

20-7755

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

MAR 30 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Wilbert James Veasey Jr. — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH CIRCUIT COURT APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Wilbert James Veasay Jr.

(Your Name)

FMC FT.Worth,P.O.BOX 15330

(Address)

FT.Worth Tx 76119

(City, State, Zip Code)

N/A

(Phone Number)

RECEIVED

MAR 17 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

(1) Did District court's Jury instruction impermissibly impair and redirect the jury's considerations of the evidence by adding word from Civil Regulations taint these proceeding in violation of Petitioner's Due Process Rights?

(2) Did the Jury Instructions added Civil Regulations sway the Jury and taint these Judicial proceedings?

(3) Did the added erroneous Jury Instructions usurped the jury's fact finding role?

(4) Did the presence of a "biased" juror violate Petitioner's Sixth and Fifth Amendment Rights?

(5) Did a biased juror taint the Constitutional standards of a "Fair" Trial?

(6) Did district court abuse its discretion by failing to remove the biased juror?

(7) district court, Appellate court abused discretion by using "Non-Shepard" approved documents for their determination in applying U.S.S.G § 2B1.1(b)(7)(iii)?

(8) Was sentence procedurally unreasonable by applying enhancement based on Non-Sheppard approved documents?

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:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Shepard v. United States, 544 US 13
United States v. Garza-Lopez, 410 F.3d 268

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STATUTES AND RULES

OTHER

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failed to disclose a copy to client

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ 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 1-28-2021.

☒ 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

Petitioner's Fifth Amendment Rights [Due Process] and Sixth Amendment Rights have been deprived, because he was not given a "Fair Trial," under the 6th Amendment guidelines which does invoke due process protections because: [1] allowing a jury instruction that manipulates the juror fact finding process nullifies all the Constitutional guaranteed unalienable by the Federal Constitution allowing an instruction in a criminal proceeding to add "Civil Regulations," clearly disrupted the jury's fact finding process and undermined the outcome of this entire case thus denying Petitioner a "Fair Trial," as guaranteed under the 6th Amendment to be a sham a hoax, nothing more than informal, it not only tainted these proceedings it undermined the outcome and undermined the Integrity of this court its a "Miscarriage of Justice."

(2) The presence of a established biased juror to be allowed to not only sit in the proceeding but sway other jurors to her discriminatory thinking once again violates that unalienable Right to a "Fair" Trial, even after she demonstrated her partial and bias towards the defense she was allowed to remain, despite this juror stating on the record having issues with her eyes after surgery and clearly medical issues with medical professionals is a conflict of Interest that district court should have seen, nevermind allowing this disgruntal juror against medical professionals rule on a case about medical personell, medical establishments ect..

(3) Because the Court based a 4 point enhancement [added punishment] base solely on the PSR, which as stated by the Supreme Court in Shepard v. United States, 544 US 13, 125 S.Ct 1254 (2005), as unreliable not factual evidence and must be supported by more. District Court erred in enhancing this sentence solely on PSR, its clear and obvious because it conflicts with the Supreme Court and should be determined whether imposed unreliable under Booker.

STATEMENT OF THE CASE

To condemn a United States citizen on an Unconstitutional jury instruction, a biased juror violates both the Fifth and Sixth Amendment protections, because it undermines the "Fairness," and equal opportunity to be heard, this denial of a "Fair" Trial is a Manifest Miscarriage of Justice.

By allowing jury instructions in a criminal case to include "Civil Regulation," clearly to manipulate the jury and sway in light most favorable to the Government, against the defense it implicates a denial of a "Fair" Trial, violation of Due Process it taints and questions the Integrity of the Court and is usurped the jury's fact finding role. It is a Miscarriage of Justice to allow such due process violations to stand, to allow a biased juror to remain seated on the jury tainting this court, because the record reflects bias towards the defense, the district court's failure to dismiss this juror violated the very essence of Due Process, because it was clear the Conflict of Interest, having a juror make biased comments on the court record and are displaying her dismay about medical problems caused by medical professions while sitting on a case that clearly revolved around medical personell, medical establishments, doctors, nurses ect,, demonstrated bias towards the defense clearly establishing biasness.

To allow these Controverseal Constitutional guarantees to be ignored violates the essence of a "Fair," proceedings.

To solely base an enhancement [add punishment] based solely on the PSR alone violates the standards set forth by the Supreme Court as stated in Shepard v. United States, 544 US 13, 125 S. Ct 1254 (2005), because a pre-sentence report is not considered a "Shepard" approved document pursuant to the Supreme Court.

STATEMENT OF THE CASE CONTINUED

Courts cannot rely on a pre-sentence report [PSR] characterization of predicate offense. See United States v. Garza-Lopez, 410 F.3d 268 (5th Cir 2005), the court then solely relied on the PSR should examine Shepard approved documents [such as an indictment] to determine the added punishment.

The District Court erred in enhancing the sentence based solely on a Non-Shepard approved document, this error is clear and obvious, because it conflicts with the ruling by the Supreme Court in Shepard. U.S.S.G. § 2B1.1(b)(7)(iii), the record demonstrates based on factual evidence is clear and concise it reflects that the amount actually proven to be was 6,009.22 not the 9,500,000 the government used to establish the enhancement and it requires reversal and re-sentencing, because the district court erred in enhancing this sentence, enhancing punishment, this error is clear and obvious and therefore unreasonable. See United States v. Ochoa-Cruz, 442 F.3d 1865 (5th Cir 2006) and warrants dismissal.

REASONS TO GRANT THE WRIT OF CERTIORARI

- (1) Should be granted due to the denial of an Impartial and Fair Trial
- (2) Should be granted by the lower courts allowing a clearly biased juror
- (3) should be granted to preserve the Integrity of this court
- (4) Should be granted because of the allowance of enhanced punishment with a Non-Shepard approved document and no other factual eveidence to support erroneous findings.
- (5) Should be granted due to the deprivation of constitutionally protected rights
- (6) to uphold unalienable Rights established by our forefathers
- (7) To prevent a further Manifest Miscarriage of Justice
- (8) Any other reason this Honorable Court deems necessary

CONCLUSION

To allow a decision to stand that affects the Integrity the "Fairness," and public reputation of the Judicial system, because the proceedings as disclosed in this case clearly violated the Petitioner's Fifth and Sixth Amendment Rights, unalienable rights that can never be taken, as clearly dictated by our Forefathers to protect citizens such as myself from Unconstitutional Trials because biased juror and unconstitutional jury instructions tainted this proceeding before it even began. Civil Regulations have no part in a criminal proceeding where a defendant faces a jury on innocence or guilt of a criminal statute not civil. This instruction stripped the jurors of their fact finding role. And enhancing punishment to a already excessive sentence based on Non-Shepard approved documents as decided by this court is clearly unreasonable. For this Court to allow these Unconstitutional actions to stand not only taints the Judicial system, process but also questions the Integrity of this Court and taints the unalienable rights which this Country was founded upon.

This case should be dismissed or remanded back to the District Court for a New Trial by another fact finder.

These "Unfair" proceedings violates both Fifth and Sixth Amendment rights that our forefathers guaranteed to be unalienable rights that clearly affects the Integrity of the Court and the very fabric of the Federal Constitution.