No. 20-5084

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

PRISCILLA ANN ELLIS — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

ELEVENTH CIRCUIT COURT OF APPEALS, ATLANTA, GEORGIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PRISCILLA ANN ELLIS
(Your Name)
FMC-CARSWELL- Admin Unit
P.O. Box 27137, Ft Worth, Texas 76127
(Address)

Ft Worth, Texas 76127
(City, State, Zip Code)
254-630-6885 Sister Sharon Callens Retired Army
254-289-7011 Daughter -Victoria Ellis College Student
(Phone Number)

## QUESTION(s) PRESENTED

1. Was Ellis Prejudicied when NONE of her concerns were considered in her Initial Appeal 17-12737 ?

2. Was Ellis Prejudiced per 6th Amendment when Attorney fail to put on a Defense?

3. Was Ellis prejudiced by Prosecutor Vouching for Ellis attorney in front of Jury?

4. Did Ellis receive 5th Amendment violations when taken to trial with same check templates in Both cases 8:15-cr-00320-SDM-TGW-3 and 8:16-cr-00502-JSM-TBM-1

5. Does Ellis have a BRADY Claim when Court failed to release Trial and Faretta Transcripts?

6. Was Ellis prejudiced when duplicate information used at both 8:15-cr-00320-SDM-TGW-3 and 8:16-cr-00502-JSM-TBM-1 sentencings?

7. Was Ellis prejudiced when taken to Trial before an All WHITE Jury not of her Peers?

8. Was Ellis violated being recorded unknown while still under Miranda inside the County Jail?

9. Was Ellis prejudiced by receiving and Excessive Life sentence for non violent crime?

10. Upon seeing comments from Judge in transcripts 8:15-cr-00320-SDM-TGW-3 attached, was Ellis prejudiced by not receiving a Change of Venue?

11. Was Ellis prejudicied by receiving exact same sentence ehancements in both cases 8:15-cr-00320-SDM-TGW-3 and 8:16-cr-00502-JSM-TBM-1

12. Was Ellis wrongfully convicted for Interstates Commerce for a Murder for Hire when no monies crossed state lines?

13. Evidenced by attached transcripts from FBI AGENT Gerjsten, was Ellis prejudiced by false /perjured testimony used to indict?

14. Was Ellis 5th AMendment rights violated when the FBOP changed and aggregated Ellis' final sentence?

15. Did Ellis ' defense attorney prejudice her by not telling her to testify and for not telling her the number of years the conviction would carry?

16. Was Ellis prejudiced when she requested but did not receive a Speedy Trial and Superseding indictemnt issued over 60 days later?

17. Is Ellis being prejudiced by the AUSA requesting that the FBOP puther in a SuperMAX prison for the World's most Dangerous Criminals with a White Collar crime and Clear conduct?

## QUESTION(S) PRESENTED

1. Should the United States District COurt for the Middle Dist of Florida have released the requested Faretta Hearing Transcripts for Appeal purposes?

2. Should the Eleventh Circuit Appelas Court have Complelled the M.D. of FLorida to release the Faretta Transcripts?

3. When there is a Brady Claim that is detrimental to the outcome of the Appeal bit not considered, what says thou?

4. When the Appeals Court does not consider your original Appeal evidenced by Faretta Transcripts, what says thou?

5. Was Petitioner prejudiced by Faretta transcripts not being released until after the appellate Court denied re-hearing?

6. Is Petitioner being prejudiced serving 2 consecutive sentences simultaneously, based on misinterpretation of 18 USC 3584?

7. Was Petitioner prejudiced by Goverment with holding exculpatory evidence?

8. Was Petitioner prejudiced by FBOP changing sentence 19 months after FINAL Judgement to add a SAM?

## LIST OF PARTIES

[XX] 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:

## TABLE OF CONTENTS



## INDEX TO APPENDICES

## TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER



STATUTES AND RULES



Foster

OTHER

## TABLE OF AUTHORITIES CITED



### STATUTES AND RULES



### 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 _____ to the petition and is

[ ] reported at _____; 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 _____ 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

The United States Supreme Court has Jurisdiction to issue a Writ of Certiorari in the Instant Case because under 28 USC 2101e petition was filed within 90 days of the lower court decision.

(1) United States Court of Appeals for the Eleventh Circuit has entered a decision in conflict with the decisions of another United States Court of Appeals on the same important matter, and has decided an important federal question in a way that conflicts with prior decisions, and has departed from the accepted and usual course of Judicioal proceedings, with such a departure by a lower court to call for an exercise of the US Supreme Court's supervisory power.

Seventy Years ago, the Supreme Court established that the sentences

imposed by the sentencing Judge is controlling... Hill v. United States ex rel. Wampler, 298 U.S. 46, 56 S. Ct 760, 80 L. Ed 1283 (1936)

The Supreme COurt states that sentence information needs to be accurate and not alleged see Townsend v. Burke, 334 U.S. 736, 68 S. Ct 1252, 92 L. Ed 1690 (1948)

Collins v. Buckhoe, 493 F. 2d 343, 345 ( 6th Cir , 1974)

The United States Supreme Court holds jurisdiction over cases that have Multiple Constitutional violations
Ellis have 1st, 5th, 8th, 8th, 13th and 14th Amendment Violations of the United States Constitution to include the 6th Amendment.

The Fifth Circuit has maintained in Myers V. Johnson that a Pro-Se' Petitioner shall maintain control of a Final Appeal, the Eleventh Circuit Court of Appeals denied Ellis this precedent. and did not consider Ellis, Priscilla's final Appeal at all.

The Supreme Court stated in North Carolina v. Pearce that a person shall not be held to answer for the same crime as convicted of before or to be punished again for the same crime of conviction. Ellis was taken to trial twice for the same check templates and punished 3 times for case 8:16-cr-00502-JSM-TBM-1 as evidenced by attached sentencing transcripts and SAM write up with alleged events that Ellis was NOT convicted nor indicted for.

For the above reasons, the Supreme Court of the United States has JURISDICTION to issue a Writ of Certiorari and maintain curent Jurisdiction over this instant Case.

## JURISDICTION

[XX] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was ~~9 October 2019~~ 5 February 2020

Pz

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 5 Feb 2020, 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

1st Amendment
5th Amendment- Double Jeopardy
14th Amendment Due Process
8th Amendment- Cruel and Unusual /Harsh Punishment
6th Amendment - RIght to Counsel and effective counsel

18 U.S.c 3582

18 U.S.C. 3553 (a)(2)

18 U.S.C. 3553(a)

18 U.S.C. 3551(a)

Federal Rule of Criminal Procedure 52 (b)

## STATEMENT OF THE CASE

Ellis was entrapped for Retaliating against witnesses, and uttering a counterfeit document while sittign in the County jail awaiting sentencing on another case in which Ellis was convicted as a victim. Ellis was still under Miranda when the Under cover informants hired by the government to get time off of their sentence was enticing and recording Ellis. Ellis' attorney did not motion the court to suppress the recordings, nor did he request an expert witness to authenticate the recordings to know if they are Ellis. The investigator played a recordings for Ellis at the jail that owuld have cleared Ellis of the retaliating against witness ( murder for hire ) but Ellis attorney did not play the recording at the trial nor call any witnesses. The Prosecutor for the government used infromation from the first trial that had absolutely nothing to do with the 2nd case in order to request an enhanced sentence for a leading role and also used the same information falsely at sentencing that the prosecutor used in my first sentencing case that Ellis had tried to kill a 9 year old girl. Ellis was sincerely prejudiced by this as Ellis was not indicted, nor convicted of this and event he Judge was using this verbage ( see attahced sentencing transcripts). Ellis as a black woman requested a Jury of her peers, but htere was only 1 black woman on the entire Jury. This was not a Jury of Ellis' peers. The prosecutor in Open court was testifying on how great Ellis atttorney was before the Jury, this also prejudiced Ellis. The Attorney Bjorn Brunvand, (Ellis' attorney) was ineffective for not investigating or calling any witnesses for the defense, he relied solely on the under cover informant's husband tellign him that he would testify for the defense, but never showed up, although lots of witnesses were provided to the attorney and was told to Ellis that the under cover informant was bragging about setting Ellis up to get time

off of her sentence. Ellis was not allowed a re-hearing by the 11th Circuit court as they said that it was untimely , although Ellis put the Motion in the Prison mail system in a timely manner according to FRAP 25 of the Eleventh Circuit COurt of Appeals and Rule 40-3 concerning extensions. The Eleventh Circuit COurt of Appeals took none of Ellis concerns of her initial Appeal 17-1237 HH into consideration when rendering their affirmation, but only the concerns in the added on Appeal of my standby attorney Angela Wright as Judge Mccoun dismissed my Trial attorney Bjorn Brunvand when I went ont he record at court at a Faretta hearing after the trial claiming ineffective assistance of Counsel. Ellis should have been allowed as a Pro-Se litiagnt to remain in control of her brief and the concerns should have been decided upon instead of being ignored blatantly by the Panel of Judges. This denied Ellis Due Process under the 14th Amendments of the United States Constitution. I served my Country Honorably as a soldier in the United States Army and am an honorably discharged Veteran. I want the same rights afforded to me that I served to protect under the U.S. Constitution. The government used the under cover informant to set up Ellis because Ellis told the Judge that he could not go into the Jury Deliberation room while the Jury was deliberating that he had tainted the Jury. 19 Months into my sentencing, the Prosecutor for the Middle District of FLorida requested ( With Clear conduct) that the Federal Bureau of Prisons modify/Alter my final sentence by adding a restrictive SAM Agent/Order. This is a double Jeopardy sentence, as tehy did not offer me an attorney or again provide me with Due Process. Again Ellis was prejudiced and Judge Merryday made it evident on the sentencing transcripts that the Middle District of FLorida could do what they wanted as his comments state that his friends at the Eleventh Circuit

