

Supreme Court, U.S.
FILED
MAR 24 2020
OFFICE OF THE CLERK

19-8265
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JERRY WILSON HARTLEY — 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 FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JERRY WILSON HARTLEY
(Your Name) # 11873-087

P.O. Box 6001
(Address)

ASHLAND, KY 41105-6001
(City, State, Zip Code)

W/A
(Phone Number)

ORIGINAL

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QUESTION(S) PRESENTED

- DID THE FOURTH CIRCUIT COURT OF APPEALS ERRED WHEN THEY ACCEPTED AND RULED ON A DIRECT APPEAL THAT WAS UNTIMELY, (ALMOST 2-YEARS LATE), WITHOUT GRANTING LEAVE TO FILING AN UNTIMELY DIRECT APPEAL?

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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APPENDIX A

- DECISION 4th CIRCUIT OF APPEALS (FILED NOV 19, 2019 - DECIDED NOV 21, 2019)
- DECISION 4th CIRCUIT OF APPEALS REHEARING / ED BANC HEARING (DECIDED DECEMBER 30, 2019)

APPENDIX B

N/A

APPENDIX C

N/A

APPENDIX D

N/A

APPENDIX E

N/A

APPENDIX F

N/A

TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

FEDERAL RULES OF CRIMINAL PROCEDURE
FEDERAL RULES OF APPELLATE PROCEDURE

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

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 INCLUDED / NO: 19-4319; 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 is unpublished.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 2:16-cv-00023-JPB-MTA-2; 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 is unpublished.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 NOVEMBER 21, 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: DECEMBER 30, 2019, and a copy of the order denying rehearing appears at Appendix A.

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

- STATUTE FOR FILING A TIMELY DIRECT APPEAL INVOLVED
- TIME FRAME / PERIOD FOR FILING A TIMELY NOTICE OF DIRECT APPEAL EXPRES.
- FEDERAL RULES OF CRIMINAL PROCEDURES
- FEDERAL RULES OF APPELLATE PROCEDURES

STATEMENT OF THE CASE

ON AUGUST 28, 2017 JERON WILSON HARDLEY WAS SENTENCED TO (240) MONTHS OF PRISON ALONG WITH (3) YEARS SUPERVISED RELEASE FOR HIS GUILTY PLEA "CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE IN VIOLATION OF 21 U.S.C. §§ 841(A)(1)(C). HE INFORMED HIS ATTORNEY, SCOTT A. CURNUTTE, THAT HE WISHED FOR HIM TO FILE A DIRECT APPEAL. HARDLEY CHECKED OFF BOX ON FORM CURNUTTE GAVE HIM THAT HE DID WANT TO FILE DIRECT APPEAL AND HARDLEY SIGNED IT. CURNUTTE SAID HE WOULD BE IN TOUCH AND THAT WAS THE LAST TIME HARDLEY EVER HEARD FROM CURNUTTE. HARDLEY TRIED CALLING & SENDING LETTERS TO LAW OFFICE OF SCOTT CURNUTTE BUT IT WAS ALL IN VAIN SINCE ATTORNEY SCOTT CURNUTTE WAS NEVER AVAILABLE OR EVER RETURNED A LETTER. HARDLEY EVEN HAD HIS SISTER, CRISTAL VAN PELT, ATTEMPT TO CONTACT ATTORNEY TO FIND OUT STATUS OF HIS DIRECT APPEAL TO NO AVAL. FINALLY, JERON WILSON HARDLEY CALLED THE FOURTH CIRCUIT COURT OF APPEALS AND THEY INFORMED HIM THERE WAS NO RECORD OF A DIRECT APPEAL EVER FILED ON HIS BEHALF. HARDLEY THEN WROTE LETTERS TO DISTRICT COURT ON MATTER(S) THAT HE JUST FOUND OUT ATTORNEY SCOTT CURNUTTE NEVER FILED THE DIRECT APPEAL ON HIS BEHALF BACK ON/IN AUGUST 2017. SEE Docket SHEET - DISTRICT COURT #s 930/931/932/933/937/938 April 09, 2019 THROUGH MAY 10, 2019 * ATTACHED. IN MAY OF 2019 COURT APPOINTED CRAIG SAMMONS, ATTORNEY, TO FILE A DIRECT APPEAL. HARDLEY WROTE SAMMONS ABOUT HIS ISSUES AND SAMMONS FILED AN ANDERS BRIEF TOTAL SUBMISSION 5 PAGES. AUSA OFFICE WROTE LETTER TO 4TH CIRCUIT COURT OF APPEALS ASKING THEM TO LET HIM KNOW IF THEY WANTED AUSA OFFICE TO REPLY/RESPOND TO SAMMONS'S APPEAL. HARDLEY WAS NOTIFIED TO FILE A PROSE SUPPLEMENTAL BRIEF WHICH HE DID BUT HE NOTIFIED COURT THAT IF THEY ALLOW THIS UNTIMELY APPEAL FROM SAMMONS. HE WOULD LIKE TO RESERVE SOME INEFFEKTIVE ASSISTANCE OF COUNSEL ISSUES SAMMONS RAISED IN HIS ANDERS BRIEF FOR AN FUTURE § 2255 ACTION HE MIGHT HAVE. COURT NEVER GRANTED LEAVE FOR HARDLEYS UNTIMELY DIRECT APPEAL TO BE FILED. COURT SHOULD HAVE DECIDED DUE TO UNTIMELY (ALMOST 2 YEARS) DIRECTED HE FILE § 2255 FOR FAILING TO FILE DIRECT APPEAL. STANDARD PRACTICE IS THEN TO VACATE SENTENCE/RESENTENCE TO SAME AND RESTART TIME CLOCK FOR DIRECT APPEAL AND THAT IT IS CONSIDERED

INTENT TO FILE A DIRECT APPEAL AND THIS IS NOT CONSIDERED AS A § 2255
FILING. THE 4TH CIRCUIT COURT OF APPEALS UPHOLD DISTRICT COURT DECISION ON NOVEMBER 21, 2019.
HARDLEY FILED FOR REHEARING / EN BANC HEARING SINCE HIS DIRECT APPEAL WAS UNTIMELY AND
COURT SHOULD HAVE RULED AS SUCH. DENIED ON DECEMBER 30, 2019 SEE APPENDIX A
IF THE COURT FOLLOWED FEDERAL RULES OF CRIMINAL PROCEDURE AND RULES OF APPELLATE
PROCEDURE CONCERNING AN UNTIMELY DIRECT APPEAL WHEN HARDLEY WOULD HAVE BE
DIRECTED TO FILE § 2255 PETITION FOR ATTORNEY FAILING TO FILE DIRECT APPEAL THEN WHEN
COURT VACATED / RESENTENCED HIM TO RESET CLOCK FOR DIRECT APPEAL HE WOULD
HAVE BENEFITED IN RESENTENCING UNDER NEW FIRST STEP ACT. THAT IS WHY
THIS IS OF GREAT IMPORTANCE TO JEREMY HARDLEY.

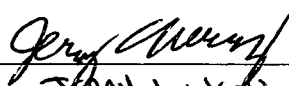
REASONS FOR GRANTING THE PETITION

ALL DISTRICT COURTS AND APPELLANT COURTS & SUPREME COURT FOLLOW THE/HAVE THE EXACT SAME LAWS / PROCEDURES THEY MUST ADHERE TO. IF NOT, IT UNDERMINES OUR ENTIRE LEGAL SYSTEM, DUE PROCESS ETC. (WE MAY AS WELL BE COMMUNISTS THEN)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



JERRY WILSON HARLEY

Date: MARCH 10, 2020