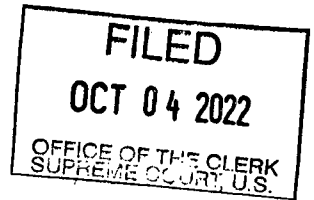


No. **22-5835** ORIGINAL



\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

NORMAN ALAN KERR — PETITIONER  
(Your Name)

vs.  
CHRISTOPHER GOMEZ/WONSEN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

6<sup>th</sup> Cir Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

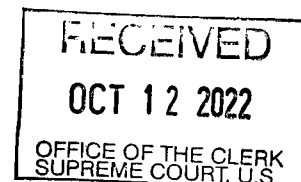
PETITION FOR WRIT OF CERTIORARI

NORMAN ALAN KERR  
(Your Name)

U.S. PENITENTIARY McCREARY  
(Address)

PINE KNOT, KY 42635  
(City, State, Zip Code)

NONE  
(Phone Number)



### QUESTION(S) PRESENTED

Should the Circuit split held in *Rehaif v U.S.* that allows a stipulation waiving all the elements of § 922(g)(1) be held controlling despite a credible claim of Actual Innocence in a title 28 U.S.C. § 2241 proceeding

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Is a stipulation that waives all the elements of § 922(g)(1) during trial, required to be agreed on by the defendant in open court, as to whether he knowingly and voluntarily waives his constitutional rights to the full contents of any and all stipulations

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Should *Rehaif v U.S.* be held retroactive for Collateral Review

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When a Defendant appeals the contents of a stipulation by continuing to argue that he is not a felon, constitute the stipulation be held invalid, once the Court Rules that movant can argue his invalid § 922(g)(1) conviction because all Authorized Shepard Documents show he was never sentenced to the only conviction used for 922(g)(1) + 924(e) that the state sentence could only sentence him to 8 to 10 months

## 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:

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 2022 U.S App Lexis 8-3-2022; 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 Aug 3, 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: Sept 27, 2022, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).

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Previous motion (Court denied) 21-5027

APPENDIX B North Carolina Criminal Record Attach # 4(A)  
and 4(B) as Back / Appendix B(1) and B(2)

APPENDIX C Dissecting opinion of U.S v Kern 737 F.3d 33  
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APPENDIX D ORDER Sept 27, 2022 Denying En banc of Recall Mandate

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Appeal 12-4775 / U.S v Kern 737 F.3d 33 4<sup>th</sup> Cir 2013  
Evidentiary hearing Reflecting the only conviction  
for § 922(g)(1) is the 2008 B and E and Reflecting  
I could argue that I am not a Felon thus making  
the stipulation invalid See trial transcript  
1:09-cr-290-NCT Greensboro, NC

## TABLE OF AUTHORITIES CITED

| CASES                                                                                     | PAGE NUMBER |
|-------------------------------------------------------------------------------------------|-------------|
| Rehaif v U.S., 139 S.Ct. 2491 (2019)                                                      |             |
| Kerr v Gomez NO 21-5027 6 <sup>th</sup> Cir Jan 27, 2022 / cert denied                    |             |
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| U.S v Werle, 35 F.4 <sup>th</sup> 1195 (9 <sup>th</sup> Cir 2022)                         |             |
| Seabrooks v U.S 32 F.4 <sup>th</sup> 1375 (11 <sup>th</sup> Cir, 2022) with C.O defendant |             |
| U.S v Williams, 850 F. App'x 393 (6 <sup>th</sup> Cir, 2021)                              |             |
| Calderson v Thompson, 523 U.S. 538, 550 (1998)                                            |             |
| McQuisno v Perkins, 569 U.S. 383, 400 133 S.Ct 1924 185 L.Ed 2d 1019 (2013)               |             |
| U.S v Heyward Aug 3, 2022 Lexis 21442                                                     |             |
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| STATUTES AND RULES                                                                        |             |
| 28 U.S.C § 2241                                                                           |             |
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| 18 U.S.C § 921(a)(20)                                                                     |             |
| 2nd Amendment Right to Bear Arms                                                          |             |

