

ORIGINAL

20-7002

No. \_\_\_\_\_

FILED

JAN 05 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Ryan C. Lander — PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US COURT OF APPEALS FOR THE SECOND CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ryan C. Lander #22290-055  
(Your Name)

FCI ALLENWOOD, LOW, PO Box 1000  
(Address)

WHITE DEER, PA 17887  
(City, State, Zip Code)

N/A

(Phone Number)

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JAN 25 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- IS IT CONSTITUTIONAL TO FEDERALLY PROSECUTE CITIZENS FOR PORNOGRAPHY AND OTHER CRIMES UNDER THE "INTERSTATE COMMERCE" CLAUSE SIMPLY BECAUSE THE COMPUTER OR OTHER EQUIPMENT WAS MANUFACTURED OUT OF STATE?
- IS IT LAWFUL TO COMPEL A CITIZEN TO RELINQUISH THEIR FOURTH AMENDMENT RIGHT TO UNREASONABLE SEARCHES WITHOUT FIRST EXPLAINING THEIR RIGHTS, AS IN MIRANDA?
- DO MANDATORY MINIMUMS VIOLATE THE CHECKS AND BALANCES BUILT INTO OUR GOVERNMENT BY THE CONSTITUTION?
- DID THE DISTRICT COURT VIOLATE MY SIXTH AMENDMENT RIGHT TO COUNSEL BY FIRST NOT REMOVING MY ATTORNEY, AND APPOINTING NEW COUNSEL, FOR A CONFLICT OF INTEREST; OR BY DIRECTING ME TO PROCEED "PRO-SE"?
- WAS MY PLEA AGREEMENT MADE "KNOWINGLY AND WILLINGLY", AND NOT COERCED, BY MY ATTORNEY WITHHOLDING THE OMNIBUS MOTIONS' CONTENTS FROM ME UNTIL I HAD SIGNED THE PLEA, WHICH INFORMATION WOULD HAVE INFLUENCED MY DECISION TO PLEA? DID COUNSEL'S PRESSURE TO PLEA, AND USING MY FATHER TO PRESSURE ME, MAKE THE PLEA NOT "KNOWINGLY & WILLINGLY"?
- DOES THE EVIDENCE IN MY CASE MEET THE STANDARDS OF THE LAW AS ILLEGAL, OR DID THE AGENTS AND PROSECUTOR TAKE ADVANTAGE OF "SCARE TACTICS" AND THE THREAT OF AN OVER-GUIDELINE MAXIMUM SENTENCE TO COERCE A PLEA AGREEMENT.

## 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

UNITED STATES OF AMERICA v. RYAN C. LANDER, NO. 13-CR-151A, U.S.  
DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK. JUDGEMENT  
ENTERED August 1, 2018.

UNITED STATES OF AMERICA v. RYAN C. LANDER, NO. 19-2564-CR, U.S.  
COURT OF APPEALS FOR THE SECOND CIRCUIT. JUDGEMENT ENTERED OCTOBER  
9, 2020.

UNITED STATES OF AMERICA v. RYAN C. LANDER, NO. 18-2333, U.S. COURT  
OF APPEALS FOR THE SECOND CIRCUIT. JUDGEMENT ENTERED JANUARY  
15, 2019

UNITED STATES OF AMERICA v. RYAN C. LANDER, NO. 18-2582, U.S. COURT  
OF APPEALS FOR THE SECOND CIRCUIT. JUDGEMENT ENTERED JANUARY  
15, 2019

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### 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 B 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 OCTOBER 9, 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 CONSTITUTION; ARTICLE 1, SECTION 8: "THE CONGRESS SHALL HAVE THE POWER... TO REGULATE COMMERCE WITH FOREIGN NATIONS, AND AMONG THE SEVERAL STATES..." "...TO PROVIDE FOR THE PUNISHMENT OF COUNTERFEITING..." "TO DEFINE AND PUNISH PIRACIES AND FELONIES ON THE HIGH SEAS..."

