

No. 22-6392

ORIGINAL

Supreme Court, U.S.
FILED

AUG 18 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ADAM TELLO PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA RESPONDENT(S)

(SUMMARY)
ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS (FIFTH CIRCUIT) TEXAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

"SUMMARY"
PETITION FOR WRIT OF CERTIORARI

ADAM TELLO

(Your Name)

FCC COMPLEX (USP - BEAUMONT)
BEAUMONT TEXAS

(Address) BOX 26030

BEAUMONT, TEXAS 77720

(City, State, Zip Code)

N/A PRISON INMATE

(Phone Number)

QUESTIONS PRESENTED

- 1) CAN A JURISDICTIONAL DEFECTIVE SENTENCE. THAT IS UNLAWFUL "NON-LAW". BE TIME OR PROCEDURALLY BARRED ADJUDICATION? WHEN UNITED STATES V. GRIFFIN: 182 L. ED 764 (1938) S. CT. ... ATTACHED IN APPENDIX ... STATE ...
--- "APPEAL - § 1334 - WHEN REVIEWABLE - JURISDICTION OF COURT BELOW. ...

THE SUPREME COURT OF THE UNITED STATES WILL EXAMINE THE CONTENTION THAT THE FEDERAL DISTRICT COURT AND APPEAL COURTS. WHOSE JUDGEMENT IS BEING REVIEWED WAS WITHOUT JURISDICTION OF THE SUBJECT MATTER OF THE LITIGATION, ALTHOUGH THE QUESTION WAS NOT RAISED BELOW.

COURTS § 247 - LACK OF JURISDICTION - WAIVER
LACK OF JURISDICTION OF A FEDERAL COURT TOUCHING SUBJECT - MATTER OF THE LITIGATION CANNOT BE WAIVED BY THE PARTIES, PROCEDURALLY OR TIME BAR.

- 2) WHETHER A UNLAWFUL (JURISDICTIONAL DEFECTIVE) SENTENCE, "NOT" APPEAL TO A COURT OF APPEALS BE TIME OR PROCEDURALLY BARRED ADJUDICATION, BY THIS SUPREME COURT? SEE FEDERAL "S. CT" CASELAW

ATTACHED IN APPENDIX OF ROY ANTHONY HARRIS - VS - U.S.

149 F. 3d 1304 (1998) ^{11TH CIRCUIT} -- "QUOTEING" SUPREME COURT LAW

AT PAGE (6). -- THAT A JURISDICTIONAL DEFECTIVE SENTENCE MUST BE NOTICE, HEARD, ADJUDICATED AND LEGALLY CORRECTED AT ANY TIME.

3) WHETHER A JURISDICTIONAL DEFECTIVE SENTENCE MUST BE NOTICE, HEARD, ADJUDICATED AND LEGALLY CORRECTED. AT ANY TIME, ON ANY WRIT, MOTION OR APPEAL. AS SUCH A DEFECT IS "NON-LAW", AND CANNOT BE TIME OR PROCEDURALLY DEFAULTED ADJUDICATION? UNDER S. CT LAW OF UNITED STATES - VS - GRIFFIN : 182 L. ED 764 (1938) ATTACHED IN APPENDIX

4) DOES SUPREME COURT FULL CERTIORARI CASE DECISIONS

- OF :
- 1) APPENDI - VS - N.J. 530 U.S. 466 (2000)
 - 2) JONES - VS - U.S. 526 U.S. 253 (2013) (1999)
 - 3) ALLEYNE - VS - U.S. 133 S. CT - 2155 (2013)
 - 4) RING - VS - ARIZONA 536 U.S. 253 (1999)
 - 5) BLAKELY - VS - U.S. 542 U.S. 296 (2004)
 - 6) BOOKER/FANSFAN - VS - U.S. 543 U.S. 220 (2005)
 - 7) CASTILLO S. CT 530 U.S. 255 (2000)
 - 8) CARTER S. CT 530 U.S. 2255 (2000)

STATE = THE JURISDICTIONAL REQUIREMENT OF TITLE 21:841 DRUG PENALTY (AMOUNTS/WEIGHT) MUST

be Found, BY THE TRIAL JURY? IF NOT THE SENTENCE GIVEN IS A JURISDICTIONALLY DEFECTIVE ILLEGAL SENTENCE. THAT CANNOT STAND ON APPELLATE OR SUPREME COURT REVIEW. ALSO THE TRIAL JURY MUST FIND EXACT AMOUNTS OF A DRUG, AND LIST/CHECK IT ON THE JURY VERDICT SHEET, FOR SENTENCE UNDER TITLE § 21-841 TO BE LAWFUL? FINALLY DOES THE ABOVE (8) SUPREME COURT CASE/LAWS STATE? "THE TRIAL JUDGE, THE POLICE, NOR THE PROBATION DEPARTMENT CAN FIND DRUG WEIGHT FOR SENTENCE UNDER TITLE 21-841 DRUG PENALTY CHART "OUTSIDE" THE TRIAL JURY VERDICT SHEET, THUS ONLY THE TRIAL JURY CAN FIND LEGALLY DRUG WEIGHT FOR SENTENCING AND NO ONE ELSE.

