

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Jeff Wingate — PETITIONER Pro Se
(Your Name)

vs.

United States of America RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Sixth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jeff Wingate Pro Se
(Your Name)

122 Holly Hills
(Address)

MT. Sterling KY 40353
(City, State, Zip Code)

859-585-2070
(Phone Number)

QUESTIONS PRESENTED

- 1) Whether due process is violated when, in the event a defendant submits mitigating evidence in a rule 35 (b) resentencing that has a connection to 18 U.S.C 3553 or 5K.1 factors and the district court forgoes consideration of such mitigating evidence.
- 2) Whether due process is violated in a Rule 35 (b) resentencing when the Bureau of Prisons extends narrative and evidence of a prisoners current respect for the law and his ability to conform with-in it and the district court for goes any consideration of the Bureaus analysis of the prisoner.

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

USA v Wingate originating case no. 5:14-cr-0074-2

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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 A to the petition and is

[] reported at Case 21-5575 Doc. 17-1 6CCA; 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[] is unpublished.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 Case: 5:14-cr-00074-OCR-EBR Doc # 643 Scaled; 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[] is unpublished.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[] is unpublished.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: MARCH 30 2022, and a copy of the order denying rehearing appears at Appendix F.

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

DUE PROCESS IS A REQUIREMENT THAT LEGAL MATTERS BE RESOLVED ACCORDING TO ESTABLISHED RULES AND PRINCIPLES, THAT INDIVIDUALS BE TREATED FAIRLY.

STATEMENT OF THE CASE

It is unfair to resentence defendants who cooperated with the government after sentencing differently than those defendants who cooperated with the government before sentencing. Rule 35 (b) resentencing needs overhauling. This is so, simply because federal circuits are split over the district courts use of 3553(a) and 5K.1 factors in rule 35 (b) resentencing. The Sixth Circuit leaves the use of 3553(a) and 5K.1 to the sound discretion of the district court. U.S. Grant, 636 F.3d 803 (6th Cir. 2011) (en banc). The Second Circuit determined that the district court must fulfill the requirements of the second step in a rule 35(b) resentencing by explaining that a sentence must be sufficient but not greater than necessary to comply with the purposes of Section 3553. USA v. Katsman 16-2583-cr United States Court of Appeals for the Second Circuit. This court should grant review of my petition for the purpose of clarifying whether or not the district court has the discretion to deny criminal defendants who cooperated with the government after sentencing consideration of mitigating evidence. This court decided when a defendant's sentence has been set aside on appeal, a district court at re-sentencing may consider evidence of the defendant's rehabilitation after the initial sentences, and that evidence may in appropriate cases support a downward variance from the sentencing guidelines. (Kagan, J., recused) Pepper v. United States (No. 09-6822). Pepper should be extended to rule 35 (b) resentencing. This court should bring federal

circuits together on how district courts handle rule 35(b) resentencing. If the federal courts were required to utilize 5K1.1 and 3553 in a rule 35b resentencing my outcome and others who breathed life back into heinous child crime investigations would have been much different.

REASONS FOR GRANTING THE PETITION

On April 24, 2015, the United States District Court for the Eastern District of Kentucky, Central Division at Lexington, entered judgment against me based on my guilty plea to one count of possession with intent to distribute Oxycodone. I was sentenced to a term of 150 months of federal imprisonment.

Commencing on the date of my arrest, I consistently acknowledged full responsibility for my crime. In addition, from the date of my arrest onward, I fully cooperated with law enforcement and have continued to do so throughout the course of my incarceration. At the time of my sentencing, I was a resident of Kentucky. However, I was designated to serve my sentence at the Federal Correctional Institution at Butner, North Carolina (“FCI Butner”). At FCI Butner, I was housed with fellow inmate Sandy Parsons. Although Parsons was then serving a 96-month prison sentence for fraud, he was also a suspect in the probable murder of his adopted daughter, Erica Parsons.

