

20-7976  
No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

JAN 06 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

TREYTON L. THOMAS — PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

TREYTON L. THOMAS  
(Your Name)

FCI COLEMAN - Low  
P.O. Box 1031

(Address)

COLEMAN, FL 33521  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

1. WHETHER THE GOVERNMENT BREACHED THE PLEA AGREEMENT BY ADVOCATING FOR AN OBSTRUCTION OF JUSTICE SENTENCING GUIDELINES ENHANCEMENT.
2. WHETHER THE GOVERNMENT'S ASSERTION THAT MR. THOMAS WAS INELIGIBLE FOR A GUIDELINES REDUCTION BECAUSE IT GRANTED 3 POINTS FOR ACCEPTANCE OF RESPONSIBILITY IS VACIL.
3. WHETHER MR. THOMAS' SENTENCE, WHICH WAS ENHANCED AFTER HE SIGNED HIS PLEA AGREEMENT, IS PROcedurally AND SUBSTANTIALLY UNREASONABLE.

## 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

1. *United States v. Engell, 914 F.3d. 281, 287 (4<sup>th</sup> Cir. 2019)*

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## STATUTES AND RULES

18 U.S.C. § 3553(a)

U.S.S.G. § 3C1.1

## 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 1 to the petition and is 2020 U.S. App. LEXIS 25881; United States v. Thomas; August 14, 2020 [] reported at USCA Appeal 19-4698 Doc 46; or, [] has been designated for publication but is not yet reported; or, [] is unpublished.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[] reported at \_\_\_\_\_; or, [] has been designated for publication but is not yet reported; or, [] is unpublished.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 Aug. 14, 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, Amend. VI

18 U.S.C. § 3553(a)

## REASONS FOR GRANTING THE PETITION

Mr. Thomas was denied due process as he did not obstruct justice.

The Government breached the plea agreement by arguing against the position it had earlier agreed to in plea negotiations. It moved to be relieved of its obligations by asserting Petitioner had breached the agreement. It maintained that Petitioner had not accepted responsibility because it claimed that he had refused to help the Government seize assets it desired to effectuate property forfeitures and by committing misconduct by attempting to have a "hex" placed upon the prosecutor.

The Government was aware of Petitioner's conduct long before it entered the plea agreement. The Government also made it impossible for Petitioner to comply with its demands by preventing him from accessing materials needed to assist the Government in completing the steps it desired to effect forfeitures. It created a situation that supported its claim that Petitioner breached the plea no matter what he did in attempting to comply. Moreover, any information Petitioner may have been able to provide would have provided nothing new that the Government did not already have that would have assisted the Government in carrying out the seizure and forfeiture of assets of which it was already aware.

Finally, the district court calculated an unreasonable sentence premised upon a guideline range greater than that to which the parties had stipulated. The agreed-to range was sufficient but not greater than necessary. The district court should not have agreed to the Government's position after the Government breached the plea agreement.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: January 5, 2021