

Affidavit

Date 3-~~2~~⁸-2023

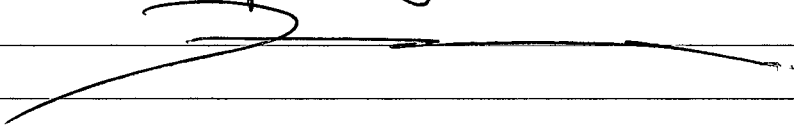
Ramone Wright
Bennettsville FCI
PO Box 52080
Bennettsville SC, 29512

RE Memorandum in support of Application for
extraordinary writ

Petitioner state that he is indigent and
currently incarcerated at FCI Bennettsville [and]
has attached a Financial Disclosure and Affidavit
of indigency as Exhibit A to this petition

I Declare under penalty of perjury that the
foregoing [Statement] is true and correct

Respectfully submitted



APPLICATION TO PROCEED

WITHOUT PREPAYING FEES OR COSTS

Ramone Wright

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: FCI Bennettville

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ N/A, and my take-home pay or wages are: \$ N/A per
(specify pay period) _____

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$

N/A

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

NO

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

NO

N/A

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

N/A

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

N/A

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

March 8, 2023

Date:

[Redacted]

[Signature]

Applicant's signature

Remone Wright

Printed name

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

December 19, 2022

Ramone Wright
#75703061
FCI Bennettsville
P.O. Box 52020
Bennettsville, SC 29512

Exhibit ABC

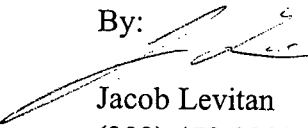
RE: Ramone Wright
USCA6 No. 22-3813

Dear Mr. Wright:

The above-entitled petition for a writ of certiorari was postmarked November 28, 2022 and received December 6, 2022. The papers are returned for the following reason(s):

The denial of authorization by a court of appeals to file a second or successive petition for writ of habeas corpus may not be reviewed on certiorari. See 28 USC Section 2244(b)(3)(E).

Sincerely,
Scott S. Harris, Clerk
By:


Jacob Levitan
(202) 479-3392

Enclosures

(4)

Exhibit A

Exhibit H

No. 22-3813

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Dec 16, 2022
DEBORAH S. HUNT, Clerk

In re: RAMONE L. WRIGHT,

Movant.

ORDER

Before: McKEAGUE, GRIFFIN, and NALBANDIAN, Circuit Judges.

Ramone L. Wright, a pro se federal prisoner, moves for an order authorizing the district court to consider a second or successive 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence and for miscellaneous relief. *See* 28 U.S.C. §§ 2244(b), 2255(h). The government opposes the motion for authorization.

A grand jury indicted Wright on charges of Hobbs Act robbery (Counts 1 and 3), in violation of 18 U.S.C. § 1951, and brandishing a firearm during the commission of a crime of violence (Counts 2 and 4), in violation of 18 U.S.C. § 924(c)(1)(A)(ii). Wright pleaded guilty as charged pursuant to a written agreement and waived his right to appeal or collaterally attack his sentence, with limited exceptions. In accordance with the agreement, the district court sentenced Wright to a total of 180 months in prison. We dismissed Wright's appeal as untimely. *United States v. Wright*, No. 17-3642 (6th Cir. Sept. 1, 2017).

In 2018, Wright filed a § 2255 motion in the district court, asserting ineffective assistance of trial counsel. The district court denied the motion on the merits, and this Court denied Wright's application for a certificate of appealability. *Wright v. United States*, No. 20-3012 (6th Cir. May 18, 2020), *cert. denied*, 141 S. Ct. 433 (2020). Wright also has filed a series of § 2244(b) motions, which we have denied. *See In re Wright*, No. 22-3094 (6th Cir. Aug. 1, 2022); *In re Wright*, No. 21-3939 (6th Cir. June 1, 2022); *In re Wright*, No. 21-3373 (6th Cir. Dec. 17, 2021).

(40)

In his current motion, Wright asserts that (1) the indictment erroneously included Count 4, which he contends had not been charged by the grand jury,¹ (2) the plea agreement lacked a sufficient factual basis to support his conviction on Count 4, and the statute and charge were not read in open court, (3) his jury-trial waiver was not valid because the district court “failed to allow him to withdraw his guilty plea in an attempt to add a fraudulent count to the Record,” and (4) Count 2 was not authorized by law.

We may not grant a motion for an order of authorization to file a second or successive § 2255 motion unless the movant makes a prima facie showing that his claims rely on:

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

28 U.S.C. § 2255(h); *see also* 28 U.S.C. § 2244(b)(3)(C).

Wright has failed to make the necessary showing because he does not rely on new evidence of his innocence or a new rule of constitutional law.

