No. ____________________

IN THE

SUPREME COURT OF THE UNITED STATES

DAVID FURTADO GRAY — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David Furtado Gray
(Your Name)

P.O. Box 2099 U.S.P Pollock
(Address)

Pollock, LA 71467
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

(i) Whether the term "Pattern" of Racketeering Activity as defined in 18 U.S.C.S. 1959(a)(1), which is cross Reference to 18 U.S.C.S. 1961, proved men of simple understanding (intelligence) "Fair Notice", under the Due Process Clause of the Fifth and Fourteenth Amendment of the U.S. Constitution, of what is prohibited, or does it Render it unconstitutionally Vague?

(ii) Without "Pattern" of Racketeering Activity as defined in 18 U.S.C.S. 1959(a)(1) and U.S.C.S. 1961, whether the District Court lack Subject Matter Jurisdiction in violation of the Fifth and Fourteenth Amendment of the Due Process Clause of the U.S. Constitution?

(iii) Whether aiding and abetting a "Crime of Violence" "Murder" as defined in 18. U.S.C.S. 1959(a)(1). cross Reference 18 U.S.C.S. 1111, under Federal Law cannot support a violation of 18. U.S.C.S. 924(c) under the Correct Application of the Categorical Approach?

LIST OF PARTIES

[X] 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

U.S. v. Gray No. 1:95-cr-00364 AMD, U.S. District Court of Maryland
U.S. v. Gray 137 F.3d 764, U.S. Court of Appeals for The Fourt Circuit.
Judgement Entered (1998). Cert 525 U.S. 866 (1998). U.S.
v. GRAY Nos. 95.-cr-364, 99-CV-575 D. Md. Judgement entered
March 23, 2001, Feb 8 & 27 2001), U.S. v. Gray No. 10 F. Appx 180
U.S. Court of Appeals for The Fourt Circuit, U.S. v. Gray No.
16-9118 ECF. No. 8. U.S. District Court for the Fourth Circuit,
Judgement entered 20, U.S. v GRAY 95-cr-00364 ECF No.
148. U.S. District Court for the District of Maryland. Judgement
Entered U.S. v. GRAY No. 19-454, 1:95-cr-00364-CCB-1 U.S.
District Court of Appeals for the Fourth Circuit Judgement entered
, U.S. v. Gray No. 20-6016. U.S. Court of Appeals for The
Fourth Circuit. Judgement entered (pending appeal). David Gray v.
Warden NO 1:19-CV-01519-P U.S. District Court. Western District
of Louisiana Alexandria Division. Judgement Entered

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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

[X] reported at No. 19-6009; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[X] reported at 1:95-cr-00364 CCB Document 141; or,
[ ] has been designated for publication but is not yet reported; or,
[X] 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 December 23, 2019.

[X] 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 D.

[ ] 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

U.S. Constitution Article V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life, or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be ~~deprived of life, liberty, or property, without due process of law,~~ nor shall private property be taken for public use, without just compensation.

U.S. Constitution Article [VI]: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trail, by an impartial jury of the State and district wherein the crime shall have been committed which district shall have been previously ascertained by law, ~~and to be informed of the nature and cause of the accusation;~~

18 U.S.C.S. 16(a) The term "crime of violence" means - (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

18 U.S.C.S. 16(b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

18. U.S.C. 2 Principals (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces, or procures its commission, is punishable as a principal.

924(C.) Knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(l) or (D) Willfully violates any other provision of this chapter, shall be fined under this title, imprisoned not more than five years or both.

18. U.S.C.S. 924(C)(3)(A) ... "Crime of violence" means an offense that is a felony and (A) has as an element the use, attempted use or threatened use of "physical force" against the person or property of another, or (B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

18 U.S.C.S 1111 (a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of or attempt of perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child, or children; or perpetrated from a premeditated design unlawfully and maliciously from a premeditated design unlawfully and to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is in the second degree. (b) within the special maritime and territorial jurisdiction of the United States Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; Whoever is guilty of murder in the second degree, shall be imprisoned

for any term of years or for life.

18 U.S.C.S 1959(a) Whoever, as consideration for the Receipt of, or as consideration for a promise, or agreement to pay. Anything of pecuniary value from an enterprise engaged in Racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murder, kidnaps, maims, assults with a dangerous weapon, commits assults resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any state or the United States, or attempts or conspires so to do, shall be punished - (1) for murder, by death or life imprisonment, or a fine under this title, or both;... 18 U.S.C.S 18. 1959(a)(5) for attempting or conspiring to commit murder or kidnapping by imprisonment for not more than ten years or a fine under this title, or both;...

18 U.S.C.S. 1961: "Racketeering activity" means (A) any act, or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance, or listed chemical (as defined in section 102 of the Controlled Substance Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) Any act which is indictable under any of the following provisions of title 18. U.S.C.S: 201, 224, 471, 472, 473, 659, 664, 891-894, 1028, 1029 1084, 1341, 1343, 1344, 1351, 1425, 1426, 1427, 1461-1465, 1503, 1511, 1512, 1513, 1542, 1543, 1544, 1546, 1581-1592, 1831, 1832, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1960, 2251, 2251A, 2252, 2260, 2312,

2313, 2314, 2315, 2318, 2319, 2319A, 2320, 2321, 2341-2346, 2421-24 175-178, 229-229F, 831. (C) Any act which is indictable under title 29, U.S.C.S. §186, §501(c). (D) any offense involving Fraud connected with a case under title 11 (except a case under section 157 of this title), Fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying selling, or otherwise dealing in controlled substance or listed chemical. (as defined in section §102 of the Controlled Substances Act) punishable under any law of the United States. (E) Any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) Any act which is indictable under the Immigration and Nationality Act, section §274, §277, § 278 if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is inditeble under any provision listed in section 2332b(g)(5)(B);

(2) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivison, or any department, agency, or instrumentality thereof: (3) "person" includes any individual or entity capable of holding a legal or beneficial in property; (4) "Enterprise" includes any indiviual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity; (5) "pattern of Racketeering Activity" Requires at least two acts of Racketeering activity, one in which occured after the effective date of this chapter.

