

No. 19-5422

No.

ORIGINAL

Supreme Court, U.S.
FILED

2019-0000
FILED

MAY 05 2019

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

IN THE

MICHAEL A. WEBB — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHAEL A. WEBB

(Your Name)

P.O. BOX 5000

(Address)

OAKDALE, LA. 71463

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1) Was petitioner, Michael A. Webb, subjective to ineffective assistance of counsel or deficient representation by defense counsel in a criminal prosecution?
- 2) Was petitioner, Michael A. Webb, subjective to illegal sentence in imposition of the totality of the combined sentence(s) above the sentence guidelines and sentence necessary for deterrence?
- 3) Was petitioner, Michael A. Webb, lead into ambiguous plea agreement by and through deficient representation of defense counsel with agreement with the respondent?
- 4) Was petitioner, Michael A. Webb, subjective to double jeopardy in the sentencing for his crime?
- 5) Was petitioner, Michael A. Webb, constitutional rights violated in conviction and sentencing of his criminal prosecution?
- 6) Is Adam Walsh Child Protection and Safety Act unconstitutional as enacted by Congress?

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:

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United States v. Haymond 17-1672

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OTHER

Adam Walsh Child Protection and Safety Act of 2006

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

[x] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

reported at 15-30410; 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 is unpublished.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 A to the petition and is

reported at 5:14-CR-00198; 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth Amendment of the Constitution of the United States Of America.

Sixth Amendment of the Constitution of the United States Of America.

Eighth Amendment of the Constitution of the United States Of America.

Fourteenth Amendment of the Constitution of the United States of America.

posing in various stages of undress, performing oral sex on adult males and one another, as well as being vaginally and anally penetrated by adult males. In one image, the penetration of a sex toy was used. (ROA 116). When the Defendant was arrested, these same 20 images plus 10 more were found on his iPhone and iPad. Further investigation revealed that these images had been saved and sent to other messengers. Detectives also discovered a four (4) minute video of a minor female dancing, removing her clothes, and manipulating her genitals with her hand and a toothbrush. Id.

On January 21, 2014, the Defendant pled guilty to Count One of the Indictment. (ROA 115). As per the provisions of the Plea Agreement, (ROA 104), the Government agreed to dismiss Count Two of the Indictment and not to further prosecute the Defendant for any other offenses arising out of the facts that formed the basis of the indictment. The Government also agreed to move for a one point reduction in the offense level, if appropriate, pursuant to USSG §3E.1.1, Acceptance of Responsibility. The Defendant also agreed to abandon any interest he had in the evidence confiscated, and the Government agreed to return the hardware confiscated to the rightful owner, Mr. Webb's parents, if the Government could adequately remove all of the offending material.

REASONS FOR GRANTING THE PETITION

The petitioner, Michael A. Webb, was subjective to ineffective assistance of counsel; uninformed of his discovery and his rights of appellate; denied of downward variances available through Rule 32; subjective to a sentence of a mandatory sentence of imprisonment and an excessive term of supervised release.

Petitioner, Michael A. Webb, is a non-violent offender which was lead into an ambiguous plea agreement.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael A. Cudell

Date: May 5 2019