### OTHER

Rules under what constitutes a Final Judgment  
 Rules under does a 8 to 10 maximum sentence  
 constitutes knowingly held in Rehaif  
 Does § 2241 Allow a claim of Actual Innocence to  
 Also Review the Tampering of a Jury Verdict of  
 NOT GUILTY

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

a stipulation that waives all the elements must be agreed to / or signed in open court. A stipulation should not be held valid if:

- The Judge ask defendants attorney, Did Mr. Kern agree to the stipulation and the attorney replied "Your Honor, I have agreed with Mr. Lang on behalf of Mr. Kern".
- The defendants appeals the contents of the stipulation (that I am not a felon) and the government concedes and the court Rules that I can agree that I am not a felon. (App, F)
- During Appellants Brief, the court denied attorneys request and allowed defendant to file Pro Se Supplemental Brief arguing the stipulations were not agreed to. But, the court vacated sentence that I am not a felon and denied my Brief, subsequently denying Relief, see *U.S. v Kern* 737 F.3d.33 (dissent) Appendix C and F(1) + F(2)
- Stipulation must be knowing and voluntary, Defendants written amount to a confession, that was false, forced and agreed to by everybody but the confessor.

Appendix B(1) and B(2) shows that defendants 2008 Breaking and Entering Conviction's sentence to special Probation (split) that was under a contingent Probation and does not amount to a final Judgement i.e. contingent, and even if I was even sentenced, the 8 month minimum to 10 month maximum does not reflect knowing that I was in violation of 922(G)(1)/921(A)(20) as the state ruled in its Mandated Sentencing Scheme i.e. not a year and a day see also Appendix E (Footnote and App F 1 + 2)

### STATEMENT OF THE CASE

Petitioner argues to Recall Mandate under circuit split and 6<sup>th</sup> cir order Reversing under same grounds (U.S v Williams) that the stipulation must be shown to be valid and a stipulation is moot when it waives rights unknown at the time it was entered, see Circuit split on stipulations, U.S v Werle 9<sup>th</sup> cir Seabrooks v U.S overturning grounds of Williams by the 11<sup>th</sup> cir, U.S v Williams 6<sup>th</sup> U.S v Heyward 9<sup>th</sup> also holding "plea acts as a stipulation", and Pursuant to U.S v Werle, 35 F.4<sup>th</sup> 1195 (9<sup>th</sup> cir, 2022) stipulations ruled invalid due to lack of knowledge of waivers collateral effect.

Pursuant to recent ruling in "New York State Rifle and Pistol v Bruen, defendants 2nd Amendment Right should have never been disqualified as none of his convictions amount to dangerous conduct.

Pursuant to McQuiggin v Perkins, 569 U.S 383, 400 133 S.Ct, 1924, 185 L.Ed.2d 1019 (2013) A Claim of Actual Innocence should excuse from the procedural Bar of the statute of Limitations as to whether I am still allowed to argue that the statute is invalid.

As all Authorized Shepard Documents Reflect, I am not a felon subject to 922(G)(1) and if I was, The Jury Ruled Not Guilty but the court deceptively changed that verdict ie another procedural Bar due to Fraud on the Court.

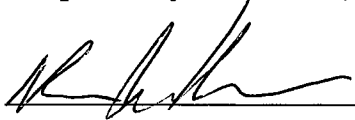
### REASONS FOR GRANTING THE PETITION

- 1 Whether Rehaif falls within Relief grant in § 2241
- 2 Circuit Split of the collateral effect when a stipulation amounts to unknowing of the Rehaif element
- 3 Whether a credible claim of Actual Innocence includes,
  - (A) Shepard documents reflect I was never sentenced to the only conviction used for 922(e)(1) and 924(c).
  - (B) Jury Foreperson stated that I was found NOT Guilty and subsequent court errors show differently, Should this amount to an Evidentiary hearing to Recall the original Jury

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: Oct 2, 2022