When I arrived at FCI Butner and met Parsons in late April 2015, Erica was classified as a missing child. Erica had not been seen since late 2011. However, the

FBI and other law enforcement lacked proof that Erica was dead. The FBI and other law enforcement also lacked proof that Parsons had physically harmed or killed Erica. Shortly after my arrival at FCI Butner, I became a confidant of Parsons. I intentionally befriended and protected Parsons from harm in hopes of uncovering information from Parsons concerning Erica's disappearance and probable murder. Beginning in August 2015, I met with and assisted the FBI and other law enforcement in the investigation of Parsons for the suspected murder of Erica.

On August 27, 2015, I was interviewed by law enforcement at FCI Butner. (Appendix D, page 2) During that interview, I told the authorities that Parsons had said, "If you ever want to get rid of a body, hogs is the way to go" and that "it was easy to kill someone without leaving evidence." (Appendix D, page 2) I informed law enforcement that I believed myself and another inmate could obtain additional information from Parsons about Parsons's involvement in the disappearance and suspected murder of his adopted daughter, Erica. (Appendix D, page 2)

Under significant risk of personal harm, I engaged in a continued course of action to persuade Parsons to tell the truth about what happened to Erica. (Appendix D, page 2) On August 11, 2016 and again on August 16, 2016, Parsons confessed to law enforcement, including FBI Special Agent Tara Thomas, that he and his wife, Casey Parsons, killed Erica and disposed of her body. (Appendix D, page 2) On both occasions, Parsons described the steps that he and his wife undertook to

accomplish the murder and the body disposal. (Appendix D, pages 3-4) Parsons also took law enforcement to the location where Erica's body was buried, and authorities uncovered Erica's remains. (Appendix D, page 4)

During his interviews with the FBI and other law enforcement, Parsons stated that his "Kentucky guys" - that is, myself and another inmate - had told him that he needed to tell the truth about what had happened to Erica. (Appendix D, page 2). According to FBI Special Agent Tara Thomas, Parsons "was clear that his decision to be truthful with law enforcement was due in part to the encouragement he received from me (Appendix D, page 4). Government authorities, including United States Attorney Robert M. Duncan, Jr. and Assistant United States Attorney Kevin C. Dicken, likewise concluded that Parsons's confession to Erica's murder was due at least in part to myself and the other inmates' efforts. (Appendix D, page 3)

In March 2018, a grand jury in Rowan County, North Carolina, indicted Parsons and his wife on several charges relating to the death of Erica, including first-degree murder, concealment of death, and obstruction of justice. (Appendix D, page 4) On August 2, 2019, Casey Parsons pleaded guilty to state charges in Rowan County Superior Court and was sentenced to life imprisonment. (Appendix D, page 4) Parsons's trial was scheduled for April 2020, in which the State was seeking the death penalty. (Appendix D, page 4) Parsons ultimately pled guilty and is currently serving a 44-year sentence for his role in the murder of his adopted daughter, Erica.

On September 4, 2019, the Government filed a Motion to Reduce Sentence Based upon Substantial Assistance (“Motion to Reduce Sentence”), pursuant to Fed. R. Crim. P. 35(b). (Appendix D) In its Motion to Reduce Sentence, the Government stated that Parsons’s “confession on August 11 and 16, 2016, to murdering and concealing the body of his adoptive daughter Erica Parsons was the key to solving the crime and having a prosecutable case.” (Appendix D, page 4)

The Government further took the position that my “efforts to encourage Sandy Parsons to be truthful certainly constitute ‘substantial assistance’ in the investigation of an offense committed by another person.” (Appendix D, pages 4-5) As a result, the Government recommended that the District Court “enter an amended judgment reducing my sentence of imprisonment by 12 to 18 months.” (Appendix D, page 5).

The district court granted that motion and reduced my sentence by 12 months. I appealed, arguing, among other things, that the district court erred by failing to give me the opportunity to present evidence and argument before deciding the Rule 35(b) motion. The 6CCA vacated the order and remanded my case back to the district court on that ground. *United States v. [Redacted]*, 986 F.3d 642, 646 (6th Cir. 2021) (Appendix C).

On remand, I filed a resentencing memorandum through counsel, arguing that my sentence should be reduced to time served. The government continued to argue for a reduction of 12 to 18 months. The district court reiterated that my actions “were

admirable and valuable,” but concluded that a 12-month reduction was still appropriate. The court issued an amended judgment reducing my sentence to 138 months. (Appendix B).