For these reasons, we **DENY** Wright’s motion for authorization, and we **DENY** his other pending motions as moot.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

¹ This argument appears to be premised on a typographical error on the district court’s docket at Record 12—“INDICTMENT as to Ramone L. Wright Counts 1, 2, 3.” The error was corrected by a notation on December 21, 2016—“Counts added: Ramone L Wright (1) count(s) 4.”

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Dec 16, 2022
DEBORAH S. HUNT, Clerk

No. 22-3813

In re: RAMONE L. WRIGHT,

Movant.

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Before: McKEAGUE, GRIFFIN, and NALBANDIAN, Circuit Judges.

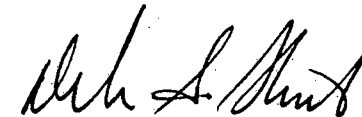
JUDGMENT

THIS MATTER came before the court upon the motion by Ramone L. Wright to authorize the district court to consider a second or successive 28 U.S.C. § 2255 motion to vacate sentence.

UPON FULL REVIEW of the record and any submissions by the parties,

IT IS ORDERED that the motion for authorization is DENIED.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

(42)

01/22/2016

Exhibit 1

01/22/2016	<u>3</u>	Minute Entry for proceedings held before Magistrate Judge Terence P. Kemp: Initial Appearance as to Ramone L Wright held on 1/22/2016; Dft appeared advised of his rights charges and penalties, Court to appoint counsel; Gov seeks detention, Prelim & DH set for 1/27/16 @ 1:00 PM. DEA, S Singleterry, D Bosley, S Harris-CRD. (Recorded By: CourtSmart) (sh) [2:16-mj-00033-TPK] (Entered: 01/25/2016)
01/22/2016	<u>4</u>	CJA 23 Financial Affidavit by Ramone L Wright. (sh) [2:16-mj-00033-TPK] (Entered: 01/25/2016)
01/22/2016	<u>5</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Rasheeda Khan for Ramone L Wright Signed by Magistrate Judge Terence P. Kemp on 1/22/16. (sh) [2:16-mj-00033-TPK] (Entered: 01/25/2016)
01/22/2016	<u>6</u>	ORDER OF TEMPORARY DETENTION as to Ramone L Wright Prelim Exam & Bond Hearing set for 1/27/2016 @ 1:00 PM before Magistrate Judge Terence P. Kemp. Signed by Magistrate Judge Terence P. Kemp on 1/22/16. (sh) [2:16-mj-00033-TPK] (Entered: 01/25/2016)
01/25/2016	<u>7</u>	Arrest Warrant Returned Executed on 1/22/16 as to Ramone L Wright. (sh) [2:16-mj-00033-TPK] (Entered: 01/25/2016)
01/27/2016	<u>8</u>	Minute Entry for proceedings held before Magistrate Judge Terence P. Kemp: Detention Hearing as to Ramone L Wright held on 1/27/2016; Dft appeared w/ counsel, P/C-DH hrs forward Gov calls S/A Boesch, cross by Dft; Gov argues for detention, Dft argues for release; the Court finds P/C and that the Dft should be detained. D Bosley, L Byrum, USM, S Singleterry, S Harris-CRD. (Recorded By: CourtSmart) (sh) [2:16-mj-00033-TPK] (Entered: 01/28/2016)
02/11/2016	<u>9</u>	ORDER OF DETENTION pending trial as to Ramone L Wright Signed by Magistrate Judge Terence P. Kemp on 2/11/16. (sh) [2:16-mj-00033-TPK] (Entered: 02/11/2016)
02/21/2016	<u>10</u>	Unopposed MOTION for Extension of Time to Indict New date requested 3/24/2016. by Ramone L Wright. (Attachments: # <u>1</u> Exhibit Defendant's Waiver of Indictment Deadline, # <u>2</u> Text of Proposed Order) (Byrum, Laura) [2:16-mj-00033-TPK] (Entered: 02/21/2016)
02/23/2016	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to Indictment as to Ramone L Wright (1). Signed by Magistrate Judge Terence P. Kemp on 2/22/16. (sh) [2:16-mj-00033-TPK] (Entered: 02/23/2016)
03/17/2016	<u>12</u>	INDICTMENT as to Ramone L Wright Counts 1, 2, 3. (jk) (Entered: 03/21/2016)
03/21/2016	<u>14</u>	NOTICE OF HEARING as to Ramone L Wright: Arraignment on Indictment set for 3/30/2016 01:30 PM in Courtroom 220 - Columbus before Magistrate Judge Elizabeth Preston Deavers. (sln) (Entered: 03/21/2016)
03/30/2016	<u>15</u>	Minute Entry for proceedings held before Magistrate Judge Elizabeth Preston Deavers: Arraignment on Indictment as to Ramone L Wright held on 3/30/2016. Not guilty plea entered. Dft remanded. (sln) (Entered: 03/31/2016)
04/06/2016	<u>16</u>	SCHEDULING ORDER as to Ramone L. Wright - Final Pretrial Conference set for 5/11/2016 at 11:00 a.m.; Jury Trial set for 5/16/2016 at 9:30 a.m. in Courtroom 3 - Columbus before Judge Michael H. Watson. Signed by Judge Michael H. Watson on 4/6/16. (jk) (Entered: 04/06/2016)
05/10/2016	<u>17</u>	Unopposed MOTION to Continue Trial by Ramone L Wright. (Byrum, Laura) (Entered: 05/10/2016)
05/11/2016	<u>18</u>	ORDER granting <u>17</u> Defendant's Unopposed Motion to Continue the Trial - continued

