

No. **21-5335**

Supreme Court, U.S.
FILED

JUL 20 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Omar Israel Griffin — PETITIONER
(Your Name)

vs.

U S A — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals - 6th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Omar Israel Griffin
(Your Name)

Fed. Corr. Fac. 5756 Hartfield St
(Address)

Fort Dix, NJ 08640
(City, State, Zip Code)

ORIGINAL

(Phone Number)

RECEIVED
JUL 27 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

When a defendant enters a plea agreement with the Government, providing his cooperation, should he be allowed to withdraw if the Government determines the cooperation is not sufficient?

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:

U.S. Bureau of Prisons
JEFFREY B. LAZARUS, AVSA

RELATED CASES

TABLE OF CONTENTS

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

INDEX TO APPENDICES

APPENDIX A	APPEAL FROM DISTRICT COURT	11-29-18
APPENDIX B	DENIAL OF § 2255 MOTION	4-8-20
APPENDIX C	DENIAL OF COA	2-11-21
APPENDIX D	DENIAL OF PETITION REHEARING EN BANC	4-16-21
APPENDIX E		
APPENDIX F		

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☒ is unpublished.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☒ is unpublished.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☐ is unpublished.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 2-11-21.

☐ 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: 4-16-21, 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

6TH Amendment (denial of effective counsel)

5TH + 14TH Amendment (denial of due process
during the plea process)

STATEMENT OF THE CASE

Petitioner pleaded guilty with the expectation of a 7-year sentence for his cooperation. The government argued the quality of the cooperation was insufficient. The sentence was changed to 20 years without allowing withdrawal of the guilty plea.

STATEMENT OF THE CASE

REASONS FOR GRANTING THE PETITION

When a defendant's cooperation is not sufficient, he should be allowed to withdraw from the plea agreement.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Omar Ismael Griffin

Date: 6-1-21