

No. _____

18-9512

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court

Kenneth Roshawn Reid
(Your Name)

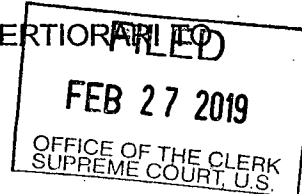
— PETITIONER

vs.

Solicitor General

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI



4th Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Kenneth Roshawn Reid
(Your Name)

USP ATWATER
(Address)

ATWATER CA
(City, State, Zip Code)

NA
(Phone Number)

1 (Front page)

QUESTION(S) PRESENTED

- 1) What does the Jury have to find in order to establish guilt or Criminal Culpability in all Drug Conspiracy crimes? Answer! Is the drug quantitie Attributable to, reasonably foreseeable to the ^{each} individual defendant?
- 2) Did the Acquittal of Cant 3's CCE offense mean the Automatic acquittal of Cant one's § 846 Conspiracy offense since they are the same offense under blockburger and charge the same Conspiracy crime?
- 3) Was the Indictments in violation of Double Jeopardy Clause by Charging § 846 Conspiracy and § 848 CCE Continuing Criminal enterprise in the same Indictment,
- 4) Isn't Cant 1 and Cant 3 Multiplicitous and should have been dismissed prior to trial?
- 5) There was no way for the District Court to set a base offense level without a jury finding of Any Drug Quantity's?
- 6) Can a Judge impose a sentence on Charges that were not Bonded? "No" therefore the District Court lacked jurisdiction personam and subject matter jurisdiction there was no contract established. The Court Appointed Attorneys volunteered me Unknowingly, unwittingly.
- 7) Were the charges read into the record?
- 8) Should the lower Court have tried Reid on a Defective Indictment with Duplicatus cants, Multiplicitus Cants and Double Jeopardy violations on the face of the Indictment in Cants 1, 3, 4? "No", is it illegal Yes!

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:

Solicitor General

AUSA Jeffrey McKell

vs

Kenneth Roshawn Reid

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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United States v. Collins	415 F3d 304 (4 th Cir 2005)
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Alleyne v. United States (Elements case)	4 th Cir
In re Winship (Elements case)	US Supreme Court
United States v. Brooks	524 F3d 549 (2007)
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STATUTES AND RULES	21 USC § 846 Count 1
	18 USC § 924(c)(5) Count 4

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 _____ to the petition and is

☒ reported at 18-7380 ~~2020000~~; 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 MA; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the MA court appears at Appendix _____ to the petition and is

☐ reported at MA; 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 January 14, 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: January 28, 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 NA (date) on NA (date) in Application No. A NA.

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 NA.
A copy of that decision appears at Appendix NA.

☐ A timely petition for rehearing was thereafter denied on the following date: NA, 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 NA (date) on NA (date) in Application No. A NA.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 USC § 924(j)(1)

21 USC § 846

21 USC § 841 (b)(1)(A)

~~21 USC § 841(b)(1)(B)~~

Fair Sentencing Act of 2010 by way of First Step Act

STATEMENT OF THE CASE

On 2006 Kenneth Koshawn Reid was convicted on Count 1 21 USC § 846 and Count 4 18 USC § 924(j)(1). The jury refused to find any drug quantities under 21 USC § 841(b)(1)(A) 50 grams or more of crack cocaine and 500 grams or more of cocaine under 21 USC § 841(b)(1)(B) Attributable to, reasonably foreseeable to Reid as a individual defendant in the Conspiracy Crime. Therefore Reid is Actually, factually, Legally innocent of the Conspiracy Crime Charged in Count 1.

"First Step Act" relief

The District Court Judge refuses to obey the law, has been ignoring all of Kenneth R. Reid's request, Motions, Appeals, briefs asking for any form of Relief. Now with the "First Step Act" making the Fair Sentencing Act of 2010 retroactive to cases on collateral review Reid now moves to the highest Court in the Land the Supreme Court to Order the Lower Court to Correct its illegal Sentence Caused by the "Abuse of discretion" by the lower court and the statutory misinterpretation of the law on Conspiracy Crimes. The lower court Abused its discretion by imposing a 240 month Sentence on Count 1. by basing the sentence on an uncharged crime of 21 USC § 841(b)(1)(C) that is not charged in Count 1. Under the Law of the case doctrine the Courts have to obey, follow the law of the land, uphold the law of the United States Constitution under "Due Process of Law"

(9)

"Plain Error", Reid is Actually, factually, Legally innocent of the crime

Petitioner is Actually, factually, Legally innocent of Count 1.

