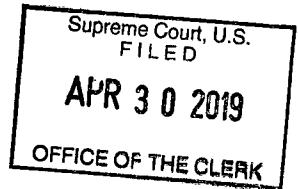


No. 18-9312

ORIGINIAL

IN THE
SUPREME COURT OF THE UNITED STATES



TRAVIS J. WRIGHT — PETITIONER
(Your Name)

vs.

UNITED STATES of AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

TRAVIS JERMAINE WRIGHT
(Your Name)

P.O. Box 1500 - BUTNER FCI²
(Address)

BUTNER, N.C. 27509
(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

① DID THE DISTRICT COURT ERRED AT SENTENCING DEFENDANT UNDER TITLE 18 USCS. 3583(a)-(b),(g),(e)(3) WHICH STATES MANDATORY REVOCATION AND STRIP SENTENCING JUDGE OF DISCRETION AND IS IT THAT OF CONDUCT OF PREPONDERANCE OF EVIDENCE, THAT IS OF VIOLATION OF DEFENDANT CONSTITUTIONAL RIGHT TO DUE PROCESS VIOLATING 5TH AND 6TH AMENDMENT?

② DID DISTRICT COURT ERRED AT FINDING DEFENDANT GUILTY OF CLASS A VIOLATION, WITHOUT ALLOWING DEFENDANT A RIGHT TO DUE PROCESS OF ACCUSATION OF NEW CRIMINAL CONDUCT/PROSECUTIONS?

③ DID DISTRICT COURT ERRED BY EXCEPTING AND INTERPRETING A PLEA OF NOLO CONTENDERE AS A PLEA OF GUILT AFTER DEFENDANT REFERRED A NOT GUILTY PLEA TO CLASS A VIOLATION?

④ DID DISTRICT COURTS ERRED BY SENTENCING DEFENDANT TO 30 MTHS IMPRISONMENT WITH 6 MTHS OF HOME CONFINEMENT ADDITION TO 3 YEARS OF SUPERVISED RELEASE AFTER IMPRISONMENT, OVERSENTENCING FROM ORIGINAL 60 MTHS OF SUPERVISED RELEASE? IS SUCH SENTENCING ILLEGAL DUE TO HOME DETENTION PRESUPPOSES IMPRISONMENT.

⑤ DID DISTRICT COURT ERRED AT SENTENCING DEFENDANT AS ONE WHOM PLEA OF "NOLO CONTENDERE" WHEN DEFENDANT MADE KNOWN TO (AFPD) ASSISTANT FEDERAL PUBLIC DEFENDER THAT HE WISH TO NOT PLEA UNTO ALLEGATIONS? DID PROSECUTORS AND COURT APPOINT ATTORNEYS WITHHELD DRUG ANALYSIS REPORT TO HENDER DEFENDANT OF A FAIR TRIAL. SEE APPENDIX E, F

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:

SC. DISTRICT COURT OF UNITED STATES
JUDGE: JOSEPH F. ANDERSON, JR.
JULIUS NESS RICHARDSON - US ATTORNEY OFFICE (COLA)
UNITED STATES OF AMERICA

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TABLE OF AUTHORITIES CITED

CASES	309, 2018 (10 TH CIR) PAGE NUMBER
UNITED STATES V. HAYMOND No. 17-1672	D.C. No. 4:08-CR-00201-TCK-1 2016 U.S. DIST. LEXIS 100915 (N.D. Okla., Aug 24, 2016)
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 CONSTITUTIONAL 5th & 6th AMENDMENT RIGHTS.

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 B 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 JAN. 04, 2019.

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 12, 2019, and a copy of the order denying rehearing appears at Appendix N/A. ~~COPY OF DENYING REHEARING WERE NEVER ISSUED BY TO DEFENDANT KNOWLEDGE.~~

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

FIFTH AND SIXTH AMENDMENT - (SEE ATTACH PGS.)