- 5) WHETHER APPELLATE COUNSEL WAS GROSSLY 100% INEFFECTIVE, WHEN A JURISDICTIONALLY DEFECTIVE ILLEGAL SENTENCE WAS GIVEN TO THE CRIMINAL CLIENT, BY THE TRIAL JUDGE, THE POLICE, AND PROBATION DEPARTMENT FINDING DRUG AMOUNTS FOR SENTENCE UNDER TITLE 21-841. "OUTSIDE" THE TRIAL JURY VERDICT SHEET? WHEN STRICKLAND S.C.T CASE/LAW STATE: "... "[IT]" IS ALWAYS INEFFECTIVE ASSISTANCE OF COUNSEL, IF COUNSEL CAUSED A GREATER SENTENCE TO BE GIVEN.?

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

NONE

Y

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COURT OF APPEALS DENIAL ORDER (APRIL 2022)
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- 3) APPENDIX C - TRIAL INDICTMENT, STATING "50 GRAMS OR MORE" WHICH IS NOT A EXACT WEIGHT OF DRUG FOR SENTENCE UNDER 21:841
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- 6) APPENDIX F - ROY ANTHONY HARRIS: 149 F. 3d 1304 (1998) 11TH CIR. CITING S. CT LAW ON JURISDICTIONAL DEFECTS. NO TIME/PROCEDURE BAR.
- 7) APPENDIX G - LAWYER LETTERS SHOWING INEFFECTIVE COUNSEL
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SEE* APPENDIX ^{PAGE(6)} "F" ... A 11th CIRCUIT CASE. THAT CONTAINS SUPREME COURT LAW STATING: THAT A JURISDICTIONALLY DEFECTIVE SENTENCE CANNOT BE TIME OR PROCEDURALLY BAR ADJUDICATION. AS A UNLAWFUL SENTENCE IS "NON-LAW". WHICH MUST BE LEGALLY NOTICE, HEARD, ADJUDICATED AND LEGALLY CORRECTED BY ANY WRIT, MOTION, OR APPEAL, AT ANY TIME. THESE BELOW CASES(S.CT) ARE AT PAGE(6) OF HARRIS 11th CIR. (1998)

INSURANCE CORP OF IR. LTD -VS- COMPAGNIE DES BAUTITES DE GUINEE:
456 U.S. 701, 72 L. ED 492 102 S.CT 2099 (1982)

U.S. VS GRIFFIN 82 L. Ed 764 58 S. CT 601 (1938)

HERTZ CORP. VS- ALAMO RENT-A-CAR INC. 16 F. 3d 1126 (11th Cir. 1994)
QUOTEING FEDERAL S. CT JURISDICTIONAL LAW

LATIN AM. PROPERTY & CARS INS. CO. VS- HI-LIFT MARINA INC.
887 F. 2d 1477 (11th Cir.) (1989) .. QUOTEING FEDERAL S. CT LAW ..

FITZGERALD V. SEABOARD SYS. P.R. INC. 760 2d 1249, 1250 11th Cir. (1985)
QUOTEING S. CT CERTIORARI CASE LAW

LOVE V. TURLINGTON 733 F. 2d 1562, 1564 (11th Cir.) (1984)
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STATUTES AND RULES

TITLE 21:841 DRUG PENALTY CHART

ONLY A TRIAL JURY CAN FIND EXACT DRUG WEIGHT
FOR SENTENCE UNDER 21:841

OTHER: NONE

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

^{SUMMARY}
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 5th Cir. C.A. # 21-40427; 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 APRIL 28, 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: _____, 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. § 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

- 1) TITLE 21:841 DRUG PENALTY CHART
- 2) SIXTH AMENDMENT RIGHT TO A FAIR TRIAL

STATEMENT OF THE CASE

FACTS AND ISSUES PRESENTED

PETITIONER, ADAM TELLO, WAS INDICTED AND CONVICTED BY A TRIAL JURY, FOR A ONE COUNT INDICTMENT, CHARGING A CONSPIRACY TO DISTRIBUTE AND POSSESS "50 GRAMS OR MORE OF METHAMPHETAMINE. HE WAS SENTENCED TO (360 MONTHS = 30 YEARS).

PETITIONER APPEAL TO THE FIFTH CIRCUIT COURT OF APPEALS THESE ISSUES:

- 1) INSUFFICIENT EVIDENCE TO CONVICT
- 2) COURT ERRED IN INCREASING THE HISTORY CRIMINAL POINTS.
- 3) COURT ERRED IN INCREASING OFFENSE BY (2) LEVELS.