BILL OF RIGHTS; AMENDMENT IX: "THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE."

BILL OF RIGHTS; AMENDMENT IV: "THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED."

BILL OF RIGHTS; AMENDMENT V: "... NOR SHALL (ANY PERSON) 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."

U.S CONSTITUTION; ARTICLE III, SECTION 2: "THE JUDICIAL POWER SHALL EXTEND TO ALL CASES... UNDER THEIR AUTHORITY; - TO ALL CASES AFFECTING AMBASSADORS, OTHER PUBLIC MINISTERS AND CONSULS; - TO ALL CASES OF ADMIRALITY AND MARITIME JURISDICTION; - TO CONTROVERSIES BETWEEN TWO OR MORE STATES; - BETWEEN A STATE AND CITIZENS OF ANOTHER

STATE; - BETWEEN CITIZENS OF DIFFERENT STATES... "THE TRIAL OF ALL CRIMES, EXCEPT IN CASES OF IMPEACHMENT, SHALL BE BY JURY;"

US CONSTITUTION; ARTICLE III, SECTION 3<sup>o</sup> "TREASON AGAINST THE UNITED STATES, SHALL CONSIST ONLY IN LEVYING WAR AGAINST THEM, OR IN ADHERING TO THEIR ENEMIES... THE CONGRESS SHALL HAVE POWER TO DECLARE THE PUNISHMENT OF TREASON..."

BILL OF RIGHTS; AMENDMENT VI<sup>o</sup> "IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED... AND TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM... AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENSE."

## STATEMENT OF THE CASE

AFTER A ONE YEAR LONG DEPARTMENT OF HOMELAND SECURITY INVESTIGATION OF THE WEBSITE "IMGSRC.RU", WHERE I HAD POSTED 3000+ LEGAL, NON-PORNGRAPHIC IMAGES, AGENTS CAME TO MY HOME TO "TALK" TO ME, WITHOUT ANY WARRANTS. (SEE MIRANDA V. ARIZONA, 384 U.S. 436 (1966) AND ALSO UNITED STATES V. SIMMONS, 661 F.3d 151, 156-157 (2d Cir. 2011)). THEY PRESENTED ME A "CONSENT TO SEARCH" FORM, AND COERCED ME TO SIGN THE FORM USING INTIMIDATING AND THREATENING LANGUAGE AND GESTURES, THEY THEN OPENED MY COMPUTER(S) AND CONNECTED EXTERNAL DRIVES TO THEM WITHOUT ANY "WRITE BLOCKER" PROTECTION, AND "SEARCHED" THEM FOR ONE AND A HALF HOURS. (SEE U.S. V. GANIAS, (2d Cir. 2011)-FOOTNOTES, AND U.S. V. MARANDOLA (2d Cir. 2010)). FINDING NOTHING, THEY CONFISCATED MY EQUIPMENT WITHOUT ANY WARRANTS, AND HAPHAZARDLY TOSSED IT INTO THEIR VEHICLE WITH NO "EVIDENCE" MARKINGS OR PROTECTIONS, A WEEK LATER I WAS ARRESTED AND CHARGED IN FEDERAL COURT, AND NOT IN STATE COURT, SIMPLY BECAUSE THE COMPUTER WAS MANUFACTURED "OUT OF STATE". I HAD ALLEGEDLY USED "INTERSTATE COMMERCE" (THUS GIVING JURISDICTION TO THE FEDERAL SYSTEM, HOWEVER, I HAD PURCHASED ALL OF THE EQUIPMENT LOCALLY, AND DID NOT USE "INTERSTATE COMMERCE" AS MY MONEY DID NOT LEAVE THE STATE WHEN I PURCHASED THE COMPUTER(S)). DURING THE COURSE OF THE CASE, IT BECAME APPARENT MY ASSIGNED COUNSEL WAS BIASED AND PRE-DISPOSED. HE WOULD NOT ENTERTAIN ANY DEFENSE STRATEGY, SUCH AS CHALLENGING THE EVIDENCE DID NOT MEET THE DEFINITION'S LAID OUT IN 18 U.S.C. § 2251(a); 2256, AND ONLY PUSHED FOR A PLEA AGREEMENT. HE USED MY FATHER TO ALSO PUSH ME TO ACCEPT A PLEA AGREEMENT. (SEE U.S. V. MOORE, (2d Cir. 2004)). THE PROSECUTION THREATENED A SENTENCE