18 U.S.C.S. § 3583(e)(3) (SEE ATTACH PG.)

18 U.S.C.S. § 3583(h) (SEE ATTACH PG.)

18 U.S.C.S. § 3583(a) (SEE ATTACH PG.)

18 U.S.C.S. § 3742 (SEE ATTACH PG.)

STATEMENT OF THE CASE

- ① 18 U.S.C. 3583(e)(3)(H)(a), IS UNCONSTITUTIONALLY APPLIED TO DEFENDANT BECAUSE IT GIVES JUDGE DISCRETION TO FIND BY PREDOMINANCE OF EVIDENCE ON NEW CONDUCT, INNOCENCE OR GUILT OF DEFENDANT, VIOLATIONS FOR WHICH THEY HAD NOT BEEN CONVICTED BY JURY BEYOND REASONABLE DOUBT, (6TH AMEND) WHICH MAY ARISE
- ② A DOUBLE JEOPARDY CLAUSE. THE DISTRICT COURT ABUSE ITS DISCRETION AT SENTENCING DEFENDANT TO 36 MTHS PLUS ^(HD) 6 MONTHS WITH THREE YEARS OF HOME DETENTION AND SUPERVISED RELEASE, WHEN DEFENDANT ORIGINAL TERM OF SUPERVISED WHERE 60 MTHS. EXCEEDING STATUTORY MAXIMUM TERM OF SUPERVISED RELEASE.
- ③ COURT APPOINT COUNSEL WERE INEFFECTIVE WHEN WITHDRAWING SUBSTANTIAL EVIDENCE OF DRUG ANALYSIS REPORT ALONG WITH PROSECUTOR-ATTORNEY MAKING STATEMENT THAT SUCH REPORT WERE NOT AVAILABLE HINDERING DEFENDANT OF 6TH AMENDMENT AND 5TH AMENDMENT, RIGHT TO FAIR AND IMPARTIAL TRIAL.

REASONS FOR GRANTING THE PETITION

DEFENDANT REQUEST THE GRANTING OF PETITION ON MERITS THAT: ① DEFENDANT WERE FOUND GUILTY OF NEW CONDUCT BY A JUDGE AT THE DESCRIPTION OF TITLE 18: U.S.C.S. 3583(e)(3)(B).... DEPRIVING DEFENDANT OF HIS 5TH AND 6TH AMENDMENT RIGHT. SUCH DEPRIVATION ALSO RISK DEFENDANT'S CHANCES OF BEING PUNISH TWICE FOR CHARGES (CONDUCT) ON WHICH DEFENDANT IS BEING PUNISH FOR IN RISE OF DOUBLE JEOPARDY, AND REASONABLE DOUBT BY JURY.

② DEFENDANT ALSO WERE OVERSENTENCE BY COURT WHEN DEFENDANT STATUTORY MAXIMUM WERE 60 MTHS, COURTS SENTENCE DEFENDANT TO 30 MTHS PLUS 3 YEARS WITH 6 MTHS OF HOME DETENTION. EXCEEDING 60 MTHS STATUTORY MAXIMUM DUE TO HOME DETENTION PRESUPPOSES IMPRISONMENT. (SDI.)

③ DEFENDANT COURT APPOINT ATTORNEY WERE EXTREMELY INEFFECTIVE BY MANY MISREPRESENTATION SUCH AS WITH HOLDING DRUG ANALYSIS REPORT FROM EVIDENCE AND MISREPRESENTATION OF GUIDANCE ON PLEA AND SENTENCE. WHICH HINDERED DEFENDANT OF DUE PROCESS OF 6TH AMENDMENT OF FAIR AND IMPARTIAL TRIAL.

REASONS FOR GRANTING THE PETITION CONT.