Exhibit 2

FILED
RICHARD W. NAGEL
FRK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2016 MAR 17 PM 12:15

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA

VS.

:

NO.
JUDGE

2:16 cr 059

RAMONE L. WRIGHT

18 U.S.C. §1951
18 U.S.C. §924(c)(1)(A)(ii)
18 U.S.C. §2

Judge Watson

INDICTMENT

THE GRAND JURY CHARGES

COUNT 1

Hobbs Act (18 U.S.C. §1951)

1. At all times material to this Indictment, the O'Reilly Auto Parts store located at 1455 Parson Avenue, Columbus, Ohio, was engaged in commercial activities in and affecting commerce, that is, the said O'Reilly Auto Parts store intended to purchase and did purchase items made by manufacturers and producers outside of the State of Ohio, which items moved and were to move in interstate commerce from outside the State of Ohio for use and sale by the said O'Reilly Auto Parts store within the State of Ohio.

2. On or about January 14, 2016, in the Southern District of Ohio, the defendant, **RAMONE L. WRIGHT**, did unlawfully obstruct and affect commerce and the movement of articles in such commerce by robbery, in that the defendant, **RAMONE L. WRIGHT**, did unlawfully take and obtain United States currency belonging to the said O'Reilly Auto Parts store, from a person having lawful custody of such currency, by means of actual and threatened physical violence in furtherance of such armed robbery.

In violation of 18 U.S.C. §1951.

(18)

COUNT 2
18 U.S.C. §924(c)

On or about January 14, 2016, in the Southern District of Ohio, the defendant, **RAMONE L. WRIGHT**, did knowingly use and carry and brandish a firearm during and in relation to a crime of violence, that is, unlawfully obstructed and affected commerce, in violation of 18 U.S.C. §1951, as described in Count One of this Indictment and incorporated herein by reference as if fully set forth.

In violation of 18 U.S.C. §924(c)(1)(A)(ii), and §2.

COUNT 3
Hobbs Act (18 U.S.C. §1951)

1. At all times material to this Indictment, the IGA grocery store, located at 2781 Eakin Road, Columbus, Ohio, was engaged in commercial activities in and affecting commerce, that is, the said IGA grocery store intended to purchase and did purchase items made by manufacturers and producers outside of the State of Ohio, which items moved and were to move in interstate commerce from outside the State of Ohio for use and sale by the said IGA grocery store within the State of Ohio

2. On or about January 6, 2016, in the Southern District of Ohio, the defendant, **RAMONE L. WRIGHT**, did unlawfully obstruct and affect commerce and the movement of articles in such commerce by robbery, in that the defendant, **RAMONE L. WRIGHT**, did unlawfully take and obtain United States currency belonging to the said IGA grocery store, from a person having lawful custody of such currency, by means of actual and threatened physical violence in furtherance of such armed robbery.

In violation of 18 U.S.C. §1951.

COUNT 4
18 U.S.C. §924(c)

On or about January 6, 2016, in the Southern District of Ohio, the defendant, **RAMONE L. WRIGHT**, did knowingly use and carry and brandish a firearm during and in relation to a crime of violence, that is, unlawfully obstructed and affected commerce, in violation of 18 U.S.C. §1951, as described in Count Three of this Indictment and incorporated herein by reference as if fully set forth.

In violation of 18 U.S.C. §924(c)(1)(A)(ii), and §2.

A TRUE BILL.

S/FOREPERSON
FOREPERSON

BENJAMIN C. GLASSMAN
Acting United States Attorney


BRENDA S. SHOEMAKER
Deputy Chief

(23)

