

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BARTON ADAMS – Petitioner
and
JOSEPHINE ADAMS; BA Claimants

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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QUESTIONS PRESENTED

I. Whether the lower court violated the mandatory requirements of Rule 32.2(e)(1)(A) and breached the Rule 11(c)(1)(C) binding sentence, when the district court, in order to steal specific property-39 demand drafts after the March 1, 2013 binding sentencing, pretended the 39 demand drafts, were not identified and located before sentencing. The district court pretends it does know that the sealed October 22, 2012 protective order (DE 1110), identifies and locates specific property-39 demand drafts before the November 8, 2012 binding plea agreement, before the February 14, 2013 “Amended Preliminary Order of Forfeiture” that became final as to the petitioner at the March 1, 2013 binding sentencing. As part of the binding plea agreement negotiations, the specific property-39 demand drafts were not included in the November 8, 2012 binding plea agreement. No new property was located and identified after the sealed October 22, 2012 protective order. (DE 1110). A copy of the sealed October 22, 2012 district court order, was recently unsealed by the High Court in Hong Kong and sent to the petitioner, exposing the thief of the 39 demand drafts by the district court in West Virginia.

II. Does the sealing and refusing to unseal the October 22, 2012 protective order DE 1110, that locates and identifies specific property-39 demand drafts before the March 1, 2013 binding sentencing, allow the district court to pretend that the specific property was not located and identified until after sentencing, in order for the district court to;

- (i) steal the specific property-39 demand drafts after sentencing;
- (ii) deceive the fourth circuit into believing the specific property-39 demand drafts were located after sentencing, when no new property was located or identified after the October 22, 2012 protective order (DE 1110), see, Supplemental Appendix.
- (iii) refuse to unseal DE 1110, in order to deceive the fourth circuit into erroneously find that the petitioner has no standing.
- (iv) issue unlawful post-sentencing amendments to the binding criminal forfeiture order that are basically just “thief orders”, to steal 39 demand drafts after the binding Rule 11(c)(1)(C) March 1, 2013 sentencing.
- (v) the petitioner is aggrieved by stealing specific property-39 demand drafts. No new property was located after sentencing.

III. Whether a district court after it formally transferred jurisdiction and all files and records, still had jurisdiction, that is, after the transfer of jurisdiction, to amend the binding March 1, 2013 criminal forfeiture order, in order to steal the 39 demand drafts after the binding sentencing without notice, without a hearing, without jurisdiction, without venue and without the appointment counsel.**

**This case is more than your usual due process violation or a violation of federal rules case, this case is about the intentional post-sentencing thief of 39 demand drafts by the district court in Wheeling, West Virginia.

The **Supplemental Appendix** contains a copy of the sealed October 22, 2012 protective order (DE 1110), that the district court in West Virginia not only refuses to unseal, but the district court pretends that DE 1110 does not exist, in order to hide the thief of 39 demand drafts by the district court in Wheeling, West Virginia.

DE 1110 was unsealed in the High Court in Hong Kong and recently sent to the petitioner.

LIST OF PARTIES

Barton Adams is the petitioner. The USA is the respondent.

LIST OF PARTIES NOT SERVED AS REQUIRED IN ORDER TO HELP THE DISTRICT COURT STEAL 39 DEMAND DRAFTS ISSUED ON THE BANK ACCOUNT OF THE CORPORATION KEYFIELD LIMITED

The known claimants, Keyfield Limited a BVI corporation, Josephine Adams and BA were never sent notice of forfeiture and thief of the 39 demand drafts by the district court in Wheeling, West Virginia. The district court admits that notice of forfeiture was only by publication and none of the known claimants were sent notice as mandated by the federal rules.

A search of the docket shows no certificate of service on file for known claimants Keyfield Limited a BVI corporation, Josephine Adams or minor BA.

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APPENDIX

- Opinion, U.S. Court of Appeals for the Fourth Circuit.....App A
- Amended Final Order of Forfeiture, September 18, 2018.....App B
- Order Transferring Jurisdiction to the Eastern District of Virginia entered, July 25, 2016.....App C
- Sealed October 22, 2012 Protective Order (DE 1110) that locates and identifies specific property 39-demand drafts.....Supplemental App

SUPPLEMENTAL APPENDIX

The supplemental appendix contains a copy of the sealed October 22, 2012 protective order DE 1110 recently received from the High Court in Hong Kong. The sealed October 22, 2012 order locates and identifies the 39 demand drafts months **before** the November 8, 2012 binding plea agreement and before the March 1, 2013 binding sentence, but was sealed in order for the district court to pretend the 39 demand drafts were located and identified **after** the March 1, 2013 binding sentencing.

