a National Institutes of Health Federal Credit Union bank account (the "Account") which Petitioner held jointly with his wife. Pet.app.A.27-33. The funds held in the account were indisputably untainted. The affidavit accompanying the warrant application identified the funds as potential substitute assets (as defined by 21 U.S.C. § 853(p)), and asserted no connection to the alleged offenses, as required by Federal Rule of Criminal Procedure 41(c), the forfeiture statute, and the Constitution. Id. Nevertheless, as a result of the warrant, on September 17, 2015, agents seized $59,020.20 from the account. Then, on September 30, 2015, the District Court denied the Government's motion to disqualify after satisfying itself of Petitioner's waiver of his attorney's conflict. Id. 182, 227-233. It does not appear the District Court was aware that the Government had effectively prevented Petitioner from being able to hire new counsel of his choosing, if that is what he wanted. Id. In any event, the District Court did not explore this line of inquiry during her qualification colloquy of Petitioner Andracos Marshall. Id.

B. The Government's Post-Trial forfeiture of Marshall's Untainted Assets.

On November 5, 2015, the Government filed a Bill of Particulars giving notice of its intent to seek forfeiture of the Account's untainted funds in the events Petitioner was convicted at trial. Id. 310.

On January 4, 2016, fifteen days before trial, the grand jury returned a second superseding indictment expanding the alleged conspiracy by approximately a year and a half. Id. 449. This iteration of the indictment contained a forfeiture allegation for the specific untainted assets held in the account. Id. 452. On January 8, 2016, the Government filed another motion to disqualify Defense Counsel Arthur Reynolds, Jr., where the Government made it clear that Mr. Reynolds, Jr., have been investigated by their office and D.C. U.S. Attorney's office since 2014 for drug conspiracy, which the Government was well aware of this conflict of interest on September 30, 2015, and did not disclose this information to the Court. Petitioner's trial commensed on January 19, 2016. Id. 567. Prior to the District Court's charge to the Jury, the Government advised, inter alia, that it would not be proceeding against the untainted funds from the account directly, but would, if appropriate, seek their forfeiture as substitute assets. On February 8, 2016, the Jury convicted Petitioner on all counts in the second superseding indictment. Id. 2197. Sentencing was scheduled for June 13, 2016. Id. 2142, 2289.

On June 10, 2016, the Government filed a motion for forfeiture in the form of a money judgement for $108,000,000, as alleged in the second superseding indictment. Id. 2284. Notably, the Government's forfeiture motion did not include a request for the untainted assets held in the account. Id. The Court continued the sentencing hearing to July 13, 2016, the Court granted

forfeiture of $51,300,000, as tainted assets, representing approximately half of the amount originally claimed by the Government. Id. 2289; Pet.app.A.1-10.

On July 15, 2016, Petitioner filed a motion to release the untainted assets still held in the account to retain counsel of choice on his direct appeal. Id. 2502. Petitioner explained that, without access to his untainted assets, he would be unable to pay for the costs of his appeal. Id. The Government opposed this request, but never disputed that the funds in the account were untainted. Id. 2512-18. A hearing was scheduled for August 12, 2016. See Id. 2562. Four days before the hearing, on August 8, 2016, the Government filed a motion for second order of forfeiture to include the untainted account funds as substitute assets. Id. 2524.

The Petitioner then timely filed his notice of appeal of his criminal conviction with the Fourth Circuit. Id. 2526. The Government offered, and the District Court required, no reason for the delay in moving to forfeit Mr. Marshall's untainted assets. Id. 2527. Neverless, the District Court denied Petitioner's request for use of the untainted funds after the August 12, 2016 hearing. Id. 2557.