		violation 18 USC 924(c) as to Ramone L Wright (Bosley, David) (Entered: 12/13/2016) Exhibit 3
12/14/2016		NOTICE OF HEARING as to Ramone L Wright - Change of Plea Hearing set for 12/21/2016 at 10:30 a.m. in Courtroom 3 - Columbus before Judge Michael H. Watson. (jk) (Entered: 12/14/2016)
12/21/2016		Counts added: Ramone L Wright (1) count(s) 4 (jk) (Entered: 12/21/2016)
12/21/2016	<u>41</u>	Minute Entry for proceedings held before Judge Michael H. Watson: Change of Plea Hearing as to Ramone L Wright held on 12/21/2016, Guilty Plea entered as to Counts 1-4. (Court Reporter: Lahana DuFour) (jk) (Entered: 12/21/2016)
12/21/2016	<u>42</u>	Order of Referral to Probation for Presentence Investigation and Report (jk) (Entered: 12/21/2016)
12/22/2016	<u>43</u>	Presentence Report Disclosure Notification received as to Ramone L Wright. Report to be completed by Daniel Fugate. Presentence Investigation Report due by 3/8/2017. (jk) (Entered: 12/22/2016)
01/31/2017	<u>44</u>	NOTICE OF HEARING as to Ramone L Wright - Sentencing set for 2/9/2017 at 10:30 a.m. in Courtroom 3 - Columbus before Judge Michael H. Watson. (jk) (Entered: 01/31/2017)
02/06/2017	<u>45</u>	SENTENCING MEMORANDUM by Ramone L Wright (Durkin, Kevin) (Entered: 02/06/2017)
02/09/2017	<u>46</u>	Minute Entry for proceedings held before Judge Michael H. Watson: Sentencing held on 2/9/2017 for Ramone L Wright, Count 1, 37 months imprisonment; Count 2, 84 months imprisonment to run consecutively to Counts 1 and 4, but concurrently to Count 3; Count 3, 37 months imprisonment to run concurrently to all counts; Count 4s, 59 months imprisonment to run consecutively to Counts 1 and 2, but concurrently to Count 3; \$1,326.77 restitution; \$400.00 special assessment. (Court Reporter: Lahana DuFour) (jk) (Entered: 02/09/2017)
02/13/2017	<u>47</u>	JUDGMENT as to Ramone L Wright, Count 1, 37 months imprisonment; Count 2, 84 months imprisonment to run consecutively to Counts 1 and 4, but concurrently to Count 3; Count 3, 37 months imprisonment to run concurrently to all counts; Count 4s, 59 months imprisonment to run consecutively to Counts 1 and 2, but concurrently to Count 3; \$400.00 special assessment; \$1,326.77 restitution. Signed by Judge Michael H. Watson on 2/13/17. (jk) (Entered: 02/13/2017)
02/15/2017	<u>49</u>	AMENDED JUDGMENT as to Ramone L Wright, Count 1, 37 months imprisonment; Count 2, 84 months imprisonment to run consecutively to Counts 1 and 4, but concurrently to Count 3; Count 3, 37 months imprisonment to run concurrently to all counts; Count 4s, 59 months imprisonment to run consecutively to Counts 1 and 2, but concurrently to Count 3; \$400.00 special assessment; \$1,326.77 restitution. Signed by Judge Michael H. Watson on 2/14/17. (jk) (Additional attachment(s) added on 2/15/2017: # 1 Amended Judgment) (jk). (Entered: 02/15/2017)
03/24/2017	<u>51</u>	TRANSCRIPT of Sentencing Proceedings as to Ramone L Wright held on 02/09/2017 before Judge Michael H. Watson: Court Reporter/Transcriber: Lahana DuFour; Telephone number 614-719-3286. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's

(21)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)

PLAINTIFF,)

vs.)

RAMONE L. WRIGHT,)

DEFENDANT.)

CASE NO. 2:16-cr-59

Exhibit

TRANSCRIPT OF PLEA PROCEEDINGS
BEFORE THE HONORABLE MICHAEL H. WATSON
WEDNESDAY, DECEMBER 21, 2016; 10:30 A.M.
COLUMBUS, OHIO

FOR THE PLAINTIFF:

United States Attorney's Office
By: David J. Bosley
Assistant United States Attorney
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215

FOR THE DEFENDANT:

By: Kevin P. Durkin, Esq.
367 East Broad Street, Suite 1002
Columbus, Ohio 43215

Proceedings recorded by mechanical stenography, transcript
produced by computer.

LAHANA DUFOUR, RMR, CRR
FEDERAL OFFICIAL COURT REPORTER
85 MARCONI BOULEVARD, ROOM 121
COLUMBUS, OHIO 43215
614-719-3286

(22)

1 THE DEFENDANT: L. Lebron.

2 THE COURT: How old are you?

3 THE DEFENDANT: Thirty-four.

4 THE COURT: And are we proceeding on Information or
5 are we proceeding on the Indictment?

6 MR. BOSLEY: The Indictment, Your Honor.

7 THE COURT: Very good. I know that you've had ample
8 opportunity to discuss the charges against you and any defenses
9 you would have to those charges with Mr. Durkin; is that
10 correct?

