

22-5514

No.

FILED

AUG 28 2022

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Roland Scott, Jr. — 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

Roland Scott, Jr. #11321-090
(Your Name)

FCI Beckley P.O. Box 350
(Address)

Beaver, WV 25813
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1). Did the United States Supreme Court overturn it's own precedent in Rehaif v. United States 139 S. Ct 2191, 204 L. Ed 594 (2019); Where this Court decided on what makes a criminal conviction "Constitutionally" valid in 18 U.S.C. § 922 (g)?
- 2). Did the Western District of Wisconsin For The Seventh Circuit have Jurisdiction over the petitioner for a criminal charge for 18 U.S.C. § 922 (g) Felon in Possession of a Firearm under the predict offense?
- 3). Did the United States Court of Appeals, and the District Court err by not allowing the petitioner to withdraw a unwittingly timely plea on direct appeal; giving the petitioner a plausible defense in light of Rehaif v. United States 139 S. Ct. 2191, 204 L. Ed 594 (2019) do to Counsel abandonment, and conflict in this matter, when the Supreme Court clarified the elements of § 922(g)?
- 4). Did the United States District Court abuse it's discretion pursuant to 18 U.S.C. §§ 4241, or § 4242 in criminal proceedings in which a question of competency arises, by not ordering a competency examination before a sentence or trial. Does this violate the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution in Judicial Proceedings?

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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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United States v. Robert M. Triggs 963 F.3d 710; 2020 U.S. App. Lexis 20542, No. 19-1704

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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 Defendant has no access to any law computer; 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 K to the petition and is

- ☒ reported at 18-cr-112-jdp; 20-cv-472-jdp; 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 April 15, 2022.

☐ 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: June 2, 2022, and a copy of the order denying rehearing appears at Appendix J-1.

☐ 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

The Fifth Amendment: 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, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Sixth Amendment: 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 witnesses against him; to have compulsory process for obtaining witness in his favor, and to have the assistance of counsel for his defense.

The Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizen of the

United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 2255 (c)(1)(B): "Unless a circuit justice or judge issue a certificate of appealability, an appeal may not be taken to the Court of appeals from... the final order in a proceeding under Section 2255."

28 U.S.C. § 2255 (a): "A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence."

The Thirteenth Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

STATEMENT OF THE CASE

On November 6, 2018, Petitioner entered a plea of guilty to the offense of being a Felon in Possession of a Firearm, 18 U.S.C. § 922(g)

At the time of plea, the Court admonished petitioner that, as a result of the conviction, he would not be permitted to possess a firearm. Additionally, during the colloquy, the Court advised that petitioner was not allowed to possess a firearm, which prompted petitioner to notice the Court that he had no knowledge and had never been informed that his prior State Conviction resulted in a bar to further possession. As importantly, the sentence, commitment, rights advisement, and mittimus from the State Court is devoid and notice or mention that that conviction served to preclude petitioner future possession of a weapon.

On January 15, 2019, Petitioner was sentenced to a term of 96 months, representing an upward variance of nearly 100 percent above the guideline range.

Petitioner timely appealed, and the Office of the Public Defender, Assistance Defender Colleen M. Ramis undertook the direct appeal.

Without petitioner knowledge, Ms. Ramis file a position paper solely challenging a special condition of release.

In the interim, petitioner was informed by Ms. Ramis that she was expected to file a Brief under Anders v. California, 386 U.S. 738 (1967), or that the Court will summarily affirm the matter.

Petitioner had communicated directly with Ms. Ramis, and

requested that she filed an Appeal Brief, on three (3) issues:

1. That the Decision in Rehaif v. United, 139 S. Ct. 2191 (2019) applied to petitioner case, because petitioner did not know that he was in a prohibited class; and that he been properly advised he would not have plead guilty and would have proceeded to trial;
2. The petitioner prior State Conviction was susceptible to Challenge as a result of Johnson v. United States, 136 S. Ct. 2551 and its progeny, which would effectively lower the calculated offense level by 8 levels; and
3. That the plea was improvident, where petitioner advised the Court that he did not know he was a prohibited person at the time of his arrest in this matter, which was an affirmative defense to the § 922 (g) charge, as explained in Rehaif, supra.

