

18-9404

No. 18-9404

ORIGINAL

IN THE

FILED

MAR 25 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Devon Lona Lunn — PETITIONER  
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth Circuit of North Carolina Middle District  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Devon Lunn 31369-171  
(Your Name)  
Secure Female Facility - Hazelton  
P.O. Box 3000  
(Address)

Breeerton Mills, WI 26525  
(City, State, Zip Code)

None  
(Phone Number)

QUESTION(S) PRESENTED

- 1) Why did I have to plea to firearms that were not in my possession?
- 2) Why was I convicted of a Conspiracy in which my co-defendant Jonathan Duncar was not convicted on and the other co-defendant Brian Ashby was found non-reliable?
- 3) Why didn't my lawyer ask for the fingerprint analysis and the locations of the firearms?
- 4) Why didn't my counselor request a copy of the "Said" statements that I, Devon Lunn, supposedly gave to Detective David White?
- 5) Why wasn't I given a minimal role reduction?
- 6) Why wasn't the Johnson Act rule applied to my case?
- 7) Why wasn't I given my 154(d) reduction for helping the government?

## 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:

## **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

United States v. Festerline 103 F. 3d 76  
1996 U.S. App. Lexis 33463; 96 Cal. Daily Op. Service 9379;

United States v. Mount 161 F. 3d 475 (11th Cir.)

United States v. Baker

8th Cir. (2003)

United States v. Casperson 773 F. 2d 2161221 (8th Cir. 1985)

United States v. Rivera-Santiago 872 F. 2d 1073 (1st Cir. 1989)

United States v. Quinantis 902 F. 2d 489 (7th Cir. 1990)

United States v. DeGrotto 772 F. 2d 902 (1st Cir. 1983)

United States v. Krensky 741 F. 2d 1090 (8th Cir. 1984)

United States v. Alonso 99 F. 2d 1422 (8th Cir. 1993)

### STATUTES AND RULES

Rule 403

Rule 408

Rule 400

Rule 103 (a) Preserving a claim of error

(2) if the witness excludes evidence, a party informs the court of its substance by an offer of proof (which counsel did not)

Rule 801(d)(2)(E)

### OTHER

The detective on my case promised me that if I helped them/gave them information he would not prosecute me on the charges that were sent to Federal Court and he told me he wouldn't call the feds. Also my statement to the detective should not have been admissible without proof of it being made.

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 176 to the petition and is

[  ] reported at 107 F.3d Appx. 176; 2017 U.S. App. LEXIS 26681; 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 December 27, 2017.

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

In this prison we don't have access to the law books and I don't know how to look up everything so please bare with me and help me because I am doing the best I can.

## STATEMENT OF THE CASE

I, Defendant ~~Devon Lunn~~ plead guilty to possession of firearm by felon and conspiracy to distribute a cocaine based substance because I was not in clear understanding of my rights. My lawyer told me that I had evidence stacked against me that would put me away for life. I was never introduced to any evidence against me. Also, the statement that the detective said I made to him was not recorded nor was I allowed to see it. The lawyer never asked for fingerprint analyses on the firearms nor did he ask for the locations of the firearms or the drugs found in the co-defendant's property. I was scared and I asked the lawyer to find me another lawyer on several occasions. He was told that he wasn't doing his job and I wasn't satisfied with his services. Also, he spoke with my family members on several occasions without my consent about my case. I am also filing this without any help legally. Thank you

Devon Lunn

#### REASONS FOR GRANTING THE PETITION

Mr Devon Dunn, Was not made aware of the evidence against me nor did my counsel go before the Courts (as I requested) to ask for fingerprint analysis for the firearms, where the guns were found (and on whom), where the firearms were found, nor did he make available the statement from the co-defendant verifying that I had no knowledge of the firearms being on or around the premises. I was denied (by my lawyer) a chance to ask for proof of any of these things to help me. Also, my lawyer did not bring up the fact that the co-defendant in this case was found non-credible nor reliable so why was the conspiracy charge not dismissed. Also, I was not given my 15% reduction for my help with the government nor was the Johnson Rule/Act applied nor was the minimal role reduction applied. I ask the Courts to please consider these factors when reviewing my case.

Thank you

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Devin Lenn

Date: April 12, 2019