OF SIXTY YEARS, OVER THE STATUTORY MAXIMUM, AS A MEANS TO "FORCE" ME TO ACCEPT A PLEA AGREEMENT. OVER A YEAR AFTER ACCEPTING THE PLEA, THE OMNIBUS MOTION (APPENDIX C), PREVIOUSLY WITHHELD FROM ME BY COUNSEL, WAS E-MAILED TO MY FATHER, UNSOLICITED. AFTER READING THE CONTENTS OF THE MOTION, I REALIZED I WOULD HAVE NOT ENTERED INTO A PLEA AGREEMENT HAD THIS INFORMATION BEEN DIVULGED TO ME BEFOREHAND. BECAUSE OF THIS FACT, AND THE PRESSURE EXERTED ON ME BY MY FATHER AND COUNSEL, THE AGREEMENT WAS NOT MADE "KNOWINGLY AND WILLINGLY" (SEE U.S. v. JUNCAL, 245 F. 3d, 166 (2d Cir. 2001); GENERALLY). BECAUSE COUNSEL WAS PRE-DISPOSED AND BIASED (HE ALSO MADE SEVERAL DISPARAGING STATEMENTS TO MY FATHER AND MYSELF) I REQUESTED NEW COUNSEL BE APPOINTED. THIS REQUEST WAS DENIED BY THE DISTRICT COURT TWICE, AND I WAS TOLD IF I WAS UNHAPPY WITH COUNSEL, I COULD PROCEED PRO-SE. THIS ORDER WAS NEVER RESCINDED. MY COUNSEL THEN RECUSED HIMSELF, AND WAS REPLACED. (SEE LOPEZ v. SCHULLY, 58 F. 3d 38 (2d Cir. 1995)). AFTER MANY MORE MONTHS I WAS ULTIMATELY SENTENCED TO 262 MONTHS. BY FORCING THE JUDGE TO USE INCORRECT GUIDELINES, AND TYING HIS HANDS WITH MANDATORY MINIMUMS, PLUS THE INCORRECT FEDERAL JURISDICTION ISSUES, I WAS SENTENCED TO AN UN-REASONABLE LENGTH OF TIME FOR A FIRST-TIME OFFENDER, CONSIDERING THE FACTS OF THE CASE, AND THE ABOVE-MENTIONED FACTS. THIS CASE IS FULL OF MISCARRIAGES OF JUSTICE, AND THEY WERE SYSTEMATICALLY OVERLOOKED FOR "THE GREATER GOOD".