STATEMENT OF THE CASE CONTINUED

Would not provide Priscilla A Ellis with any relief, see attached transcript copies. Also see attached file satmped copy to the 11th Circuit Court of Appeals requesting for the re-hearing in a timely manner per FRAP 25. I sent to the District Court from the Prison's mail system the request for re-hearing on the same date that I received the Affirmation dated 9 october, which was received on 10-24-2019 and immediately sent out on 10-24-2019 per Ellis restrictive mail forwarding per the unlawfully applied SAM Order issued 19 months into Ellis sentence by the Middle District of Florida AUSA Patrick Scruggs. This again outlines the fact that the 11th Circuit Court of Appeals errored in not allowing Ellis a re-hearing to consider her initial appeal complaints/concerns in 17-1237-HH and they only considered those concerns of Ellis' standby attorney Angel Wright 18-10075 Please remand this instant case back before the District Court in the Middle District of FLorida for a New trial and or evidentiary hearing for reasons outlined through the Motion as well as;

Ineffective Assistance of Counsel

11th Circuit Court of Appeals error in not taking Ellis' initial Appeal concerns into consideration on 9 October 2019 as evident from the decision outline for D.C doc #85 , 11th Cir Appeal 17-1237

Ellis was till under Miranda inside County Jail when the Under cover informant was makign the recordings

Attorney was ineffective for nto requesting to suppress the recordings while Ellis was under Miranda

Composition of the Jury, there was only 1 black person on the entire Jury, although Ellis as a Black woman asked for a Jury of her Peers

Ellis was prejudiced by attorney not putting on a defense and calling witnesses especiall the two main withnesses that could have cleared Ellis, Victoria and Amber Martin ( Out of Houston, Texas)

Errors by Counsel actually had an adverse effect on the defense, see Anderson v. Collins, 18 F. 3d 1208, 1215 (5th Cir 1994) Counsel did not provide reasonably effective assistance under prevailing professional norms as a seasoned attorney, see Strickland v. Washington 466 U.S. 668 and United states v Ackenlen, 47 F. 3d 739 (5th and 11th Cir 1995) . The 11th Circuit Court of Appeals errored when not allowing Ellis a re-hearing based upon them not considering any of Ellis concerns from her original Appeal 17-1237 , In Myers v. Johnson 76 F. 3d 1330 (CA 5 1996) states that a Pro-se brief on the first direct appeal must be allowed to preserve actual control over the case and must be allowed to determine the content of his appeallate brief, well according to the Affirmation decision , the 11th CIrcuit COurt of Appeals errored in not allowing Elis to do so . See McKaskle, 465 U.S. at 178 104 S. Ct at 951. If standby Counsel substantially interferes as with a Pro-se appellant's presentation brief as Atty Wright did not even contact Ellis prior to submitting an additional Appellant brief nor have Ellis permission to submit an additional brief, and did not send Ellis transcripts for her Trial or sentencing until 11-20-2019, almost 2 years after trial and after the Panel hearing at the 11th Circuit. Attorney prejudiced Elis by not investigating or putting on defense, raised Strickland and Cronic as well as see Nelson v Hargett, 989 F. 2d 847 ( CA5 1993) also see United States v Green, 882 F. 2d 99, 1003 (5th Cir 1989). There is Prosecutorial Misconduct which prejudiced Ellis when the Prosecutor was testifying in Open Court on how great of a persont hat Ellis' Attorney is, and by them not providing the recording in court to prove Ellis innocence ( a recording between Ellis and Martin that the Investigator let Ellis hear) see Carter v Bigalow, 787 F. 3d 1269 (CA 10 2015). See Youngblood v. W Virginia, 547 U.S. 867, 165 L. Ed 2d 269, 126 S. Ct 2188 (2006) This activates a Brady Claim as well. The Standby Counsel failed to

raise a miranda claim in her un solicited Appeal which leads also to ineffective assistance of Counsel as Ellis never left the Pinellas County Jail.

See Matrire v. Wainwright, 811 F. 2d 1430 ( CA 11 1987) , this violated ELlis due process rights as well as when the MIddle District of FLorida comes along 19 months into Ellis Final sentence and request that the Federal Bureau of Prisons request a sentence restrictive enhancement of a Special Administrative Measure Agents without offering Ellis counsel as this was modifying Ellis final sentence judgement and a violation of Ellis 14th Amendment Due Process rights, see Doyle v. Ohio, 426 U.S. 610, 96 S. Ct 2240, 49 L. Ed 2d 91 (1976) and also when defense Counsel Bjorn Brunvand did not ask Ellis to testify in court nor did he tell Ellis how much time that this case carried anytime before during or after trial. Ellis only found out the day of sentencing what she would be facing. Again also Strickland comes into area of ineffective assistance of Counsel and for Defendant now inmate Ellis not know that the case carried a sentence of 85 years and was taking the rest of her life for an entrapped crime that she had no desire to commit other then for the enticement of the under cover informants and that was for a money crime, not for a murder for hire and the recording between Ellis and Martin would have proved such also had the Attorney subpoena'd witnesses Victoria Ellis and Amber Martin (whom Ellis was introduced to by the Under cover Agent Stillwell) would have also cleared Ellis of Witness retaliation. A Due Process violation occured also when Ellis did not receive her transcripts until 11/20/2019, after the decision of the Panel judges at the 11th Circuit court of Appeals. Strickland , 104 S Ct 2052

Enhancement given using under cover informant's friend that she introduced Ellis to, and Odus Omotola whom was in the first case and had absolutely nothign to do with this canse, nor was their evidence to

prove such prejudiced Ellis, see U. S v. Slade, 631 F. 3d 185 (CA4 2011) Ellis did not supervise anyone and was entrapped for a crime and there was not evidence to prove 5 people or that Ellis was in a Managerial role as the entrapment started with Ebony Stillwell, NOT Ellis, and had the prosecution or defense counsel subpoena'd Martin and Victoria Ellis, the truth would have prevailed in court in the Open before the Jury., also Bartley, 230 F. 3d at 673-74 and United States v Llamas, 599 F. 3d 383, 389-90 (4th Cir 2010) Ellis sentence should have been concurrent and not consecutive as they wer eint he same Court and sentenced less then months apart,.Apprendi v. New Jersey, 530 U.S 466 and Blakely v. Washington, 542 U.S. 296

Judge's reliance on the Odus Omotola information instead of asking for prosecutor to provide actual evidence violated Due Process see Stewart v. Erwin, 503 F. 3d 488 (CA 6 2007), Collins v Buckhoe, 493 F . 2d 343, 345 (6th Cir 1974) Ellis' 14th AMendment rights were violated when the Middle District Florida requested 19 months into Ellis' sentence for the Federal Bureau of Prisons to add a SAM enhancement to her sentence without bringing her back before hte Judge with CLEAR conduct and without counsel see Hill v United States ex rel.Wampler, 298 U.S. 460, 56 S Ct 760, 80 L. Ed. 1283 (1936) The Supreme Court has held that no one has the authority to change a sentence other then the Court. ID at 464, 56 S. Ct 760 A defendant has a Due Process right that information that is being used to sentence Ellis is accurate and correct ..see United States v. Pulley, 601 F. 3d 660, 665 (7th Cir 2010) as in when the Prosecution testified to get Ellis a sentence enhancement that Ellis tried to kill a 9 year old girl, Ellis was not i ndicted, tried or convicted for such and Prosecutor should have not been allowed to use this verbage at sentencing see United States v England, 555 F. 3d 616, 622 (7th CIr 2009)

the hired under cover informant inmate wore the wire tap. Everything on the wire tap should have been inadmissable and suppressed because Ellis, Priscilla was still under Miranda rights. Again see Miranda v. Arizona ( 1966) . Ellis' attorney prejudiced Ellis further by not requesting that the wire taps be suppressed or authenticated by a professional voice expert to identify if it was Priscilla Ellis' voice on the tapes because for sure there is absolutely no tapes with Ellis saying I want you to go and murder soemone for payment absolutely not. Ellis' attorney should have also made Ellis aware that this crime carried the punishment penalties that it did for a Life sentence also. This prejudiced Ellis also because Ellis would have been more boisterous and adamant about certain aspects of her defense.

