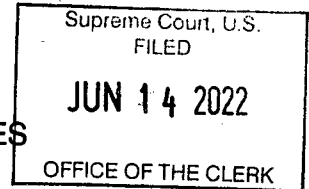


No. 21-8258

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Luke D. Patterson — PETITIONER
(Your Name)

vs.

R. Wolfe, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Northern District of West Virginia
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Luke D. Patterson #60455-060
(Your Name)

FCI-Gilmer P.O. Box 6000
(Address)

Glenville, WV. 26851
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) Whether a known/proven defective indictment can stand
- 2) Whether the District Court's denial and the Appeals Court Affirmation is error

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

United States v. Medley, No. 4789 (4th Cir. 08-21-2020)

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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 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☒ is unpublished.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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 _____.

☐ 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 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

- 18 U.S.C. § 922(g)(1) -

"(g) it shall be unlawful for any person -

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year..."

- 18 U.S.C. § 924(a)(2) -

"whoever knowingly violates subsection (a)(6), (c), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both."

STATEMENT OF THE CASE

1) On 08-27-2014, an indictment was filed charging Mr. Patterson in one (1) count pursuant to 18 U.S.C. §22(g)(1) by the United States District Court for the Northern District of Ohio (see United States v. Patterson, No. 5:14 CR 289);

2) On 11-21-2014, Mr. Patterson pled guilty and was subsequently sentenced to 72 months on 09-23-2015;

3) Mr. Patterson, via counsel, appealed such decision and, on 6-21-2017, was resentenced to 180 months;

4) Mr. Patterson filed an appeal which was also denied within the Sixth Circuit;

5) On 05-13-2021, Mr. Patterson filed a petition pursuant to 28 U.S.C. §2241 requesting relief pursuant to a single ground, Supreme Court decision within Rehaif and Appellate Court decision within Medley (quoting Rehaif).

6) On 11-09-2021, the Northern District of West Virginia filed its denial as to Mr. Patterson's §2241 petition. Mr. Patterson promptly filed an appeal to the Fourth Circuit.

7) On 03-29-2022, the Fourth Circuit decided to affirm the District Court's decision. A rehearing was filed and denied. On 04-26-2022, Mandate issued on 05-04-2022.

REASONS FOR GRANTING THE PETITION

Mr. Patterson has demonstrated, through numerous United States Supreme Court decisions as well as countless District and Appeals Court decisions, that an indictment that fails to present every element within it violates a defendant's constitutional rights.

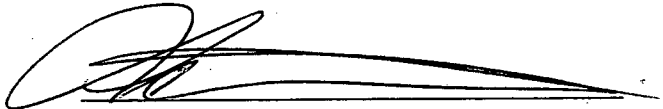
Mr. Patterson has further demonstrated that pursuant to the Supreme Court's decision without rehearing said indictment is defective and can not stand. The District Court's allowances for such a defect to linger, even after its ruling upon the same matter (United States v. Medley, No. 18-4789 (4th Cir. 2020)), completely contradicts its standing(s).

Mr. Patterson humbly submits his memorandum in support to present such.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a series of horizontal strokes that taper off to the right.

Date: 06-13-2022