

No. 19-5486

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
**JUL 26 2019**  
OFFICE OF THE CLERK

Jarrell Williams — PETITIONER  
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court, Northern District of New York  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jarrell Williams

(Your Name)

F.C.I. Ray Brook, P.O. Box 900, Ray Brook, NY 12977  
(Address)

Ray Brook, New York. 12977

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) Did the Federal Juvenile Delinquency Act ("JDA"), 18 U.S.C. §§ 5031-42, divested the district court of jurisdiction over Petitioner's prosecution for the charged RICO conspiracy because he was a juvenile- under eighteen years old at the time he allegedly committed the charged crime?
  
- 2.) Was Counsel Ineffective For Not Raising The Argument That Petitioner Was A Juvenile At The Time Of The Crimes, And Could Not Be Charged As An Adult For Crimes Committed As A Juvenile?

## 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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### STATUTES AND RULES

18 U.S.C. §§ 5031-42

### 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**

**[x] 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 \_\_\_\_\_; 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 is unpublished.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 \_\_\_\_\_; 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 is unpublished.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 is unpublished.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 May 8, 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: \_\_\_\_\_, 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

Petitioner Williams' right as a juvenile had been violated. The United States Assistant Attorney for the Northern District of New York, at the time, John K. Katko ("Katko"), never requested nor received written authority in any form from the United States Attorney General nor [through] his delegates the Assistant General in charge of the criminal division, nor the Deputy Assistant United States Attorney General to certify the Juvenile Delinquency.

The authorization to transfer the Petitioner signed by any of these three individuals does not exist. The lack of these authorizations means that a fraudelet act committed against the Petitioner, and the court, and the court lacked jurisdiction to adjudicate the Petitioner a juvenile in federal court. 18 U.S.C. § 5031-42.

Petitioner was also denied his right to effective assistance of counsel during plea negotiations. Petitioner's attorney coerced Petitioner into pleading guilty by: (a) advising Petitioner that he qualified for the Federal Juvenile Delinquency Act because Petitioner was a juvenile at the time he committed the murder on September 4, 2007.

## STATEMENT OF THE CASE

On April 21, 2011, the government filed an indictment charging Petitioner with Conspiracy to engage in a pattern of Racketeering activity, in violation of 18 U.S.C. § 1962(d). On June 27, 2013, Petitioner was convicted upon his guilty plea to one count of conspiracy to engage in Racketeering activities in violation of (RICO), 18 U.S.C. § 1962(c). At sentencing on, December 4, 2013, the court sentenced Petitioner to a 420 months term of imprisonment. On March 4, 2016, the Second Circuit Court of Appeals affirmed. On May 23, 2017, the Second Circuit denied Petitioner's petition for rehearing from its March 2016 decision affirming Petitioner's sentence.

Petitioner filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Petitioner alleged that his guilty plea was involuntary and not knowingly and intelligently made; that he received ineffective assistance of trial counsel. Petitioner also alleged that the district court lacked jurisdiction because Petitioner was a juvenile at the time of the crime committed and thus, under the Juvenile Delinquency Act ["JDA"] 18 U.S.C. § 5032, he could not be prosecuted as an adult in the absence of a certification by the United States Attorney. The district court denied Petitioner's motion. Petitioner filed a Certificate of Appealability in the Court of Appeals. The Court of Appeals denied Petitioner's COA on May 8, 2019.

## REASONS FOR GRANTING THE PETITION

This Court Should Grant The Writ In Order To Determine If The District Court Had Jurisdiction And Did Petitioner Receive Ineffective Assistance Of Counsel.

Petitioner's plea hearing transcripts clearly establish that Petitioner only admitted to the predicate act of murdering Anthony Ford on September 4, 2007. The district court lacked subject-matter jurisdiction over Petitioner for the alleged act of murder he committed when he was seventeen years old. Petitioner was born on August 11, 1990, and, consequently, was seventeen years old on September 4, 2007, the date of the murder. Petitioner therefore clearly committed an act of "juvenile delinquency" as the term is defined in § 18 U.S.C. § 5031 because he violated a federal law before he turned eighteen years old that would have been a crime if committed by an adult. According to Petitioner, the "lack of jurisdiction renders his indictment, conviction and sentence as an adult illegal and should be vacated.

Petitioner's guilty plea was induced by misrepresentation and erroneous advice from his counsel. Petitioner's counsel advised him that since he was born on August 11, 1990, that made him only twenty years old when he was indicted on April 21, 2011, and the Petitioner was entitled to be treated as a juvenile under the Juvenile Delinquency Act because he was under eighteen years old when he committed the offense but under twenty-one years old when indicted.

Change of plea hearing, held on June 27, 2013, in exchange between Petitioner and the Clerk:

The Clerk: Sir, how do you plead to count one of the superseding indictment?

The Defendant: Guilty

The Clerk: As to overt act number 13, do you admit overt act 13?

The Defendant: Yes.

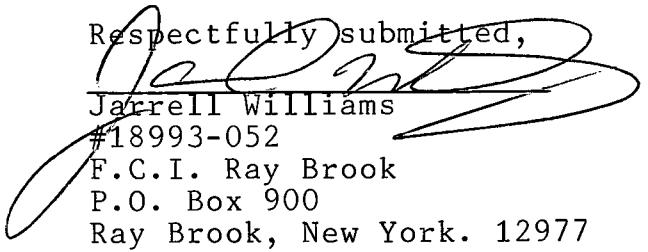
[Plea hearing transcripts, P-8]

If there existed "exceptional circumstances where the need for the remedy afforded by the writ of habeas corpus is apparent" Bowen v. Johnston, 306 U.S. 19 (1939)

CONCLUSION

A misunderstanding of the law led to a flawed plea and sentence. For the foregoing reasons, this court should grant the writ, and reverse the District Court's decision.

Respectfully submitted,

  
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