GRAND #1

REASONS FOR GRANTING THE PETITION

Count 1 charged: Conspiracy to possess with intent to distribute and to distribute 50 grams or more of crack cocaine and 500 grams or more of Cocaine all in violation of 21 USC § 846, 21 USC § 841(a)(1), 21 USC § 841(b)(1)(A), 21 USC § 841(b)(1)(B).

~~There was no lesser-included offenses charged in Count 1.~~

The Jury did not find Reid guilty of any Drug quantities alleged in the charge. Therefore Reid should have been Acquitted of Count 1 as a matter of law.

According to law:

In order for Reid to be found guilty or criminally culpable for Count 1, the "Jury" not the Court would have to find that

50 grams or more of crack cocaine under 21 USC § 841(b)(1)(A) and

500 grams or more of cocaine under 21 USC § 841(b)(1)(B) was

Attributable to, reasonably foreseeable to Reid as a individual defendant to establish guilt or criminal culpability for the crime.

The Jury made no such finding, therefore Reid is Actually, factually, Legally innocent of Count 1. And for the Court to impose a sentence on Count 1

without the Jury finding any drug quantities was clearly illegal, unlawful.

The District Court chose to unlawfully find the Drug Quantities themselves.

Ignoring all Circuit case precedent, U.S. Supreme Court rulings to impose an illegal sentence against Petitioner Reid. "Guilt was not established"

In light of the First Step Act which made the Fair Sentencing Act of 2010 retroactive to all crack cocaine sentences Reid should be immediately released from his illegal incarceration under the New rule of constitutional Law's Retroactivity. Simply put.

(10)

"

No drug Quantities finding by the Jury"

[GROUNDS FOR DISMISSAL OF COUNT ONE]

- 1) District Court "Abused its Discretion" by imposing an illegal Sentence on Count 1.
 - 2) District Court committed "Plain Error" by imposing a 240 month Sentence on Count 1 which they based on an uncharged crime of 21 USC § 841 (b)(1)(C).
 - 3) Petitioner is Actually, Factually, Legally innocent of Count 1's Conspiracy crime as charged in Count 1.
 - 4) District Court lack Jurisdiction to impose a sentence on Petitioner because it lacked Jurisdiction because the charge was not bonded, there was no Contract agreement.
 - 5) Petitioner Reid was Acquitted of the Conspiracy offense charged in Count 1 when he was Acquitted of Count 3 which charged the "same" Conspiracy crime.
 - 6) District Court violated petitioner's 5th Amend Const rights by trying him on an Indictment that violated the "Double Jeopardy Clause" on its face to try Petitioner on § 846 conspiracy crime and § 848(c) CCE was Double Jeopardy under the Blockburger test. *Rutledge v. United States* 116 S Ct 1241 (1996). US Supreme Court has already ruled that its "Double Jeopardy, same offense under the Blockburger test".
 - 7) District Court committed "Plain Error" in imposing a sentence of Life on Count 4 because Count 4 depended on the underlying predicate offense being a "Drug trafficking" crime. Well § 846 is a Conspiracy not a Drug trafficking crime therefore the conviction on Count 4 is Void, unlawful, nullify, sentence is illegal on its face.
- FOR ALL THESE REASONS COUNT ONE HAS TO BE DISMISSED as well as Count 4.
- 1

[Reasons why Count 1 and 4 have to be dismissed]

The Jury by way of Verdict form did not establish that Reid was lawfully guilty, because they did not find Any drug quantities Attributable to, reasonably foreseeable to Reid as a individual defendant on Count 1. Reid was Acquitted of Count 1 as a matter of law by way of Verdict form.