## STATEMENT OF THE CASE

Holding exculpatory evidence that could have made s difference in their opinion of the Appellate court panel judges prejudiced Priscilla Ellis. Ellis, apparent and evidenced by the court docket in the middle Dist of Florida displays that the rquest for the Faretta Hearing Transcripts have been ongoing since 2018, although Ellis did not receive the transcripts or the attached memorandum from the court detailing that Ellis is on the record stating her claim of ineffective assistance of Counsel until March 2020, after the Eleventh Circuit court of Appeals affirmed Priscilla Ellis' conviction without even taking her initial appeal into consideration which under Myers v. Johnson, 76 F. 3d 1330 (CA5 1996) should have taken precedent over that of her standby attorney's whom submitted an appeal after Priscilla Ellis' that was not seen nor approved to be submitted by Priscilla Ellis. Atty Wright ineffectively sent Priscilla Ellis a copy of the submitted appeal AFTER she had filed it with the Appellate Court and again with out Ellis' knowledge or approval of the content submitted by Atty Wright. Ellis' initial appeal at the Eleventh Circuit Court of Appeals 17-12737 was totally ignored and not opinionated by the Panel judges at all which again prejudiced Ellis, and had they considered the initial Appeal and had the Faretta hearing Transcript, Memorandum and comment from the Faretta hearing Judge that Ellis was concerned about the Defense and performance of her Court appointed attorney that the Judge terminated as evident from attached Order from Judge McCoun III, am quite certain that the outcome would have and quite possibly a different outcome then the affirmation of an already prejudiced proceeding. Instead of taking Priscilla Ellis' initial Appeal 17-12737 into

consideration, the Panel Judges instead opinionated on the 2nd Appeal sent in by the standby attorney 18-10075 . This also prejudiced the outcome of the Appeal where the standby attorney also was made aware of the ineffective assisatnce of Counsel and the evidence that was not presented at trial by the defense nor the prosecution. A Double Brady Claim. This is unethical and against all fairness and impartiality that the U.S. Supreme Court and the US Constitution stands for. Had the attorney called witnesses or put on a defense as Priscilla Ellis outlined to the Judge during the Faretta hearing (Judge Thomas B. McCoun III) the outcome would have been a totally different , and am certain that Justice would have been properly served and the Jury ( Not of Ellis' Peers) would have returned a verdict of not guilty had witnesses been called and the government or defense played the telephone recording between Priscilla Ellis and Amber Martin ( under cover informant) out of Houston, Texas which outlined that Ellis was merely giving Martin monies for delivering Ellis' percentage of the monies from Martin's and Awaye's transaction to Ellis' daughter in San Marcos, Texas, nothing more. The recording exist because the investigator for the Defense let Ellis hear the telephone recording. That coupled with the government not releasing the Faretta hearing transcripts where Ellis was on the record expressing her concerns tot he Judge, alloted for the miscarriage of Justice that Ellis is experiencing. The middle District of Florida should have automatically called an evidentiary hearing to further explore Ms Ellis' claims at the Faretta hearing, but they did NOT, instead the Judge McCoun III terminated Atty Bjorn Brunvand as evident from the atttached memorandum from Judge McCoun III 's court Clerk, only for the prejudice District Judge to re-instate



~~15a~~ 11

Atty Brunvand without Ellis consent, forcing Ellis to keep an ineffective attorney that was not looking out for the best interest of his client nor hiding the fact that he had no intention to assist in properly defending the case at trial or pre-investigations, and divulging evidence that would clear Ellis at trial.

There is NEVER a mention of Ellis telling Martin that she was paying for harm to come to anyone, yet just like the with holding of the Faretta Transcripts detailing Ellis concerns of her ineffective assistance of Counsel, the government and defense both with held the telephone tapes that could have also made a difference to the Jury and the outcome at trial. Had the tapes been played and the panel Judges having the Faretta hearing transcripts at the Appellate proceedings, the outcome would have been different.

This denied Priscilla Ellis Due Process under the 14th Amendment of the US Constitution as well as 6th Amendment of having an Effective assistance of Counsel and an impartial trial before an impartial Jury of Ellis ' Peers, as well as 5th Amendment when the Judge allowed the AUSA to take Ellis to trial for Uttering a counterfeit document using the EXACT same templates at trial that Ellis had already been taken to trial for in case 8:15-cr-00320-SDM-TGW-3. This is Double Jeopardy, as the 5th Amendment of the US Constitution protects from second prosecutions for same offense after conviction and protections against multiple punishments for the same offense as the case as is currently happening when the AUSA for the Middle district of Florida requested the Federal Bureau of Prisons to add a Special Administrative Measure to Ellis' sentence 19 months into final sentence commencing. North Carolina v. Pearce, 395 US 711, 23 L. Ed 656, 89 S. Ct.

The Court finally released the attached partial transcript/ memorandum notes from the Clerk after the Final appeal at the 11th Circuit court of appeals had been affirmed again prejudicing Ellis and the outcome of the decision of the Panel judges. Had this information been included along with the original Appeal docket #85 in case number 8:16-cr-00502-JSM-TBM-1 in the Middle District of Florida, am again quite certian that the outcome would have been entirely different based upon Brady v. U.S. 373 U.S. 83, 83 S Ct. 1194, 10 L. Ed 2d 215, see Fed R. Crim P 16, 26.2 and also see Myers v. Johnson 76 F. 3d 1330 (CA 5 1996) In which writ was granted because of the same Circumstances and issues surrounding Ellis' case. Ellis also have a Giglio claim .



15c
13

As you can see from the Statement of facts of the case, Petitioner has been highly prehudiced and have many Constitutional Violations to include 1st, 5th, 6th, 8th adn 14th Amendments of the United States Constitution.

Petitioner has enclosed the FBI Gjertsen 's Statement under Oath being cross examined by Attorney Brunvand and admitting that there is no recording of Petitioner telling her daughter Victoria Ellis to pay for a Murder for hire ( see Exhibit I) this clearly validates that they entrapped Petitioner for witness retaliation because the Petitioner was ferociously advocating for her freedom and innicent as a victim in case 8:15-cr-00320-SDM-TGW-3.

Also validates that Petitioner received a Double Jeopardy sentence see transcripts attached from case 8:15-cr-00320-SDM-TGW-3 where Judge Steven D. Merryday alleges thing in case 8:16-cr-00502-JSM -TBM-1 in his sentencing showing that he was clearly entencing petitioner for the instant case (see Exhibit A) and the fact that the judge using words like "short of the death penalty" and "You will not be allowed to talk to your adult daughters", and the fact that he was bragging that his colleagues at the Eleventh Circuit COurt would undoubtedly see petitioner's Appeal for relief but would not grant it. (see Exhibit B) Petitioner was in front of this judge for sentencing for a conspiracy to commit money laundering case so again his restriction and words clearly validates that Judge Steven D. Merryday had lready sentenced Petitioner for case 8:15-cr-00502 -JSM-TBM-1 prior to being sentenced by the actual judge in this case. See (Exhibit D) the sentencing transcript from case 8:16-cr-00502-JSM-TBM-1 and you will see that Petitioner was again sentenced for the case 8:16-cr-00502-JSM-TBM-1 causing a double jeaopardy sentence and also see the exact same verbage used that petitioner tried to kill a 9 year old. This is false allegations and according to 18 USC 3553 a sentence is supposed to be based upin facts and not allegations and also see that the exact same enhancements were given in both sentencing 8:15-cr-00320- and 8:16-cr-00502-JSM-TBM-1 causing Petitioner to receive a Double Jeopardy sentence and Double Jeopardy sentencing enhancements violating the 5th Amendemnt of the United States Constitution.

None of Petitioner's concerns in her initial Appeal were taken into consideration which is evident from the Opnion issued in the Opinion affrimation issued 10-9-2019. In Myers v. Johnson, 5th Circuit 1996, the Judges decided that no one has the right to interfere with a Pro-se' Appeal and it shoudl take precedent over any Appeal esepcially when it was submitted first prior to standby attorneys that was not approved by petitioner ( see Original Appeal issued by petitioner Exhibit J ) Also in Exhibit J is the documents to show the original charge sin the indictment and the charges that were issued 117 days later in a superseding indictment violating THe Speedy Trial Ac 18 USC 3161 and US v. Palomba, and 18 USC 3553 case law and factors pertaining tp pettioner. See Exhibit K as it is the Tran cripts and Memorandum fromt he Judge pertaining to Petitioner's Fareatta hearing to show that Petitioner was a Pro-se' and is a Pro-Se' litigant and again hould have been in charge of the contents that she wanted elaborated in her initial Appeal as concerns and injustices.

Petitioner served The United STates of America Honorably as a United States Army proud soldier to protect the same laws under the United States Constitution that are being denied to her. No Person in the World, So especially the United STates of America should not be intentionally violated the way that petitiner has been violated.

