

IN THE SUPREME COURT
FOR THE UNITED STATES OF AMERICA

Andrew Dixon
v.

United States Of America

Case No: 18-9760

SUPPLEMENTAL Brief

MOTION TO AMEND to Existing GERTIORARI
PURSUANT TO 3000 (A) AND THE FIRST STEP ACT
OF 2018 SECTION 401

Comes now Petitioner Andrew Dixon, ask that this honorable court allow Petitioner to amend these new changes to Petitioner's pending motion. Due to the changes that went into effect Dec. 21, 2018 (The First Step Act;) Petitioner ask that his two Prior Felony; predicates be vacated pertaining to 18 U.S.C. 924(e)(2)(A). Petitioner was sentenced April 22, 1998 in the Superior Court Of Ware County, Georgia.

Petitioner was also enhanced for a "serious violent felony" 18 U.S.C. 3559(c)(2), both statutes require the defendant serve a term of imprisonment of more than 12 months. Petitioner now seeks relief under the "First Step ACT" 2018, showing Petitioner was sentenced to 5yrs probation and 120 days detention center. (see attachment **RECEIVED**)

FEB 25 2019

OFFICE OF THE CLERK
SUPREME COURT

Question(s)

Ground (1):

Did the court error by using the PSR findings making claim that 2 prior predicates qualified for the ACCA sentence enhancement when in fact both priors defendant was sentenced to probation, not serving the required time to fit as ACCA predicates?

CONCLUSION

Accordingly, based on the change in law dealing with the "First Step Act" of 2018. Petitioner Andrew respectfully request that this Honorable Court permit Petitioner's motion to Amend, and grant Petitioner relief due to the findings and facts in Exhibit A.

Respectfully Submitted,

Andrew Dixon #17813-021 2-11-18

Andrew Dixon #17813-021
Federal Satellite Low
2680 Hwy 301 S.
Jesup, GA 31599

IN THE SUPERIOR COURT OF WARE COUNTY, GEORGIA

FINAL DISPOSITION

Deputy Clerk

VS.

Andrew Dixon
aka Andrew Demetrius Dixon, Jr.

PLEA:
 NEGOTIATED
 GUILTY ON COUNT(S) 1-3
 NOLO CONTENDERE ON COUNT(S)
 TO LESSER INCLUDED OFFENSE(S)
 ON COUNT(S) _____

JURY
 NON-JURY

CRIMINAL ACTION NO.

98R-106

OFFENSE(S) Ct.1: VGCSA (Possession of Marijuana With Intent to Distribute), Ct.2: VGCSA (Possession of Cocaine), Ct.3: Obstruction (Felony)

April TERM, 19 98

VERDICT:

GUILTY ON COUNT(S) _____
 NOT GUILTY ON COUNT(S) _____
 GUILTY OF INCLUDED OFFENSE(S) OF _____
 ON COUNT(S) _____

OTHER DISPOSITION

NOLLE PROSEQUI ORDER ON COUNT(S) _____
 DEAD DOCKET ORDER ON COUNT(S) _____

(SEE SEPARATE ORDER)

FELONY SENTENCE MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of Ct.1: 5 years, Ct.2: 5 years, Ct.3: 5 years, run concurrent with each other and with 97R-271.

in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court:

1) THAT the above sentence may be served on probation.
 2) THAT upon service of _____ of the above sentence, the remainder of _____ may be served on probation PROVIDED that the said defendant complies with the following general rules and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:

1) Do not violate the criminal laws of any government unit.
 2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
 3) Avoid persons or places of disreputable or harmful character.
 4) Report to the Probation-Parole Supervisor as directed and permit such Supervisor to visit him (her) at home or elsewhere.
 5) Work faithfully at suitable employment insofar as may be possible.
 6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
 7) Support his (her) legal dependents to the best of his (her) ability.

SEE EXHIBIT "A" (GENERAL CONDITIONS) ATTACHED HERETO, SPECIFICALLY INCORPORATED HEREIN AND MADE A PART HEREOF:

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of -\$0 plus \$50 or 10% whichever is less pursuant to O.C.G.A. @ 15-21-70, and pay restitution in the amount of -\$1,500.00 Court Cost; Ct.1:\$10.00 County Jail Fund; Ct.1:\$10.00 Surcharge; Ct.1:\$50.00 Victim Surcharge; Ct.2:\$20.00 Probation Fee. Payments are to be paid in manner directed by Probation Officer. To pay a monthly probation fee of \$20.00 to the assigned probation office for the term of active probation.

SPECIAL CONDITIONS: SEE EXHIBIT "A" ATTACHED HERETO, SPECIFICALLY INCORPORATED HEREIN AND MADE A PART HEREOF

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable John Staggs Attorney at Law, Ware County, by (F. B. I. Agent) (Appointment).

By the Court _____, 19 _____

So ordered this 15th day of April, 19 98

Charles J. Blewett

CERTIFICATE OF SERVICE - This is to certify and acknowledge that a true and correct copy of this final disposition has been delivered in person and the defendant has been duly instructed regarding the conditions as set forth.

This 22 day of April, 19 98.

A. N. (Probation Officer)

Plancher M. M. (Defendant)