11 THE DEFENDANT: Yes.

12 THE COURT: Don't be afraid to keep your voice up
13 because she's got to take down what you're saying.

14 You previously entered a not guilty plea. We've had a
15 series of mental health examinations leading to the ultimate
16 conclusion that you are competent to stand trial. You are
17 charged in Count 1 with a Hobbs Act robbery. Actually there
18 are several. You're pleading to Count 1.

19 MR. BOSLEY: He's pleading guilty to all counts, Your
20 Honor, with 11(c)(1)(C) plea.

21 THE COURT: Very good. So we've got Counts 1 --

22 MR. BOSLEY: 1, 2, 3 and 4.

23 THE COURT: Very good. The maximum penalty is 20
24 years in prison on each count. That's the most I could give
25 you is 20 years on each count. I could run them consecutively.

(23)

1 However, this is an 11(c)(1)(C) plea and so if I accept a
2 guilty plea then I am bound to sentence accordingly. Do you
3 understand?

4 THE DEFENDANT: Uh-huh.

5 THE COURT: I need a yes.

6 THE DEFENDANT: Yes.

7 THE COURT: Thank you. Are you on any medication as
8 you sit here today?

9 THE DEFENDANT: Remeron.

10 THE COURT: Tell me what it is.

11 THE DEFENDANT: Remeron.

12 THE COURT: Does it affect your ability to understand
13 the nature of these proceedings?

14 THE DEFENDANT: No, sir.

15 MR. DURKIN: Your Honor, may I have a moment?

16 THE COURT: Yes.

17 MR. DURKIN: Your Honor, Mr. Wright would like to
18 address the Court.

19 THE COURT: Very good.

20 THE DEFENDANT: I want to plead not guilty. I want to
21 change my plea, sir.

22 THE COURT: Ramone, this is not a game. I'm going to
23 set a trial date and we're going to go to trial if that's what
24 you intend to do.

25 THE DEFENDANT: Okay.

(24)

1 THE COURT: Do you know how strong the evidence is
2 against you?

3 THE DEFENDANT: I haven't seen none of the evidence.
4 He said it's a Jencks Act, wait a couple days before trial was
5 beginning to start.

6 THE COURT: Well, here's the deal. I assume you've
7 turned over all Jencks, haven't you?

8 MR. BOSLEY: We have given -- I think Kevin has all
9 the statements of the people. We haven't given them the latest
10 on Mr. Satterwhite's proffer, but everything else he has.

11 THE DEFENDANT: I never saw Nu's proffer neither, sir.

12 THE COURT: What's that?

13 THE DEFENDANT: I never saw Nu's proffer either.

14 THE COURT: I can't hear that.

15 MR. BOSLEY: He hasn't got Mr. Nu's proffer yet
16 either, Your Honor, is what he's saying.

17 THE DEFENDANT: No police statements or nothing of
18 that nature neither, sir.

19 THE COURT: Look, if you want to go through that, we
20 can do that.

21 THE DEFENDANT: I've been asking since I've been
22 incarcerated.

23 THE COURT: You've been changing your mind several
24 times and while you're being evaluated you've been malingering.
25 So we're going to go to trial and if you're convicted, you're

1 looking at a long time. Do you understand that?

2 THE DEFENDANT: I still want to weigh my options
3 before I go to trial.

4 THE COURT: You don't get that. You're either going
5 to trial or you're doing this plea today. That's the way it
6 is. So make up your mind. If you want a moment to talk with
7 Mr. Durkin, take it. I'll be back. I'm done playing,
8 Mr. Wright.

9 (Recess taken from 10:35 a.m. to 10:45 a.m.)

10 THE COURT: What's it going to be, Ramone?

11 MR. DURKIN: Your Honor, we'd like to proceed with the
12 change of plea hearing.

13 MR. BOSLEY: Your Honor, if I can say something. I
14 went over while you were out and I did tell Mr. Wright, I said,
15 if you didn't do this, you should plead not guilty and go to
16 trial. But if you committed these crimes, this is as good as
17 it was ever going to get. It's time to get it over with today.
18 So I just want to put that -- in the presence of Mr. Durkin.
19 Is that correct, Mr. Durkin?

20 MR. DURKIN: It is. And I certainly had no problem
21 with him speaking to Mr. Wright.

22 THE COURT: Ramone, are we going forward?

23 ~~THE DEFENDANT: Yes, sir.~~

24 THE COURT: I'm going to be asking you if you're doing
25 this of your own free will and volition. Do you understand?

(26)

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. David, outline the plea
3 agreement, please.

4 MR. BOSLEY: Yes, Your Honor.

5 The defendant will plead guilty to Counts 1, 2, 3 and 4
6 of the Indictment which charge him in Counts 1 and 3 with
7 violation of the Hobbs Act, a violation of 18 U.S.C. 1951;
8 Counts 2 and 4 with brandishing a firearm during the commission
9 of an offense of violence, a violation 18 U.S.C. 924(c).

