

No. _____

In The
Supreme Court of the United States

ALIJAH JAQUEZ MITCHELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX TO
PETITION FOR WRIT OF CERTIORARI

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Dated: September 25, 2020

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U.S. Court of Appeals for the Fourth Circuit	
entered April 28, 2020	App. A

FILED: April 28, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4750
(5:19-cr-00105-BO-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL MARKISE THOMPSON,

Defendant - Appellant.

No. 19-4751
(5:19-cr-00105-BO-2)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALIJAH JAQUEZ MITCHELL,

Defendant - Appellant.

APPENDIX A

O R D E R

Daniel Markise Thompson and Alijah Jaquez Mitchell seek to appeal their convictions and sentences for Hobbs Act robbery, 18 U.S.C. § 1951 (2018), and brandishing a firearm during and in relation to a crime of violence, 18 U.S.C. § 924(c) (2018). The Government has moved to dismiss the appeals as barred by the waivers in Thompson's and Mitchell's waiver of the right to appeal included in their plea agreements. Upon review of the plea agreements and the transcripts of the Fed. R. Crim. P. 11 hearings, we conclude that both Thompson and Mitchell knowingly and voluntarily waived his right to appeal and that the issues Thompson and Mitchell seek to raise on appeal fall squarely within the scope of the waiver of appellate rights contained in each of their plea agreements.* Accordingly, we grant the Government's motion to dismiss both appeals.

Entered at the direction of the panel: Chief Judge Gregory, Judge Wilkinson, and Judge Motz.

For the Court

/s/ Patricia S. Connor, Clerk

* We note that, because this court has held that Hobbs Act robbery is categorically a crime of violence, *United States v. Mathis*, 932 F.3d 242, 265-66 (4th Cir.), *cert. denied*, 140 S. Ct. 639, and *cert. denied*, 140 S. Ct. 640 (2019), application of the waiver does not result in a miscarriage of justice. *See United States v. Adams*, 814 F.3d 178, 182 (4th Cir. 2016).