

No. 19-6632

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

SAMIER PATRICK CLARK

— PETITIONER

(Your Name)

vs.

Supreme Court, U.S.  
FILED

NOV 05 2019

OFFICE OF THE CLERK

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

SAMIER PATRICK CLARK

(Your Name)

P.O. BOX 5000

(Address)

OAKDALE, LA. 71463

(City, State, Zip Code)

N/A

(Phone Number)

## QUESTION(S) PRESENTED

- 1) Was petitioner subjective to violations of his Constitutional rights throughout the course of his criminal prosecution?
- 2) Was petitioner subjective to an illegal sentence as it relates to the U.S.S.G., §3553 and the provisions of Rule 32?
- 3) Is the Adam Walsh Child Protection and Safety Act of 2006, unconstitutional as enacted by Congress?
- 4) Was petitioner subjected to double jeopardy in conviction of charges which "go hand-in-hand"?
- 5) Was petitioner subjective to ineffective or deficient representation of defense counsel during his criminal prosecution?
- 6) Was petitioners case prejudiced against him due to the unprofessional actions of a federal agent investigating his criminal complaint?
- 7) Was petitioner's case further prejudiced by prosecutorial and judicial misconduct which went un-challenged by his defense counsel?

## 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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## TABLE OF AUTHORITIES CITED

### CASES

Haymond 17-1672

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### STATUTES AND RULES

18 U.S.C. §3553

Rule 32

### 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

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 18-20244; 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[ ] is unpublished.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 4:17-CR-00311-001; 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 August 7, 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

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

18 U.S.C. §3553

## STATEMENT OF THE CASE

On May 23, 2017, Petitioner, Samier Patrick Clark, was charged by indictment with distribution of child pornography in interstate or foreign commerce, in violation of 18 U.S.C. § 2252A(a)(2)(B) and (b)(1) (Count one); receipt of child pornography using interstate or foreign commerce, in violation of 18 U.S.C. §2252A(a)(2)(B) and (b)(1) (count two); and possession of child pornography that had been shipped in interstate or foreign commerce, in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) (count three). There was also a notice of forfeiture, which is not part of this appeal.

On November 1, 2017, Petitioner Samier Patrick Clark, appeared with counsel before the Honorable Senior United States District Judge David Hitner for the admonishments required by Fed. R. Crim. P. 11 and the entry of a guilty plea to all three counts. There was no written plea agreement between the parties. The District Court found Petitioner guilty as charged on the three counts to which he plead guilty.

In a judgement announced on April 4, 2018, and entered by the clerk on April 6, 2018, the district court sentenced Clark to 151 months of imprisonment on counts one and two, and 120 months on count three, with all counts to run concurrently for a total sentence of 151 months of imprisonment. There was a term of supervised release of ten years as to each count, with all terms to run concurrently, for a total term of supervised release of ten years. There was no fine based on a judicial finding of inability to pay, but the district court imposed the mandatory special assessment of \$100 per count, for a total assessment of \$300.

## **REASONS FOR GRANTING THE PETITION**

Petitioner, Samier Patrick Clark, was clearly subjective to ineffective assistance of counsel; violations of his constitutional rights throughout the course of his criminal prosecution; subjective to an illegal sentence and unreasonable treatment as a citizen of the United States of America.

Petitioner, Samier Patrick Clark, is a non-violent offender, with no prior history of violence or offensive behavior.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Ch.", is written over a horizontal line.

Date: 10-12-19

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

SAMIER PATRICK CLARK — PETITIONER  
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

PROOF OF SERVICE

I, Samier Patrick Clark, do swear or declare that on this date, OCTOBER 12<sup>TH</sup>, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

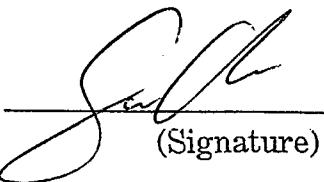
The names and addresses of those served are as follows:

United States Supreme Court

United States Attorney

I declare under penalty of perjury that the foregoing is true and correct.

Executed on OCTOBER 12<sup>TH</sup>, 2019

  
(Signature)