And the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity.

18 U.S.C.S. 1962: It shall be unlawful for any person who has received any income derived, directly or indirectly, from a "pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the section 2, 18 U.S.C. to use or invest, directly or indirectly, any part of such income in, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purpose of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any "pattern or racketeering activity or collection of an unlawful debt after such purchase do not amount in aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a "pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, and interest in or control of any enterprise which is engaged in or the activities of which affect, interstate or foreign commerce. (C) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or activities of which affect, interstate or foreign commerce, to conduct or participate; directly or indirectly, in the conduct of such enterprise's affairs through a pattern of Racketeering activity or collection of unlawful debt. (D) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a) (b) or (c) of this Section.

18 U.S.C.S 1963 Criminal penalties: (a) Whoever violates any provision of section 1962 of this Chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a Racketeering Activity for which the maximum penalty includes life imprisonment) or both, and...

28 U.S.C.S. 2255(h)(2) A Second or Successive motion must be certified as provided by a panel of the appropriate court of appeals to contain, a new Rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

28 U.S.C.S. 2244 3(A) Before a second or successive, application permitted by this section is filed in the district Court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application. (C). The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facia showing that the application satisfies the requirements of this section.

Maryland Code Ann Crim Law 2-201 First Degree Murder: "[A] conviction of first degree murder may be proved either by showing deliberation wilfulness and premeditation (premeditated murder) or by showing a homicide committed in the perpation or attemped perpatration of one of enumerated felonies. Felony murder... (definition is from Ross v. State 519 2d 735, 737 MD (1987))

Md. Code Ann Crim Law 2-204 Second degree Murder: is without premeditation.

U.S. Constitution Amendment 14 Section 1. All persons born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall aberge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protect of the laws.

28 U.S.C.S. 2253 (c)(2) A certificate of appealability may issue under paragraph (1) only if applicant has made a substantial showing of the denial of a constitutional right.

STATEMENT OF THE CASE

On April 23, 1996 Petitioner was found guilty by a Jury of (Aiding and Abetting. a Crime of Violence in aid of Racketeering Activity in violation of 18 U.S.C.S. 1959(a)(1) as to Count One, and Possession of a Weapon in Connection to a Crime of Violence. (aiding and abetting) in violation of 18. U.S.C.S 924(c) as to Count Three. Count two of the indictment "Conspiring to commit murder in aid of Racketeering Activity. (Aiding and Abetting) in violation of 18 U.S.C.S 1959(a)(5) was dismissed by the Court prior to trail on oral Motion by the Government. Petitioner was sentenced to life without parole as to Count One and to five years consecutive as to Count Three.

Petitioner's Conviction was affirmed on appeal U.S. v. Gray 137 F.3d 764 (4t cir). Cert denied 525. U.S. 866 (1998). Motion to vacate under Section 2255 denied See U.S. v Gray nos. 95-CR-364; 99-CV-575 (D. Md. March 23, 2001, Feb 8 & 27, 2001) Certificate of Appealability denied U.S. v Gray, 10 F. Appx 180 (4th cir 2001) On, June 7. 2016, Petitioner filed an application for Authorization to file a Successive Habeas Application for in the Fourth Circuit of Appeals No. 16-9118. ECF No. 8. The Fourth Circuit granted authorization to file a second and Successive Section 2255 motion because Petitioner made a prima facie showing that a new Rule of Constitutional Law announced in Johnson v. U.S. 135. S.Ct. 2551 (2015) may apply to his case. Petitioner filed the new Section 2255 motion challenging his conviction under 924(c). See U.S. v Gray no. 95-cr-364 ECF. 128. This motion was denied on Dec 3, 2018 because a crime of violence underlying the Petitioner's

924(c) conviction (first degree Mudre) in Aid of Racketeering Activity (aiding and abetting) qualifies under the "Force" Clause and does not Rely on the Residual Clause. quoting U.S. v. Moreno-Aguilar, 198 F.Supp 3d 548 (D. Md 2016) and Cousins v. U.S, 198 F. Supp. 3d, 621 (E.D. VA. 2016) see (D.E. 141 Id) The District Court's Dec. 2018 "Order" that Petitioner's petition was denied and dismissed without an evidentiary hearing, and no certificate of Appealability was issued. Id at ECF. 141 and 151.

Petitioner in March of 2019, appealed the Dec. 3, 2018 order and File and application of Certificate of Appealability along with a Memorandum is Support of the Application. On Dec 23 2019, both was denied, stating that Petitioner had not made the Requiste showing, and dismiss the appeal. Appendix A.