10 He understands the maximum penalties as to Counts 1 and
11 3 is 20 years, three years of supervised release and a fine of
12 up to \$250,000; Count 2 is a mandatory consecutive term of
13 seven years to life, five years supervised release and \$250,000
14 fine; Count 4 is a mandatory consecutive imprisonment of 25
15 years to life, five years of supervised release and \$250,000
16 fine.

17 And pursuant to 3553(a) and Rule 11(c)(1)(C) of the
18 Rules of Criminal Procedure, the parties agree to a term of 180
19 months, or 15 years, and a five-year-term of supervised release
20 is the appropriate sentence as a result of this conviction of
21 Counts 1, 2, 3 and 4. This is a binding plea agreement
22 pursuant to Rule 11(c)(1)(C) of the Rules of Criminal
23 Procedure. If, after reviewing the presentence report, the
24 Court refuses to accept the plea agreement due to the binding
25 recommendation on the sentencing, the parties understand either

(27)

1 has a right to have the defendant's guilty plea set aside and
2 the United States may seek leave to dismiss the Information
3 without prejudice and may seek additional or additional --
4 identical or additional charges.

5 Prior to the time of sentencing, the defendant will pay
6 a \$400 special assessment.

7 He understands he has the following rights. To be
8 represented by an attorney at every stage of the proceedings;
9 to plead not guilty and be tried by a jury; to be assisted by
10 counsel during trial; to confront and cross-examine adverse
11 witnesses; to use compulsory service to summon witnesses for
12 the defense; not to be compelled to testify; and to be presumed
13 innocent throughout trial unless and until found guilty by a
14 jury.

15 He understands if his guilty pleas are accepted by the
16 Court, there will not be a further trial of any kind, so that
17 by pleading guilty he waives or gives up his right to a trial.

18 He agrees to testify truthfully and completely
19 concerning matters about the Indictment filed herein and other
20 illegal activities relating to armed robberies and home
21 invasions -- armed robberies which he may be involved which he
22 may have knowledge.

23 If the guilty plea is entered and not withdrawn, the
24 United States Attorney agrees not to file additional charges
25 against him based on his activities charged in the Indictment

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1 or based on other armed robberies in the Southern District of
2 Ohio occurring up until the date of his plea of guilty and to
3 which he gives testimony or makes statements.

4 We agree that he has accepted responsibility for the
5 offenses to which he has agreed to plead guilty. By virtue of
6 the defendant pleading guilty to Counts 1, 2, 3 and 4 of the
7 Indictment, in exchange for the United States Attorney not
8 filing additional criminal charges, the defendant understands
9 he is not a prevailing party as defined by 18 U.S.C. 3006A and
10 expressly waives his right to sue the United States.

11 He is aware that 18 U.S.C. 3742 affords the defendant
12 the right to appeal the sentence imposed. Acknowledging this,
13 in exchange for the concessions made by the United States in
14 this plea agreement, he waives his right to appeal the sentence
15 in this case including the appeal right conferred by
16 18 U.S.C. 3742 and to challenge the sentence collaterally
17 through a post-conviction proceeding including a proceeding
18 under 28 U.S.C. 2255, otherwise known as the habeas corpus.
19 Notwithstanding the foregoing, he retains the right to appeal
20 the sentence if the United States appeals the sentence or if
21 the Court imposes a sentence above the statutory maximum. He
22 further retains any right to challenge his sentence based on a
23 claim of ineffective assistance of counsel or prosecutorial
24 misconduct.

25 If the Court refuses to accept any other binding

10

1 provision of this plea agreement, neither party is bound; he
2 may withdraw his guilty plea, the United States Attorney may
3 seek to proceed with the original charges in the Indictment as
4 if this agreement has never been made.

5 He understands this agreement does not protect him from
6 prosecution for perjury should he testify untruthfully or
7 making false statements.

8 No additional promises, agreements or conditions have
9 been made relative to this matter other than those expressly
10 set forth herein. None will be made unless in writing and
11 signed by all parties. Signed by Mr. Wright, Mr. Durkin and
12 Mr. Bosley.

13 I think if I remember at our last hearing, Your Honor,
14 the Court had indicated that they would accept the 15-year
15 binding recommendation as to Mr. Wright.

16 THE COURT: I did indeed.

17 Ramone, I'm going to go over your constitutional rights
18 with you that you'll be required to waive in order for us to go
19 forward here. Okay?

20 THE DEFENDANT: Okay.

21 THE COURT: You have the right to plead not guilty to
22 all four counts in this Indictment and be tried by a jury. You
23 have the right to be assisted by counsel at every stage of the
24 proceedings. Do you understand both of those rights?

