

20-7761  
No.

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

APR 01 2021

OFFICE OF THE CLERK

Andrew Indelicato Peterson — PETITIONER  
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of appeal for the Sixth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Andrew Indelicato Peterson  
(Your Name)

Fci Manchester, P.O. Box. 4000  
(Address)

Manchester, Mn, 40962  
(City, State, Zip Code)

N/A  
(Phone Number)

RECEIVED

APR - 7 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

### QUESTION(S) PRESENTED

- Can the district court use post offense conduct for crimes that a defendant never served over a year in prison to assume a defendant knew his status prior to the federal offense.
- Should a plea agreement be voided based on a mandatory element missing out of the plea agreement.
- If a defendant suggests or states that he would have proceeded to trial had he been aware the government had to prove his knowledge of status at the time of the federal offense, would this be enough to vacate and remand that defendant's conviction.
- If there is no confirmation with one's knowledge to status element in a defendant's plea agreement, will that plea agreement be strongly suggestive of knowledge of felon status by defendants.
- What avenue can defendants take that filed a previous § 2255 motion prior to a new Supreme Court interpretation ruling.
- Does a defendant have a right to be notified by trial court's before accepting a guilty plea of all essential elements concerning being a prohibited person.

## 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 *United States Court of appeal for the Sixth Circuit*

APPENDIX B *Rehearings En bene denied Feb. 18, 2021*

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 Sixth Circuit; 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.

## TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

18 U.S.C. § 2, 922 (b) 1 § 924 (a)(2)

OTHER

## 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 V. Guzman-Merced (18-2146) 1st Cir December 22nd)  
18 U.S.C. § 922(G)(1)

United States V. Rehaif, 17-9560 (S. Ct. June 21, 2019)

United States V. Gary Cwo. 19-4578 (4th Cir. March 25, 2020)

United States V. Lockhart 947 F.3d 187 (4th Circuit, 2020)

United States V. Medley, 972 F.3d 399, 2020 U.S. App Lexis 26721  
(4th Cir., Aug 21, 2020)

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Dec. 17, 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: Feb. 18, 2021, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

- VI 6<sup>th</sup> Amendment Notice Clause
- V 5<sup>th</sup> Amendment of Due Process clause

### STATEMENT OF THE CASE

On August 3, 2013 a superseding indictment was filed on February 10, 2016 Peterson pleaded guilty to count 7 of the superseding indictment, Possession of ammunition as a felon, On December 7, 2017 Peterson filed a pro se motion to vacate his sentence pursuant to U.S.C § 2255 motion, On April 24<sup>th</sup> 2018 the court denied Peterson § 2255 motion. Peterson filed a petition for a writ of habeas corpus pursuant to U.S.C 2241 1/10/2020, And was denied on 3/30/2020. Peterson filed a motion to amend/correct, 4/27/2020, And was denied on 4/29/2020. Peterson filed a motion to appeal that was denied 12/17/2020. Rehearing En banc denied 2/18/2021

## REASONS FOR GRANTING THE PETITION

Rehaif v. United States, 588 US \_\_ 139 S.Ct. 219 (2019), The Government was put on notice it did have to prove what is now known to be all the essential elements of 18 U.S.C. § 922(g), 924(a)(2) crime. So what Paths can inmate who filed a previous § 2255 motion take to find relief, under the Supreme Court ruling in Rehaif there must be one. After all, the Constitution Suspension Clause guarantees every person incarcerated in the United States the right to seek the writ of habeas corpus to challenge an unlawful detention. Defendants have pleaded guilty over the years to 922(g), 924(a)(2), without being informed of this status element at the time that formed the plea agreement, prior to the federal offense, which will raise a question that it will be possibly unlikely that know their knowledge of status at the time of the federal offense base on them just having prior felonies, even if a probation violation/revocation happened after the federal offense it's no way a defendant will know his status at the time of the federal offense simply because it came after the fact, which is wholly irrelevant. Making assumption after the government failure to prove a defendant status, this would require courts to guess or read one's mind at the time of the federal offense. It's currently a split in the circuits where some individuals are getting relief and others are not, fundamental fairness and equal protection of law should afford individuals seeking relief a chance to replea in court, or proceed to trial.

Respectfully Request the Supreme Court to Review the Following  
Case and Clear up conflict involving conflicts concerning the  
Relevant question of law.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Adam P. Stein

Date: 3-28-21