On Feb 19, 2020, Petitioner Filed a motion for an Extension of time to File a Writ of Cert, Received by the Clerk office on Feb 26, 2020 See Appendix C. On March 25, 2020 Petitioner File a Motion (to the U.S. Court of Appeals for the Fourth Circuit) for a Re-hearing See Appendix D., which was not granted. Petitioner Filed a motion to Recall the Mandate on April 7, 2020 it was denied. See Appendix E

REASONS FOR GRANTING THE PETITION

In the Instant petition presented today Requires this Court's Guidonces to determine the Constitutional Challenge to this law. The questions are Related solely to Count One and Count Three of the indictement, 18. U.S.C. 1959(a)(1) and 18 U.S.C. 924(c) , the relevant Facts concerning the Questions presented are as follows:

Petitioner is asserting a claim of Constitutional violation and asserts that he is incarcerated under a statute that is contrary to the U.S. Constitution. Petitioner arugees that the prosecution of Count One was unconstitutional because the term "Pattern of Racketeering Activity, For the Purpose of U.S.C. Section 1959, 1961, 1962 and 1963 should be invalidated for vagueness, and this Court's Decision in U.S. v. Johnson has now laid the ground work for this Petition to be granted.

The term "Pattern of Racketeering Activity" an Essential element of any RICO case, is defined as Requiring at least two acts of Racketeering Activity within a ten year period. The statute provides no Further clue to the meaning of "Pattern." ~~H.J. Inc v. North-western Bell Telephone~~, 492 U.S. 229, 109 S.Ct. 283, 106 L.Ed 195 (1989). the Supreme Court held that Congress intended a "common sense judgement" that has been found defective in Johnson. In Johnson, the Supreme Court held that the language in the Residual Clause of the Armed Career Criminal Act (ACCA) 18.U.S.C. Section 924(c) is Facially void for vagueness. 135.S.Ct at

2557. The void for vaguness" dotrine requires that a penal statute define the offense with sufficient definition that ordinary people cannot understand what conduct is prohibited and in a manner that does not encourage arblitrary and discriminating enforcement." Kolender v. Lawson, 461. U.S. 352, 357, 103 S.Ct. 1855, 75 LEd 903 (1983). It is a fundamental tenet of due process that "I N]O one may be required peril of life, liberty or property to speculate as to the meaning of penal statutes. U.S. v. Betc-Helder, 442 U.S. 114, 123. 99 S. Ct. 2198, 60 LEd. 2d 755 (1979). This principle applies to both vague criminal statutes and vague sentencing provisions. This is because the "Residual" Clause both denies fair notice to defendants and invites arbitrary enforcement by Judges." 135. S. Ct. at 2557. In H. J. Inc. v. Northwestern Bell Telephone, The Court held that a "pattern of Racketeering" maybe established by showing that multiple predicate acts (1) were related, and (2) continued over a significant period in the past or threatened to continue into the future. Id at 288 99. A four Justice Minority has criticized the "Pattern concept as susceptible to constitutional attacks on vagueness grounds. The vagueness question, Justice Scalia has asserted "[When Section 1961(5) says that a "patteren" requires at least two acts of "Racketeering Activity" it is describing what is "needful", but not "sufficient." If that were not the case, the concept of "pattern" would have been unnecessary and that statute could simply have attached liability to multiple acts of "Racketeering Activity". But what that something more is, is beyond me. As I have suggested, it is also beyond the Court. H.J. Inc. v North-Western Bell Telephone. 492. U.S. 229, 255, 109 S.Ct 2893, 2908 106. LEd. 2d 195 (1989)

Justice Scalia, who was joined by Justices O'Conner, and Kennedy and by Chief Justice Rehnquit (the Four of them constituting sufficient votes to grant Certiorari); then plainly invited vagueness challenges to RICO to be brought before the Court: "No Constitution challenge to this law has been raised in the present case, and so the issue is not before us. That the highest court in the land has been unable to derive from this statute anything more than today's meager guidance bodes ill for the day when that challenge is presented." Id 109 S.Ct at 2009.

Under the rules of Johnson, the term "Pattern of Racketeering" must be invalidated as void for vagueness, because the term Pattern of Racketeering Activity invites the very same arbitrary enforcement by Judges and indeterminancy" that Johnson has found defective.

The definition of "Pattern of Racketeering Activity" in RICO as used in 18.U.S.C. Sections 1959 which cross references 18 U.S.C. Section 1962 is too vague that men of common intelligence must necessarily guess of its meaning and differ to its application. It is relevant in this case because it's definition is incoporateded into Petitioner's Count(s), One and Three of his conviction under 18 U.S.C. 1959(a)(1) and 18 U.S.C. 924(c), therefore this Honorable Court should grant Petitioner's Writ of Cert.

Justice Alito's criticism in Johnson, that it's decision would invalidate a multitude of similar Laws.

Petitioner asserts that some of those laws, such as 18 U.S.C. Sections 1959, 1961, 1962 and 1963 that incorporated the term "Pattern of Racketeering Activity"

If this Court agree that the term "Pattern of Racketeering Activity should be void for being unconstitutionally vague, then the Court must agree likewise that the District Court lacked lawful Subject Matter Jurisdiction as asserted by Petitioner, and his conviction and sentence is unconstitutional. Without such "Pattern" the crimes were against the State's Jurisdiction.

<u>PETITIONER ALSO CHALLENGES THE DISTRICT COURT'S SUBJECT MATTER JURISDICTION (e.g. without the unconstitutional statute(s) (18 U.S.C. Section(s) 1959, 1961, 1962 and 1963, which all incorporates the term "Pattern") did Petitioner actually commit a crime against the United States?</u>

Thus did the District Court have lawful Jurisdiction to hail Petitioner into Federal Court, try and sentence him to a term of life without parole, plus 5 years (emphasis added) or did Petitioner commit crimes against the state.