I appealed again. I sought a sentence reduction of “no less than 18 months.” I argued that the district court abused its discretion by failing “to consider contextual factors” as well as “mitigating evidence” that I had submitted. I also argued that the court’s reduction is inconsistent with the analogous provision of the United States Sentencing Guidelines, USSG § 5K1.1 and 3553. I asked the 6CCA to vacate my amended judgment and remand to a different judge for resentencing, arguing that the district judge is biased against me because of allegations I made in my post-conviction proceedings. The 6CCA ruled that whether or not to utilize 5K1.1 and 3553 in a rule 35(b) resentencing is within the sound discretion of the court. (Appendix A)

If there had been an established law instructing the district court to apply 3553 and 5K1.1 factors in my rule 35(b) resentencing I would have been treated more fairly and my outcome would have been different.

**THE EVIDENCE I COMPILED SUPPORTING A SENTENCE
REDUCTION OF AT LEAST 18 MONTHS**

A. COURSE OF CONDUCT AND ACCOMPANYING HARDSHIPS

Myself and another inmate engineered a perfectly executed ruse that duped Sandy Parsons into filing for divorce for two reasons: (1) to have solid proof that we fulfilled our end of the bargain with the FBI by creating separation between the Parsons and (2) so, the FBI could use the divorce application and other evidence as leverage to extract information and a confession from Casey Parsons.

We enlisted our families to help us create separation between the Parsons. With the help of our families, we convinced Parsons that a new and better life was awaiting him in Kentucky only if he would tell the truth about Erica's disappearance. We carved out a world where Parsons would marry the other inmate's family member, and live and work on my son-in-law's farm when he was released. At this snap shot in time Parsons was comfortable with his release date and excited about the idea of moving to Kentucky and starting a new life.

My wife provided specifics from a conversation in which Parsons had confessed that Casey Parsons murdered Erica (Appendix E, Affidavit of Jan S. Wingate). It was a detailed account of the murder, transporting the body and place of burial near Parsons mother's home in South Carolina where her remains were later

found. Parsons also gave us a detailed account of the horrific abuse and torture Erica endured during her short-tortured life at the hands of her adoptive parents. We forwarded the information to Lead FBI Agent Tara Cataldo.

Agent Cataldo found the information we provided law enforcement to be truthful and creditable. In return, Agent Cataldo wrote a letter to the Bureau of Prisons requesting they relocate me to a lower security prison. (Appendix E, Exhibit B attached hereto, Letter from Tara Cataldo dated 7/20/2017)

Ultimately the Bureau of Prisons chose to leave me in the same institution where it was known by other inmates and staff that I welcomed a child murderer into my family and that I was a government informant. My time in prison was far more difficult than it would have been had I not become involved in the Erica murder investigation.

FCI BUTNER EMPLOYEE'S DECLARATIONS CONCERNING THE THREAT TO MY PERSONAL SAFETY

Jeffery Wade (“Wade”), BOP Correctional Counselor declared, “Looking back at the whole situation I do believe that I and the other inmate did put ourselves in danger by showing support and friendship to Sandy Parsons.” Defending a known child murderer, no doubt put us in harm’s way. The torture and

abuse Erica went through was horrific to say the least. Wade said that my' role in providing information gathered from Parsons and the role my family played were invaluable in bringing justice to Erica and the general public. Wade has previously indicated that there was no number too great to put a value on the substantial assistance that I provided in solving the murder of Erica. (Appendix E, Exhibit C, Letter from J. Wade)

Kim Fereza, a Correctional Systems Officer at FCI Butner, previously indicated that I was a vital player in a local investigation of a missing child in the state of North Carolina that was a much-publicized case. She said the case went from a missing child case to an actual child murder case due to the substantial assistance that I was able to provide to the FBI. She also said that if it weren't for myself, this unfortunate, high profile, missing child/murder case would still be unsolved today. She went even further by memorializing that I, in reality, put my life on the line by providing substantial assistance to the FBI in the case of Erica. (Appendix E, Exhibit D attached hereto, Memorandum from Kim Fereza dated 11/15/2019) The Bureau of Prisons has admitted to the great risk that I and another inmate assumed with respect to our own personal safety in providing substantial assistance to law enforcement during the murder investigation of Erica. (Appendix E)

