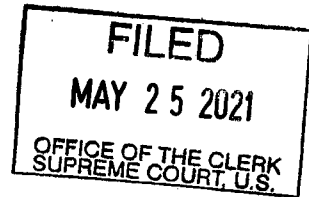


20-8268

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

DUPRECE JETT — 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 SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DUPRECE JETT (Pro-Se)
(Your Name)

FCI Memphis, P.O. Box 34550
(Address)

Memphis TN 38134
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

1. Whether Agent Guy's testimony identifying Def. Dupreze Jett, as one of the two robbers under the 'Open Door' doctrine was harmless error although no victim identified Mr. Jett, or Irreparable Misidentification? *Chapman v. California*, 386 U.S. 18 (1967)
2. Whether the application of U.S.S.G 1B1.2 (d) according to Application Note 4 (d) violated defendant's right to a jury trial when the Judge and not the jury became the 'trier of fact'?
3. Whether the government fulfilled its obligation in proving every element of Hobb's Act, 18 U.S.C. 1951(a) as it was intended by the Legislators, in accordance to the United States Constitution, and Due Process Clause under the ~~VI~~ Amendment?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [X] 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:

- Defendant, Damion McKissick (Not seeking review)
- Earl Lee Walker (not seeking review)

RELATED CASES

United States v. Dupree Jett, 2021 U.S. App. LEXIS 7851
No. 19-1622, and 17-2051; 982 F.3d 1072, 2020 U.S. App
LEXIS 39269, 2020 WL 7350283 (7th Cir. Ind., Dec 15,
2020) Final Judgment entered March 17, 2021.

Also pending in the same District Court a Motion For Com-
passionate Release Reduction of Sentence, pursuant to 18 U.S.C.
3582 (c)(1)(A), and in accordance with The First Step Act of
2018.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Chapman v. California, 386 U.S. 18 (1967) Passim

United States v. Tett, 982 F.3d 1072 (7th Cir. Ind. Dec 15 2020) 1

Sexton v. Beaudreaux, 138 S.Ct. 2555

STATUTES AND RULES

U.S. Constitutional Amendment VI 3

U.S. Constitutional Amendment IV 3

18 U.S.C. 1951 (a) 4

18 USC 2113 (a) & 2 4

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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 _____ to the petition and is

☒ reported at 2021 U.S. App. LEXIS 1, 2020 WL 7350283; 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 United States v. Jett, 982 F.3d 1072 (7th Cir. Ind. Dec 15, 2020); 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 March 17, 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: March 17, 2021, 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

United States Constitutional Amendment 5, Due Process of Law,

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger (Provided in pertinent part)

United States Constitutional Amendment 6, Rights of the accused: Provides in pertinent part that, 'In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him...

STATEMENT OF THE CASE Page 1

In this case the events began with series of robberies by two individuals who, to avoid being identified wore disguises. On or about November, 19, 2015 the law enforcement received an 'anonymous tip', which led to their investigation of Damion McKissick, which then led to his half brother Dyreese Jett. The investigation also led to a third person named Earl Lee Walker. The investigators assumed no other persons involvement, and during their surveillance the agent's became apprehensive about an imminent attempt of a 4th robbery and arrested the above named men and no one else.

They were indicted on two counts; Count One; Conspiracy to Commit Robbery in violation of 18 U.S.C. Section 1951(a), and Count Two; Attempted Bank Robbery in violation of 18 U.S.C. Section 2113 (a) & 2. After a five day trial, all three defendant's were convicted on all counts. Particularly, Mr. Jett received a total of 293 Months of imprisonment. (209 months for count One and 84 months for Count Two).

STATEMENT OF THE CASE Page 2

On the original appeal to the 7th. Circuit (17-2051), the Attempted Bank Robbery (Count Two) did not sustain conviction due to lack of sufficient evidence, thus case was remanded back with the instructions to 'Aquit' on Count Two, the rest of the issues were affirmed. Upon resentencing, the defendant's filed a consolidated appeal (19-1622), the Appeals Court, affirmed, and defendant filed, (Pro-Se) petition for Rehearing and Rehearing En Banc for review on both opinions (17-2051) and (19-1622) it was denied on March 17, 2021.

This case presents important and urgent Fifth, Sixth, and upon review of the Court other Constitutional Amendment questions regarding the implementation of the Harmless Error Doctrine, specifically when it involves the defendant's guilt or innocence, when there is in-court identification only by the government agent and none of the victims.

Statement of the Case Page 3

The Seventh Circuit used this case to set two precedents, and this case created an environment in which the individuals who are accused of the Hobbs's Act Robbery Conspiracy does not have to commit any overt-acts to be found guilty and face 20 years in prison, and where the Judge and not the Jurors could be the fact finders removing any need to prove any and all elements of the charged crime beyond a reasonable doubt by the government. This case and similar cases like it have eroded the Constitutional Protections with impunity and the public have lost trust in our judicial system to the point that an innocent man who committed no crime can be charged based solely on some words without any action, and be found guilty of a crime only because the thought and spoke. The court must ask it self this simple question. How many errors does it take in a given trial for the Constitutional Right of the person to be Not Harmless?

REASONS FOR GRANTING THE PETITION Page 1

This case should be granted review of petition because it provides an opportunity for the Court to provide guidance where the legislators have failed to act for decades of 'Harmless Error' applications when it should not be applicable, specifically when the error deals with the defendant's sole defense, as here, that the government got the wrong guy! How could an application of Harmless Error Analysis be considered when none of the actual eye-witnesses (victim's of the crime) identified the defendant, Dupreese Jett in the photo line-up or in-court; in all actuality defendant's parole officer was directly asked by the authorities in a still photos captured from the crime scene, and the parole officer denied that the perpetrator was defendant Dupreese Jett; but the Court allowed the testimony of a non-eye witness FBI Agent, (Special Agent Guy), to identify Dupreese Jett as one of the two robbers based on aggressive applications of the 'open door doctrine'.

REASONS FOR GRANTING THE PETITION Page 2

And, the prosecution in their closing summation argued that the Jury could rely on the agent's testimony and his identification of Dupree Jett, highly suggestive and prejudicial causing a denial of defendant's chance to present his proper defense.

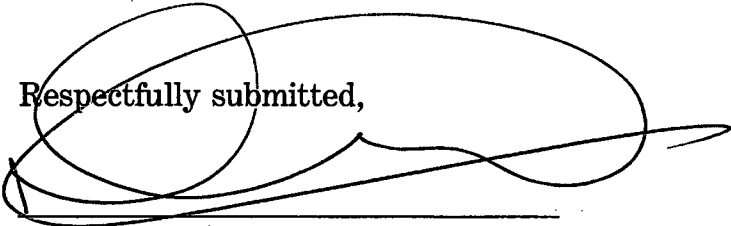
The Seventh circuit Court of Appeals failed to apply Chapman v. California, 386 U.S. 18 (1967), where an Irreparable misidentification occurred based on Sexton v. Beaudreaux, 138 S.Ct. 2555, and the error was that of substantial Constitutional right of the defendant and could not be harmless error because of the strong evidence analysis of the government.

This case was riddled with other errors, and it should have been ruled as 'structural cumulative error' and the defendant should have been granted a New Trial.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A large, stylized handwritten signature in black ink, written over a horizontal line.

Date:

5/25/21