Petitioner challenges the constitutionally of 18 U.S.C. Section(s) 1959, 1961, 1962 and 1963 and thus Federal Court's Subject Matter Jurisdiction. See <u>U.S. v. Cotton</u>, 535 U.S. 625, 630 (2002). Subject Matter Jurisdiction never forfeited or waived, requires correction regardless of whether error raised in district court E.g. <u>U.S. v Scruggs</u> 714 F.3d 258, 262 5th Cir 2013) (Jurisdictional Challenge to indictment (may be raised at any time); <u>U.S. v Gatewood</u>

173 F.3d 983, 986, (6th cir 1999) (Same). U.S. v. Verekin, 803 F.2d 1085, 1088 (10th cir 1986) (Same). "The lack of Subject Matter Jurisdiction can be raised at any time." U.S. v. Beasley, 495, F.3d 142, 147 (4th cir 2007), Whether a Court had Subject Matter Jurisdiction is a Question of Law Subject to ___ Review, U.S. v. Barton, 26 F.3d 490, 491 (4th cir 1994). "Litigants in Federal Court have a corresponding Right to challenge subject Matter Jurisdiction at anytime...., Cooper v. Productive Transp. Servies.... (In Re: Bullard Trucking 147. F.3d 347 (4th cir 1998). Accordingly a Subject Matter Jurisdiction claim cannot be waived, or Forfeited.

Of equal importance to the Court's Subject Matter Jurisdiction, it is the Fact, that the Petitioner is challenging the constitutionally of the statute on the basis of substantial changes in "Common law" as well as substantial Supreme Court precedent establishing the correct constitutional analysis for constitutionally of states. Of no less importance, is the Fact Petitioner makes this statutory and Subject Matter Jurisdiction claim after his direct appeal and first Section 2255 motion.

Thus. Section 2255(e). Restriction are not applicable most importantly, to deny Petitioner's claim of illegal imprisonment by challenging the constitutionally of the law under precedual or timeliness is to effectively suspend the writ of habacs Corpus, contrary to the Suspension clause. See U.S. Const. Art I Section 9, cl2

The term "Pattern" incoporated into RICO statute to establish Federal Jurisdiction over state crime. Furthermore to create a crime against the United States is unconstitutionally vague. The Federal statute of 18 U.S.C. Section 1959 is nothing but a catch all jurisdictional providing for any criminal act. In doing so it relies on a term "pattern of Racketeering" a term so vague men of common intelligence must necessarily guess of its meaning. Moreover as stated earlier by the Four Supreme Court Justices, themselves were left to ponder its true meaning and application. Thus the vagueness of this statute requires it to be invalidated. See Connally v. General Constr. Co., 269 U.S. 385 (1926), and U.S. v. Williams, 533, U.S. 285, 304 (2008), Respectively, establishing the vagueness of the statute indicia at bar and required invalidation of such a vague statute.

THE CRIMINAL STATUTE SECTIONS 1959, 1961, 1962 and 1963 IS UNCONSTITUTIONALLY VAGUE AND CONTRARY TO THE SIXTH AMENDMENT'S GUARANTEE TO TRAIL BY JURY.

Petitioner was hailed into court placed on trail pursuant to a criminal statute that is contrary to the United States Constitution. Specifically it fails to give "Proper Notice as required by the Due Process Clause of the U.S. Constitution. Furthermore, it is governed by a sentencing provision 18 U.S.C.§ 1959, 1961, 1962, and 1963 that is contrary to the Sixthamendment's Right to a trail by Jury. In consequence of the Constitutional afflictions, pentitioner did not commit a crime listed under a Constitutional valid statute. Therefore, he did not commit a crime against the United States. In consequence of no crime committed; then the Court Lack Subject

Matter Jurisdiction. Petitioner raise the claim that the crime 18 U.S.C. Section 1959(a)(1) conviction is in fact not a crime against the United States, but was in fact a state crime, therefore Petitioner's conviction and incarceration is illegal. As stated by the District Court at the time of sentencing. See U.S. v. Gray 1:95-cr-00364 AMD (sentencing transcripts). The Court clearly stated into the record "that this Murder is not a Federal Murder. With all due Respect to the victim and his family, this murder took place on the street of Baltimore City, it's just a garden varity murder" The murder did not take place on Federal property, it was not a murder of a Federal. Judge, a Federal Agent, or of a murder of a Federal employee, it did not take place on a Federal Parkway or in a Federal Park. The crime did not take place on a interstate highway, nor on Special Meritime, or on any territorial Jurisdictions of the U.S., therefore invoking Federal Jurisdiction.

The RICO statute violated the Due process clause of the United States Constitution.

PROPER NOTICE OF A CRIMINAL STATUTE

A fundamental principal in our legal system is that laws which regulate persons or entities must fair notice of conduct that is forbidden or required. See Connally v. General Construction Co, 269. U.S. 385, 391 (1926) "[A] statute which either forbids or requires the doing of an act interms so vague that men of common intelligence must necessarily guess at it's meaning and differ as to it's application, violates the first essential of due process of law; ~~Papachristou~~ v. Jacksonville, 405. U.S. 156, 162 (1972).

(Living under a Rule of law entails various supposition, one of which is that [all persons] are entitled to be informed as to what the state commands and forbids. (quoting) Lanzatta v. New Jersey, 306 U.S. 451, 453 (1939). This Requirement of clarity in Regulation is essential to the protections provided by the due process clause of the Fifth Amendment. See U.S. v. Williams, 533 U.S. 285, 304 (2008). It Requires the invalidation of laws that are impermissibly vague. A conviction or punishment fails to comply with due process if the statute or Regulation which it obtained "fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it encurages seriously discriminatory enforcement Ibid. As the Supreme Court has explained, a regulation is not vague because it may at times be difficult to prove an incriminating fact but rather because it is unclear as to what fact must be proved. See id. at 306.

