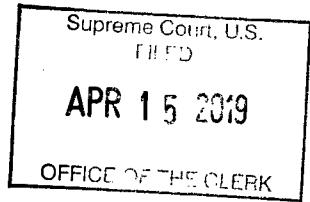


18-8948 ~~19-5599~~ ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



ANGEL MORALES-DE JESUS — PETITIONER
(Your Name)

vs.

CARMEN CONSUELO CEREZO, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Angel Morales-De Jesus
(Your Name)

P.O. Box 1033
(Address)

COLEMAN, FLORIDA 33521
(City, State, Zip Code)

(352) 689-6000
(Phone Number)

QUESTION(S) PRESENTED

1. At Sentencing the District Court calculated a higher offense level than the plea agreement; 33, Isn't that a violation of Morales-De Jesus Fifth and sixth Amendment(s) to the United States Constitution?

2. Angel Morales-De Jesus agreement calculated an offense level of 31 for the conspiracy charge, Did the court established and erroneously applied a four-level leadership enhancement under U.S.S.G. § 3B1.1(a) in violation of Morales Fifth Amendment Right to the United States Constitution?

3. The Parties agreed to the applicable mandatory minimum sentence: 120 months for the conspiracy charge and 60 months for the firearm charge, to be serve consecutively, for a total of 180 months. However, the courts sentence Angel Morales De-Jesus for a total of 228 months exclude the 13 years for the state in violation of Morales De-Jesus Fifth Amendment Right to the United States Constitution?

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:

Howard, Chief Judge

Lynch and Thompson, Circuit Judges.

John E. Mudd and Law offices of John E. mudd

B. Kathryn Debrason, Assistant U.S. Attorney

Mariana E. Bauza-Almonte, Assistant U.S. Attorney, chief, Appellate Division,

Rosa Emilia Rodriguez-Velez, United States Attorney, on brief for Appellate.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
<u>United States v. Ruiz-Huertas</u> , 792 F.3d 223, 226 (1st Cir. 2015)	-5-
<u>Rosales-Mireles v. United States</u> , 138 S.Ct. 1897, 1904 (2018)	-6-
<u>United States v. Marrero-Ortiz</u> , 160 F.3d 768, 779 (1st Cir. 1998)	-6-
<u>Chavez-Meza v. United States</u> , 138 S.Ct. 1959, 1967 (2018)	-6-
<u>United States v. Turbides-Leonardo</u> , 468 F.3d 34, 37-38 (1st Cir. 2006)	-7-
<u>United States v. Cortes-Medina</u> , 819 F.3d 566, 569 (1st Cir. 2016)	-7-
<u>United States v. Navedo-Concepcion</u> , 450 F.3d 54, 59 (1st Cir.)	-7-
<u>United States v. Zannino</u> , 895 F.2d 1, 17 (1st Cir. 1990).	-8-
<u>Rivera-Gomez v. de Castro</u> , 843 F.2d 631, 635 (1st Cir. 1988)	-8-
<u>United States v. Flores-Machicote</u> , 706 F.3d 16, 21 (1st Cir. 2013)	-8-
<u>United States v. Martin</u> , 520 F.3d 87, 92 (1st Cir. 2008)	-8-
<u>United States v. Booker</u> , 125 S.Ct. 738, 744, 160 L.Ed.2d 621 (2005)	-8-

STATUTES AND RULES

FRCP Rule 11(c)(1)(B) WARNINGS

Title 18 U.S.C. § 921(a)(3)

Title 18 U.S.C. § 924(c)(1)(A)

Title 21 U.S.C. §§ 841(b)(1)(A), 846 and 860

Title 21 U.S.C. §§ 841(b)(1)(C), 846 and 860

Title 18 U.S.C. § 924(c)(1)(A)(i)

Title 18 U.S.C. § 3551, et seq (hereinafter Guidelines).

OTHER

As to Count 5 the U.S.S.G. § 2K2.4(b), a person convicted of violating 18 U.S.C. § 924(c)(1)(A), has a guideline sentence equal to the minimum term of imprisonment required by statute. In this case, pursuant to 18 U.S.C. § 924(c)(1)(A)(i), there is a minimum term of imprisonment of sixty (60) months.

As to Count one, the parties agrees that after due consideration of the relevant factors enumerated in 18 U.S.C. § 3553(a), the parties will recommend a sentence of 120 months.

As to Count Five, the parties agree to sentence Angel Morales De-Jesus to sixty (60) months of imprisonment, consecutive to the term imposed for Count one.

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 _____ 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 July 18, 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).

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 District Court For The District of Puerto Rico and The United States Court of Appeals For the First Circuit, along with Carmen Consuelo Cerezo, Howard, Lynch, Thompson, John E. mudd, Law offices of John E. mudd, B. Kathryn Debrason, Mariana E. Bauza-Almonter, and Rosa Emilia Rodriguez-Velez in violation of Angel Morales De-Jesus, Fifth, sixth and Fourteenth Amendments to the U.S. Constitution of America, The Bill of Rights and the statutes of the United States.

2) When the District Court For The District of Puerto Rico recommended a four level leadership enhancement bringing Morales's offense level to 33 it violated his Fifth Amendment Due Process of Law, secured by the U.S. Constitution of America and The Bill of Rights.

3) Morales also stipulating the list of 28 co-conspirators in the PSR was not made within (4) Fourteen days of the report's disclosure because he did not understand nor comprehend English, and the defense Counsel failed to elaborate in spanish to him the reason for his denial violating his First Amendment Right to petition the government for redress of grievance.

STATEMENT OF THE CASE

ANGEL MORALES DE JESUS was charged with Count One; Conspiracy to possess with Intent to Distribute Controlled Substances) Count Two; Title 21, United States Code §§ 841(a)(1) and 860 and Title 18 U.S.C. §2, COUNT THREE; Title 21, U.S.C. §§ 841(a)(1) and 860 and Title 18 U.S.C. §2, COUNT FOUR, Title 21, U.S.C. §§ 841(a)(1) and 860 and Title 18 U.S.C. § 2, COUNT FIVE, Using and Carrying Firearms During and in Relation to a Drug Trafficking Crime, Title 18 U.S.C. § 924(c), COUNT Two, Aiding and Abetting in the Possession/Distribution of Cocaine Base, COUNT THREE; Aiding and Abetting in the Possession/Distribution of Cocaine, COUNT FOUR; Aiding and Abetting in the Possession/Distribution of Marijuana, Narcotics Forfeiture Allegation Title 21 U.S.C. § 853 and Rule 32.2(c) F.R.C.P.

REASONS FOR GRANTING THE PETITION

Angel Morales De-Jesus state that the parties herein deprived him of his Right to Due Process of Law and Pray that this court respectfully grant this motion.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Angel Morales-De Jesus

Date: April 12, 2019