

No. 20-6909

Supreme Court, U.S.
FILED

JUL 17 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

BRIAN GALE — PETITIONER

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ON APPEAL FROM THE U.S. FOURTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI



Mr. Brian Gale-Petitioner

UNITED STATES PENITENTIARY TERRE HAUTE

P.O. BOX 33

TERRE HAUTE, INDIANA 47808

ORIGINAL

RECEIVED

JUL 29 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED

NOV 20 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

"WHETHER HOBBS ACT ROBBERY QUALIFIES AS A "CRIME OF VIOLENCE"?, WHERE THE DISTRICT COURT FAILED TO ADVANCE ANY THEORY (i.e. "residual clause, force clause, or elements clause) DURING THE PROSECUTION?; and "WHETHER HOBBS ACT ROBBERY QUALIFIES AS A REQUISITE CRIME OF VIOLENCE FOR 18 U.S.C. 924(c)(3)(A) PURPOSES?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

JOHNSON vs. U.S., 125 S.CT 2551 (2015)

UNITED STATES vs. DAVIS, 139 S.CT. 2319 (2019)

STATUTES AND RULES

18 U.S.C. 924(c)(1)

18 U.S.C. 1951(a)

28 U.S.C. 2255

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ 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☐ is unpublished.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

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 21, 2020.

☐ 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 _____.

☐ 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. FIFTH AMENDMENT RIGHT TO DUE PROCESS OF LAW

STATEMENT OF THE CASE

The Statement of this case, is clearly outlined within the U.S. Fourth Circuit Court of Appeals decision, denying Petitioner Brian Gale apporpiate relief.

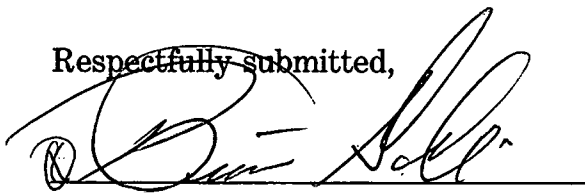
REASONS FOR GRANTING THE PETITION

The U.S. Fourth Circuit Court of Appeals decision conflicts with the decisions made by other appellate court's and the issue should be resolved by the U.S. Supreme Court.

CONCLUSION

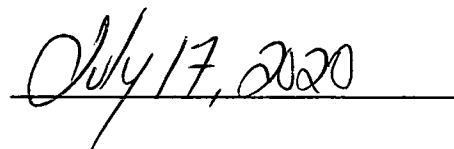
The petition for a writ of certiorari should be granted.

Respectfully submitted,



A handwritten signature in black ink, appearing to read "David S. Bell", is written over a horizontal line.

Date:



A handwritten date "July 17, 2020" is written over a horizontal line.