

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN DOE — 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 Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

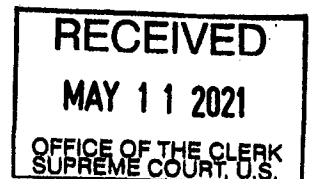
PETITION FOR WRIT OF CERTIORARI

John Doe
(Your Name)

FBI Williamsburg, P.O. Box 340
(Address)

Salters, SC 29590
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

- (1) Does the Supreme Court's ruling in U.S. v. Haymond, 139 S. Ct. 2369 (2019) Abrogate circuit precedent in U.S. v. Ward, 770 F.3d 1069 (4th Cir. 2014) (finding that Supervised Release under 18 USC 3583(e)(3) Revocation Proceedings are "not" "Criminal prosecutions")? (2) Is the Bail Reform Act of 1984 Violated when under 18 USC 3143 (b)(1)(A), the district court denied bond "without" making a finding of flight risk?

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 CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION	6

INDEX TO APPENDICES

APPENDIX A- N^o 20-4089, May 1st, 2020, U.S. v. Andrews

APPENDIX B N^o 7:01-Cr-27-BO-1, Jan 15th, 2020 (Under Seal)

APPENDIX C N^o 20-4089, July 28th, 2020, US v. Andrews

APPENDIX D N^o 18-4899, August 29, 2019, US v. Mooney
4th Circuit.

APPENDIX E N^o 7:01-Cr-27-BO-1, August 9th, 2019, E.D.N.C.

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

<u>U.S. v. Haymond</u> , 139 S.Ct. 2369 (2019)	4, 5
<u>U.S. v. Ward</u> , 770 F.3d 1069 (4th Cir. 2014)	4
<u>U.S. v. Mooney</u> , 776 Fed. Appx 171 (2019)	4, 5
<u>Apprendi v. N.J.</u> , 530 U.S. 466 (2000)	5
<u>Blakely v. Washington</u> , 542 U.S. 296, 305-06 (2004)	5
<u>U.S. v. Booker</u> > 543 U.S. 220, 244 (2005)	5
<u>U.S. v. Fanfan</u> > 543 U.S. 220, 244 (2005)	5

STATUTES AND RULES

<u>Bail Reform Act of 1984</u>	4
<u>18 U.S.C. 3143 (b)(1)(A)</u>	4
<u>18 U.S.C. 3583 (e)(3)</u>	4, 5
<u>Sentencing Reform Act (SRA)</u>	5
<u>General Vacate Remand (GVR)</u>	4

OTHER

"Good Law" - 4th Circuit's of Ward, After Justice Gorsuch Haymond ruling clearly finding Supervised Release Revocation Proceedings to be "Criminal Prosecutions". How does "Mooney's opinion (unpublished)" "Override Supreme Court Precedent?"

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 5/1/2020.

[] 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: 7/28/2020, and a copy of the order denying rehearing appears at Appendix C.

[] 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

5th Amendment Right
Procedural and Substantive.

6th Amendment Right
Right to Jury trial, Right to effective counsel

18 USC 3143(b)(1)(A)
Requirement district court
make determination of flight
Risk - Bail Reform Act of 1984

18 USC 3583(e)(3)
Supervised Release Revocation
Proceedings

Reasonable Doubt

STATEMENT OF THE CASE

Anthony Andrews on August 9th, 2019 was sentenced to 12 months for a Supervised Release Revocation Proceeding in Aggregate to a 132 month Sentence in 7:16-cr-30-D3 for conspiracy to Distribute. Andrews Appealed this was docketed in 19-4592 still pending. Andrews filed for a bond due to the previous ruling in U.S. v. Haymond 139 S.Ct 2369 (2019) (found that Supervised Release Revocation Proceeding were "criminal prosecutions and constitutional protections under the 5th and 6th Amendment". This over-turned every circuit precedent for the last 35 Years including U.S. v. Ward, 770 F.3d 1069 (4th Cir. 2014) (finding that Supervised Release Proceedings "were not" criminal prosecutions). A panel of the 4th Circuit in U.S. v. Mooney, 776 Fed. Appx. 171, 2019 U.S. App. Lexis 26269 (4th Cir.) (Aug. 29th, 2019), After Haymonds decision found that Ward "remains good law". The Mooney Panel found Haymond had no impact on 18 U.S.C. 3583(e)(3) and Ward remains "good law", unless overruled by its own en-banc opinion. How does an "unpublished opinion" in Mooney, 4th Circuit overrule Supreme Court precedent. As well the district court in the consolidated Sealed order under 18 USC 3143(b)(1)(A) failed to make a ruling on flight risk and proceeded to answer whether or not the Question as to whether Haymond Abrogated Ward were substantial, violating the Bail Reform Act of 1984. On this issue I request GVK, I ask that Certiorari be granted to determine whether Haymond over-turned Ward, and All circuit precedent that finally once and for all under 18 USC 3583(e)(3) are criminal prosecutions with 5th & 6th Amendment protections.

REASONS FOR GRANTING THE PETITION

A decision to grant the writ in this case will Show the lower courts it is their mandate to follow the Supreme courts rulings. The Supreme court clearly found Supervised Release Revocation Proceedings are "Criminal Prosecutions" with 5th and 6th Amendment protections. The court with Justice Gorsuch writing issued its opinion in Haymond on June 26th, 2019, the 4th circuit on August 29th 2019 issued U.S. v. Mooney an "unpublished opinion" effectively nullified and voided the decision in less than 90 days. After Mooney All circuits reverted back to the proposition that Justice Gorsuch "couldn't have meant what he said." We've been doing it this way for over 35 years. It works for us. Justice Alito's dissent in Haymond. When this court rendered its decision in Appendi v. N.J., for 4 years no one (appeals courts) applied the holding. Law was applied like it was before. I was sentenced in 2001 on this case. "No one" understood Appendi's effect on the guidelines until Blakely then Booker / FANFAN (2005) This court is in Year 1 1/2, lets not allow Justice Gorsuch's decision to linger on for years with "no meaning." Haymonds ruling is law. If 18 USC 3583(e)(3), SRA must fall, then let it. The court found Supervised Release Revocation proceedings are "Criminal Prosecutions" then reaffirm Haymond's ruling. (5)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John Doe

Date: April 5th, 2021
Resubmitted May 5th, 2021