

No. 22-5847

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

SEP 30 2022

OFFICE OF THE CLERK

LINDSEY ORR — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE ELEVENTH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LINDSEY ORR

(Your Name)

h.j.t, Allenwood Hwy, P.O. Box 1000

(Address)

White Deer, Pa. 17887-1000

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) WHEN ARE THE SECTION 3553(a) FACTORS SATISFIED?
- 2) ARE THE 3553(a) FACTORS SATISFIED BASED UPON THE COMPLETION OF THE TERM OF IMPRISONMENT STEMMING FROM THE SPECIFIC COUNTS OF CONVICTION THAT THE 3553(a) FACTORS WERE APPLIED TO?

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. Lindsey Orr, No. 21-14179-JJ (11th Cir.)
(Opinion for rehearing and rehearing en banc affirming the denial order decision from the 11th Cir. denying Compassionate Release motion on 7/25/22. Denial Opinion 9/8/22, Judgment 9/16/22.)

United States v. Lindsey Orr, No. 1:07-LF-00017-AT-JFK-2
(Order affirming Compassionate Release denial issued on 11/5/21).

United States v. Lindsey Orr, No. 1:07-LF-00017-AT-JFK(2)
(Order denying motion for Compassionate Release issued on 1/19/21).

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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[] is unpublished.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[] is unpublished.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 7/25/22

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: 9/8/22, and a copy of the order denying rehearing appears at Appendix A.

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. 3553.

18 U.S.C. 3553(a).

STATEMENT OF THE CASE

The United States District Court
Judge Honorable, Amy Totenberg Stated The Following:
"The Court Finds That The Factors Of Section 3553(a) Will Not
Be Satisfied If The Defendant Were To Be Released At This Point
In His Sentence." See Page 7 Of Compassionate Release Denial Order
Second Paragraph. 1/19/21.

The Petitioner Orr would like to
Know When Are The Section 3553 Factors Satisfied?

The Petitioner Orr humbly asks
this honorable United States Supreme Court to explain
when are the Section 3553 Factors Satisfied, due to the
Point that was expressed within the Compassionate Release
denial order, pertaining to "Section 3553(a) Will Not Be Satisfied,"
this statement within the Court's Compassionate Release
denial Order would lead any reader to believe that 3553(a)
has a satisfactory point, the petitioner Orr would like to know
what is the satisfactory point of 3553(a) Factors?.

Now, the Petitioner Orr's Prosecutor,
Mr William Louis McKinnon, Jr. argued the following to the
Sentencing Court:

"And I Would Submit That It's A Reasonable Sentence To Take
Into Account The Violent Nature Of These Bank Robberies
To Deter Others From Committing Violent Armed Bank Robberies
That The Court Impose A Sentence That's Within The GUIDELINES
RANGE For The Bank Robberies."

Mr. McKinnon made this statement before his aforesaid statement:

"And I Would Submit That The 3553(a) And The Sentencing Commission
Require That The Court Fashion A Sentence That's Reasonable For
The Defendant's Commission Of These Two Bank Robberies."

See Petitioner Orr's Sentencing Transcript Page 17 Lines 3-7; 21-25.

The Petitioner Orr's Trial/Sentencing Chief Judge, Honorable, Owen J. Forrester stated the following:

"I CONSIDERED THE FACTORS HERE IN 3553."

See, Pet. Orr's Sent. Tr. Pg. 23, ln. 19.

"So On Counts 1 And 3 I Will Sentence You To The Custody Of The Bureau Of Prisons For A Period Of *57 MONTHS*." (See Pet. Orr's Sent. Tr. Pg. 21, ln. 17-18.)

The Petitioner Orr has technically been incarcerated since 12/29/06, the Petitioner Orr was sentenced on June 5, 2008 in this manner:

"So On Counts 1 And 3 I Will Sentence You To The Custody Of The Bureau Of Prisons For A Period Of 57 Months. (2113)(a)and(d)

On Count 2 I Will Sentence You To The Custody Of The Bureau Of Prisons For 84 Months, To Follow The Sentence In Counts 1 And 3. (924(c))

And On Count 4 I Will Sentence You To The Custody Of The Bureau Of Prisons For 300 Months, To Follow The Sentence On Count 2." (924(c))

The Petitioner Orr was ordered to start and complete a period of 57 MONTHS in prison before counts 2 and 4 could even start, per Sentencing Chief Judge.

Now, if the 3553(a) Factors were applied towards counts 1 and 3 the guideline bank robbery counts,

Pros. McKin: "And I Would Submit That The 3553(a) And The Sentencing Commission Require That The Court Fashion A Sentence . . . Defendant's Commission Of These Two Bank Robberies."