On August 15, 2016, Petitioner filed a motion to stay the substitute asset forfeiture pending a decision by the Fourth Circuit on a motion regarding status of counsel seeking use of the undisputedly untainted assets for his appeal. Id. 2572. However, the Fourth Circuit denied Petitioner's request to use his untainted funds to retain counsel of choice and ordered the direct appeal to proceed. In a published opinion, the panel held that Petitioner's Sixth Amendment right to counsel of choice on appeal, assuming it existed, was subservient to the Government's statutory right to forfeiture of untainted substitute property. United States v. Marshall, 872 F.3d 213 (4th

Cir. 2017). On October 16, 2017, Petitioner moved for a rehearing by the en banc court, which the court denied on October 30, 2017. Id 2574; Pet.app.A.1-33.

On June 18, 2018, Petitioner filed his initial direct appeal, arguing that the Government violated his Sixth Amendment rights by placing him in the untenable position of attempting to have Petitioner's counsel disqualified, while at the same time eliminating his ability to pay for new counsel if he believed his trial counsel was indeed conflicted, thus, requires a new trial.Pet.app.A-3,6. Which was affirmed on November 6, 2018.Pet.app.A.3. He filed for rehearing and rehearing en banc, and the clerk of Court denied it as untimely.Pet.app.A-11. And denied his recall the mandate on December 13, 2018. for all the above reasons, Mr. Marshall has petitioned to this Court in "good faith", seeking the mercy of this Honorable Court to review his Petition of Writ of Certiorari, and ask this Court to grant his petition, and vacate the judgement, and remand Petitioner's case back to the lower court for further consideration in light of Honeycutt v. United States, 137 S.Ct. 1626 (2017).

REASONS FOR GRANTING THE PETITION

A. The Fourth Circuit Court of Appeals' decision and opinion in Petitioner's case, had erroneously conducted its analysis under Luis v. United States, 136 S.Ct.1089(2016), inquiring solely as to whether the Government's pretrial seizure of Petitioner's untainted substitute assets violated his Sixth Amendment right to counsel of choice, without reaching the question of importance, whether the Fifth and Fourteenth Amendment invalidated the pretrial seizure of Petitioner's untainted substitute assets under section 853, and in light of this court's previous decision in Honeycutt v. United States,137 S.Ct. 1626 (2017).

Petitioner, Andracos Marshall, has proceeded before this Honorable Court pro se, and seeks a G.V.R. in light of this court's previous decision in Honeycutt v. United States,137 S.Ct. 1626 (2017), because the Fourth Circuit decision and analysis of Petitioner's direct appeal, are in conflict with its decision in United States v. Chamberlain,868 F.3d 290 (4th Cir. 7/31/17). In Chamberlain, the 4th Circuit overruled their precedent construing section 853 and identically phrased restraint provisions allowing the pretrial restraints of substitute assets and vacate the district court's order relying on United States v. McKinney (In re Billman),915 F.2d 916 (4th Cir. 1990) and United States v. Bolling,264 F.3d 391 (4th Cir. 2001), whose case is similar to Petitioner's. See United States v. Marshall,872 F.3d 213 (4th Cir. 2017), and Pet.App.A.1-10.

Furthermore, the Fourth Circuit decision on November 6, 2018, of Petitioner's appeal was in direct conflict with the profound writing of Justice Sotomayor for the unanimous Court decision in Honeycutt v. United States,137 S.Ct. 1626 (2017), where she explained that the structure and

language of §853(a) "limits forfeiture under §853 to tainted property, that is, property flowing...or used in...the crime itself," and "defined forfeitable property solely in terms of personal possession or use.Id. at 1632. As a result, only "tainted property acquired or used by the defendant" is subject to §853(a) forfeiture, preventing the imposition of joint and several liability reaching untainted property as well.Id. at 1633.

In the instant case, a federal grand jury for the District of Maryland returned a superseding indictment on February 24, 2014, charging Petitioner with co-defendants Ishmael Ford-Bey and Anthony Tatum, for possession with intent to distribute cocaine, conspiracy to possess with intent to distribute cocaine, and conspiracy to commit money laundering. The indictment also provided Petitioner with a notice that, in the event of a conviction, the Government would seek forfeiture, including an unreasonable amount of $105,000,000 million dollars money judgement that's inconsistent with the evidence held against Petitioner. See U.S. v. Marshall, 872 F.3d 213 (4th Cir. 2017), and Pet.App.A-3. The forfeiture allegation also states that the Government will seek forfeiture of substitute assets pursuant to 21 U.S.C. §853(p).Pet.App.A-30.