(See exhibit L) this shows that Petitoner was again violated by The Prosecutor in the Middle District of FLorida 19 months after the final sentence requesting the Federal Bureau of Prison to add a very restrictive SAM ( Special Administrative Measure) violating Apprendi and Hill v. Wampler and Archer v. Boyd stating that anything that is on the back of a Final Judgement is NULL and void on it's face and petitioner is requesting that the US Supreme Court justices not only relay this to the Federal BUreau of Prisons and the Middle District of Florida but to also have them under Wolf v. Mcdonald and Sanlin . Connor remover Petitioner from the SuperMax prison designated for the World's most dangerous prison back to the regular compound so that Prisoner can have exercise to her first AMendment liberties that is not being afforded to petitioner while the US Supreme court evaluates Petitioner case for vacating the sentence. THe COmputation sheets in Exhibit L shows the Double Jeopardy sentence that is being served by the petitioner. THey have aggregated Petitioner's current sentence and the consecutive sentence that does not start for another 36 years if Petitioner's relief is not granted. Becasue the sentences were imposed at separate times they do not rely upon 18 USC 3584 also in ide Exhibit L are Program review sheets, and evidence that the Prosecutor in the Middle District of FLorida requested the unlawfully attached SAM ( SPecial administrative Measure 19 months into the final judgement modifying the Final Judgement which makes it Null and void. and the Warden's 409 transfer form to show that the Petitioenr is low security so no reason to be in a SuperMAX prison. ( Exhibit F) shows that Petitioner sent a Formal Complaint to the Attorney General and Inspector General to not receive a response.
See Exhibit G to show that Petitioner did not deserve enhancements for thellign daughters to tell the truth and Exhibit C to verify that the MD of Fllorida never had Jurisdiction as Petitioner's home and Businesses since 1994 were in the Bell County, Texas and the Articlee III of the United States constitution states that the VENUE must be in the State that the crime started and ended and that the Venue cannot be determined by the Judge haveing the Venue put on the Jury Verdict slip or by the Prosecutor stating that the continuance of a conspiracy that the petitioner had no knowledge of being committed in a STATE of Florida where she had NEVER been nor sent any mail nor received and money nor sent any to Florida

See Exhibit M the PSR from the Western District of Court as correct information and not the falsified PSR that was completed by the Middle District of Florida in 2016. The PSR from the Western District of Texas, Petitioner's home state completed in 2001 is like night and day from the Disparaging PSR completed by the MD of Florida. Petitiner has NEVER in her life used or entertained to use ANY DRUGS. Also inside Exhibit M is proof of Honorable Veterans Status for Petitioner. Exhibit N is letter that petitioner had previously sent to Chief Justices, but would liek to make it a part of Appeal.

## REASON THAT A WRIT SHOULD BE ISSUED

A Writ of Certiorari should issue because a lower court has decided an important question in a way that conflicts with prior decisions and has departed from the accepted and ususal course of Judicial proceedings.

Olano states that the error should be corrected if it affects subtstantial rights in which it does. The United States Supreme Court decision in Olano, 507 U.S. at 725 says an error is not clear or obvious if it is subject to reasonable dispute.

In Puckett v. United States, 556 U.S. 129, 135, 129 S. Ct 1423, 173 L. Ed. 2d 266 (2009) and again the error must affect defendant's substantial rights "Molina-Martinez v. United States, 136 S. Ct 1338, 1343, 194 L. Ed. 2d 444 (2016) In which it is and has and is causing Ellis Priscilla to serve a Double Jeopardy sentence and a concurrent sentece that Ellis is not receiving Concurrent credits for when the Federal Bureau of Prisons aggregated her sentences without going back before the Judge. Ellis' setneces are Consecutive, NOT Concurrent.

1. Ellis, Priscilla's Initial Appeal as a Pro-Se' litigant was filed 5 June 2017 ( 17-12737 ) and should have been donsidered by the Eleventh Circuit court of Appeals. The appointed attorney filed an Appeal separate of Ellis without Ellis approval or even seeing the appeal prior to her submitting it to the court. (18-10075) . This Appeal had none of Ellis original concerns within the Appeal and again was not approved by Ellis.
According tot he Fifth Circuit court of Appeals in Myers v. Johnson 76 F. 3d 1330 ( CA 5 1996) Ellis Appeal in case 17-12737 should have remained the controlling appeal, and that no one hsoudl intefere with what a Pro-se' litigant put into their final appeal.

As you see from the written opinion affirmation rendered on 9 Oct 2019, absolutely NONE of Elli's concerns were taken into consideration nor ruled upon, and denied Ellis' re-hearing without reasoning or again elaborating on the final concerns in doc # 85 Appeal 17-12737 field by Priscilla Ellis in a timely manner after the trial.

2. The right to offer testimony of witnesses and to compel their attendance is a fundamental element of Due Process. Washington v. State of Texas 388 U.S. 14. This right was denied to Ellis when despite giving her professional Trial attorney plenty of winess names and witness statements, Ellis' attorney called no witnesses, nor put on a defense, but stated that he was goign to rely on the spouse of the under cover inmate informant that entrapped Ellis to come to testify, but he never showed up to the trial. Had the Defense attorney called Ellis' Daughter Victoria who the case was centered around or played the recording in open court that proved what Ellis' daughter was giving Martin money back for bringing Ellis' commission to pay for Victoria Ellis' ½past due college tuition then the outcome of the trial could have been different. As you see an enclosed witness statement attached to the initial Appeal doc #85 is just oen of many that was provided to the defense attorney months

prior to the trial. The least that the defense attorney could and should have done was to subpoena Ellis' daughter Victoria Ellis and Amber Martin, which he did not. Both would have attested to Ellis' innocense of a Witness retaliation or Murder for hire scheme. The prosecutions allegations were all that the Jury had to rely upon along with the perjured testimony of the hired inmate informants. Due Process clause forbids convicting a person without proving the elements of the crime beyond a reasonable Doubt. Bunkley v. Florida, 538 U.S. 835, 155, L. Ed 2d 1046, 123 S. Ct 2020 (2003)

3. Ellis was prejudiced before the Jury ( Not of her peers) when the Prosecuting Attorney AUSA Eric Gerard stood in Open court vouching on how great of an attorney that Ellis' defense atttorney was and that it was no reflection on his client " but he is a good person and good lawyer". Basically tellign the Jury that the attorney's client was bad , but he was good. Ellis' defense attorney, nor the Trial Judge said anything. There was absolutely no instruction given for the Jury to disregard the comments / improper remarks. see United states v. Melendez, 57 F. 3d 238, 242 ( 2d Cir 1995)

Attorney failure to say something does not end Judicial inquire into the severity & prejudice of prosecutor's conduct. See United States v. Friedman, 909 F. 2d @ 710 ( observing that claims of prosecutorial misconduct must be carefully assessed as to each individual circumstances. This same Prosecutor used false allegations at Ellis' sentencign as well and is verifiable by enclosed sentencing transcript excerpts. The defense attorney should have requested the Jury instruction for the Jury to ignore or for a mis-trial see Melendez 57 F. 3d at 243. The Government's error violated a specific constitutional guarantee.
The Sixth amendment affords a defendant the right to a meaningful opportunity to present a complete defense . "Crane v. Kentucky, 476 U.S. 683, 690 106 S. Ct 2142, 90 L. Ed 2d 636 (1986)

Prosecutorial conduct is not suppose to infringe upon a defendant's substantial rights...Donnell v. DeChristoforo, 416 U.S. 637, 643, 94 S. Ct 1868, 40 L. Ed. 2d 431 (1974). AUSA Gerard violated Ellis' 6th Amendemnt right to have an Impartial Proceeding before an Impartial Jury of Ellis Peers.

There was not a Jury of Ellis' Peers. There was one half breed young black lady on the Jury. Ellis is an older professional black lady , ex Army, honorable Military Veteran. Ellis should have been afforded an impartial Jury of her Peers.

4. Ellsi was taken to trial twice using the exact same check Templates that were the product of an Independent Contractor that were in the Vickentraders@Aol.com email. The Fifth Amendment guarantee against Double Jeopardy which is enforceable through the Fourteenth Amendment and consists of three separate constitutional protections: 1. protection against second prosecution for same offense after conviction ( The checks were the same that Ellis had been taken to trial for in case 8:15-cr-00320-SDM-TGW-3.
2. Protection against second prosecution for same offense after conviction ( Again Ellis was prosecuted a 2nd time for the exact same check templates in case 8:15-cr-00320-SDM-TGW-3

3. Protection against multiple punishments for same offense.... Ellis has been sentenced for this instant case 3 (three times) see atatched sentencing transcripts for both cases 8:15-cr-00320-SDM-TGW-3 and 8:16-cr-00502-JSM-TBM-1 and the false write up for the SAM ( Special Administrative Measure) that was issued 19 months after FINAL sentence was commenced. Violating Due Process and Double Jeopardy 5th and 14th Amendments of THe United States Constitution. see North Carolina v. Pearce, 395 US 711, 23 L. Ed 2d 656, 89 S. Ct. 2072

5. Brady Claim, as holding exculpatory evidence that could make a difference in the outcome of proceedings as allocuted in Brady v. Maryland (1963) 373 US 83, 10 L. Ed 2d 215, 83 S. Ct 1194, the Supreme Court held that suppression of evidence favorable to the requested by an accused violates Due Process Clause of the Fourteenth Amendment. The Government with held the recording between Amber Martin and Ellis that attested and proved what Amner Martin woudl be receiving moneis from Ellis' daughter for, merely for Martin bringing Ellis' commmission to pay for daughter's overdue college tuition, and NOT for witness retaliation or a Murder for hire. Nothing More.
The government withheld Faretta Hearing transcripts from the hearing where Ellis is on the record attesting to the IAC and her concerns of attorney not putting on a defense. This would have made a difference in the outcome of the Appeal had the Government released the transcripts, but did not until after the decision of the Eleventh Circuit court of appeals. See transcript of instant case docket in the Middle District of FLorida, which verifies when tehy finally released the Faretta Memorandum and not the actual transcripts.
Release of the recordsings, release of the Faretta transcripts, could have changed the outcome of the proceedings , both the Trial and the Appeal. This prejudiced Ellis and violated Ellis Due Process rights of the 14th Amendment of the United States Const.