Despite petitioner requests to Ms. Ramis, she refused to file such arguments, and provided her position that the matters do not have merit. Moreover, petitioner asked Ms. Ramis to advise the Court that petitioner would proceed pro se, and file a Supplemental Brief, and or seek different Counsel.

REASONS FOR GRANTING THE PETITION

[Question One]

Did The United States Supreme Court overturn it's precedent in Rehaif v. United States 139 S. Ct 2191, 204 L. Ed 594 (2019),

Where this Court decided on what makes a criminal conviction valid in 18 U.S.C. § 922 (g)?

[Answer]

In a prosecution under 18 U.S.C § 922 (g) and § 924 (a)(2) the Supreme Court concluded that a defendant commits a crime if he or she "knowingly" violates § 922 (g) unlawful when the following four matters must be proved: 1. Status; 2. Possession; 3. Jurisdiction; and 4. Firearm. Rehaif, Ibid.

On November 6, 2018 the defendant unwittingly changed his plea under oath when the presiding Judge did not understand the element in a criminal proceeding of a § 922 (g) conviction Constitutionally valid as the Supreme Court determined them to be.

See Appendix (A) Stenographic Transcript of Plea hearing Held Before Chief U.S. District Judge James D. Peterson (Page 24 & 25) a conversation between the defendant, and the Court.

The defendant: I didn't - like I say, I didn't know prior to -
I knew I had the felony conviction.

The Court: I understand that. It's not a defense--.

The defendant: Yes

The Court: to the crime that's charged here, and I don't think you have to know that you're a prohibited person. You just have to know that you have the felony and that you have the

firearm, and you did know those things.

The defendant: I had the felony, Yes

See Johnson, No. 18-2033-CR, 2020 U.S. App. Lexis 21478, 2020 WL 3864945, at *3 ("[s]tatements [at federal plea hearing] merely shows that Johnson was at the time of his plea hearing status a felon under § 922(g)(1) not that he was aware at the time of his possession of a firearm.

In this instance, there is no dispute that defendant, defense counsel, the government, and the court did not correctly understand the elements of a § 922(g)(1) conviction as the Supreme Court has determined them to be.

The government did not state at the plea hearing that it could have proved that the defendant was aware of his status as a felon at the time he possessed a firearm, and the defendant was not asked whether he knew at the time he possessed a firearm that he had been convicted of a felony.

A Court must not "second guess a defendant's actual decision," if the records show it is reasonably probable that he would have taken a chance at trial, even foolishly. Id.

Defendant has carried the burden & established a reasonable probability that he would have not pleaded guilty had he knew the governments Rehearsal burden.

See Brady v. United States, 397 U.S. 742, 748, 90 S. Ct 1463, 25 L. Ed. 2d 747 (1970). If a criminal defendant is not informed of the nature { 2020 U.S. Dist. Lexis 16 } of the charge against

him, the plea does not qualify as intelligent or constitutional.

Bousley v. United States, 523, 159 L. Ed. 2d 157 (2004).

U.S. 614, 618, 118 S. Ct. 1604, 140 L. Ed. 2d 828 (1998). And

if the criminal defendant, counsel and the Court do not understand the elements of the charged crime, the guilty plea is Constitutionally invalid, Id. See DKT { 2020 U.S. Dist Lexis 13 } # 49 at

13 in 07-cr-137-bbc, also { Lexis 14 }.

The defendant's solemn declaration in open Court... carry a strong presumption of verity... because courts must be able to rely on the defendant's statement made under oath.

This makes a Constitutional error that renders the petitioner's plea invalid.

[Question Two]

Did the Western District of Wisconsin For The Seventh Circuit have Jurisdiction over the petitioner for a criminal charge for 18 U.S.C. § 922 (g) Felon in Possession of a Firearm under the predict offense?

[Answer]

18 U.S.C. § 921(a)(20) ("What Constitutes a conviction... shall be determined in accordance with the law of the jurisdiction in which the proceedings were held.")

The defendant pled 'No Contest' and was sentenced to probation on November 13, 2006 case number DA-06-001911 State of

Wisconsin v. Roland Scott. See Appendix (B) State of Wisconsin Criminal Complaint; Judgment of Conviction; and Plea Questionnaire Waiver of Rights.

Whereas there is no mentioning barring the defendant from any future possessing a firearm, only stating while the defendant is on probation.

In which the Federal Government for the Seventh Circuit used as the predicate offense to indict the defendant in Federal case number 3:18-cr-00112-jdp.