The district court in Wheeling, West Virginia refused to unseal DE 1110 in order to hide the intentional thief of 39 demand drafts and in order to hide the breach of the November 8, 2012 binding plea agreement by the district court in Wheeling, West Virginia.

No new property was located after the October 22, 2012 protective order and no new property was located and identified after the Rule 11(c)(1)(C) March 1, 2013 binding sentencing.

DE 1110 proves all post-sentencing amendments to the forfeiture order issued after the binding Rule 11(c)(1)(C) March 1, 2013 sentencing are illegal.

TABLE OF AUTHORITIES CITED

	Page
28 USC §1254(1).....	1
U.S. Const. amend V.....	2
Federal Rule of Criminal Procedure Rule 32.2(e)(1)(A).....	2, 3, 4, 6, 7, 8
Federal Rule of Criminal Procedure Rule 11(c)(1)(C).....	2, 3, 4, 5, 6, 7, 8

I am not sure which thief statute or other criminal statutes apply when a district court intentionally steals 39 demand drafts, intentionally violates a Rule 11(c)(1)(C) binding agreement and intentionally violates Rule 32.2(e)(1)(A).

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR A WRIT OF CERTIORARI

Barton Adams respectfully petitions for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Fourth Circuit.

OPINIONS - ORDERS BELOW

The opinion-decision of the U. S. Court of Appeals appears at Appendix A to the petition and is unpublished.

The order of the U. S. district court NDWV amending the Final Order of Forfeiture on September 18, 2018, appears at Appendix B and is unpublished.

JURISDICTION

Petitioner seeks a review of the decision of the Fourth Circuit, entered May 17, 2019. An extension of time to file the Writ of Certiorari was granted extending the time until December 29, 2019 (19A62). This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION,
STATUTES AND RULES INVOLVED

- (i) U.S. Const. amend V: The Due Process Clause

- (ii) Rule 32.2(e)(1)(A) has a mandatory requirement that directs the district court not to amend a forfeiture order to include a specific property subject to forfeiture under an existing order of forfeiture, unless the specific property was located and identified after that order was entered. It is critical to note that no property was located after the October 22, 2012 protective order DE 1110, or after March 1, 2013 binding sentencing.

- (iii) Rule 11(c)(1)(C), binding plea agreement. Agree to a specific sentence binds the court once the court accepts the plea agreement).

- (iv) I am not sure which thief statute applies when a district court in West Virginia intentionally steals 39 demand drafts.

STATEMENT OF THE CASE

It is critical to understand that no property was located after the October 22, 2012 order or after March 1, 2013 the binding sentencing.

The district court sealed DE 1110 that identified the 39 demand drafts before sentencing. By pretending that the 39 demand drafts were located after the binding sentencing, the district court is stealing the 39 demand drafts. The district court did not foresee that the petitioner would receive an unsealed copy of DE 1110 from the High Court in Hong Kong. The High Court in Hong Kong basically caught the district court in West Virginia with its pants down. DE 1110 is the smoking gun that proves the district court is West Virginia is stealing the 39 demand drafts and breaching the November 8, 2012 binding Rule 11(c)(1)(C) plea agreement as well violating Rule 32.2(e)(1)(A). A copy of DE 1110 is attached to this petition in the Supplement Appendix. DE 1110 is also readily available on the Internet. Obviously, DE 1110 should not be sealed just to hide the thief of 39 demand drafts by the district court or to hide the petitioner's standing to appeal unlawful amendments to the binding forfeiture order. The petitioner is aggrieved by the thief of the 39 demand drafts by the district court in Wheeling, West Virginia.

REASONS FOR GRANTING THE WRIT

I. No new property was located after the October 22, 2012 protective order or after the November 8, 2012 binding plea agreement or after the March 1, 2013 Rule 11 binding sentencing. The sealed October 22, 2012, protective order that identifies and locates the 39 demand drafts, on October 22, 2012. (DE 1110), Supplemental Appendix.

October 22, 2012 is before March 1, 2013.

The October 22, 2012, protective order signed by the district court proves the district court knew the location and identification of the 39 demand drafts on October 22, 2012, or earlier, but the lower court sealed the order, refused to unseal the order and then went ahead and violated Rule 32.2 (e)(1)(A) and Rule 11(c)(1)(C). The district court is pretending it did not know about the 39 demand drafts until after the binding sentencing on March 1, 2013.