6. A District COurt may not increase a sentence, see United States v. Benz (1931) 282 U3 304, 75 L. Ed, 51 S. Ct 113 to be based upon the ground that to increase the penalty is to subject the Defendant to Double Jeopardy for the same offense, dissenting Opinion of Holmes, J in Kepner v. United States (1904) 195 US 100, 49 LED 114, 24 S Ct 797, discussed Supra 113.

AUSA Patrick Scruggs requested that the Federal Bureau of Prisons add a SAM ( special Administrative Measure ) to her final sentence 19 months after the sentece had started and final sentence occurred.

In Hill v. Wampler, the United States Supreme Court states that a Judge knows what he wants in his final sentence and no one can change that. A SAM was not a part of Ellis' final sentence in this case and the AUSA fraudulently falsified an alleged statement of which Ellis was not convicted for nor taken to trial for disparaging Ellis . The AUSA had no right to request that the Assistant Regional Director for the Federal Bureau of Prisons change Ellis' final sentence without granting Ellis Due Process or an attorney, as every defendant is entitled to an attorney through every phase of a sentencing, but Ellis was told after the fact

that if Ellis had questions pertaining to the SAM to contact an attorney. "that was nice of them, after violating Due Process".

Duplicate allegations evidenced by attached sentencing transcripts reveal that Ellis, Priscilla received excessive 8th Amendment enhancements unwarranted, violating the 5th, 8th and 14th and 13th Amendments of the United States Constitution. A sentence is suppose to be based on accurate , factual information. see Apprendi v. New Jersey, 530 U.S. 466, 147 L. Ed. 2d 435, 120 S. Ct 2348 (2000).

Ellis was also see sentencing transcripts prejudiced by being sentenced in case 8:15-cr-00320-sdm-tgw-3 for the case of 8:16-cr-00502-JSM-TBM-1 before the actual sentencing for the 8:16-cr-00502-JSM-TBM-1.
See the allegatiosn and disparaging comments from both the Judge and Prosecutor in case 8:15-cr-00320-SDM-TGW-3 that mainly had to do witht he allegations surrounding case 8:16-cr-00502-SDM_ TBM-1.

I was suppose to be getting sentenced for Conspiracy to money laundering and Wire fraud conspiracy in case 8:15-cr-00320-SDM-TGW-3 but as you see from looking at both sentencing transcripts, they are identical in the allegations and comments and enhancement information. Violating Ellis' Due Process 14th and 5th Amendment rights under the United States Constitution .

Ellis meets all of the prongs in Barker v. Wingo, 407 U.S. 518, 33 L. Ed 2d 101 92 S. Ct 2182 (1982) Due Process right.

Also United States sentencing guidelines 18 USC 3553 mirror that all information that a sentence is based upon should be Accurate and factual and not false allegations as they did in Ellis, Priscilla's case as evidence by both enclosed sentencing transcripts

Ellis was never convicted nor indicted of trying to kill a 9 year old girl, yet both prosecutors in case 8:15-cr-00320-SDM-TGW-3 to include the Judge using the prejudice remarks as again evidenced by the attached sentencing transcripts. This

prejudiced Ellis and violated her Due Process rights and 6th Amend ment guarantee of fair and impartial proceedings.

The Prosecutor made the same disparaging remarks of Ellis trying to kill a 9 year old girl at the sentencing in case 8:16-cr-00502-JSM-TBM-1 , again Ellis was not indicted nor convicted for such.

It was bad enoigh that the Prosecutors were spewing out allegations at both sentencings, but as evidenced by the transcripts to have a Chief Judge use this same alleged language and behaviour was baffling and astonishing and goes hand in hand that Ellis was entrapped for a crime in which she had no intentions to commit.

To top that off to receive 2 life sentences for less then $135,000 goign unknowing as bad funds through Ellis account approved by her Business attorney and because Ellis was advocating for innicense as a victim, to be extradited to a venue that is not your home state, to not receive a Bond, so you miss your daughter's graduation,

Ellis lost her businesses and home that was secured with her Veteran Benefits Loan that she built in 2008, and to top it off to be in the County Jail awaiting a sentence and be entrapped and receive a Duplicate Life sentence for a non violent crime (WHITE COLLAR ) crime adn the Judge makes the comments that he want to make it tantamount to " A death Penalty". This is both prejudice and over intense.

The Judge made this comment to no one else. The Judge pre-sentenced Ellis before her own sentencing Judge could sentence her for the crime in case 8:16-cr-00502-JSM-TBM-1 as evidenced by the comments that the Judge and Prosecutor both used in the sentencing attached transcripts in case 8:15-cr-00320-SDM-TGW-3

For this reason mainly, Ellis sentence and conviction needs to be thrown out and vacated and a new trial requested and new Venue.

See United states v. England, 555 F. 3d 616, 622 (7th Cir 2009)

When a defendant is exposed to GREATER or additional Punishments, it may raise serious Constitutional Concerns, id at 88, 91 L. Ed 2d 67, 106 S. Ct. 2411.... APPRENDI v. NEW JERSEY 147 LED 2d 435, 530 U.S. 466

Which is what happened when the AUSA requested that the FBOP enhance Ellis' Final sentence 19 months later with an Unlawfully Applied SAM ( Special Administrative Measure) that was not a part of Ellis' Final sentence.

THe Middle District of Florida AUSA Scruggs prejudiced Ellis and violated Ellis' Due Process rights of 14th Amendment and Double Jeopardy , a violation of the Fift Amendment of the United States Constitution as well as Ellis' 1st Amendment rights by requesting that the FBOP throw Ellis into a SuperMax Prison for the World's most dangerous prisoners when Ellis is serving a sentence for a White Collar crime in case 8:15-cr-00320-SDM-TGW-3 but used a sentence that is consecutive to it in case 8:16-cr-00502-JSM-TBM-1 that does not start for another 36 years, using false allegations.

The Supreme Court holds that in the Legal sense a prosecution terminates only when sentence is imposed...see Bradley v. U.S. 410, U.s. 605, 609 93 S. Ct 1151, 1154 35 L. Ed. 2d 528 (1973) So once Ellis was sentenced, there was no reason for the AUSA from the Middle District of Florida to request that the Federal Bureau of Prisons increase/enhance the Final sentence 19 months later by adding the unlawful SAM ( Special Administrative Measure ), In addition in Pollard v. U.S. 352 U.S 354, 361, 77 S. Ct. 481, 485 1 L. Ed. 2d 393 (1957) the court assumed without deciding that sentencing is a part of the trial for purposes of the Sixth Amendment of the United States Constitution. Numerous Circuits have followed the Supreme Court's lead and made the same assumptions.

Some have read the Supreme Court's actual holding as being limited to cases in which delay was purposeful or oppressive as in Ellis, Priscilla's case.

AUSA SCruggs waited 19 months after the Final sentence and Ellis reassigned to the Prison at FMC-Carswell to Program in the LCP Program prior to requesting as evidenced from attached Grievance response from the Unit Manager at FMC-Carswell, violating Ellis' 14th Amendment ( Due Process) and Fifth Amendment (Double Jeopardy), First Amendment ( Civil Liberties), Thirteenth Amendment, for using false allegations to disparage Ellis in the write up to request the SAM, and Sixth Amendment (ellis is entitled to an attorney through every phase of a sentence.

The Supreme Court is bound to observe the directive of Rule 32 (a) (1), Fed R. Cr. P that sentence shall be imposed without unreasonable delay. We all know that 19 months later to ehance a sentence causing Double Jeopardy with a SAM is totally un reasonable and prejudice.

Ellis meet All of the Barker Test in Barker v Wingo 407, U.S. 514, 92 S. Ct 2182, 33 L. Ed 2d 101 (1972)

1. The length of the delay was unreasonable
19 months after Final sentence to add the SAM enhancement

2. The reason for the delay --So that AUSA Patrick Scruggs could continue to prejudice Ellis becasue Ellis was asserting her innocense as a victim the entire time and still does

3. Prejudices and anxiety that the delay caused ---They have prevented Ellis from speaking with her younger daughter with no criminal history and family an friends causing depression and mental stress and anxiety with mental pain

4. Cruel and unusual punishment, as Ellis requested a Speedy Trial from the onset at the initial Appearance

see 407 U.S. at 530, 92 S. Ct at 2191

To throw Ellis, Priscilla in with a death Row inmate is another form of Cruel and unusal punishment and prejudice as Ellis has killed no one, and still have to see her family thorugh a Glass window in a small booth as though she is on death row. This is Cruel and Unusual Punishment on top of the already prejudices and cruelties that Ellis have faced in this case and the previous as evident by the sentencing transcripts.

7. Ellis was prejudiced by not being taken to trial before a Jury of her peers, although she requested at the onset for Professionals and Black people as well as military to be on her Jury. None was granted . Ellis is an Honorable Discharged Army Veteran and was a professional Business Owner for almost 25 years and a Black lady, which is why she received so many disparities in her case that a White woman would have never faced.