18 U.S.C. § 921 (a)(20) ("What constitutes a conviction... shall be determined in accordance with the law of the jurisdiction in which the proceedings were held.") See; Kardarow Moore v. United States 20-cv-476 bbc, 07-cr-137-bbc {2020 U.S. Dist Lexis 9}

Whereas the Seventh Circuit Court of Appeals has noted, there are some situations in which a defendant could satisfy this burden in a felon-in-possession case.

The court of appeals gave two {2020 U.S. Dist. LEXIS 9} examples in Williams, 946 F. 3d at 973. First, the court discussed the example given by the Supreme Court in Rehaif of "a person who was convicted of a prior crime but sentenced only to probation." Id. (quoting Rehaif, 139 S. Ct. at 2198). The court of appeals explained that the government might have some trouble proving beyond a reasonable doubt that this probationer knew he had been convicted of a crime punishable by a term of imprisonment exceeding one year." Williams, 946 F. 3d at 973. See also United

States v. Johnson, No. 18-2033-CR, 2020 U.S. App. LEXIS 21478, 2020 WL 3864945, at *3 (2d Cir. July 9, 2020) (vacating
felony-in-possession conviction and finding that defendant had shown a reasonable probability that he would not have pleaded guilty when his prior felony convictions had not resulted in prison sentences of more than one year).

Second, the court of appeals cited United States v. Davies, 942 F.3d 871 (8th Cir. 2019).

In this instance, defendant's circumstances are not like the majority of felon-in-possession cases in which the criminal defendant clearly knows that he has been convicted of a crime punishable by more than one year's imprisonment. At the time that defendant possessed a firearm, he had never been sentenced to more than one year in prison.

Thus, the circumstances of defendant's case are more like example of the probationer given by the Supreme Court in Rehcof, or the defendant awaiting sentencing, as in Davis. In fact, the facts of Davis are identical to those in this case.

The defendant pleaded no contest to a state felony, but was sentenced to probation, in the State of Wisconsin v. Robert Scott DA-06-001911

The defendant Mr. Scott also states that no one even asked him if he had thought he was a felon when he possessed the firearm.

Furthermore, defendant contends that his conviction for being a felon in possession of a firearm, in violation 18 U.S.C. § 922 (g) (1), is invalid because in a prosecution for illegal possession of a

firearm under 18 U.S.C §§ 922(g) and 924(a)(2), the Government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant § 2020 U.S. Dist.

Lexis 43 category of persons barred from possessing a firearm.

For those charged with being a felon in possession of a firearm, Rehaif requires the government to prove that the criminal defendant knew that he or she possessed a firearm, and knew he or she been previously convicted of a crime punishable by imprisonment for a term exceeding one year, United States v. Williams, 946 F.3d 968, 971 (7th Cir. 2020).

[Questioned Three]

Did the United States Court of Appeals, and the District Court err by not allowing the petitioner to withdraw a unwittingly timely plea on direct appeal while Mr. Scott appeal was pending, giving the petitioner a plausible defense in light of Rehaif v United States 139 S. Ct. 2191, 204 L. Ed 594 (2019) do to

counsel abandonment, and conflict in this matter, when the

Supreme Court Clarified the elements of § 922(g)?
[Answer]

The Thirteenth Amendment to the Constitution of the United States is clear in it meaning that the incarceration of of the innocent is prohibited under the "Constitution, and the laws of the United States which shall be made pursuance thereof."

Thus, any court, prosecutor, or defense lawyer who knowingly

aids in the incarceration of an innocent person is in fact subject to a criminal conviction under the laws of the United States, see 18 U.S.C. § 242.

The defendant Mr. Scott timely appealed case number 18-cr-112, and the office of the Public Defender, Assistant Defender Colleen M. Ramais undertook the direct appeal case number 19-1124.

Meanwhile, the defendant Mr. Scott appeal was pending, when the Supreme Court clarified the elements of a § 922(g) violation in its decision in Rehaif v. United States, 139 S. Ct. 2191 (2019).

The Court held that in a § 922(g) prosecution, the government must prove that the defendant "knew he possessed a firearm and that he knew he belonged to the relevant category of person barred from possessing a firearm." Id. at 2200.

