

18-8688

No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court U.S.  
FILED

MAR 28 2019

OFFICE OF THE CLERK

MARCH 26 19

Fredrick McShan PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Sixth Cir Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Fredrick McShan  
(Your Name)

FCI Hazelton  
(Address)

Bruceston Mills WV 26525  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

RECEIVED

APR 3 - 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

whether The District Court Erred By Re-polling The jury After Discharged Violating Appellant Right Against Double jeopardy And Due process Rights of Fundamental Fairness?

whether The District Court Error put The Appellant Twice in jeopardy for The same charge?

whether The Appeal Court Subject The Appellant to A Brake Down in criminal process represent A total mistatement of record P93 Effecting fundamental rights when The Record confirm Fredrick Mcshan Lawyer's objected to the Re-polling?

whether the District Court violated the Appellant Rights' During Ex parte with The jury Before Re-polling?

## 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:

*Fredrick Meshan is A prisoner in FCI Hazelton*

*The respondents ARE United States of America*

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# TABLE OF AUTHORITIES CITED

## CASES

## PAGE NUMBER

Kepner v United State 49 Led 114 1954 100	195 US 28
1904	195 US 33-36
Downum v United State 100, 372 US 734 10 Led 2d	201-202
Ex parte Lange 21 Led 872 85 US 163 85 US	443
Smith v Massachusetts 160 Led 2d 914 543 US 462-467	184
Ashe v Swenson 25 Led 2d 469, 397 US 436.	
Green v United State 2 Led 2d 199 355 US	
Rosales-Mirales v United States 201 Led 2d 376, 384 2018 384 At 388	
Ross v Petro 515 F.3d 653 6th Cir 2007 19666	
Gugliotta 829 N.E.2d At 762	

## STATUTES AND RULES

21 USC 841 Conspiracy And 846 possession with intent
21 USC 841
18 USC 1956

## 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 A 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 November 30.

☐ 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: Feb 4 2019, 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

5 Fifth And sixth Amendment Rights



## STATEMENT OF THE CASE

The petitioner was charge wit conspiracy And money laundering And possession counts, And was convicted of All counts. Each jury was poll individually To They verdict After They was Discharge And Everyone left The judge went to The back ex parte communication with The jury off Record Then call Every <sup>body</sup> back to the Court Room And over the Objection Fredrick meshan Lawyer MS WallraBenstein The judge Repoll The jury To A greater charge Case 215 Cr 00240 Pg 143 of 149 # 3356 Number 14 The Appeal Court said it was Fredrick meshan codefendant who Objected To the Repoll. The Record confirm it was Fredrick meshan who Objected

## REASONS FOR GRANTING THE PETITION

That The holding of the court could correct The Error pg 3  
Do to The outcome of the proceeding would have been  
Different quoting United States v Dominguez Benitez 542 US 747 6 82 2004

*For the foregoing reasons certiorari should be granted in this case I pray*

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Fredrick McShan*  
\_\_\_\_\_

Date: *March 27 2019*  
\_\_\_\_\_