ALL THE APPEALS ISSUES DENIED. COURT OF APPEALS 5TH CIRCUIT DENIAL ORDER ATTACHED IN APPENDIX.

THE INSTANT ISSUES ON THIS SUPREME COURT REQUEST ARE FOR "SUMMARY CERTIORARI" AS ALL S.Ct COURT CASELAW CITED, HAS BEEN FULLY ADJUDICATED

YEARS AND DECADES AGO, BY FULL CERTIORARI REVIEW,
AND [IS/HAS BEEN] THE LAW OF THE LAND. ALL THE
SUPREME COURT CASE CITES, HAS NEVER BEEN OVERTURNED.
THUS PETITIONER ASKING FOR FULL LAWFUL PROTECTION OF
PRIOR SUPREME COURT LAW. WHICH PROTECT THE SIXTH
AMENDMENT RIGHT TO A FAIR TRIAL AND SENTENCE.
WHICH WASN'T HAD AT SENTENCE IN THIS CASE AT BAR.

THEREFORE THIS IS NOT A FULL SUPREME COURT
CERTIORARI REVIEW CASE, AS THE LEGAL PROTECTION
OF ESTABLISHED PRIOR "STANDING LAW" OF THE SUPREME
COURT NEVER OVERTURNED, PROTECT THIS CRIMINAL DEFENDANT
ON THIS REQUEST FOR, "SUMMARY CERTIORARI," REMAND
BACK TO THE APPELLATE COURT AND DISTRICT COURT BELOW.

THE ISSUE OF THIS IS A ILLEGAL JURISDICTIONAL DEFECTIVE
SENTENCE WAS "NOT" MADE IN THE BELOW COURT OF APPEALS,
OR THE DISTRICT. DUE TO INEFFECTIVE ASSISTANCE OF
COUNSEL. PETITIONER "PRO SE" WITH INMATE LAW CLERKS
HELP, WAS SHOWN/TAUGHT THE LEGAL SKULLDOGGY HAD AT
SENTENCE. WHILE HE NOW AT SUPREME COURT CERTIORARI LEVEL.

THOS HAS SHOWN THIS SUPREME COURT. HE IS "NOT" TIME OR PROCEDURALLY BARRED ADJUDICATION, OF THIS ISSUE OF AN ILLEGAL SENTENCE HAD IN CASE. AS THE SENTENCE GIVEN IS A [JURISDICTIONALLY DEFECTIVE] SENTENCE "NON-LAW", AND AS SUCH THIS DEFECT CANNOT EVER BE TIME OR PROCEDURALLY (BLOCKED/BAR) OUT OF ANY COURT AT ANY LEVEL. IT MUST BE NOTICE, HEARD, ADJUDICATED AND LEGALLY CORRECTED. BY THIS SUPREME COURT PRIOR FULL CERTIORARI CASE DECISIONS. SEE APPENDIX ATTACHED: ROY ANTHONY HARRIS-VS-UNITED STATES 11TH CIRCUIT COURT OF APPEALS 149 F.3d 1304 (1998) "PAGE 6" CITING (8) SUPREME COURT CASECITES. DEVELOPED BY FULL CERTIORARI REVIEW DECADES AND YEARS AGO. [THAT] JURISDICTIONAL DEFECTIVE SENTENCE CANNOT BE TIME OR PROCEDURALLY BAR ADJUDICATION IN THIS SUPREME COURT, AS A JURISDICTIONAL DEFECT SHOWN MUST BE LEGALLY ADJUDICATED. AT ANY TIME, OR "ANY" LEVEL OF APPELLATE PROCESS. BY ANY WRIT, MOTION, OR APPEAL. AS NON-LAW CANNOT BE

HAD / UPHOLD BY ANY COURT. THUS "PETITIONER" PRESENTED PRO-BE ISSUE OF A DEFECTIVE ILLEGAL SENTENCE MUST BE ADJUDICATED AND CORRECTED BY THIS SUPREME COURT WITH NO TIME OR PROCEDURAL BAR LEGALLY POSSIBLE.