UNITED STATES v. HAYMOND ^{10th Cir} HAYMOND ARGUE WHETHER 18 U.S.C. § 3583(k) WAS UNCONSTITUTIONAL BECAUSE IT STRIPPED SENTENCING JUDGE OF DISCRETION TO IMPOSE PUNISHMENT WITHIN STATUTORILY PRESCRIBED RANGE, AND IT IMPOSED HEIGHTENED PUNISHMENT ON... NOT ON THEIR ORIGINAL CRIMES OF CONVICTION, BUT ON NEW CONDUCT FOR WHICH THEY HAD NOT BEEN CONVICTED BY JURY BEYOND REASONABLE DOUBT.

PETITIONER WERE SENTENCED UNDER 18:U.S.CS 3583(e)(3), IN WHICH IT ALSO STRIP SENTENCING JUDGE OF DISCRETION... ALONG WITH HEIGHTEN PUNISHMENT FOR CONTROL SUBSTANCE VIOLATION OF NEW CONDUCT FOR WHICH HE HAD NOT BEEN CONVICTED OF.

PETITIONER SEET GRANTED!

UNITED STATES v. THOMAS (1998 CA2) 135 F.3d 872
UNITED STATES v. FERGUSON (2004, CAS TEX) 319 F.3d 847
GOVERNING REVOCATION AND PUNISHMENT FOR VIOLATING CONDITION OF SUPERVISED RELEASE IMPLIED THAT INCARCERATION AND HOME DETENTION WERE ALTERNATIVE PUNISHMENTS THAT COULD NOT BE COMBINED IN EXCESS OF MAXIMUM STATUTORY TERM OF INCARCERATION.

PETITIONER SENTENCE IS 30 MONTHS IMPRISONMENT FOLLOWING 3 YEARS (HOME DETENTION-6 MONTHS) OF SUPERVISED RELEASE AFTER COMPLITION OF IMPRISONMENT.

REASON FOR GRANTING THE PETITION CONT.

UNITED STATES v. OWENS - 18-20488 n.Cr. No. 18-3134 (6th Cir.)

OWENS ARGUED DID DISTRICT COURT ABUSE ITS DISCRETION BY OVERSENTENCING WHEN IT EXCEEDS HIS STATUTORY MAXIMUM. 18 U.S.C. § 3583 DEFENDANT, WHOSE ORIGINALLY SENTENCE TO 60 MONTHS SUPERVISED RELEASE. DEFENDANT'S SENTENCE FOR VIOLATION(S) OF SUPERVISED RELEASE IS 30 MONTHS IMPRISONMENT TO INCLUDE THREE YEARS PLUS 6 MONTHS OF HOME CONFINEMENT WITHIN THE THREE YEARS OF SUPERVISED RELEASE TO FOLLOW IMPRISONMENT. EXCEEDS STATUTORY MAXIMUM DUE TO HOME DETENTION PRESUPPOSES IMPRISONMENT. (2nd Cir. 2001)

UNITED STATES v. MERACED, 263 F.3d 34, 37-38 HELD THAT ALL PRISON TERMS AFTER THE FIRST REVOCATION OF SUPERVISED RELEASE MUST BE SUBTRACTED FROM THE MAXIMUM POSSIBLE TERM OF SUPERVISED RELEASE, EVEN IF THERE HAS BEEN MORE THAN ONE REVOCATION.

DEFENDANT UNDER MERCY OF THE COURTS MOVE
FOR SENTENCE TO BE VACATED AND IMMEDIATE
RELEASE DUE TO TIME SERVED AND, SUPERVISE
RELEASE TO BE TERMINATED DUE TO TIME
SERVED AND VIOLATION OF DEFENDANT'S
CONSTITUTION RIGHTS OF 5TH AND 6TH AMEND.
OF DUE PROCESS. THE COURTS HAS CLEARLY
ABUSED ITS DISCRETION AT SENTENCING DEFENDANT
ON NEW CONDUCT AND OVERSENTENCING EXCEEDING
STATUTORY MAXIMUM 18:U.S.C. 3583, VIOLATING
DEFENDANT FIFTH AND SIXTH AMENDMENT RIGHT.
DEPRIVING DEFENDANT OF JURY BEYOND REASONABLE DOUBT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Thomas J. Wright

Date: 04-29-19