3553(a) FACTORS

I was making strong progress in life during my late 30's and 40's. I worked long and hard and built several small businesses out of nothing. I developed an automobile sales company as well as two car washes. When not working, I invested in the lives of my family and friends, did volunteer work for my church, cared for my elderly father- in- law, provided assistance to a friend struggling with addiction as indicated in my Presentence Investigation Report. While in prison, I had a meticulous record with only one disciplinary infraction where I did not show up for work because of my underlying health conditions. I took and completed many educational, vocational and other courses offered within the BOP. (Appendix E). I am currently living at home with my wife and complying with all of the conditions of home confinement while recovering from multiple surgeries. My release date is March 31, 2023.

THE BUREAU OF PRISONS DEEMED ME ELIGIBLE FOR HOME CONFINEMENT

I am a qualified candidate under Section 12003 of the "CARES ACT". My underlying health conditions and post-conviction rehabilitation provided the Warden

and the Director of the Bureau of Prisons with a merciful path that allowed me to finish the remaining 37 months of my federal sentence from home.

I was not on home confinement at the time the government prepared its Rule 35(b) motion. However, at the time of my rule 35(b) resentencing the lower court was informed the Bureau of Prisons determined that I was in the class of vulnerable prisoners who met the criteria for compassionate release.

SUBSTANTIAL ASSISTANCE

The substantial assistance I provided the FBI and other law enforcement in the investigation and prosecution of fellow prisoner, Sandy Parsons, merits a greater reduction than the twelve (12) months I received. The evidence shows that without the substantial assistance that I provided to law enforcement during the investigation into the Erica Parsons disappearance, her remains likely would have never been found. Without the remains of Erica, she would have had no voice and law enforcement would have had a difficult time piecing together the truth.

In the Sixth Circuit, Rule 35(b) motions for reduction of previously imposed sentences are governed by the same standards as those established for sentence reductions under the Federal Sentencing Guidelines, specifically U.S.S.G. § 5K1.1. *Moran*, 325 F.3d at 793; *Griggs*, 2010 WL 3655645, at *1. The lower court overruled Moran through Grant. Here lies the unfairness .

U.S.S.G. § 5K1.1 provides:

Upon motion of the government stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense, the court may depart from the guidelines in accordance with the below reasons: (a) The appropriate reduction shall be determined by the court for reasons stated that may include, but are not limited to, consideration of the following:

- (1)** the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered;
- (2)** the truthfulness, completeness, and reliability of any information or testimony provided by the defendant;
- (3)** the nature and extent of the defendant's assistance;
- (4)** any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance;
- (5)** the timeliness of the defendant's assistance.

In my case, each of these factors weigh in favor of a reduction in my sentence of imprisonment that exceeds the 12-month reduction I received.

Significance and Usefulness of Assistance

The first factor identified by the Federal Sentencing Guidelines for consideration in deciding whether and to what extent to reduce a defendant's sentence of imprisonment is "the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered, and in this case, the additional evidence I present. U.S.S.G. § 5K1.1(a)(1). In my case, the Government represented to the District Court that Parsons's "confession on August 11 and 16, 2016, to murdering and concealing the body of his adoptive daughter Erica Parsons was the key to solving the crime and having a prosecutable case." (Appendix D, page 4) Thus, the Government placed a high value on the significance and usefulness of my assistance. In my case "it is highly unlikely that authorities would have found out about" Erica's murder if it were not for my assistance in uncovering and revealing the crime to law enforcement, and my assistance should be considered sufficiently unusual as to warrant a greater than usual reduction in sentence.