Although, the government must prove the drug quantity attributable to the defendant by a preponderance of the evidence, but it is unclear what role the Petitioner participated in this case, how much drugs he's allegedly responsible for in the conspiracy or how the Government developed its forfeiture calculation and the amount it's applying to the Petitioner. See United States v. Carter,300 F.3d 415,425 (4th Cir. 2002). The forfeiture calculation method used by the Government came from the testimony of Special Agent Buckel and was adopted from Petitioner's co-defendants Anthoney Tatum

and Ishmael Ford-Bey, sentencing hearing and statement of facts attached to Tatum's plea agreement. When analyzing the truth of the matter, this Court will find that the Petitioner and his co-defendants were all tried by the same Government with the same agents and witnesses, but the Government came to a different conclusion in each case, by converting Tatum's $220,000 dollars into drug proceeds representing a speculative amount of 150 kilograms of cocaine. See United States v. Tatum,651 Fed.Appx.244 (4th Cir.Md. 2016). And in co-defendant Ford-Bey's appeal, the Government converted 450 kilograms into money to impose an inconsistent and speculative forfeiture order of $108,000,000 million dollars, without a constitutional, factual, or statutory basis explaining how Petitioner became liable for the same forfeiture calculation or amount as his co-defendants. See United States v. Ford-Bey,657 Fed.Appx.219 (4th Cir.Md. 2016), and Pet.App.A.1-33.

Prior to this Court's decision in Honeycutt(supra), the Fourth Circuit held that a defendant is vicariously liable for the reasonably foreseeable conduct of his co-conspirators, both substantively and at sentencing. The Fourth Circuit Court of Appeals has applied these vicarious liability principle in the criminal forfeiture context. See United States v. Chittenden,848 F.3d 188 (4th Cir. 10/28/16).

Petitioner was deprived of his Fifth and Fourteenth Amendment right to object to the Government's forfeiture and pretrial seizure of Petitioner's untainted substitutes assets of $59,020.20 dollars or request for a hearing on the forfeiture issue, because the Government filed a motion on September 17, 2015, to have these criminal forfeitures and untainted substitute assets sealed from the Petitioner. See Pet.App.A.27-33. In Honeycutt(supra), this court considered "Whether, under §853, a defendant may be held jointly and

severally liable for property that his co-conspirator derived from crime but that the defendant himself did not require." 137 S.Ct. at 1630.

Moreover, cases decided since, Honeycutt show that its holding was intended to resolve issues of joint and several liability. For example, in United States v. Brown, the Third Circuit concluded that Honeycutt applied with equal force to another forfeiture statute, 18 U.S.C. §982(a)(2).No.15-1505,694 Fed.Appx, 57,58 (3rd Cir. Aug. 9,2017), see also United States v. Gjeli,867 F.3d 418,426 (3rd Cir. 2017)(same).

In addition to that problem, the other circuits agree that forfeiture was imposed jointly and severally and that such liability is no longer permissible in light of Honeycutt(supra). furthermore, the Third Circuit recognized in Gjeli's case, that neither Gjeli(supra), nor his co-defendants objected, like Petitioner herein, to the joint and several liability, and the district Court quite rightly relied on the Third Circuit then-controlling decision in United States v. Pitt,193 F.3d 751 (3rd Cir. 1999), similar to what occurred in Petitioner's case, when the district Court and the Fourth Circuit relied on United States v. Bolling,264 F.3d 391 (4th Cir. 2001), in imposing that form of liability. That, however, was before this court decided Honeycutt(supra). This court explains in Honeycutt(supra), that the text and structure of 21 U.S.C. §853 led the court to conclude that a defendant cannot "be held jointly and severally liable for property that his co-conspirator derived from the crime but that the defendant himself did not aquire."137 S.Ct at 1630. The Gjeli Court remanded for the district court to determine the amount of forfeiture attributable to each criminal defendant.id.