September 17, 2019 letter to defendant Appendix (C) from Appellant Counsel going over documentation related to multiple United States Constitution violations, Ms. Ramais stated "that the defendant Mr. Scott prior conviction was susceptible to a challenge under Rehaif, because" "the Court did not ask you if you knew you had been convicted of a crime punishable by more than a year in prison."

Defendant Mr. Scott through timely correspondence with appellant Counsel, defendant requested appellant Counsel to challenge his conviction under Rehaif v. United States, 136 S. Ct. 2243; and Johnson v. United States, 135 S. Ct. 2255 (2015.) See Appendix (D) dated February 6, 2020 Appellant Counsel acknowledgement of her late

response to the defendant. Also Appendix (E) dated February 12, 2020 request to challenge conviction from defendant to Appellate Counsel memorialization in writing prior for the defendant integrity prior to February 6, 2020 Appendix (D) pursuant to the United States Constitution violations to withdraw the defendant's plea in light of Reharg and Johnson.

However, Appellate Counsel for the defendant refuse to timely challenge the defendant's civil case 19-1124

This disagreement was a result in a complete breakdown of the attorney-client relationship, and new counsel should have been appointed. United States v. Ryals, 512 F. 3d 416 (7th Cir. 2008). See Appendix (F) dated February 21, 2020. Motion to removed assigned counsel; Assign new Counsel, and other related ancillary relief, with unconflicting Counsel - pursuant to 18 U.S.C. § 3599 (e).

See Mickens v. Taylor, 535 U.S. 162 an actual conflict of interest has and adverse effect on counsel performance. A serious conflict of interest arises when attorney interest in avoiding damages to his or her own reputation is at odds with a client. See Appendix (G) dated February 14, 2020 from appellate counsel to defendant.

In the case referenced above, a defendant was entitled to substitute his lawyer with unconflicted counsel under 18 U.S.C. § 3599 (e) because defendant appointed attorney missed a filing deadline. See Appendix (H) dated February 26, 2020 letter to defendant to from appellate counsel failure to file Motion to removed assigned counsel, assigned new counsel, and other related ancillary relief. Appendix

(F) dated February 21, 2020.

Defendant shewn appellate Counsel that a reasonable jurist could debate whether or, for the matter, agrees that the petitioner should have been resolved in a different manner, or that the issue presented were adequate to deserve encouragement to proceed further. See; Slack v. McDaniel 529 U.S. 473, 484, 120 S.Ct. 1595, 146 L. Ed. 2d 542 (2000) (quoting Barefoot v. Estelle).

[A] Petitioner whom direct appeal has not ended will likely be entitled to a new trial {2019 U.S. Lexis 51} others may move to have their convictions vacated under 28 U.S.C. § 2255, and those within the statute of limitations will be entitled to relief if they can show that they are actually innocent of violating § 922(g) which will be the case if they didn't know that they fell into one of the categories of person to whom applies.

Instead Ms. Ramais appellant counsel state she was filing a brief pursuant to Anders v. California, 386 U.S. 738 (1967), or the Court will summarily affirm the matter; Although Rehob v. United States decision was pending in the Supreme Court while the defendant Mr. Scott appeal was pending.

It is well-established law that an attorney cannot be compelled to file a frivolous or meritless argument on appeal, See: eg United States v. Jackson, 2019 U.S. App. Lexis 24651 (7th Cir 2019).

Accordingly, the Supreme Court in Anders v. California (1967) 386 U.S. 738, not barred counsel from abandoning a non-frivolous appeal, but barred counsel from abandoning non-frivolous issue on appeal. See;

Similar issue on appeal Rehaif v. United States, 136 S.Ct., 2243 (2019). See Gideon v. Wainwright, 372 U.S. 355 9 L Ed. 2d 799, 83 S.Ct 792, 93 ALRD (1963) the Sixth Amendment requirement the accused shall enjoy the right ... to have the assistance of Counsel for his defense" was made obligatory on the states by the Fourteenth Amendment. The Court holding that "in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him," at 344, 9 L Ed. at 205 [See] Hill v. Lockhart, 474 U.S. 52, 59, 106 S.Ct. 366, 88 L. Ed 2d 203.

Motion under Federal Rules of Appellate Procedure, Rule 42(a) or (b), Allowing the appellant (1) had a right to an opportunity to show entitled equitable tolling on the basis of appointed counsel's failure; and (2) having his attorney make an argument concerning the attorney's own failure would have created a conflict of interest, See Christeson v. Roper, 190 L. Ed. 2d 763, 135 S.Ct. 891 (2015, U.S.)