Now since the District Court alleges that in the Indictment that §924(c) and §924(j) charged in Count 4 required a conviction on an Underlying Predicate offense that is a "Drug trafficking crime" that means Count 4 is missing an "element", that "Element" being a "Drug trafficking crime". Because a §846 Conspiracy crime is not a Drug trafficking crime the government failed to sustain its burden of proof of proving every element of a crime beyond a reasonable doubt, Therefore Count 4 has to be dismissed also.

The government also violated the "Double Jeopardy Clause" 5th Amendment by trying Reid on a §846 Conspiracy and §848 CCE Continuing Criminal enterprise charged in Count 1 and Count 3. §846 Conspiracy being the lesser-included offense for §848(e) CCE Continuing Criminal Enterprise. These charges being the "same" under the Blockburger test. The Acquittal of the Greater offense §848(e) CCE was the automatic Acquittal of §846 Conspiracy in Count 1 which was the lesser-included offense. Another reason Count 1 should have automatically been Dismissed because Reid was already acquitted of the (offense) Conspiracy to possess with intent to distribute and to distribute 50 grams or more of crack cocaine and 500 grams or more of cocaine all in violation of §846, §841(a)(1), §841(b)(1)(A), §841(b)(1)(B). The same conspiracy crime charged in Count 1 is the exact same Conspiracy crime charged in Count 3.

In light of this Plain Error the lower Court should have dismissed All Counts 1, 4, 11, 14

After Apprendi v. New Jersey Drug quantitie is an element of all
aggravating drug offenses, even Conspiracy offenses

Count 1 is a Conspiracy crime not a Drug trafficking crime. Conspiracy is only
an agreement, Therefore Count 4 lacks the "Underlying Drug trafficking Crime Predicate
offense "element" needed to convict on Count 4. Therefore Count 4's conviction is
invalid on its face and must be dismissed with the dismissal of Count 1.
Count 1 and 2 was a element of Count 4.

Relief Sought

Order lower Court to dismiss Action 0:04-353
and or dismiss Count 1, 4 and Immediate release
of inmate #11485-171 Kenneth Keshawn Reid at USP B
USP ATWATER California an FBOP Custody
Wherever he's located at. in light of First Step Act of 2018
CONCLUSION Fair Sentencing Act of 2010's Retroactivity

Count 1 and Count 3 are Duplicious, Multiplicitous

The charges in Action 0:04-353 were not bonded, the Court lacked jurisdiction
Action 0:04-353 should be dismissed by Supreme Court
The petition for a writ of certiorari should be granted. To prevent further miscarriage of
justice.

Respectfully submitted,

Kenneth K. Reid

Date: 2/28/19

Without any Drug quantitie findings by the Jury there can be no sentence
imposed or base offense level set or penaltie range set by the USPO or Courts
without violating Due Process of law. Thank you

CLAIM

GROUND #2

A Jurisdictional claim can be raised at any time therefore I would like to present one now "to the U.S. Supreme Court.

* The District Court did not have jurisdiction over me I am a living breathing man Kenneth Roshawn Reid not the defendant in all Capital letters KENNETH ROSHAUN REID the legal-fiction on case 0:04-353 I am the paramount Creditor for the legal-fiction in all caps.

I am Kenneth Roshawn Reid EL-Bey in propria persona Sui Juris, in proprio Solo and proprio heredes, I am a descendent of the great pharaoh of Kamet and the Moabite, Canaanite. I am a maurish national "you are commanded to state your name and Nationality for the record without further comment.

You do not have Jurisdiction over me and you are commanded to set me free immediatly and Cease and desist all action and contact.

COUNT 1. THE CHARGE WAS NEVER CERTIFIED, CODE was never bonded there was no Consensual Contract established, nor were the charges read on the record and Register or in the Commercial Registry

This alone proved District Courts Lack of Subject-matter-jurisdiction to impose a sentence for the uncharged crime of 21 USC § 841 (b)(1)(C) as an alternate for the real Count 1. (11) and giving Reid 240 months based on an uncharged crime

Relief Sought

For the U.S. Supreme Court to immediately release or Order the FBOP to immediately release prisoner #11485-171 Kenneth Roshawn Reid EL-Bey