25 THE DEFENDANT: Yes, sir.

(30)

1 THE COURT: You have the right through Mr. Durkin, if
2 we were to go to trial, to confront and cross-examine the
3 government's witnesses that would be called to testify against
4 you. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You would be presumed innocent unless or
7 until the government proved your guilt beyond a reasonable
8 doubt.--

9 David, go over the elements real quick, will you?
10 Counts 1 and 3.

11 MR. BOSLEY: Counts 1 and 3, the defendant did
12 unlawfully obstruct commerce, movement of articles in commerce
13 by robbery; second, such obstruction was by means of physical
14 violence in the furtherance of such armed robbery; an agreement
15 existed in whole or in part at the time of the alleged
16 agreement; and such act occurred in the Southern District of
17 Ohio on or about the date of the alleged Indictment.

18 As to Count 2, he committed a crime of violence; and
19 Defendant unlawfully obstructed commerce movement through by
20 armed robbery; he brandished a firearm while committing the
21 crime of violence; and the act occurred in the Southern
22 District of Ohio. That is a seven-year mandatory sentence.

23 Count 4, the defendant committed a crime of violence as
24 in Count 3; the defendant, by this crime, obstructed and
25 affected commerce by such armed robbery; and he brandished a

1 firearm while committing the crime of violence; the acts
2 occurred in the Southern District of Ohio.

3 Those are the elements we would have to prove as to
4 Counts 1 and 3, and 2 and 4.

5 THE COURT: So there are four elements to each of
6 those four counts. If the government failed to prove any one
7 of those elements beyond a reasonable doubt at trial, you could
8 not be convicted of that count. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that with respect to
11 each of these counts there will be a \$100 special assessment?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You have a Fifth Amendment right to remain
14 silent at trial which means you can't be forced to make an
15 incriminating statement at trial. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: If you elected to put on a defense at
18 trial, Mr. Durkin would issue subpoenas, the Court would
19 enforce those subpoenas and require the attendance of your
20 witnesses at trial. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You would be presumed innocent at trial
23 unless or until the government proved your guilt beyond a
24 reasonable doubt as to each of the 16 elements that Mr. Bosley
25 just went over on these four counts. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Before I could accept a guilty plea in
3 this case you're going to have to waive or give up all those
4 rights. So we'll come back to that.

5 You are how old again?

6 THE DEFENDANT: Thirty-four.

7 THE COURT: Your educational background is through
8 what grade?

9 THE DEFENDANT: Some college.

10 THE COURT: Some college. Okay. You don't have any
11 difficulty reading or writing the English language?

12 THE DEFENDANT: No, sir.

13 THE COURT: Did you read this 15-paragraph plea
14 agreement yourself?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And Mr. Durkin no doubt went over it with
17 you in great detail.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And at the time you signed it on
20 December 5th of 2016, did you understand it?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Factual basis.

23 MR. BOSLEY: Your Honor, beginning on December 5th,
24 2015, numerous businesses were robbed at gunpoint in central
25 Ohio by two male blacks dressed in sweatshirts, sweatpants and

1 brandishing firearms. These businesses robbed were
2 predominantly auto parts stores but also Joseppi's Pizza and
3 Brookshire IGA. The Columbus Police and Bureau of Alcohol,
4 Tobacco and Firearms conducted a joint investigation that
5 culminated on January 14, 2016 after the robbery of O'Reilly
6 Auto Parts store located at 1455 Parsons Avenue. Columbus
7 Division of Police SWAT officers observed Clifton Satterwhite
8 and Ramone Wright enter the business and verified it was being
9 robbed. SWAT officers followed the car after the robbery which
10 was driven by Vandyke Nu until they arrested the three suspects
11 at South High and Morrill Avenue. Mr. Satterwhite was shot as
12 he attempted to flee the car. Two loaded firearms were
13 recovered in the vehicle.

14 Investigation revealed the following businesses were
15 also robbed by Mr. Wright and Mr. Satterwhite at gunpoint:
16 There was December 14, Advance Auto Parts 3511 Sullivant
17 Avenue; December 26, Joseppi's Pizza 3179 Sullivant Avenue;
18 December 30th, 2015, NAPA Auto Parts 3315 Refugee Road;
19 January 5, 2016, O'Reilly Auto Parts 3075 East Main Street;
20 January 6, Brookshire IGA on 2781 Eakin Road.

21 An interstate nexus determination was conducted on
22 O'Reilly Auto Parts store which is headquartered at 233 South
23 Patterson Avenue, Springfield, Missouri. O'Reilly operates
24 approximately 4 --

25 THE COURT: You said Missouri. Do you mean Missouri?

(34)

1 THE COURT: You are a citizen of the United States,
2 correct?

3 THE DEFENDANT: Yes.

4 THE COURT: As a citizen of the United States, if you
5 are convicted of these federal offenses you will be convicted
6 of a federal felony. You will lose your right to vote, hold
7 public office, serve on a jury or possess a firearm for the
8 period of time that there is a legal disability associated with
9 these convictions. So it's going to be for at least the next
10 20 years.