Prior to my intervention, the FBI and other law enforcement were unable to establish anything beyond the mere fact that Erica was a child who had been missing for several years. (Appendix D, pages 2-3) The FBI and other law enforcement lacked proof that Erica was dead. (Appendix D, page 2) Although authorities

suspected that Sandy Parsons had murdered Erica, they were unable to establish that Parsons had physically harmed Erica in any way. (Appendix D, pages 2-3) If it were not for my intervention, it is likely that the FBI and other law enforcement would have remained unable to prove that Erica was not just missing but had actually been murdered by Sandy Parsons and his wife. (Appendix D, pages 2-4) I was under no compulsion to risk investigating and disclosing Parsons as Erica's murderer to the FBI and other law enforcement. Despite this, I voluntarily undertook at significant threat to my own personal safety the necessary step of enlisting my family who was dedicated, paying my attorney and exhausting their own travel resources to carve out a situation for Parsons that would ultimately create separation between he and his wife that resulted in a confession. (Appendix D, pages 2-4) At least partly as a result of my actions, Parsons's wife pleaded guilty to state charges arising from Erica's death and was sentenced to life imprisonment. (Appendix D, page 4) Parsons eventually pled guilty to his role in murdering Erica and was sentenced to 44 years in state prison. The unusual and highly valuable nature of my voluntary assistance in uncovering and solving a missing child/murder investigation serves to warrant a greater than 12-month reduction under Rule 35(b) especially when combined with the supporting evidence of my efforts to rehabilitate myself and my current respect for the law.

Truthfulness, Completeness, and Reliability of Information

The second factor to be considered under U.S.S.G. § 5K1.1(a)(2) for the reduction of a defendant's federal prison sentence is the "truthfulness, completeness, and reliability of any information or testimony provided by the defendant. The Government's Motion to Reduce Sentence indicates that I fully cooperated in the investigation of Parsons to the best of my ability and I provided truthful, complete, and reliable information to the FBI and other law enforcement. (Appendix D, pages 2-4)

As explained above, I voluntarily agreed to assist the FBI and other law enforcement in their investigation of Parsons for the suspected murder of his adopted daughter, Erica. (Appendix D, pages 2-3) Due at least in part to the information that I provided to these authorities, the FBI and other law enforcement were able to extract a full confession from Parsons wherein he admitted that he and his wife murdered Erica. (Appendix D, pages 2-4) In addition, authorities were able to recover Erica's remains. (Appendix D, page 4)

The results of this investigation underscore the fact that the information I provided to the FBI and other law enforcement was completely truthful, accurate, and reliable.

Nature and Extent of Assistance

The third factor of consideration concerning the potential reduction of a defendant's sentence of imprisonment is the nature and extent of the defendant's assistance to law enforcement in the investigation and prosecution of another. *See* U.S.S.G. § 5K1.1(a)(3). In my case, the Government documented the nature and extent of my assistance in the Parsons investigation and prosecution in its Motion to Reduce Sentence. (Appendix D, pages 2-4.) As stated in the Government's Motion, FBI Special Agent Tara Thomas reported that Parsons "was clear that his decision to be truthful with law enforcement was due in part to the encouragement he received from me." (Appendix D, page 4.) Parsons was unaware at the time he had been duped by myself and my family. Other Government authorities, including United States Attorney Robert M. Duncan, Jr. and Assistant United States Attorney Kevin C. Dicken, likewise represented to the District Court that Parsons's confession that he and his wife murdered their adopted daughter, Erica, was due at least in part to my efforts. (Appendix D, page 3.) Thus, the Government concluded that Parsons's "confession on August 11 and 16, 2016, to murdering and concealing the body of his adoptive daughter Erica Parsons was the key to solving the crime and having a prosecutable case." (Appendix D, page 4.)

If it were not for my assistance, it is highly unlikely that the FBI or other law enforcement ever would have been able to establish that Erica had been murdered.

Criminal charges would likely never have been brought against Parsons or his wife arising from Erica's death, including murder, concealment of death, and obstruction of justice. (Appendix D, pages 2-4) The voluntary nature and the extent of my assistance in the investigation and prosecution of Sandy Parsons for the murder of his adopted daughter, Erica, suggest that I should be entitled to a greater-than-usual reduction in sentence.