Furthermore, this court has already exercised its power to grant, vacate and remanded other Federal cases related to criminal forfeiture and pretrial

substitute untainted assets being seized liably by the Government for the reasonably foreseeable conduct of their co-conspirators, to the lower court for further consideration in light of Honeycutt(supra). Such as: Brown v. United States, 138 S.Ct. 468 (11/27/17)(remanded back to the Third Circuit; Chittenden v. United States, 138 S.Ct. 447 (11/13/17)(remanded back to the Fourth Circuit); Mcintosh v. United States,137 S.Ct. 2239 (6/12/17)(Fourth Circuit.same).

Then the United States Court of Appeals for the circuits made their own remanded back to the district court or lower court in light of this court's decision in Honeycutt(supra). see United States v. Papas,715 Fed.Appx.88 (2nd Cir. 2018)(the Second Circuit vacated the District Court's order of forfeiture and money judgement and remanded in light of Honeycutt v. United States); United States v. Chamberlain,868 F.3d 290 (4th Cir. 7/3/17)(the Fourth Circuit vacated the district court's forfeiture order relying on United States v. Bolling,264 F.3d 391 (4th Cir. 2001)); United States v. Fong, 2017 U.S.App.Lexis 26734 (9th Cir. 12/22/17)(the Ninth Circuit ORDER, Appellee's unopposed motion for remand (Dk No.15) is granted. The district Court's February 16, 2017 order of forfeiture is vacated, and this case is remanded to the district for further consideration in light of Honeycutt v. United States,137 S.Ct. 1626 (2017).); see also United States v. Cadden, 2017 U.S.Dist.Lexis 158791 (1st Cir. 9/27/17)(same).

In further example, the Tenth Circuit reversed a forfeiture judgement where the district court had not addressed the amount of tainted proceeds that the defendant had "obtained." United States v. Pickel, 863 F.3d 1240,1260-61 (10th Cir. 2017). Similarly, in United States v. Carlyle, the Eleventh Circuit applied Honeycutt to another forfeiture Statute. 2017 U.S.App.Lexis 20324

(11th Cir. 10/18/17). The Fourth Circuit is well aware of these laws and this court ruling in Honeycutt(supra), however, the statement of facts herein shows a track record of the Fourth Circuit overlooking Petitioner's right to the Fifth and Fourteenth Amendment, by focusing its analysis on the Sixth Amendment concerning the Government seizure of Petitioner's pretrial untainted substitute assets prevented him from hiring a counsel of one's choice-free of conflict. see Luis v. United States, 136 S.Ct. 1089 (2016),Pet.app.A.1-10.

This ongoing conflict can be simply resolved, if this court decides to grant, vacate the Fourth Circuit decision in Petitioner's case, and remand this case back to the court of appeal, pursuant to 28 U.S.C.S. §2106 remand provision, for further consideration in light of the position asserted by the writing of Justice Sotomayor for the unanimous court decision in Honeycutt v. United States,137 S.Ct. 1626 (2017).

B. The Court of Appeals overlooked the constitutional magnitude of Petitioner's challenge to the Government's violation of his right to counsel of choice-free of conflict by seizing an untainted bank account pretrial, preventing him from hiring an attorney.

In the instant case, the Fourth Circuit overlooked the material facts that both the Petitioner's retained counsel were identified, by the government, as attorneys laboring under a "conflict of interest" in its motion to disqualify defense counsel, Marvin Miller, Esq., on September 3, 2015, arising from his representation of both Petitioner and his co-defendant Ishmael Ford-Bey. And again, filed a motion to disqualify defense counsel Arthur Reynolds, Esq., on January 8, 2016, 11 days before the trial began. The Government argued that counsel, Mr. Reynolds', conflict stems from a drug conspiracy investigation, where counsel Mr. Reynolds, could face potential

criminal liability on the charges for which Petitioner was being tried. Pet.app.A-3,11-26.