In Sessions v. Dimaya, ~~supra~~, the Supreme Court found that the Residual Clause of Section 16(b) was unconstitutionally vague. In dictum declared § 924(c)(3)(b) unconstitutionally vage. The Court in Dimaya stated:

And of course this court's experience of deciding ACCA cases only supports the conclusion that Section 16(b) is vague. For the record, Reveals that a statute with all the hallmarks as Section 16(b) could not be applied with predicatability the constitution demands. See Id. at ___-___ (slip opinion 6-9), Supra at 6-9. The government would Repeat the past to RERUN the old ACCA, as though we Remember nothing from its first showing.

But why should we disregard a lesson so hard learned? "Insanity" Justice Scalia wrote in the last ACCA residual clause case before "Johnson," is doing the same thing over and over again, but expecting different results. Sykes 564 U.S. at 28 (dissenting opinion). We abandoned that lunatic practice in Johnson, and see no reason to start it again.

Johnson, tell us how to resolve this case. That the decision held that ["T]wo features of (ACCA's) residual clause conspired to make it unconstitutionally vague, 576 U.S. at ___ (slip opinion at 5) because the clause had both the ordinary case requirement and ill-defined risk threshold, it necessarily "devolved" into guesswork and intuition, invited arbitrary enforcement and failed to provide notice. Id at ___ at (slip opinion 8) Section 16(b) possesses the exact same two features and none of the minor linguistic disparities in the statute, makes any real difference... So just like ACCA's Residual Clause Section 16(b) "provides more unpredictability and arbitrariness than the due process clause tolerates." Id at (slip opinion).

The essential Jurisdictional element of Section(s) 1959, 1961, 1962, and 1963 is "Pattern of Racketeering Activity", this is the element of the crime that provides the United States, Federal Courts, Subject Matter Jurisdiction. Furthermore, "pattern of Racketeering Activity" list the majority of infamous crimes under state law, See 18 U.S.C. Sections 1959, 1961, 1963, and 1962. Thus without "Pattern" of Racketeering Activity "no subject Matter

Jurisdiction exist for the United State Federal government, because without such "pattern" the crimes were against the state's jurisdiction in question. Thus, the constitutionally of 18 U.S.C. Section(s) 1959, 1961, 1962 and 1963 in regard to Subject Matter Jurisdiction rest squarely on the "pattern". Therefore, the "question is does the term "pattern" provide men of simple intelligence fair notice of what is prohibited: Or does this term require men of common intelligence to guess of it's meaning and differ to its application.

As stated earlier, the Honorable Supreme Court Justice Scalia answered that question, although such a question has never been put before the Court to answer. See H.J. Inc. v. Northwestern Bell Telephone, 492 U.S. 2229, 225 (1989). Most importantly three other Justices O'Connor and Kennedy and Chief Justice Rehnquist, agreeing that "pattern" provided "needful" information but not "sufficient" to meet the Due Process Clause, of the United States Constitution: Accordingly the question before this Court, has already been answered by Four Justices of this Court. In Summary, in light of the above, and in light of the fact, Count one of the indictment 18 U.S.C. Section 1959(a) and the term "Pattern" of Racketeering Activity which suffers from the same defects as Johnson, is equally unconstitutionally vague, resulting in the Court's lack of Subject Matter Jurisdiction to hail Petitioner into Federal Court, and to imprison for a term of life on a crime against the State of Maryland, not a crime against the United States.

WHETHER THE RICO STATUTE IS CONTRARY TO THE SIXTH AMENDMENT OF THE UNITED STATES GUARANTEE OF A TRIAL BY JURY.

Not withstanding the unconstitutionally of the RICO statute and that it should be invaladated for vagueness. Is the unconstitutional end run around the sixth amendment right to a jury trail. Furthermore, the requirement of the due process clause that all elements of a crime be proven beyond a reasonable doubt. In short with (emphasis added) Congress passed legislation that does an end run around the basic protection of the U.S. Constitution. Under the sixth Amendment, criminal defendants have a right to a trial by an impartial jury drawn from the state and district in which the crime allegedly occured. While exercising his sixth amendment constitutional right to the fifth Amendment, the prosecution is required to prove beyond a reasonable doubt every element of the crime which a defendant is charged. See In re: Winship 397. U.S. 358, 364 (1970) (holding that the government must prove "every fact necessary to constitute the "crime" beyond a reasonable doubt, see also U.S. v. O'Brien, 560 U.S. 218, 244 (2010 distinguishing between '[E]lements of a crime [that] must be charged in an indictment and proved to a jury beyond a reasonable doubt" and "[s]entencing factors [that] can be proved to a judge at sentencing by a preponderance of the evidence.") The reasonable doubt requirement applies to elements that distinguish a more serious crime from a less serious one, as well as to those

elements that distinguish criminal conduct from non-criminal conduct. See Apprendi v. N.J., 530 U.S. 466, 488-92 (2000) (requiring proof beyond a reasonable doubt that defendant crime was racially motivated to support increased hate-crime sentences. Thus, a state may not distinguish between similar offense that have different maximum penalties without requiring the prosecution to prove beyond a reasonable doubt the facts that distinguish the two offenses. Id. Most importantly, the court in Apprendi held that "[O]ther than the fact of a prior conviction, any fact that increase the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt." Even if the statute calls the fact a sentencing factor. Turning the statute in question here; 18 U.S.C. Section 1963.
"Criminal penalities." for section 1962 which provides at relevant part: (A) whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment) or ...