PETITIONER WAS FOUND GUILTY BY A TRIAL JURY FOR A CONSPIRACY FOR "METH". AT THE SENTENCE PHASE IS, WHERE LEGAL ERROR WAS HAD. THE JURY VERDICT SHEET STATE ZERO EXACT AMOUNTS/WEIGHT FOR SENTENCE UNDER TITLE 21:841 DRUG PENALTIES "50 GRAMS "OR MORE" IS NOT A EXACT DRUG WEIGHT. AS REQUIRED BY (8) FULL CERTORARI SUPREME COURT CASE DECISIONS:

SPANNING DECADES OF S.C.T EXACT LAW, NOT EVER OVERTURN. THAT THE SIXTH AMENDMENT RIGHT TO A FAIR TRIAL. REQUIRE THE TRIAL JURY AND NO ONE ELSE TO FIND DRUG WEIGHT FOR SENTENCE UNDER TITLE 21:841 DRUG PENALTY CHART AND LIST IT ON THE JURY VERDICT SHEET. IN THIS CASE AT BAR. THIS WAS NOT DONE LEGALLY. THE TRIAL JUDGE, POLICE, PROBATION DEPARTMENT HAD A BENCH TRIAL ILLEGALLY "OUTSIDE" THE JURY VERDICT, AND FOUND THE "OR MORE" DRUG WEIGHTS.

THUS THE SENTENCE GIVEN IS A [JURISDICTIONALLY DEFECTIVE] NON-LAW, UNLAWFUL SENTENCE. AS THE 1) TRIAL JUDGE IN THE SENTENCE MINUTES (ATTACHED), 2) THE POLICE IN TRIAL TESTIMONY FINALLY 3) THE PROBATION DEPARTMENT IN THE PRE-SENTENCE REPORT "FOUND" THE DRUG AMOUNTS TO BE SENTENCE FOR BY THE 21:841 DRUG PENALTY CHART "OUTSIDE" THE JURY VERDICT ILLEGALLY. THEN ON APPEAL TO THE FIFTH CIRCUIT COURT OF APPEALS GROSS COMPOUND INEFFECTIVE ASSISTANCE OF COUNSEL WAS HAD, AS IN THE DISTRICT COURT AND APPEAL COURT. THIS ISSUE WASNT PRESENTED OR BROUGHT UP. THAT THE SENTENCE ILLEGAL. AS DRUG WEIGHT FOR SENTENCE (EXACT) WASNT FOUND BY A TRIAL JURY.

THUS THIS PETITIONER SENTENCE IS ILLEGAL AND JURISDICTIONAL DEFECTIVE, AS NON-LAW STATUTORALLY AND CONSTITUTIONALLY CANNOT BE LEGALLY ALLOWED TO STAND OR NOT BE FULLY ADJUDICATED AND CORRECTED.

SEE: APPENDIX FOR ALL LEGAL PROOF OF LAW AND ISSUES HAS MERIT PRESENTED. BY A PRO SE PETITIONER.

REASONS FOR GRANTING THE PETITION

JURISDICTIONAL DEFECTIVE SENTENCES ARE STATUTORAL AND CONSTITUTIONAL "NON LAW". THUS EXTREMELY UNLAWFUL. AND CANNOT BE TIME OR PROCEDURALLY BAR ADJUDICATION/CORRECTION AT SUPREME COURT LEVEL. GRANTING THIS "SUMMARY" CERTIORARI OF MULTIPLE FULL CERTIORARI SUPREME COURT CASELAW. DATING BACK YEARS AND DECADES OF S.C.T LAW WILL REAFFIRM TO ALL THE BELOW COURT OF APPEALS IN ENTIRE COUNTRY AND ALL THE DISTRICT COURTS OF EXACT LAW TO FOLLOW AFTER A JURY TRIAL VERDICT OF GUILTY. THAT THE JURY VERDICT SHEET MUST LIST EXACT AMOUNTS FOR SENTENCE UNDER THE 21:841 DRUG PENALTY CHART. THIS A NATIONAL REAFFIRM OF THE 6TH AMENDMENT RIGHT TO A FAIR TRIAL. ADDITIONALLY THIS GRANTING OF THIS "SUMMARY CERTIORARI" WILL ALERT NATIONAL COURTS. THAT THE TRIAL JUDGE, PROSECUTOR, NOR THE POLICE CAN FIND THE DRUG AMOUNTS FOR SENTENCING "OUTSIDE" THE TRIAL JURY. THIS PRACTICE IS ILLEGAL AND AGAINST CONSTITUTIONAL 6TH AMENDMENT RIGHTS TO A FAIR TRIAL. THIS CASE DO NOT NEED "FULL CERTIORARI" REVIEW. AS THE FAIR TRIAL 6TH AMENDMENT RIGHT IS DECADES OLD AND S.C.T CASELAW BY FULL CERTIORARI CITED SUPPORT THAT ONLY A TRIAL JURY CAN FIND DRUG WEIGHT UNDER THE 21:841 AND WAS GROSSLY VIOLATED IN THIS CASE AT BAR. THUS THIS SUMMARY CERTIORARI REQUEST SHOULD BE GRANTED. AS DECADES OF S.C.T LAW IGNORED IN BELOW COURT OF APPEALS

CONCLUSION

^{SUMMARY}
The petition for a writ of certiorari should be granted.

Respectfully submitted,

Adrian Tellez PRO SE

Date: August 18th 2022