In Strauder v. West Virginia, 100 U.S. 303, 309, 25 L. Ed 664 (1880) The Constitution promises fundamental protection of Life and Liberty against race or color prejudice, also see McClesky v. Kemp 481 U.S. 279 310, 107 S. Ct 1756, 95 L. Ed 2d 262 (1987). There was solely one young mixed race lady perhaps in her early 20's and was surely not a Peer of Ellis.
With all of the Black people in the Tampa, Flroida area, surely they could have conjured a Jury of Ellis' Peers but for their prejudice towards Ellis because they know that they had entrapped Ellis for a caser that she did not commit.

There is a strong evidence that the promise of a Sixth Amendment right to an impartial trail before an impartial Jury went unfulfilled.

The danger of race determining any criminal punishment can also be an endangerment to the Public's confidence in the law , as is clear from all of teh discrepancies in Ellis case and sentencing

see Buck v. Davis, 580 US____,_____, 137, S Ct. 759, 197, L. Ed. 2d1, also Turner v. Murray 476 U.S. 28, 35, 106 S. Ct 1683, 90 L. Ed 2d 27 (1986) The work of purging racial prejudice from the Administration of Justice id at____ 137 S. Ct 855, 197, L. Ed. 2d, 107 at 122 is far from done, especially when there is no over sight and the Prosecutors and Judges think that they can do whatever they Please when a defendant does not know the law or have anyone to seriously assist and have their best interest at heart.

also see Miller - El v. Dretke ( Miller - El II) 545, U.S. , 231 240, 125 S. Ct. 2317, 162 L. Ed 2d 196 (2005)

8. Ellis rights were violated under Miranda v. Arizona when under cover inmate informant was recording Ellis while still at the County Jail unbeknowing to Ellsi that she was entrapping her for a crime of Witness retaliation with her questions that she was asking, although Ellis gave her nothign but circumstantial responses, Ellis was prejudiced when the Prosecutors took excerpts of the recording and played in Open court without taking Ellis rights into consideration that Ellis was still under Miranda, and had never left the County Jail since her arrest in 2015 awaiting Trial.

9. According to 18 USC 3553, a sentence is based upon several 1. To rehabilitate a person: Ellis is educated , honorable discharged Army Veteran and was a professional Business Owner and home owner with a family.
Now Ellis sits around doing religious correspondence and waste tax payers dollars and her life away for a crime that she was not a willing participant in the first place and the only evidence was from perjured testimony of inmates.

Ellis receiving an excessive 65 years sentence on top of the already life sentence at her age of excessive sentence of 40 years for conspiracy to money laundering and wire fraud in which Ellis trusted her business attorney in good faith violates her Eighth Amendment rights for a Cruel and unusual punishment, as Ellis did not kill anyone , nor have any drugs, so why is she serving an excessive sentence of 105 years? See Gall v. United States 552 U.s. 38, 51. 128 S. Ct 586, 169 L. Ed 2d 445 (2207)

and again in Apprendi v. New Jersey 147 L. Ed 2d 435, 530 U.S. 466 This sentence was greater then what should have been given Ellis' Age and prior criminal record of no violence.

Graham v. Florida U.S. 48, 69, 130 S. Ct 2011, 176 L. Ed 2d 825 (2010) (quoting Kennedy V. Louisiana, 554 U.S. at 438 explaining THAT A NON HOMICIDAL CRIME CANNOT BE COMPARED to Murder in their severity - Ellis senteced was treated as though she had committed a Murder and was and is excessive .. see U.S. v. McDonald, 981 F. Supp 942 (D.MD 1997)

then 19 months later the AUSA in the Middle District of Florida continues to follow Ellis around and prejudoice her by again requesting that a SAM be added on top of the already excessive NON violent sentence, all 3 sentences using the same identical information for enhancements and same false allegations. Violation of Due Process, 14th adn 5th and 6th amendments as well as the 13th Amendment for disparaging remarks.

10. Ellis shoudl have received a change of Venue in the instant case evidence by the prejudice remarks from the Judge in the sentencing transcripts of enclosed 8:15-cr-00320-SDM-TYGW-3, when a Judge makes the remarks of allegations that Ellis had tried to kill a 9 year odl , when Ellis was not indicted, nor convicted of such and when the Judge says that he wants to sentence Ellis SHORT of the DEATH Penalty , for a white collar crime of less then $135,000 goign through Ellis' Vicken International Traders LLC account in a State not connceted to Florida, ( In which FLorida had no venue from the inception) lets you know as again not ffabricated but proven by the enclosed sentence transcripts that the Judge was prejudice against Ellis and being the Chief Judge of this courthouse, the Venue should have been changed to a different Venue.

11. Again as evidence by both attached sentenced transcripts 8:15-cr-00320-SDM-TGW-3 and 8:16-cr-00502-JSM-TBM-1 and the SAM ( Special Administrative Measure) Agreement, Ellis was sentenced 3 times for case 8:16-cr-00502-JSM-TBM-1 and violating her 14th amendment rights and 6th and 5th Amendment rights

12. Ellis shoudl have not been convicted of Interstate Commerce facilites in commission of Murder for Hire, as No funds crossed state lines from Florida to Texas, there is no telephone recording of Ellis telling anyone to commit a crime in Texas from Florida nor did the Prosecution provide proof of such.

13. Attached by the Transcripts from FBI Rolf Gerjsten, he attest under cross examination that ther eis not recording of Ellis telling her daughter to pay for a murder for hire, so why did the court allow the faulty indictment based on false perjured statements and signature of FBI perjuring himself under oath? This caused Ellis to be taken to trial and falsely convicted for a crime that she did not commit, and causing Ellis to not be able to communicate with her Baby daughter whom have No criminal history. Ellis has been prejudiced time and time again in this case. It's almost too much to even grip your hands around or believe but the transcripts enclosed prove that Ellis telling the truth/

14. Ellis has been again prejudiced by the Federal Bureau of Prisons changing her sentences from Consecutive to an Aggregate sentence without Ellis being taken back before a Judge or getting credit for serving Concurrent sentences. See Hill v. Wampler as the Supreme Court states that a sentencing Judge knows what they want in their final sentence. The FBOP is not a part of the criminal justice system and should not be combining sentences see Dress v. D.O.C, 168 wn. App, 319, 279 P. 3d, 875 (2012) This again violated Ellis'' Due Process and Fifth AMendment , 14th and 6th Amendment rights of the United States Constitution.

15. Ellis was prejudiced by being convicted on mainly perjured testimony from under cover inmates and as evidenced by attached trasncripts from the FBI Agent Rolf Gerjsten, his testimony attesting that ther eis no recording of Ellis telling her daughter to pay for a Murder for hire, yet he went before a Grand Jury lying and committing perjury that there was when there is definitely NOT.

16. Ellis 6th AMendment rights were violateed when her defense attorney did not tell her to testify adn the magnitude of the sentence that she was facing if found guilty in this case

17. Ellis was prejudiced by not receiving her Speedy Trial that she requested at the initial appearance per 18 USC 3161. and again Speedy Trial violated when they Judge allowed a Superseding indictment over 60 days later adding additional charge using exact same check templates used to take Ellis to trial in case 8:15-cr-00320-SDM-TGW-3 which belonged to independent Agent. In United States v. Palomba, the case was thrown out because of the Superseding indictment being over 30 days.

18. Ellis continues to be violated and excessively punished, serving a sentence for a White collar crime in case 8:15-cr-00320-SDM-TGW-3, Ellis sits here in a Supermax prison because of the request of the AUSA in the Middle District of Florida, when Ellis has CLEAR Conduct since being within the FBOP and have low security, yet am here on a SuperMAX prison with a lady on DEATH row and have to see my family through a glass window, and have limited contact to call my family. 3 phoen call s per month. They are treating me as though I have killed someone and have not, and have been advocating for my freedom as a victim and this angered the Prosecutor as he has followed me around 19 months later after final sentence violating Ellis' 5th, 14th and 6th Amendement and 13th Amendemnt rights by requesting that the FBOP put me in SuperMAX Prison and add the excessive SAM measure. SuperMAX is for the World's most dangerous prisoners. Ellis has no Violent history and continues to be prejudiced. Ellis receives 3 phoen calls per month to her family solely, for a conspiracy of Money Laundering and Wire Fraud. You clearly see that the Judge sentenced Ellis in Case 8:15-cr-00320-SDM-TGW-3 fro the case 8:16-cr-00502-JSM TBM-1 by his remarsk, of a Maximum Security Prison and not to be in my home state of Texas where I have owned my homes and businesses since 1994, s a military transplant to Fort Hood with my spouse

## REASON THAT RELIEF SHOULD BE GRANTED

### 1. Faretta Transcripts Not Released

Had the Middle District of Flroida released the transcripts from the Faretta hearing, it would have proven the facts that were in the original Appeal 17-12737 where Petitioner was asserting her Claims of ineffective assistance of Counsel. This was a Brady Claim see Brady v. U.S. 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed 215, see Federal R. Crim P 16, 26.2 and also see Myers v. Johnson 76 F. 3d 1330 (CA 5 1996) in which a writ was granted because of the same circumstances and issues surrounding petitioner's case.