(i) Without a copy of the sealed West Virginia October 22, 2012, protective order DE 1110 recently obtained from the High Court in Hong Kong, Dr. Adams apparently would not have standings to appeal the post binding sentencing amendments to criminal forfeiture orders that violate Rule 32.2 (e)(1)(A).

(ii) Without a copy of the sealed West Virginia October 22, 2012, protective order DE 1110 recently obtained from the High Court in Hong Kong, Dr. Adams could not prove that these three post-sentencing forfeiture orders are illegal.

- July 11, 2013, “Second Amended Preliminary Order of Forfeiture”;
- June 25, 2014, “Final Order of Forfeiture with Respect to Specific Personal Property”; and the
- September 18, 2018, “Amended Final Order of Forfeiture”.

(iii) Without a copy of the sealed West Virginia October 22, 2012, protective order, that locates and identifies the 39 demand drafts before the November 8, 2012 binding plea agreement and before February 14, 2013, “Amended Preliminary Order of Forfeiture”, that became final as to the defendant at the March 1, 2013 Rule 11(c)(1)(C) binding sentencing. Dr. Adams could not prove the thief of the 39 demand drafts by the district court. A copy of the sealed October 22, 2012 order DE 1110 is in the Supplement APPENDIX for this writ.

The October 22, 2012, protective order DE 1110, that locates and identifies the 39 demand drafts, makes all post March 1, 2013 sentencing, forfeiture orders for the 39 demand drafts, void ab initio, simply because the 39 demand drafts were located, identified and subject to forfeiture in an existing order of forfeiture on October 22, 2012 or earlier, in addition, the November 8, 2012 binding plea agreement, agreement was to not forfeit the 39 demand drafts, therefore as agreed the 39 demand drafts are not included in the:

- (i) November 8, 2012, binding plea agreement.
- (ii) January 14, 2013, "Preliminary Order of Forfeiture"; or the
- (iii) February 14, 2013, "Amended Preliminary Order of Forfeiture".
- (iv) March 1, 2013, binding sentencing order.

Rule 32.2(e)(1)(A) only allows a forfeiture order to be amended for specific property identified and located **after** the February 14, 2013, "Amended Preliminary Order of Forfeiture", that became final at March 1, 2013 binding sentencing.

No new property was located after the sealed October 22, 2012 protective order (DE 1110) or after Rule 11 sentencing on March 1, 2013.

The new evidence from the High Court in Hong Kong (DE 1110)

proves that the following post sentencing criminal forfeiture orders issued after the March 1, 2013; binding Rule 11(c)(1)(C) sentencing are illegal orders:

- (i) July 11, 2013, “Second Amended Preliminary Order of Forfeiture”;
- (ii) June 25, 2014, “Final Order of Forfeiture with Respect to Specific Personal Property”; and the
- (iii) September 18, 2018, “Amended Final Order of Forfeiture”.

The October 22, 2012 docket entry 1110, proves that the district court breached the Rule 11(c)(1)(C) plea agreement and violated Rule 32.2(e)(1)(A). A copy of the sealed October 22, 2012 order DE 1110 is in the SUPPLEMENTAL APPENDIX for this writ.

II Jurisdiction was transferred and accepted by the Eastern District of Virginia and not transferred back to the NDWV.

On July 05, 2016, jurisdiction was ordered transferred from the Northern District of West Virginia (NDWV) to the Eastern District of Virginia (VAED). VAED accepted and assumed jurisdiction on July 14, 2016. Jurisdiction was **not transferred back** to the NDWV.

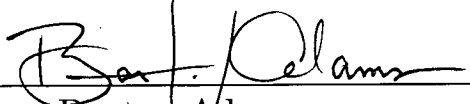
VAED assigned a criminal case number, motions were filed and promptly decided by VAED. Because jurisdiction was not transferred back to the NDWV, it lacked jurisdiction to amend, the June 25, 2014, "Final Order of Forfeiture with Respect to Specify Personal Property" on September 18, 2018.

CONCLUSION

The district court deceived the fourth circuit by sealing and hiding the October 22, 2012 protective order (DE 1110). The petitioner has standings to appeal any amendment to the March 1, 2013 binding Rule 11(c)(1)(C) sentencing and the violations of Rule 32.2(e)(1)(A). The petitioner is aggrieved by the thief of 39 demand drafts.

Since no new property was located or identified after the October 22, 2012 protective order (DE 1110), or after the binding November 8, 2012 plea agreement or after the Rule 11(c)(1)(C) binding sentencing held on March 1, 2013. The March 1, 2013 binding sentence is the law of the case. The writ should be granted.

Dated: December 23, 2019


Barton Adams, pro se