Risk of Danger or Injury to Defendant

The fourth factor to be considered in reducing a defendant's term of imprisonment is whether the defendant's assistance in the investigation or prosecution of a crime placed him at risk of danger or injury. *See U.S.S.G. § 5K1.1(a)(4).* Here, it is apparent that I acted at great personal risk when I adopted a course of conduct while in federal prison to protect and gain the trust of a suspected child murderer and to persuade that inmate to confess to the FBI and other law enforcement that he and his wife murdered their adopted daughter.

There was the potential that other inmates or staff would have inflicted bodily harm against me for my role in assisting law enforcement or for befriending a suspected child abuser and killer.

Timeliness of Assistance

The fifth factor listed in U.S.S.G. § 5K1.1(a)(5) concerning a reduction in a defendant's sentence of imprisonment is the timeliness of the defendant's

assistance to law enforcement in the investigation or prosecution of another. Here, I intentionally and knowingly instituted a course of conduct to become a confidant of Sandy Parsons soon after I arrived at FCI Butner in late April 2015. (Appendix D, pages 1-3.) In August 2015, I told law enforcement at FCI Butner about statements Parsons had made which indicated that Parsons had murdered his adopted daughter, Erica. (Appendix D, page 2.) At that time, I represented to law enforcement that I believed I could obtain from Sandy Parsons additional information concerning his acts that caused Erica's disappearance and murder. (Appendix D, page 2) One year later in August 2016 Parsons confessed to the FBI and other law enforcement that he and his wife murdered Erica. (Appendix D, page 2)

The timeliness of my intervention is another factor that weighs in favor of a reduction in sentence beyond the 12-month reduction. *See U.S.S.G. § 5K1.1(a)(5).*

Other Factors Affecting Valuation

From the date my arrest onward, I consistently acknowledged full responsibility for the commission of the federal drug offense. In addition, I have fully cooperated with law enforcement at all times from the date of my arrest forward.

I worked hard to rehabilitate my life during my time spent in prison. BOP Counselor Jeffrey Wade said based on my behavior and record I would be an asset

to society. (Appendix E, Exhibit E, letters from J. Wade) I worked two jobs and took approximately 1300 hours of BOP programing and training and successfully received correspondence certificates in paralegal studies, criminal law and civil litigation. (Appendix E, Exhibit F, Certificates and Transcripts)

The lower court in my Rule 35(b) resentencing utilized his discretion to avoid consideration of the 3553 and 5k1.1 factors. In result the supporting evidence I submitted reflecting my present respect for the law and my capacity to conform within the law were ~~irrelevant~~^{Over looked in} to my Rule 35(b) resentencing. The relevant information I presented to the lower court included the FBI's reports and interviews between myself and law enforcement that pertained to the Parsons investigation; a letter from FBI Special Agent Tara Thomas concerning my assistance in the investigation of Sandy Parsons; letters from various FCI Butner employees concerning the threat to my own personal safety that I assumed in aiding the FBI and other law enforcement to accumulate evidence against Parsons for the murder of his adopted daughter, Erica, and my rehabilitation in prison; and an affidavit from my wife, Jan, concerning the course of conduct and accompanying hardships that we underwent in the investigation and prosecution of the Parsons.

In addition, it is evident that I did not pose a threat to society. The Bureau of Prisons deemed me worthy of home confinement approximately four years before my release date. Moreover, my voluntary efforts to aid the FBI and other law

enforcement in the resolution of the missing child/murder case of Parsons's adopted daughter, Erica, reflect my intent to be an asset to society.

CONCLUSION

I respectfully request that the Supreme Court consider my petition in an effort to promote public safety. This petition does not have the potential to personally benefit me in anyway. This petition does however have the potential to motivate criminal defendants to better themselves while incarcerated and come forward and cooperate more truthfully in criminal investigations with authorities. By requiring lower courts to consider 3553 and 5k1.1 factors in rule 35(b) resentencing the criminal justice system will become a fairer system and contribute to its much-needed reform. My petition for a writ of certiorari should be granted.

Respectfully submitted,

Jeff Wimble - Pro se

Date: June 27, 2022 JWS
August 23, 2022

J.Wimble - Pro se

October 4, 2022