## REASONS FOR GRANTING THE PETITION

- MISCONSTRUING THE INTERSTATE COMMERCE CLAUSE AS MEANS TO PROSECUTE CITIZENS FEDERALLY IS UNJUST. THE CONSTITUTION SPECIFICALLY LIMITS THE GOVERNMENT'S PROSECUTORIAL POWER WITH THE INTENT THAT THE STATES SHOULD HANDLE PROSECUTING ANY CRIMES OUTSIDE THOSE LIMITS. JUST BECAUSE CERTAIN PARTS OF A COMPUTER WERE MADE OUT OF STATE DOESN'T AUTOMATICALLY GIVE THE FEDERAL GOVERNMENT JURISDICTION OVER A CRIME INVOLVING SAID COMPUTER. SINCE I PURCHASED THE COMPUTER IN STATE, I DID NOT ACTUALLY INVOLVE INTERSTATE COMMERCE, AND SHOULDN'T FALL UNDER FEDERAL JURISDICTION. MANY OTHER PEOPLE ARE PROSECUTED UNJUSTLY BECAUSE OF THIS PURPOSEFUL MISCONSTRUING OF THE CONSTITUTION.
- IF FEDERAL AGENTS REQUEST SOMEONE GIVE UP CONSTITUTIONAL RIGHTS WITH A WARRANTLESS SEARCH, AS IN MIRANDA, THEY SHOULD BE REQUIRED TO EXPLAIN TO THE CITIZEN THOSE RIGHTS, AND THAT THOSE RIGHTS ARE PROTECTED UNDER THE CONSTITUTION, AND NOT REQUIRED TO BE GIVEN UP. THIS WOULD PREVENT THE GOVERNMENT FROM WILLINGLY + PURPOSFULLY VIOLATING CITIZENS CONSTITUTIONAL RIGHTS.
- MANDATORY MINIMUMS VIOLATE THE CHECKS AND BALANCES BUILT INTO THE CONSTITUTION. IF THE SAME PEOPLE WHO WRITE A LAW, DICTATE ITS PUNISHMENT, THERE ARE NO SAFETY PRECAUTIONS AGAINST OVERREACHING PROSECUTIONS. THE JUDICIAL BRANCH IS SUPPOSED TO METE OUT PUNISHMENTS TO BALANCE OUT ANY OVERSTEPPING BY THE LEGISLATURE. MANDATORY MINIMUMS REMOVE THE JUDGES ABILITY TO TAILOR PUNISHMENT TO EACH UNIQUE CASE PRESENTED TO HIM.
- BY NOT REPLACING MY CONFLICTED AND BIASED ATTORNEY, AND THEN DIRECTING ME TO PROCEED "PRO-SE"; WITHOUT AN ATTORNEY, THE COURT

HAS STARTED A DANGEROUS PRECEDENT, BLATANTLY DISMISSING THE CONSTITUTION'S SIXTH AMENDMENT GUARANTEE OF ASSISTANCE OF COUNSEL DURING COURT PROCEEDINGS. IN DOING SO, EVERY DEFENDANT BROUGHT ON CHARGES IS NOW AT RISK OF HAVING NO ASSISTANCE OF COUNSEL FOR THEIR DEFENSE.

- BY DISREGARDING THE FACT THAT PERTINENT INFORMATION WAS WITHHELD FROM ME BY COUNSEL AT A CRITICAL JUNCTURE IN MY CASE, REGARDLESS OF THE REASON WHY, THE DISTRICT COURT HAS REVERSED A PROTECTIVE PRECEDENT, REQUIRING PLEA AGREEMENTS TO BE MADE KNOWINGLY AND WILLINGLY, IN LIEU OF EXERCISING THEIR RIGHT TO A JURY TRIAL, AS GUARANTEED BY THE CONSTITUTION. IT IS VERY DIFFICULT, IF NOT IMPOSSIBLE, FOR A DEFENDANT TO REVERSE A GUILTY PLEA, BUT THE PROSECUTION CAN CHANGE PARTS OF THE AGREEMENT AFTER ITS ACCEPTANCE, AT WILL. THIS IS NOT JUST AND SHOULD BE ADDRESSED TO ENSURE ALL DEFENDANTS AND PROSECUTORS GET THE SAME BINDING AGREEMENT.
- BY ALLOWING PROSECUTORS AND AGENTS "FREE REIGN" TO USE ANY MEANS NECESSARY TO OBTAIN A PLEA AGREEMENT, INSTEAD OF ARGUING THE FACTS IN A TRIAL, UNDERMINES THE JUSTICE SYSTEM, AND THE CITIZEN'S RIGHTS TO A TRIAL BY JURY, GUARANTEED BY THE CONSTITUTION.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brian C. Bach

Date: December 30<sup>th</sup> 2020