

20-8354

No.

20-4064

Supreme Court, U.S.
FILED

OCT 21 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Lewis W. Hickman III — PETITIONER
(Your Name)

Abington Division ^{vs. ET AL} — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Lewis W. Hickman III
(Your Name)

P.O. Box 350
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Beaver, WV 25813
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- why was my 3 points for "accepting responsibility" taken for a simple fight in Jail. I didn't know the guy was a "cooperator", I didn't know him at all.
- why was I given a 2 point enhancement for "use/threaten use of violence for a state charge that was dismissed?"
- why do I have a 5 year enhancement for a mandatory minimum of 15 years for a "serious drug felony", when I've never been convicted of a "serious drug felony?"

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

U.S. VS. Dolton 858 F.3d 905 914-15
(4th Cir. 2017)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Im locked down 23-24 hours a day, due to corona-virus, im not able to look up all of the case laws.

STATUTES AND RULES

OTHER

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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 _____; 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☒ is unpublished.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☐ is unpublished.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 8/4/20.

☒ 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

- I was denied my 3 points for accepting responsibility for a fight where neither of us was hurt in that happened in jail. The prosecutor says he was a cooperator in the case but I honestly didn't know it, we fought over some stupid commissary. I signed a plea in a timely fashion, also I was never charged for another crime. The plea I signed says I would receive 3 points for accepting responsibility. If it can't be granted is the plea still valid?
- I was given a 2 point enhancement for "use of violence/threaten to use violence" for a state charge that was dismissed because it was proven that it wasn't me that committed the crime.
- The prosecutor says I can't file an appeal because I signed a plea, however if I didn't receive the points for "accepting responsibility", is the plea still valid?
- I was given a 5 year enhancement for a "serious drug felony", however I've never been convicted of a "serious drug felony". A serious drug felony is where it carries a mandatory of 10 years or more, or sentenced to over one year. Key word is over one year. I was sentenced to one year exactly. Also the charges they are using on me I was never released from jail on. The feds picked me up while I was doing time on my first drug charge.
- I wanted to go to trial in the "conspiracy to dist. 500g or more charge, and my lawyer seemed to keep forcing a plea on me. I even went to court in front of Judge Pamela Seargent in the Abingdon Division and requested a new lawyer and was denied. My lawyer Jay H. Steele was then still my lawyer. He came back to the jail and give me a plea and said if I signed it I'd be out in 8 years, which was far from true. He also told me I would qualify for the 1st step act, which again was not true. I was sentenced to 235 months.

STATEMENT OF THE CASE

I was charged in a 21 man indictment for "conspiracy to dist methamphetamine" 500+ grams. Also a 924c charge. I signed a plea for a 32 + 2 point enhancement which made it a 34. I was supposed to be granted a 3 point deduction for "acceptance of responsibility" put me at a 31 with a criminal history of 5. My guidelines were 168 - 210 months. I went to get sentenced on January 16th 2020 and received 235 months.

REASONS FOR GRANTING THE PETITION

I know this isn't filed probably the best you've ever seen. And I really don't know what I'm doing, but I'm trying the best I can under the circumstances I'm in. I'm locked in a cell 23-24 hours a day due to this coronavirus and I don't have a lawyer, I'm literally trying to do this on my own. If you could please look at the facts I've written on how my case was handled and please consider looking at what I'm saying. There is no reason they should of took my 3 points of "acceptance of responsibility" for a simple fight in jail. Its jail, fights are enevitable. Its a rough life in here and things happen. I've never been to the feds, been to court in the feds, my instinct was to trust my lawyer. I really wanted a trial, but I believed my lawyer when he told me id be out in 8 years. I brought it up in court about my state charges being dismissed and my 2 point enhancement should be dropped, and I was completely ignored. I cant quote what all was said because the prison wont allow me to have coeys of my transcripts. I was sentenced to nearly 20 years of my life for a drug conspiracy I was only out of jail for, for 7 months. I understand I committed a crime, but 20 years is crazy. I signed a plea believing I was getting out in 8 years, not 20. If I known that I would of went to trial. If you could please look into my 3 points of accepting responsibility for the fight in jail. I have so much more to say but I dont even have any access to more paper and I only have 14 days left to file this. Thank you for your time.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lewis W. Holman III

Date: 10/20/20