In Summary, Section 1963 authorizes that a court may impose not more than 20 years. However life if a claimed "Racketeering activity" is maximum penalty included life. True there can be an argument made this is a sentencing factor" but it still must be proven beyond a reasonable doubt. (emphasis added). Even section 1963 suffers from vagueness because it fails to provide a certainty where the Racketeering Activity maximum penalty should be judged. E.g. state jurisdiction, Federal jurisdiction. Moreover, the statute allows for the end run around the venue requirement of the Sixth Amendment, right to a jury trail.

A VIOLATION OF "MURDER" AS DEFIND UNDER LAW CANNOT SUPPORT A VIOLATION OF 18 U.S.C. Section 924(c). UNDER THE CORRECT APPLICATION OF THE CATEGORICAL APPROACH

Notwithstanding the above which would negate Federal jurisdiction althogether is the fact that "post Mathis a violation of "Murder" as defined under Federal law will not support a 18 U.S.C. 924(c) count.

As Murder is not defined under 18 U.S.C. 1959(a), one must cross reference 18 U.S.C. 1111 to settle on the "elements" of the crime of "murder" as defined under Federal Law. The elements of "murder is the unlawful killing of a human being with malice aforethought." Having identified the element of murder. The next step is to identify the requirements of a "violent crime" which relied on to determine whether a crime would qualify as a "violent crime" under 18 U.S.C. 924(c). There are two distinct clauses which relied on to determine whether a crime would qualify as a "violent crime" the first the so called Residual clause which was invalidated as unconstitutional in Sessions v. Dimaya

138 S.Ct 1204 (2018). As the District Court found murder a violent crime under the "Force clause" the second, 16(a) which requires the use, attempted use, or threatened use of violent physical force, against the person or property of another, ... [remainder omitted]. See 18 U.S.C. 924 (c)(3)(a). This particular force clause is the only possible avenue for a conviction in 924's case[s] and it fails, the Residual Clause for 924(c) cannot be a basis for conviction because it is unconstitutionally vague under a categorical approach. See Davis v. U.S. supra at 22-23-37.

In order to determine if an offense qualifies under this Clause, courts use the so-called categorical approach. Under this approach the Court must consider the least culpable method to fulfill the elements of that crime. If the means of committing the crime does not require violent physical force, it categorically fails as a violent crime. Simply put "murder" under 18 U.S.C. Section 1111 requires the result of death with aforethought. It does not require as an element violent physical force to meet the elements. The statute requires taking of life with aforethough.

The definition in Section 924(c)(3)(a) is identical to the Force clause, of 18 U.S.C. Section 16. supra, used for 18 U.S.C. Section 1959(a)(1). The indictment alleges that the crime of violence in 18 U.S.C. Section 1959, itself which incorporates the definition in § 16(a) See Leocal, supra. However, the elements of Section 1959(a) fails under the Categorical Approach because the full range of conduct in this offense does not only requires the intent to use violent force. The mental state required for this offense, is intent to kill, injury..." While part of the statute's plain term allow for violent force, the most innocent conduct contained therein does not require any. The most innocent conduct under this statute fails to satisfy the "crime of violent" definition and cannot support Count Three in the indictment in Petitioner's case. An element only categorically includes an element of violent force if all the alternate mean necessarily include violent force. As count two which was dismissed on oral motion by the government at the start of the trail. See U.S. v. Gray. 1:95-cr-00364A (Day one trail transcripts) Conspiracy is the most innocent conduct and it has been ruled not a crime of violence. Thus "murder" is not a violent offense under the "Force" clause. As there are many means to bring death, that does not require violent physical force. Petitioner was charged with "Aiding and Abetting" which does not require violent physical force.

In Petitioner's case, and as applied to him, the "most innocent" conduct proscribed under the predicate statute of 18 U.S.C. Section 1959 would most likely be to conspire to threaten to commit a crime of violence against any individual, which is "non-violent" under the Correct Categorical Approach and does not fall within the "Force" clause. or the "Residual" Clause as explained in U.S. v. Clarke, and Naughton, supra.

<u>THE CATERGORICAL APPROACH</u>

When Analyzing force to determine whether a prior conviction, or if a predicate offense qualifies as a crime of violence, the Court must engage in what is Reffered to as the "Categorical Approach". See <u>Taylor v. U.S.</u>, 495 U.S. 575, 599 (1990).

Under the traditional 'categorical approach' the Court must identify the minmum criminal condect necessary for conviction under a particular statute <u>U.S. v. Hill</u> 832, F.3d, 139 (2nd cir 2016).

The Court may only examine the elements contained in the statutory definition of the predicate offense - not the underlying facts of the conviction, to determine whether the conviction meets the criteria of a certain category of offense. <u>Taylor</u> 495. U.S. at 577. If a conviction under that statute without engaging in conduct that is categorically violent, a conviction under that statute cannot serve as a qualifying conviction under the catargoical approach. <u>Descamp v. U.S.</u>, ___ U.S. ___, 133 S.Ct. 2276, 2288 (2013).

