

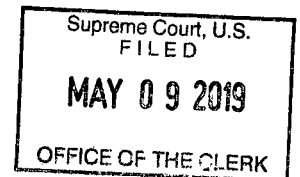
19-5352

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



HAI Bernard Black — PETITIONER
(Your Name)

vs.

th
11th Cir Court of Appeal — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

th
11th Cir Court of Appeal
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

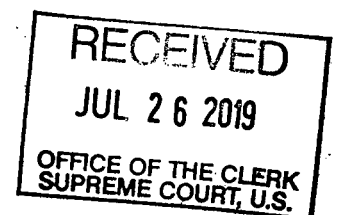
PETITION FOR WRIT OF CERTIORARI

HAI Bernard Black
(Your Name)

United States penitentiary 10mpoc³⁹⁰¹ Klein Blvd 3901
(Address)

Compos California 934316
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

Question 1) IN 1591 (A)(1) Sex Trafficking Cases Where there is (No Force) "At All"
Can the lower court still try the Defendant knowing there is (No Force)...

Question 2) Can the lower court's dis regard (State Possession Law's) to
Convict A defendant... Without going through the due process rights first.

Question 3) Can The lower court's move forward knowing a Defendant is not
receiving Notice of the proceedings and do it affect the petitioner substantial
rights By not allowing the defendant the right's under due process rights...

Question 4) IN 1591 (A)(1) Sex Trafficking Cases where the government "must"
show a violation of Element's like (Interstate Commerce) But, do the government
need to prove that (each defendant violated) Each element cause if not punishment
could be cruel and unusual violating the 8th amendment... and due process rights!

Question 5) IN 1591 (A)(1) Sex Trafficking Cases the court uses the term "recklessly disregard"
But using such "wording" appears that there was no way the defendant could have not been
incomplete which ~~violates~~ violates due process rights and adds a cruel punishment cause a defendant
could have been dis able to understand his or her conduct...

Question 6) IN 1591 (A)(1) Sex Trafficking Cases where the court used the term
Reasonable time to observe. How do the court determine (such) wording cause with out a test
of comparison A defendant due process rights would be violated and the 8th Amendment
as well and the court still could not use a term like that cause it would
not determine the defendant competence at that time so how well the court fix such error

Question 7) IN 1591 (A)(1) Sex Trafficking Cases where the court has ruled Sex
Trafficking 1591 (A)(1) is non-venial how is the court going to (fix) the 8th Amendment
issue looking at the (Adam Walsh Act) applying a mandatory of 10 years for a non-venial crime

Question 8) IF the court use the term "Reasonable Time" to view a
victim age Should the court also provide facts showing how the court determined
such look at reasonable could be a day, a hour, a month or, a year and
that's to vague to show what the court meant By the wording (Reasonable Time)
to view a person age.

Question 9) IF the court use "Reckless disregard" Should the court also provide
facts supporting there Argument. Since the defendant "must" understand his or her
conduct falls within such crime

Question 10) IN United States v. Rivera The (2nd Cir. in 2015) ruled victims past history
of sexual conduct irrelevant in sex trafficking cases. So when the United States
in Black's case used past history not in the time frame of the crime did that violate Black's
due process right because that's a plain error looking at 2nd Cir case U.S. v. Rivera
and 3rd Cir U.S. v. Taylor

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:

Northern District of Florida district court.

United States Court of Appeal For the 11th Circuit

TABLE OF CONTENTS

OPINIONS BELOW

Juris Diction

Constitutional AND Statutory Provisions INVOLVED

Statement OF the Case

Reasons For Granting the Writ

CONCLUSION

INDEX TO APPENDICES

APPENDIX A) United States Court OF Appeal For the 11th Cir

APPENDIX B) United States District Court decision denied

APPENDIX C) Statement OF Facts Showing The court used a Fake backpage.com ad and stated it was a scheme.

APPENDIX D) CONFIDENTIAL Source Telling FBI and Fole agent's That "Ranell Carter" used the Name "Tiffany" ON Backpage.com website

APPENDIX E) Backpage.com ad's showing the Tiffany Backpage.com ad was never posted IN August OF 2014 and The Statement OF Facts are FALSE Because The Dates don't match and The backpage Name who created it is not Hal Black Showing A Clear Error

APPENDIX F) Affidavit to the Search OF Black's Cellular Phone Showing The FBI and The Court knew There was "never" a "Tiffany" Backpage.com Nor, "interstate travel" That Way

APPENDIX G) Shows Victim Statement "stating" she "never" was "Forced" which shows "Black" did not violate 1951(c) in 1591(A)(1) SEX TRAFFICKING

APPENDIX H) Order Denying motion to Compel Discovery... Black Filed this motion Cause OF the new statement's made Co-defendants AND witness that was not Given To him At per trail

APPENDIX I) motion for Bill OF Particulars... Black File For this motion pre-trial Because The Fact Did not make sense and he and Attorney "Wilson" needed more detail to what the court was trying to say Black did But, motion was Denied

APPENDIX J) The law That Black is under That was not Broken 1591(A)(1) SEX TRAFFICKING law on The "Force" and the anything OF Value 1951(c).