Petitioner as a Pro-Se' Litigant after her trial because of IAC shoudl have been allowed to haev the sufficiency of the evidence to assist in assertign her claims. The Petitioner went on the record at the Faretta hearing to assert her claims of IAC and the original Appeal filed by the Petitioner in a timely manner v erifies the same assertions that were made on the record.

Based upon the original Appeal and the memorandum of transcripts from the Faretta Hearing the Eleventh Circuit Court of Appeals should have allowed Petitioner's original Appeal to take precedent Appeal 17-12737 and not the Petitioner's standby attorney's Appeal of 18-10075. No one has the right to interfere with a Pro-Se' litigant's filings and the Panel of Judges should have elaborated on the claims of the Petitioner Ellis and not the filings of the satndby Attorney. This prejudiced the petitioner, further.

### 2. Exculpatory Evidence

The Government prejudiced Petitioner by witholding a recording that would have cleared Ellis of the crime of Witness Retaliation. The United States Government had a recording from the Pinellas County Jail that told daughter to give monies to Amber Martin solely for deliveringmonies to Petitioner's daughter to pay for her past due college tuition. Had the Government played this recording in Court, I am sure that the outcome of the Jury would have been different . In re Oliver , 333 U.S. 257 68 S. Ct 499, 92 L. Ed. 682 (1948) to describe what is regarded as the most basic ingredients of Due Process of Law. The right to offer testimony of witnesses. Petitioner supplied Attorney more then 10 statements as attached to Appeal doc# 85 enclosed stating that under cover hired inmate informants were bragging that the Government Agent had hired and offered tog ive them time off of their sentence to entrap Petitiner for a crime in which she did not nor have any intentions to commit.

Had the recording been played and individual witnesses been called for Certain, Petitioner's innocense would have been proven and the chance of the outcome from the Jury would have been different.

(The Judgement of Conviction must be reversed)

3. IAC in original Appeal attached

See Washington v. State of Texas, 388 U.S. 14, 18 L. Ed 2d, 1029, 87 S. Ct 1920 (1967) when attorney did not call witnesses he denied the petitioner the right of a defense, denied petitioner a fair trial, Due Process, Complulsory process and Sixth Amendment Guarantees. See Davis v. Alaska, 415 U.S. 311, 39 L. Ed 2d 347 94 S. Ct 1105 (1974). Petitioner had a right to a complete defense which would have included callign witnesses on her behalf, which was part of the Faretta hearign record. see Crane v. Kentucky 476 U.S. 683, 690, 1106 S. Ct 2142 (1984), Harris v. Reed, 894 F. 2d 871, 878 (7th Cir 1990) and Pavel v. Hollins 261 F. 3d 210 (CA 2 , 2001) where counsel failed to prepare a defense and call witnesses the Convictionwas VACATED and reversed as relevant by the laws under Strickland v. Washington, 466 U.S. 668 (1984) Strickland, itself teaches that there are times when prejudice is presumed as evident in Petitioner's case 466 U.S. at 692, 104 S. Ct 2052, Granted instances of resumed prejudices are rare, but several are well established when a Counsel does not put on a defense he has failed to function as the Client's advocate when he does not call witness or prepare a defense, but instead rely solely on the under cover inmate that entrapped his client's husband to come testify to his wife's deceit of entrapping Petitioner, but the husband of the undercover inmate never showed up. Nor did the Defense attorney play the recording that his investigator played for the petitiner verifying that Petitiner was merely paying for monies to be delivered to pay for past due college tuition of younger daughter, not a Murder for Hire or Witness retaliation.

4. Appellate COurt Errored by Not considering Pro-Se Appeal

Appellate Court errored and prejudiced Petitioner by not including nor elaborating on petitioner's original Appeal 17-12737 atatched see Myers v. Johnson, 76 F. 3d 1330 (CA 5 1996). Petitiner's Appeal should have taken prcdent over Standby attorney's appeal 18-10075 The Fifth Circuit reversed the decsion and remanded back to the courts.
Eleventh Circuit did not consider Petitioner's Appeal 17-12737 at all, nor did the Middle District of FLroida release the Faretta transcript to confirm that petitioner is on the record asserting the claims of IAC and putting on the record the reasons that she thought that it was best for her to start representing herself because of the insufficiency of her defense attorney.

When a petitioner shows total in effective assistance of Counsel Petitioner need to show no further constitutional violations or prejudices see U.S v. Teague, 953 F. 2d 1525 ( CA 11 1992) and Henry v. Mississippi, 379 U.S. 443, 85 S. Ct 564, 13 L. Ed 2d 408 (1965) and Gallego v. US 174 F. 3d 1196 ( CA 11 1999) and Jordan v. Hargett, 34 F. 3d 310 ( CA 5 1994) Petitiner's case should be vacated and remanded back to the Middle District of Florida for New trial

5. FBOP Forcing Petitioner to serve Double Jeopardy Sentence

THe AUSA from the Middle District of Florida 19 months into the Petitioner's final sentence Judgement, and after the Petitioner had already started serving her sentence, demanded that the FBOP submit a false allegation write up denying Petitioner Due Process to request a SAM ( Special Administrative Measure) and to combine petitoner's sentences as aggregate that were ordered Consecutive by both District Judges. This cause Petitioner to be serving a Double Jeopardy sentence as evidenced by attached Computation sheets. The FBOP at the request of the prejudice AUSA, made the Consecutive sentence that does not start fro another 36 years if not over turned on appeal as the controlling sentence. 18 USC 3553 states that a sentence should be based upon accurate information and not alleged information. The information that was utilized to obtain the SAM are all false allegations that the Petitioner was not indicted nor sentenced for violating the Petitioners Due Process 14th Amendment and 5th amendment rights under the United States Constitution.

Fifth AMendment guarantees against Double Jeopardy , and alo enforceable through the Fourteenth Amendment, consists of three separate constitutional protections:
(1) protections against a second prosecution for same offense after acquittal (2) protections against second prosecution for same offense after conviction; and (3) protection against multiple punishments for same offense. North Carolina v. Pearce, 395 US 711, 23 L. Ed 2d 656, 89 S. Ct

Evidence to convict defendant for witness retaliation was insufficient where the only co conspirators were government agents or under cover inmate informants hired by the government to receive tiem off of their sentences by offering perjured testimony. United STates v. Anderson (1993, CA9 WASH) 989 F. 2d 310, 93 CDOS 2109, 93 Daily Journal DAR 3739 ( criticized in United States v. Malloy ( 2009, ND Iowa) 2009 US Dist LEXIS 54089

THus Based upon Brady v. Maryland (1963( 373 US 83, 10 L. Ed 2d 215, 83 S Ct 1194, The Supreme Court held that suppression of evidence favorable to the requested and accused violates the Due Process Clause , which is what the Middle District of FLorida did by not releasing the Faretta hearing transcripts and the tapes that could have assisted in proving the Petitioner's innocense and claims of IAC and resons for the IAC, as evidenced from attache d statement on the orignal attached appeal.

For above reasons and FRCP 52 (b) and for the interest of the Public, Petitioner request that this honorable Court use it's supervisory Poweres to vacate the current sentence and remand back to the Middle District of Flroida for New Trial.

## REASONS FOR GRANTING THE PETITION

Eleventh Circuit COurt of Appeals errored by not taking Ellis' initial Appeal docs #85 into consideration before the Panel Judges

Ellis had Ineffective assistance of Counsel for not putting on a defense and for not calling the main witnesses Victoria Ellis and Martin to testify

Ellis was till under Miranda when the under cover jail informant's wore a wire inside the jail to entrap Ellis for the crime of Witness retaliation

Composition of the Jury, as a black woman, Ellis had only 1 Black person

Prejudiced by Prosecutor testifying before the Jury of how great Ellis attorney is

Ellis did not have a fair trial and was clearly entrapped and all of the evidence shows including what the eleventh circuit court of Appeals has done to day by not granting Ellis a re-hearing when they NEVER took any of Ellis concerns into consideration from the beginning in Ellis' initial Appeal.

Ellis has been prejudicied from the beginning to now, and to date still does not have a Counsel.