WOULD the 3553(a) Factors Be Satisfied With The Completion Of The 57 Months Of Incarceration Stemming From Counts 1 And 3?

Now, the aforesaid question leads to the instant question:

'Are The 3553(a) Factors Satisfied Based Upon The Completion Of The Term Of Imprisonment Stemming From The Specific Counts Of Conviction That The 3553(a) Factors Were Applied To?'

The petitioner or would like to provide the definition of some words in order to support his argumental position, the first word is:

'Satisfaction'- The giving of something with the intention, expressing or implied, that it is to extinguish some existing legal or moral obligation.
The fulfillment of an obligation.

'Judgment'- A court's final determination of the rights and obligations of the parties in a case.

'Conviction'- The judgment (as by a jury verdict) that a person is guilty of a crime.

'Complete'- Having come to an end.

The District Court's Homeassionate Release Denial Order Stated:

"The Court Finds That The Factors Of Section 3553(a) Will Not Be Satisfied If The Defendant Were To Be Released At This Point In His Sentence."

The Sentencing Court Stated:

"I Considered The Factors Here In 3553."

"So On Counts 1 And 3 I Will Sentence You To The Custody Of The Bureau Of Prisons For A Period Of 57 MONTHS."

Now, recall the 3553(a) Factors were applied to Counts 1 and 3:

Pros. McKin." And I Would Submit That The 3553(a) And The Sentencing Commission Require That The Court Fashion A Sentence That's Reasonable For The Defendant's Commission If These Two Bank Robberies."

"And I Would Submit That It's A Reasonable Sentence To Take Into Account..... That The Court Impose A Sentence That's Within The Guidelines Range For The Bank Robberies."

Now the Prosecutor McKinnon obtained a ^{*}CONVICTION* which generated a ^{*}JUDGMENT* on Counts 1 and 3 which the Petitioner Orr has ^{*}COMPLETED* the fulfillment of his legal obligation to the sentencing court's ^{*}SATISFACTION*.

Thus, it is irrefutable, and unequivocal that the 3553(a) Factors Are Not SATISFIED Based Upon The COMPLETION OF The Term Of Imprisonment Stemming From The Specific Counts Of Conviction That The 3553(a) Factors Were Specifically Applied To. Counts 1, 2, and 3 are completed.*

The Petitioner Orr would be hard pressed for any reasonable and logical person to not believe that the completion of a judgment that came about from a conviction in a court of law that the Petitioner Orr was sent to in order to satisfy the 3553(a) Factors were not satisfied, ANY other belief would be abstruse.

Would a loan be satisfied if the full amount of the loan including interest was completely paid back? YES.

REASONS FOR GRANTING THE PETITION

IS because the petitioner Orr has completed the term of imprisonment for counts 1 and 3 which the 3553 Factors were applied to, thus, satisfying the 3553(a) Factors.

Now, when the United States District Court Chief Judge Owen J. Forrester sentenced the petitioner Orr to 57 Months on counts 1 and 3, the two bank robberies, he made mention of the following:

"I CONSIDERED THE FACTORS HERE IN 3553."

So what did the Chief Judge have to consider?; he had to consider the following:

The Nature And Circumstances Of The Offense, The Need For The Sentence To Reflect The Seriousness Of The Offense And Provide Just Punishment, And The Need For The Sentence To Afford Adequate Deterrence, Both Generally And Specifically, The Need To Protect The Public As Well As The Range Of Sentences Available For The Defendant's Crimes; And Pertinent Policy Statements. See, 18 U.S.L. § 3553(a).

The Honorable Chief Judge considered all of these factors to ensure that the 3553(a) Factors would be satisfied based upon the completion of the 3553(a) imposed guidelines term of imprisonment for counts 1 and 3's sentence.

Another reason for granting the Petition is because the Compassionate Release Court's analysis was an error based on the Petitioner Orr's Sentencing Court's records analysis pertaining to the trial that was held before it, that preceded it, the Sentencing Court's 3553(a) analytical application was thoroughly assessed like a fine tooth and comb by the honorable, United States District Court Chief Judge, Owen J. Forrester.

There are also no threshold issues that would limit this Court's review.

1) When Are The Section 3553(a) Factors Satisfied?

2) Are The 3553(a) Factors Satisfied Based Upon The Completion Of The Term Of Imprisonment Stemming From The Specific Counts Of Conviction That The 3553(a) Factors Were Applied To?

Relief requested is for this honorable court to grant the writ of certiorari and then for the petitioner Lindsey Orr's case to be remanded back to the District Court for the District Court to provide the afforded relief in reference to obtaining release from prison.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lindsey Orr

Date: September 30, 2022