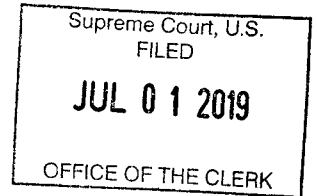


No. 19-7844 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Buck Otto White — PETITIONER  
(Your Name)

United States of America vs. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Buck White # 07901-041  
(Your Name)

United States Penitentiary, Lompoc  
3901 Klein Blvd  
(Address)

Lompoc California 93436  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

- Was it an abuse of discretion to sentence Buck White to 210 months on demand when the Statutory Maximum ~~was~~ is "10" ten years or 120 months?
- did the 8<sup>th</sup> Circuit Court of appeals  
aid in the first question by affirming

## 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:

## RELATED CASES

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### APPENDIX A

*decision of Eighth Circuit COA.*

### APPENDIX B

*Statement of Reasons Document #107 US District Court Docket*

### APPENDIX C

*(inmate unable to retain or copy per BOP policy)*

### APPENDIX D

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## TABLE OF AUTHORITIES CITED

### CASES

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18 USC § 3742 (g)(2)(A)

United States v. Booker 543 US 220

Pepper v. United States 562 US 476 US (2011)

United States v. Andrews 390 F.840, 852 (5<sup>th</sup> Cir 2004)

### STATUTES AND RULES 18 USC § 3742 (g)(2)(A)

When a sentence is set aside on appeal, the district court to which the case is remanded:

Shall not impose a sentence outside the applicable guideline range except upon the ground that - (A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c) in connection with the previous sentencing of the defendant prior to appeal.

### OTHER

Appendix B

~~Exhibit A~~ Docket #107 Statement of reasons Feb. 13.15  
from District Court Docket original sentence remanded  
was all concurrent sentences.

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 \_\_\_\_\_; 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 12-12-2018.

☐ 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: 02-05-2019, 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 July 5 2019 (date) on April 26 2019 (date) in Application No. 18 A 1105.

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

18 USCS § 3742 (a)(2)(A)

(9) Sentencing on Remand

(2) The court shall not impose a sentence outside the applicable guideline range on the ground that

(A) was specifically and affirmatively included in the original statement of reasons required by Section 3553 C in connection with the previous Sentencing of the defendant prior to appeal



## STATEMENT OF THE CASE

Between Feb & March 2013 I was searched and indicted for possession of ammo and firearms. I was found guilty April 25<sup>th</sup> 2014 and sentenced with an ACCA enhancement to 300 months all counts concurrent with a downward departure of 34 months off the guideline sentence (DOC 106)

on 5-2-2016 I timely filed a motion to vacate 28 USC §2255. The Government conceded that I did not meet the criteria for the ACCA 924c enhancement. Probation revised my PSR and suggested a guideline sentence of 120-150 @ Level 2b with a Statutory Maximum of 10 years.

On 10-17-2017 on resentencing District Court gave me Consecutive Sentences to achieve an ACCA like sentence of 210 months counts 1 & 3 concurrent counts 2 & 4 consecutive to 1 & 3

On 12-12-18 Eighth Circuit Court of appeals affirmed my timely Appeal

On 4-26-19 I was granted an extension.

I timely filed the exact writ of Certiorary in June of 19.  
On Feb 1 2020 I sent an inquiry as to my writ of Cert's possession I am now ~~re~~submitting my petition with a declaration of timely filing per Rule 29.2 & Clerk's response letter

## REASONS FOR GRANTING THE PETITION

this question before the court is a ripple effect of  
This courts ruling of Johnson and ACCA enhancements  
the Lower courts appear to be manipulating words to  
get an "ACCA Like" sentence by replacing <sup>(924)</sup> 984(e)  
with words like "Stacking", "Consecutive sentences"  
and egregious criminal history rule 4A1.3  
to enthrall district court Judge with Smoke and  
mirrors none of those reasons were stated or  
checked in my original Statement of reasons,  
to Stop further Abuse of discretion and  
manipulation of this courts ruling  
is sufficient reason to grant this petition.

I pray that my lack of education in law  
and criminal procedure does not influence  
the clarity of this issue. Frankgon  
Buck White

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

\_\_\_\_\_

Date: 2-17-20