

ORIGINAL

20-8111  
No. \_\_\_\_\_

FILED

FEB 1 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

TAARIQ KAALEEQ JACKSON-BEY — PETITIONER  
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

TAARIQ KAALEEQ JACKSON-BEY  
(Your Name)

U.S.P. BIG SANDY P.O.BOX 2068  
(Address)

INEZ, KY 41224  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

(1). Whether, In Light of Rehaif v. United States, 139 S.Ct 2191 (2019), In Accord With United States v. Gary, 954 F.3d 194 (4th Cir 2020) Petition for Certiorari Granted, No. 20-444, The Petitioners Guilty Plea To Possession Of A Firearm By A Convicted Felon, 18 U.S.C § 922 (g)(1), Was Not Knowingly And Intelligently made Because He Was Not Informed That An Element Of The Offense Was That He Belonged To A Class Of Persons Barred From Possessing A Firearm As Required By Fed.R.Crim.P. 11(h)(1)(G), And, As Such, Is The District Courts Error In Accepting His Unintelligent Guilty Plea A Structural Error Because It Infringed Upon His Autonomy Interest In Making His Own Choices About The Proper Way To Protect His Own Liberty?

(a). Where A Guilty Plea Is Not Constitutionally Valid Because The Defendant Did Not Receive "Real Notice" Of The Nature Of The Charge Against Him, Did The Appellate Court Below Commit Error In Relying Upon The Appeal Waiver To Deny A Review In The First Instance? Cf. Henderson v. United States, 568 U.S. 266, 269, 133 S.Ct 1121, 185 L.Ed.2d 85 (2013)

(3). Because The Petitioners Course Of Bricks Is "Similarly Situated" To The Path Laid By The Fourth Circuit In United States v. Gary, 954 F.3d 194 (4th Cir 2020) For Which This Court Granted Certiorari On JAN. 8, 2021 At Petition No. 20-444, If This Court Were To Determine That The Holding In Gary Was The Correct Ruling, Shouldn't This Court Consistent With Administration Of Justice With An Even Hand, Allow The Instant Petitioner Procedurally Postured On Direct Appeal, A First Instance Review In Accord With The Rule Of Law Therein? Cf. Hankerson v. North Carolina, 433 U.S. 233, 247, 975 F.2d 2339, 2347, 53 L.Ed.2d 306 (1991)

## 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:

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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 July 7, 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: Sept. 25, 2020, 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).

## STATEMENT OF THE CASE

(1). The petitioner pleaded guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), (a)(2), (e)(1) in the United States District Court of MINNESOTA case # 0:17-cr-00152-JNE-HB.

(2). The petitioner appealed his conviction and sentence to the United States Court of Appeals for the Eighth Circuit arguing that the Supreme Courts decision in Stokeling v. United States, 139 S.Ct 544 (2019) rendered his 2011 Minnesota conviction for "Simple Robbery" incapable of qualifying as violent felonies under the Armed Career Criminal Act (ACCA).

(3). During the pendency of the Appeal this Court issued Rehaif v. United States, 139 S.Ct 2191, 204 L.Ed.2d 594 (2019).

(4). While his appeal was pending, JACKSON-BEY moved for leave to file a prose Supplemental brief arguing that his conviction must be vacated because his indictment failed to include the Knowledge-of-Status element under 18 U.S.C. § 922(g) for which constitutes a plain error affecting his substantial rights.

(5). On July 7, 2020 the Eighth Circuit Court of Appeals denied the direct Appeal Stating that the (ACCA) argument premised around this Courts decision in STOKELING was foreclosed by its decision in Taylor v. UNITED STATES, 906 F.3d 939, 942 (8th Cir. 2019) and that the "PRO SE" Supplemental argument liberally construed as a "REHAIF" claim falls within the scope of the appeal waiver in his knowing and voluntary plea agreement, and no miscarriage of justice would result from enforcing the waiver. See Appendix "A"

(6). Because it is the petitioners contention that the governments failure to allege Knowledge of his "relevant status", Rehaif, 139 S.Ct at 2194, in the charging instrument, his Fifth Amendment grand jury right and Sixth Amendment notice right were violated for which cannot be saved by a guilty plea that was not knowingly and intelligently made because he was not informed that an element of the offense was that he knew he belonged to a class of persons barred from possessing a firearm as required by federal Rules of Criminal procedure 11(b)(1)(G), he now respectfully requests this honorable Court for review.

## REASONS FOR GRANTING THE PETITION

(1). The Circuit Courts are split on whether a standalone REHAIF error (in which a defendant pleading guilty to a firearms possession charge is not advised that an element of the offense is that he knew he had the relevant status when he possessed the firearm) requires automatic vacatur of a defendant's guilty plea because such an error satisfies plain error review and is structural which *per se* affects a defendant's substantial rights. *See United States v. Gary*, 954 F.3d 194 (4th Cir. 2020).

(2). This Court, the Honorable Supreme Court of the United States granted Certiorari upon this very issue at petition No. 20-444, 2021 U.S. Lexis 490, 2021 WL 77245 (JAN. 8, 2021).

(3). The instant petitioner, like the defendant in GARY, is procedurally postured on a First Tier Direct Appeal and is also "similarly situated" in all other relevant circumstances.

(4). Wherefore, with respect, it is the *pro se* petitioner's belief that this instant petition follows the course of bricks for which this Honorable Court will lay when rendering a decision upon GARY cert. pet. No. 20-444 such that if this Court agrees with the fourth Circuit's decision therein, it should vacate the decision below and remand "IN LIGHT OF GARY", CF HANKERSON v. NORTH CAROLINA, 432 U.S. 233, 247, 97 S.Ct 2339, 2347, 53 L.Ed.2d 306 (1977). It hardly comforts with the ideal of administration of justice with an even hand, when a one chance beneficiary, the lucky individual whose case was chosen as the occasion for announcing the new principle enjoys retroactive application, while others similarly situated have their claims adjudicated under the old doctrine.)

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jerry Jackson-Bey

Date: February 18, 2021