

No. 20-14021

21-5006

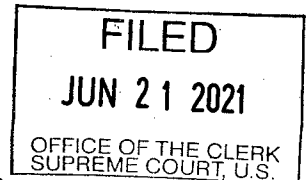
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Jarome R. Smith PETITIONER
(Your Name)

vs.

U.S. of America — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

(Your Name)

Jarome R. Smith
(Address)

P.O. Box 1032 Coleman, FL, 33521
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

whether petitioner is actually
innocent of his Title 28
assault section 922(g)(1) offense,
based on Rehrig - United
States, 139 S.Ct. 2191 (2019).

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

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CASES

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Greer - v - U.S. Supreme Court No. F19-8709
Gary - v - U.S. Supt. Court CtC, No. # 20-444

STATUTES AND RULES

Title 18 U.S.C. section 922 (2)(1) (2)
Title 18 U.S.C. section 924 (1)(2)

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 B 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☒ is unpublished.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 A 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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 _____.

☒ 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

Sixth Amendment of the United States
Constitution

Fifth Amendment of the United States
Constitution.

STATEMENT OF THE CASE

petitioner was arrested for a Title 18 U.S.C. Section 922(g)(1). He proceeded to trial, and was convicted. He appealed and Appeals were denied. He now proceeds to the United States Supreme Court, based on this writ of certiorari.

REASONS FOR GRANTING THE PETITION

petitioner understands that he does not have to be granted any access to this Honorable Court. Because this United States Supreme Court has discretion as to whether or not it wants to accept and or grant any writ of certiorari. petitioner is requesting from this Honorable Court that his writ be granted and accepted, based on *Rehrer v. United States*, 139 S.Ct. 2191 (2019), and A present case, presently pending before the Supreme Court for a decision.

petitioner states the following for his Argument:

Argument one

whether petitioner
is Actually Innocent
of his Rebuttal - United
States, 139 S.Ct. 2191 (2019)
claim, under Title 18
U.S.C. section 922(g)(1).

① petitioner states that he is
Actually Innocent of his
section 922(g)(1) claim, based
on United States - Rebuttal,
139 S.Ct. 2191, (2019); and Great
U.S. Supreme Court NO. 19-8709.

② According to Title 18 U.S.C.
section 922(g)(1), it is unlawful
for a convicted felon to possess
a firearm or ammunition, but
that's only subsection (g). The
18 U.S.C. section has no mens
rea requirement but derives
the mens rea requirement from
18 U.S.C. section 924(a)(2), which

applies the term "knowingly".
In 18 U.S.C. sections 922(g) and
924(a)(2), there are four elements
which are as follows:

- (1) Status Element
- (2) Possession Element
- (3) Jurisdiction Element
- (4) Firearm Element

(3) In the past, the Government
in its Jury instructions, was
only required as it stated, to
meet the possession element
to convict a defendant of
violating 18 U.S.C. section 922
(g) and 924(a)(2). The Supreme
Court though, held in Reichert,
that to convict petitioner,
of violating section 922(g)
and 924(a)(2), the Government
needed to prove all four
elements read in the statute.
The term "knowingly" is read
and must be applied to all
subsequent listed elements

of the crime. Therefore, be-
cause the four (4) elements
were not proven nor ever
presented to a jury at the
petitioner's jury trial, in re-
gard to the requirements of
Rehalt / Greer, petitioner is
serving a unconstitutional
conviction. A conviction that
is in violation of his
Fifth Amendment right
to due process to have all
four (4) elements read to the
jury, and the jury told that
petitioner must be convicted
on all four (4) elements,
in order to be found guilty
of his section 922(g)(1),
otherwise petitioner's Sixth
Amendment rights are also
being violated because the
Four (4) mandatory required
elements were never
presented to a jury. There-

by voluntary Rediff

Recommendations to a sub-de-
termined - seeked a revision
of the draft. Therefore, it should
be noted by the Honorable

court, that the government
has been getting forth with
still-further considerations that
involved previous steps
and such as and - etc. Rights
under the suspended states

in - still-further. Government, and
Gary - us - susp - could file (44-444)

petitioner states that
he is advised to move,
of his conviction that his
indifference was defective

for all liability, the form
regarding evidence, of the
file of evidence 229 (44)

Recommendations to the draft and
the government is filing it
was only required to prove

one of the four (4) required

elements. The government
never proved that the petitioner
should have known or knew
that could not possess ~~of~~ the
arm, because he was a felon.
petitioner never knew that
he could not possess a firearm,
that is what he requested
discovery to find. Because he
never knew he was in a
constitutional group that could
not possess a firearm or was
prohibited from being around
any firearms at all.

(2)

The mens rea element in
petitioner's section 922(g)
element was omitted, not
argued, which rendered the
petitioner's indictment the
petitive. petitioner never
knew that he had a firearm, he
never pled guilty. And
therefore, his indictment is
(10)

and was defective during his
jury instructions, and his
trial and conviction. thereby,
making petitioner actually
innocent of his con-
viction, structural jury in-
structions, and a defective
indictment, in violation
of Rehn. Reg. v. Jones
of the four elements and

regardments when
proceeding for trial. Therefore
petitioner is actually in-
nocent of his conviction.

Schlap - - - 510, 513 and 295
(1995); Hill - - - 368 and 424-429 (1962);
Davis - - - 333-347 (1974); and House
- - - Bell, 547 and 517-522 (2006).
See Also, Rehn. / Gier / Gier,

(6) petitioner Hope and
he prays that he will be granted

policy because details of
cases will stay like that
that also delivered further
on copy, based on
violations of the policies
Fifth Amendment Rights
to due process and his
Sixth Amendment Rights to
The Four (4) registered elements
for the junk As is required
in Report / Green / Berk supra.
If the Dist court had correctly
instructed the jury on the "mens
Rea" element of a felon in
possession offense, there is a
reasonable probability that peti-
tioner would have been
acquitted of this offense.
Green / Berk / Rechart, supra.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jerome R. Smith
Jerome R. Smith

Date: 5/20/2021