APPENDIX K) Report AND Recommendation

APPENDIX L) Order Showing Black did not receive notice

APPENDIX M) Order Denying (COA) and (IFP) From the 11th Cir Appeal Court

APPENDIX N Judgment Denying A Certificate OF Appealability

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Brady v. Maryland (1963)</u>	<u>pg 7</u>
<u>Strickland v. Washington</u>	<u>pg 8</u>
<u>Ricki Olson v. USA 7th Cir</u>	<u>pg 6</u>
<u>US v. Frye 7th Cir 1984</u>	<u>pg 6</u>
<u>McCarthy v. US 1969</u>	<u>pg 6</u>
<u>US v. Schmitz 11th Cir</u>	<u>pg 3</u>
<u>Sandoval 7th Cir</u>	<u>pg 3</u>
<u>Castro v. US</u>	<u>Page: 2</u>

STATUTES AND RULES

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 A to the petition and is

☒ reported at Reb'l. 'Shee'; 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 published; 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 January 16 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: March 8 2019, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

4th Amendment

6th Amendment

14th Amendment

due process clause

1st Amendment

5th amendment

8th amendment

STATEMENT OF THE CASE

In Black's Case the petitioner of this motion the Court stated False Facts to Convict him Black has placed the False Facts with this motion

- 1) There was no statement of Force in the statement of Fact's
- 2) There was no statements about the Scheme
- 3) There was no Facts showing "Black" told the victim to go to Walmart
- 4) there was no Facts that Black gave the victim A phone
- 5) There was no Facts "Black" made a backpage.com advertisement
- 6) There was no Facts "Black" knew the victim age
- 7) there was statements made by the victim showing Black did not (Force) her
- 8) there was Facts showing there is no tiffany backpage.com Ad From Aug's of 2014
- 9) Black's due process rights was violated when 1, He did not get a search warrant for the phones and 2 when the court disregarded the fact the state of Florida has very strict possession laws and Black was not the one with the cell phone August 19th 2014
- 10) There is no interstate commerce on Black's part cause Black was never a owner of a backpage.com ad by the name of tiffany
- 11) The record shows Black did not understand his conduct
- 12) The United States Attorney withheld Facts supporting Black's argument violating Brady v. Maryland
- 13) Black falls under (United States v. Risk 7th Cir. 1988) which states (dismissal appropriate under Rule 12(b) when the allegations in the indictment are insufficient to state a claim under the charged statute)
- 14) the violation of 18 U.S.C. 2253 (2nd Cir 2015) happen when the court stated ~~in~~ the Facts Black had victim of case engage in sex act and traveled to hotel and private residences but did not give a time line violating Black's due process rights
- 15) The United States Attorney in Black case withheld (Brady) v. Maryland fact about the admission to making the backpage by (Ranell Carter) and that cell phone bearing phone number 352 317 1719 had text messages stating the phone was stolen.
- 16) Black (never) got responses from the lower court thought out the procedure of his 2255 motion violating Black's 5th and 14th amendment rights under due process rights

REASONS FOR GRANTING THE PETITION

- 1) Reason For Granting this Petition will Clearly state the miscarriage of Justice
- 2) It will explain IF lower Courts can still charge a defendant with Sex trafficking 1591(A)(1) without "Force" At All
- 3) IN Granting this petition It also will clear up what the Court meant By the term (Reckless disregard)
- 4) ~~IN~~ Granting this petition It will Change the View of lower Courts
- 5) It will explain IF a Federal Court can overrule state laws For convictions In Federal Courts dealing with States possession laws
- 6) IN granting this petition will give the People hope That All crimes should be looked Into For miscarriage of Justice
- 7) Also this petition should be Grant Because there are many errors In Black's Cause such as one, there is (No Force) At all, two, there IS no (Inter state violation) on Black's Part There are (False statements) But, the (United States Attorney) States that with Facts that show otherwise. Three. Black's due process rights have been violated in many ways. Four. had the some error never happen the outcome would be different and Five. Black should have the chance to show he did not commit this crime and to protect Black's rights he's give under law Black should be Allowed to show His Cause For Filing such petition and Six. Black should be Allowed to show his INNOCENCE. This is why the Court should grant Black's Petition IN Good Faith Because it also would not perjure the opposite Parties But would perjure Black Because he's already being held UNLAWFULLY
- 8) The petition should be Grant Also Cause the Court knew Black was not getting the Response's From the Court dealing with his 2255 and By moving forward would not only violate due process rights. But also the 6th and 8th amendment Given to Black By law the error was also plain and is reversible

CONCLUSION

In Black's Conclusion he would like to ASK FOR MANY OF THE COURT AND WOULD ASK
THE COURT TO LOOK OUT THE MANY ERRORS AND SEE THE VIOLATIONS OF THE UNITED STATES
LAW BY THE DEPARTMENT OF JUSTICE AND GRANT HIS PETITION BECAUSE NOT ONLY IS THE 1591 (H)
(1) LAW FOR SEX TRAFFICK IS BROKEN BUT SO IS THE DEPARTMENT I PRAY MY CRY FOR HELP IS HEARD
The petition for a writ of certiorari should be granted.

Respectfully submitted,

HAI BERNARD BLACK

Date: MAY 5, 2019