The Eleventh Circuit, of the United States Court of Appeals, has declared that direct appeals is a critical stage in the trial process, and therefore creates a constitutional right to effective assistance of counsel for that appeal. United States v. Ray, 855 F.3d 1133, 1147, (11th Cir. 2017) quoting Harrington v. Gillis, 456 F.3d 118, 132 (3rd Cir. 2006) (noting that "on appeal is a critical stage of criminal proceedings.")

However; the Court failed to mention that the defendant will have no right to withdraw the plea at a later date, even if the sentence imposed is different from what petitioner anticipated. (Meaning there is no factual basis for the plea makes the defendant Mr. Scott plea not voluntary, knowing in which the defendant had the Constitutional right under the Sixth Amendment due process.

Furthermore; conviction change in law convictions and sentence for conduct which, as a result of a later change of law was no longer criminal has been by the Supreme Court to justify relief under 28 U.S.C. § 2255

This makes a Constitutional error that renders the petitioner plea invalid. Rehelf v. United States, 139 S. Ct. at 2200.

[Question Four]

Did the United States District Court abuse its discretion pursuant to 18 U.S.C. §§ 4241, and 4242 in a criminal proceedings in which a question of competency arises, by not ordering a competency examination before a sentence or trial, Does that violate the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution in Judicial Proceedings?

[Answer]

Although neither side requested a competency hearing, however the Court is well aware of its discretion to hold a competency hearing pursuant to 18 U.S.C. § 4247 (b)(c)(d)

An abuse of discretion is where a judge's decision is against the logic and facts presented in a case, as well as the law or rules. Judges are presumed to know the rules and laws in which they are supposed to operate when a defendant has proving that a Judge's ruling contrary to the law (as in the rules of criminal procedure), (Rules of Evidence), United States Constitution... the higher appeal court will intervene on the ruling.

November 6, 2018 the defendant stated under oath that he suffers from physical, and mental health during the alledge crime, prior, and currently during the defendants courts proceedings. Also the defendant stated he was, receiving Social Security Income (SSI) Medical For those disabilities. In 2008, May 20 the defendant was envolved in a Semi v. Semi accident. See Appendix (I)

Transcript plea hearing page 18 (6 through 17) Court, and the defendant conversation, also page 5 (5 through 7), with the use of medications to treat these conditions.

When the defendant physical, and mental conditions is beyond the competency or expertise of a particular person a presiding judge must refer the defendant to a doctor, or specialist for diagnosis or treatment before a sentence or trial. The United States Constitution Fifth Amendment "No person shall be held to answer for a capital, or otherwise infamous crime, without due process of law; Sixth Amendment "In all criminal prosecution the district shall have been previously ascertained by law", and the Fourteenth Amendment allows equal protection.

This makes a constitution error that renders the defendant plea invalid, at the of the plea doesn't show knowledge of the essence during possession

The government failed to mention that under oath any false statement the defendant made the government could prosecute. See Appendix (I) page 17 Transcript Plea hearing conversation between the defendant and the Court. Whereas the sentencing judge is explaining the law pursuant to 18 U.S.C. § 922(c) to the defendant.

A guilty plea is constitutionally valid only if it's "voluntary" and "intelligent". Brady v. United States, 397 U.S. 742, 748, 90 S. Ct 1463, 25 L Ed 747 (1970).

Therefore; the Western District of Wisconsin abuse discretion on applying laws to the United States Constitution correctly, prohibiting the defendant Mr. Scott from his due process from a lack of a trial, or a fair trial process. Documented issues in this matter are relevant, and cannot be overlooked violating the defendant Constitutional rights. Due to Mr. Scott ignorance of complex law in this matter, and his legal disability to avoid default ask this Court construe his pleadings as liberally pursuant to Haines v. Kerner 404 U.S. 519, 520-21, 92 S.Ct 590, 30 L. Ed 2d 1972; and Welch v. United States 136 S.Ct 1257, 1264, 194 L. ed 2d 387 (2016).

CONCLUSION

Mr. Scott respectfully pleads that this Court grant his petition for a writ of certiorari and permitted briefing and argument on the issues contained therein.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Robert Scott

Date: August 28, 2022