Before the hearing was held for the motion to disqualify defense Counsel Marvin Miller, Esq., on September 30, 2015, the government filed a motion to seize Petitioner's pretrial untainted substitute assets, and request the district court to seal all documents related to the forfeiture from the Docket records on September 17, 2015. Pet.app.A.27-33. In Luis v. United States,136 S.Ct. 1089 (2016), this court held that the pretrial restraint of untainted assets violated the Sixth Amendment's right to trial counsel of choice if those funds were necessary to hire counsel. The government agrees that Petitioner's bank account substitutes assets of $59.020.20 dollars is not tainted or connected to criminal activity. Pet.app.A-4. Therefore, Petitioner had a Sixth Amendment right to his untainted pretrial substitute assets, for the purpose of a counsel of choice-free of conflict, nevertheless the seizure of his substitute assets by the government prevented him from hiring the attorney of Petitioner's choice. see United States v. Gonzalez-Lopez,548 U.S. 140,152 (2006)(The erroneous deprivation of the right to counsel of choice in violation of the Sixth Amendment is structural error not subject to a harmless error analysis.).

The Fourth Circuit decision on November 6, 2018, held that Marvin Miller, Esq., was the Petitioner's counsel of choice, and any conflict of interest exist between him and Petitioner's counsel was waived at the hearing on September 30, 2015.Pet.app.A-3. However, the Fourth Circuit analysis is not only in conflict with this court's decision in Luis(supra), but also in conflict with its own decision in Hoffman v. Leeke,903 F.2d 280 (4th Cir. 1990)(To be valid, a waiver must not only be voluntary, it must be done

knowingly and intelligently.). Like Hoffman(supra), Petitioner had not knowingly and intelligently waived his right to loyal counsel, therefore was not aware of the ongoing conflict that his counsel Marvin Miller had with his other co-defendant Anthony Tatum. And Petitioner did not waive his right to this conflict once he became aware that his co-defendant Tatum was in a continuous conflict with Marvin Miller, Esq., during Petitioner's pretrial and trial stages of his case.see Pet.app.A.3-10,11-26.

Since the records show that Petitioner did not have a counsel of choice-free of conflict, "the pretrial restraint of his legitimate, untainted assets needed to retain counsel of his choice-free of conflict, violates his Sixth Amendment." Luis,136 S.Ct. at 1088(emphasis added). This court further held that, so long as assets are neither traceable to nor obtained as a result of the crime, the pretrial restraint of these assets is not permitted if it will impede the defendant's right to secure counsel of choice, even if the funds might later be forfeitable as substitute assets.Id. at 1087-89.

A frustrated Fourth Circuit was unable to correct the District Court's failure to honor Petitioner's Sixth Amendment right to his untainted pretrial substitute assets to hire counsel of choice-free of conflict, because Petitioner's Counsels did not object to the pretrial restraint of his substitutes assets. However, this was before this court decided Luis(supra) and Honeycutt(supra), as a result, this court should respectfully accept review of this case for further consideration in light of Honeycutt v. United States,137 S.Ct. 1626 (2017).

In summary, Petitioner Andracos Marshall, prepared the Petition for Writ of Certiorari to the best of his knowledge and ability, without the aide of counsel, and not on the level as a professional lawyer, and seeking the mercy

of this court to G.V.R. this Petition for a Writ of Certiorari back to the United States Court of Appeals for the Fourth Circuit for further consideration in light of Honeycutt(supra).

CONCLUSION

In consideration of the foregoing reasons, Petitioner Andracos Marshall, respectfully requests that this court grant this petition for a Writ of Certiorari to review the decision of the United States Court of Appeals for the Fourth Circuit.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Andracos Marshall

Date: January 15th, 2019