Please Appoint Counsel

THE JUDGE ERRORED IN BOTH CASES BY ALLOWING THE PROSECUTORS TO EACH USE SAME INFORMATION (false allegations ) TO OBTAIN SENTENCE ENHANCEMENTS OF ELLIS TRYIGN TO KILL A 9 YEAR OLD GIRL WHEN ELLIS WAS NOT INDICTED NOR TAKEN TO TRIAL FOR THIS, SEE ATTACHED TRANSCRIPTS FROM BOTH SENTENCING HEARINGS

DISTRICT JUDGE ERRORED BY ALLOWING PROSECUTOR GERARD TO ADD ODUS OMOTOLA FROM THE FIRST CASE AS A 5th PERSON TO PROVIDE A CONTROLLING ROLE ENHANCEMENT, WHEN OMOTOAL HAD ABSOLUTELY NOTHING TO DO WITH THE INSTANT CASE AND THERE WAS NO EVIDENCE TO SHOW SUCH AS ELLIS HAD NOT SPOKEN TO OMOTOLA SINCE MAY 2015

PREJUDICED BY MIDDLE DISTRICT OF FLORIDA APPLYING A SAM ORDER SENTENCE ENHANCEMENT TO ELLIS SENTENCE 19 months AFTER ELLIS FINAL SENTENCE VIOLATING 18 U.S.C 3582 And Fifth Amendment

BASED ON THE COMMENTS FROM JUDGE MERRYDAY OF ELLIS NOT GETTING RELIEF FROM HIS FRIENDS AT THE 11TH CIRCUIT COURT OF APPEALS, ELLIS WAS PREJUDICED BY THE MIDDLE DISTRICT COURT NOT ALLOWING HER TO CHANGE VENUE FOR TRIAL. ( see attached transcript with judge's comments)

## REASONS FOR GRANTING THE PETITION

Federal Rule of Criminal Procedure 52(b) provides that a plain error that affects substantial rights may be considered even though it was not brought to the District Court's attention. In United States v. Olano, 507 U.S. 725, 113 S. Ct 1770, 123 L. Ed 2d 508 (1993), the court established three conditions that must be met before a court may consider exercising it's discretion to correct the error.
1. There must be an error that has not been intentionally relinquised or abandoned. 2. The error must be plain--that is to say clear and obvious. 3. The error must have affected the defendat's substantial rights. Molina-Martinez, 578 U.S. at ____(slip op., at 4) ( citations omitted). To satisfy the third condition, the defendant must show a reasonable probability that but for the error, the outcome would have been different in the proceeding I bid quoting United States v. Dominguez Benitez, 542 U.S. 74, 76, 82, 124 S. Ct 2333, 159 L. Ed.2d 157 (2004). Once these three conditions have been met, the court of Appeals should exercise it's discretion to correct the forfeited error if the error seriously affected the fairness, integrity or public reputation of judicial proceedings. Molina-Martinez, 578 U.S. at ____(slip op at 4-5) (internal quotations omitted) It is the last consideration , often called Olano's forth prong that is clarified in Ellis case. Had teh District court released the Faretta transcripts tot he Appellate Court to evidence that Ellis was on the record asserting her ineffective assistance of Counsel claim, and had they released the recorded telephone conversation at trial thent he outcome at both the trial and the Appellate Hearing been different.

Thus in Brady v. Maryland (1963) 373 US 83, 10 L. ED 2d 215, 83 S Ct 1194, the Supreme Court held that suppression of evidence favorable to and requested by an accused violates the Due Process clause of the Fourteenth Amendment where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. In Elis case it stands in close proximiny with the Supreme Court's ruling in Mooney v. Holohan (1935) 294 US 103, 79 L. ED 791, 55 S. Ct 340, 98 ALR 406 in which a State's deliberate presentation of perjured testimony to procure a conviction violates Due process, this happened in Ellis' case as well as Ellis was taken to trial twice for the same counterfeit checks that she was convicted for in case 8:15-cr-00320-SDM-TGW-3 , violating Double Jeopardy under the Fifth Amendment of the United States Constitution see North Carolina v. Pearce, 395 US 711, 23 L. Ed 2d 656, 89 S. Ct, as No one individual should be taken to trial twice for the same convicted offense, nor sghall any one individual be punished twice or multiple times for the same offense. Because of the multiple injustices in Ellis' trial, Appeal and sentencing, it is in the Public's interest as well as other accused for the US supreme Court to remand this case back to the Middle District of Florida for a new trial and or vacate the sentence that was imposed, which is a violation of the 8th Amendment of the United Sattes Constitution as Cruel and excessive punishments.

The Public's interest and again other accused's are relying on the outcome of this case.

Federal Rule of Criminal Procedure 52(b) provides that a court of appeals may consider errors that are plain and affect substantial rights, even though they are plain and raised for the first time on appeal. This case concerns the bounds of that discretion, deliberate violations of the 1st, 5th, 6th, 8th, and 14th Amendments of the United States Constitution and whether a miscalculation of the United States Sentencing Guidelines range that has been determined to be plain and to affect a defendant's substantial rights, calls for a court of appeals to exercise its discretion under rule 52(b) to vacate the defendant's sentence. Such an error will in the ordinary case as here affect the fairness, integrity, or public reputation of judicial proceedings and thus will warrant relief. District Courts must determine in each case what constitutes a sentence that is sufficient, butnot greater then necessary. 65 years consecutive to a 40 year sentence is way greater then necessary to achieve the overarching sentencing purposes of retribution, deterrence, incapacitation, and rehabilitation. Tapoa v. United States, 564 U.S 319, 325, 131 S. Ct 2382, 180 L.Ed.2d 357 (2011) 18 U.S.C. 3551 (a) 3553(a)(2). Those decisions call for the District Court to exercise discretion, yet to ensure certainty and fairness in sentencing, district courts must operate within the framework established by COngress. United States v. Booker, 543 U.S. 220, 264, 125 S. Ct. 738, 160 L. Ed.2d 621 (2005) quoting 28 U.S.C 991(b)(1)(B) Peugh v. United States, 569 U.S. 530, 541, 133 S. Ct 2072, 186 L. Ed. 2d 84 (2013) quoting Gall v. United States, 552 U.S. 38,50,n.6, 128 S. Ct 586, 169 L. Ed. 2d 445 (2007) through process of Appellate Review.

It is a Public's interest and detrimental to provide relief as this issue pertains to all US Citizens whom are protected under the 5th Amendment of the United States Constitution. If the Prosecutors are allowed after final sentencing to change/modify or alter a final sentenceing judgement or final judgement period at anytime that they deem fit, this would put all Citizens and the Justice system in jeopardy as being a fair, equal, and impartial system as we all know it to be. The AUSA in the Middle District of Florida requested the FBOP to Add a SAM ( Special Administrative Measure ) 19 months after Ellis' Final sentence had commenced with CLEAR Conduct, violating Ellis' Fifth Amendment Rights and causing a Double Jeopardy sentence. THe Fifth Amendment states that a person should not be sentenced twice or taken to Trial for the same crime twice, but the Middle District of FLorida also used the same information ( check Templates ) from case 8:15-cr-00320-SDM-TGW-3 to take Ellis to Trial for Uttering a Counterfeit document in case 8:16-cr-00502-JSM-TBM-1 when Ellis was incarcerated in the Pinellas County Jail already for beign a victim with the same templates. See attached copy of statement from the Unit Manager at the Federal Bureau of Prisons attesting to the Middle Dist of Florida Prosecutor requesting that the FBOP add a SAM that was not a part of final sentence.

Both of these situations constitute Double Jeopardy and a Violation of the fifth Amendements of the US Constitution as well as 1st, 5th, 6th, 8th, and 14th Amendement of the United States Constitution violations.

This case is important to the interest of the Public and other Inmates convicted as victims and entrapped for crimes such as Ellis.

## SUMMARY

As you can see errors by Counsel actually had an adverse effect on the defense, see Anderson v. Collins, 18 F. 3d 1208, 1215 ( 5th Cir 1994) also see Strickland v. Washington 466 U.S. 668 and United States v. Ackenlen, 47 F. 3d 739 (5th and 11th Cir 1995).

This case is of such importance to justify the deviation from normal Appellate practice and to require immeidate determination in this court , The United States Supreme Court per 28 U.S.C 2101 (e)

Federal Rule of Criminal Procedure 52(b) provides that a court of Appeals may consider errors that are plain and affect substantial rights, even though they are plain and raised for the first time on Appeal.

This case concerns the bounds of that discretions, and have deliberate violations of the 1st, 5th, 6th, 8th, 13th and 14th Amendments of the United States Constituion, and also request that you consider whether a miscalculation of the sentencing guidelines were excessive and if the AUSA in the Middle District of Florida violated the Ex-Post facto law by asking that the FBOP add another excessive sentence witht he SAM enhancement 19 months after final sentence.

Under FRCP 52 (b) The US Supreme court can vacate the current conviction and sentence per the Constitutional excessive violations and dispartities concerning other cases that are comparative to Priscilla Ellis' instant case.

See United States v. Booker, 543, U.S 220, 264, 125 S Ct. 738, 160 L. Ed 2d 621 (2005) quoting 28 U.S.C 991 (b)(1)(B) Peugh v. United States, 569 U.S 530, 541, 133 S. Ct 2072, 186 L. Ed. 2d 84 (2013) quoting Gall v. United Staes, 552 U.S 38, 50, n.6, 128 S. Ct 586, 169 L Ed 2d 445 (2007) through process of Appellate Review.
It is o Public's interest and detrimental to provide relief as these issues pertain to ALL citizens whom are protected under the 1st,5th, 6th, 8th, 13th and 14 Amendments of the United Staes Constitution.

For the ABove reasons, Priscilla Ellis Preys upon this Honorable United States Supreme Court to deviate from the Normal Appellate practice, retain Jurisdiction under 28 U.S.C. 2101 (e) and provide relief by Vaccating the conviction and current sentence and remand back to the Middle District of Florida for New Trial.

Priscilla A. Ellis, Pro-Se Date: 4-22-2020

17

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Priscilla A. Ellis- Pro-Se

Date: ~~3-20-20~~ 6-16-20