There are, however, a "narrow range of cases" in which a Court may look "beyond the statutory Elements" of the crime to determine whether it is a qualifying conviction. <u>Descamps</u>, 133 S.Ct. at 2283-84. When a statute defines a crime by listing alternative elements, sentencing courts employ what is referred to as the "Modified Catergorical Approach" to discern which of the alternative elements is integral to the defendant's conviction. Mathis, 136 S.Ct. at 2249. Under that approach, court's look to a limited class of documents to determine "what crime, with what elements, a defendant was convicted of 'before comparing that crime's element to those of the generic offense. Id.; see Shepard v. U.S. 544 U.S. 13, 33 (2005) (identifying which documents may be considered.).

Even if the modified catergorical approach is employed, a court may not use the particular facts supporting the prior conviction to enhance a defendant's sentence. Mathis, 136 S.Ct. 2253. The underlying facts of the conviction may only be used to "determine which element played a part in the defendant's conviction." Id (quoting Descamp, 133, S.Ct. at 2285) (internal quotation marks and alterations omitted). The Court in Mathis summed up the modified categoical approach serves- and server soley- as a tool to identify the elements of the crime of convictions when a statute's disjunctive phrasing renders one (or more) of them opague.... It is not to be repurposed as a technique for discovering whether a defendant's prior conviction, even though for a too-broad crime, rested on facts (or otherwise said, involves means) that also could have satisfied the elements of a generic offense. Mathis, 136 S.Ct. at 2253-54 (internal citations omitted).

In Petitioner's case "murder" allows for alternate means to fulfill the elements under the canon of Mathis. Murder would categorically fail as a crime of violence. As the District Court denied Petitioner's Section 2255 stating that "Murder" in aid of Racketeering qualifies under the "Force" clause for the purpose of 18. U.S.C. Section 924 (c), and does not apply on the Residual Clause, quoting two pre-Mathis decisions to deny Petitioner's 2255. See U.S. v. Moreno-Aguilar, 198 F. Supp. 3d 548 (D. Md 2016 and Cousins v. U.S., 198 F. Supp. 3d. 621 (E.D. Va 2016 (See D. 141 Id).

Under the traditional categorical approach, this Court is bound by the interpretation of [the] offense, articulated by the state's court. "U.S. v. Middleton, 883 F.3d 485, 487 (4th cir 2018). The categorical approach is counterintuitive because, it requires courts to review the "most innocent conduct" that the law criminlizes, rather then the specific facts of which the defendant was convicted. Id. at 488, see also U.S. v. Diza-Ibarra, 522. F.3d, 343, 348 (4th cir 2008).

Using this approach with respect to Count One, 18 U.S.C. Section 1959(a)(1) the government has not satisfy the necessary "crime of violence element" in Petitioner's case, under the "force clause" See 18 U.S.C. Section 16(a). The residual clause has previously been found unconstitutionally vague and cannot support a conviction for Count One. [In Session v. Dimaya, 138 S.Ct. 1204, 200 Led 2d 549 (2018), the U.S. Supreme Court held this subsection unconstitutionally vague (18. U.S.C. Section 16(b). In Court One of Petitioner's indictment "Murder" is designated as a "crime of violence", without specificity as alleged other than a violation of 18 U.S.C. Section 1959(a)(1). No mention is made of the Federal Murder statute 18 U.S.C. § 1111 or the Maryland Murder statute 2-201, Murder in the First Degree or 2-204 Murder in the Second degree.

Murder can be accomplished without the use of "violent physical force. First degree Murder and second degree murder in Maryland, is a common law offense divided into two degrees. "[A] conviction of first degree murder may be proved either by showing deliberation, wilfulness premeditation (premeditated) murder or by showing, a homicide committed in the perpatration or attemped perpetration of one of enumerated felonies (felony murder). There is but one offense... but that offense may be committed in more then one way." Ross v. State, 519, A. 2d 735, 737. (MD 1987). Second degree murder is without premeditation.

In Middleton supra, the Forth Circuit Analyzed the South Carolina involuntary man slaughter statute for Armed Career Criminal Act. (ACCA) purposes under the Supreme Court's categorical approach, in thet cases and determined it was not a crime of violence. See U.S. v. Middleton, supra. Under the test, after determining the minmum conduct needed to commit an offense, the elements of the offense were compared to the ACCA's definition of violent felony. Id. citing U.S. v. Doctor, 842 F.3d 306, 309 (4th cir 2016). The Middleton court determined that "[if] the offense "sweep more broadly" the ACCA's definition of a violent Felony, the offense does not qualify as an ACCA predicate. Id.

The government in Middleton, relying on U.S. v. Castleman, 572 U.S. 157, 134 S.Ct. 1405, 188 LEd 2d 426 (2014) argued that causing injury categorically meant that violence force was used. See U.S. v. Middleton, supra at 489-490. The Court noted that the government's position conflated the use of violent force with causation. The Court further explained that "Castleman did not however abrogate the causation aspect of Torres-Miguel, that a 'crime' may result in death or serious injury without involving the use of physical force. Id at 491, citing U.S. v. Torres-Miguel 701 F.3d 165, 188 (2012); also U.S. v. Covington 880 F.3d 129, 134 n. 4 (4th cir 2018)

Recently, in the U.S. v. Battle, the 4th cir reviewed Castleman once more and found Maryland's assault with the intent to murder to be a crime of violence. See U.S. v. Battle 2019 U.S. App LEXIS 17370 at 7. (4th cir 2019) The Court stated that "After Castleman, the poison analogy was so central to the holding U.S. v. Torres-Miguel ... concerning the use of physical force, no longer stands." Id at 8. The Court noted the distinction between indirect- and direct application of force; both apply under Castleman supra. The Court then distinguished Middleton by stating that Middleton's proposition that a crime may result in death or serious injury without involving the use of physical force." [the Torres-Miguel language] only applies where a crime does not have as an element an intentional causation of death or injury. U.S. v. Battle, supra at 10. It is worth mention, however, that Battle, supra, merely distinguished Torres-Miguel and Middleton supra it did not overrule them.

The rationale that death or serious injury may result without involving the use of physical force only applies where a crime does not have an element an intentional causation of death or injury does not make sense under a categorical approach. The indirect v. direct application of force analysis is strained to the point of absuridity if all application of force, regardless of how infinitiesimal qualify as indirect force". For "crime of violence" purpose is counter-intuitively, the Maryland "Murder" statute fails to qualify as a "crime of violence" under a categorical approach, because it can (1) be accomplished without physical force, and (2) it can be committed by an act of omission.

A plain reading of 2-201 supra, includes explicitly "Murder" by poison, an alternate means of committing the offense that does not involve violent. force. See Md. Code Ann. Crim Law 2-201. Even if we assumed, arguendo, that poison was force, other examples illustrate that the state still can fail under this approach. Examples of lack of force included aiding and abetting in which Petitioner was convicted of in count one aiding and abetting, a crime of violence in aid of RICO.

aiding and abetting a doctor failing to provide life saving medicine, exposing one to hazardous chemicals, standing guard while another kills a person, lock a person in a car on a hot day, placing a barrier that causes a fatal car accident."

Another easy example would be intentionally encouraging, through words only in a premeditated deliberate and wilful manner, that a driver back out of a driveway and directly into the path of a speeding 18 wheeler where death from the collision would result. Done wilfully and deliberately, it cannot be reasonable said that force was indirect in such a scenario, unless we were to claim disingenuously that sound waves in the air from the speaker's voices some how constituted "indirect."

However, the elements of 18 U.S.C. 1959(a)(1) fail under the categorical approach because the full range of conduct in this offense does not only require intent to use violent, physical force. The mental state required for this offense intended, to kill, injure, harass, or intimidate. While part of the statute's plain term may allow for violent force, the most innocent conduct contained therein does not require any. The most innocent conduct under this statute fails to satisfy the "crime of violent" definition and cannot support Count One and Three in the indictment in this case, nor the District Court's Dec. 3 2018 Judgement. An element of violent force if the alternate means necessiarily includes violent

Force.

The District Court errored when it denied, Petitioner's Successive Section 2255 motion and dismissing his case without issuing a Certificate of appealability. As for the U.S. Court of Appeals for the Fourth Circuit stating that Petitioner did not make a requisite showing, and denying a Certificate of appealability And dismiss the appeal, errored do to the Fact that petitioner has made a substantial showing of the denial of his Fifth, and Fourteenth Amendment, due process Rights was violated, as petitioner has ~~lead~~ set out in his Petition to this Court. In accordances to 28. U.S.C.S. 2253(c)(2). Petitioner has demonstrated that reasonable jurists could debate whether "Murder" is a crime of violence for purpose of attaching a 18 U.S.C.S. 924(c) violation to it, was established by the Court in Mathis because under the "Correct application of the modified categorical Approach provided above, "Murder" as defined under Federal law allows for broader means to commit, therefore the crime cannot be qualified under the Force" clause. And whether the term "Pattern of Racketeering Activity renders 18. U.S.C.S. 1959 which is cross reference to 18 U.S.C.S. 1961 is unconstitutional vague. A statue which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at it's meaning and diff as to it's application violates the first essential of due process of law. As the Honorable Supreem Court Justice

Scalia answered that question, although such a question has never been put before the Court to answer. H.J. Inc. v. Northwestern Bell Telephone 492 U.S. 2229, 225 (1989) Most importantly three other Justices O'Conner, and Kennedy and Chief Justice Rehnquist, agreeing that "pattern" provided "needful" information but not "sufficient" to meet the Due process Clause of the Fifth amendment of the U.S. Constitution. 18 U.S.C.S. 1959(a) and the term "Pattern" of Racketeering Activity suffers from the same defects as Johnson, is equally unconstitutionally vague. Resulting in the lack of Subject Matter Jurisdiction.

Petitioner has demonstrated that reasonable jurists could debate these matters, or for that matter agree that the petition should have been Resolved in a different manner, and that these issues presented were ~~~~ adequate to deserve encouragement to proceed further. Slack v. McDaniel 529 U.S. 473, 483 (2000) internal quotation marks omitted. The Petitioner has shown that the lower courts resolution of the Constitutional claims within this Petition was either datetable or wrong. As to the debatability of the lower court's findings, the District Relied on two (pre-Mathis) equal district Court's analysis to determine if "murder" was a ~~violation~~ violent crime under the "Force-clause". In short, under these circumstances a reasonable jurist would encourage further review i.e. that a full review by this Court, in order to provide guidances to the lower courts on the Constitutionally of these laws. This Court unequivocally hold (in accord with ten other circuits that the Categorical Approach applies to both the 924(c) "Residual Clause" and "Force Clause" See U.S. v. Fuertes 805 F.3d 485, 498 (4th cir 2015)(Courts must employ the 'Categorical Approach or the 'Modified Categorical Approach.) U.S. v. McNeal 818 F.3d. 141, 152 (4th cir 2016) (same). Based on Fuertes, McNeal and Mathis alone, this Court must find that the modified approach applies to his case. Whether using the "Modified Categorical Approach" does Murder defined in 18 U.S.C.S. 1959(a)(1) qualified under the force clause as a crime of violence?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: April 24, 2020