11 The sentencing guidelines that are referenced in this
12 plea agreement, I will consider them. I don't have to follow
13 them. They are advisory now. They are one of the 18 United
14 States Code Section 3553(a) factors that I must consider in
15 sentencing and I'm telling you that I will consider them.
16 Indeed, I've even committed to the 11(c)(1)(C) sentence at this
17 point.

18 The supervised release period of five years that will
19 follow the 15 years of incarceration, there are standard
20 conditions of supervised release that everyone must follow.
21 There will be, surely, special additional conditions that you
22 will have to follow. If you violate supervised release in any
23 fashion, you could be brought back before the Court, a
24 revocation proceeding held. If found to have violated, you can
25 be revoked, you can be sent back to prison and a new term of

(35)

1 supervised release can be imposed as if -- with no credit being
2 given for the time already served on supervised release. Do
3 you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: How do you plead to Count 1, the O'Reilly
6 Auto Parts Hobbs Act robbery?

7 THE DEFENDANT: Guilty.

8 THE COURT: How do you plead to Count 2, the firearm
9 charge?

10 THE DEFENDANT: Guilty.

11 THE COURT: How do you plead to Count 3, the Hobbs Act
12 robbery involving the Eakin Road IGA?

13 THE DEFENDANT: Guilty.

14 THE COURT: And how do you plead to Count 4, the
15 924(c) brandishing the firearm?

16 THE DEFENDANT: Guilty, Your Honor.

17 THE COURT: No one has threatened you or otherwise
18 forced you to enter into this plea agreement, correct?

19 THE DEFENDANT: No, sir.

20 THE COURT: You are doing so of your own free will and
21 volition. Is that also correct?

22 THE DEFENDANT: That's correct.

23 THE COURT: The Court is going to accept your guilty
24 plea at this time -- your guilty pleas at this time, find that
25 they have been knowingly, intelligently and voluntarily made.

(34)

1 I'm going to order a presentence investigation. You and
2 Mr. Durkin will have an opportunity to meet with the probation
3 officer writing the report.

4 Danny, is that going to be you?

5 THE PROBATION OFFICER: Yes, Your Honor.

6 THE COURT: Very good.

7 If there are objections, legal or otherwise, to be
8 raised, Mr. Durkin will raise them first with Mr. Fugate. If
9 they remain for resolution on the day of sentencing, I will
10 deal with them then. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Probably two and a half months before
13 you're back for sentencing. That will be all.

14 MR. BOSLEY: Thank you, Your Honor.

15 THE COURT: Ramone, don't write me any more letters
16 unless it's about sentencing.

17 (The proceedings were adjourned at 11:00 a.m.)

18 - - -

C E R T I F I C A T E

I, Lahana DuFour, do hereby certify that the foregoing is a true and correct transcript of the proceedings before the Honorable Michael H. Watson, Judge, in the United States District Court, Southern District of Ohio, Eastern Division, on the date indicated, reported by me in shorthand and transcribed by me or under my supervision.

s/Lahana DuFour
Lahana DuFour, RMR, CRR
Official Federal Court Reporter
May 8, 2017

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Designation: CJA Appointment

Laura E Byrum
 Office of the Federal Public Defender
 10 West Broad Street
 Ste Sutie 1020
 Columbus, OH 43215
 614-469-2999
 Fax: 614-469-5999
 Email: laura_byrum@fd.org
 TERMINATED: 05/31/2016
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED
 Designation: Public Defender or
 Community Defender Appointment

Rasheeda Zamani Khan
 Peterson Connors LLP
 545 Metro Place
 Suite 435
 Dublin, OH 43017
 614-745-8849
 Fax: 614-220-0197
 Email: rkhan@petersonconnors.com
 TERMINATED: 10/07/2016
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED
 Designation: Public Defender or
 Community Defender Appointment

Steven Martin Brown
 5664 Montridge Lane
 Dublin, OH 43016
 614-461-8900
 Fax: 866-275-8320
 Email: triallawyer@earthlink.net
 TERMINATED: 03/02/2022
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED
 Designation: CJA Appointment

Pending Counts

INTERFERENCE WITH COMMERCE BY
 THREAT OR VIOLENCE

(1)

VIOLENT CRIME/DRUGS/MACHINE
 GUN

(2)

INTERFERENCE WITH COMMERCE BY
 THREAT OR VIOLENCE

(3)

Disposition

37 months imprisonment, \$1,326.77
 restitution, \$100.00 special assessment

84 months imprisonment to run
 consecutively to Counts 1 and 4, but
 concurrently to Count 3, \$100.00 special
 assessment

37 months imprisonment to run
 concurrently to all counts, \$100.00 special
 assessment

Exhibit 4

(39)

§ 1951. Interference with commerce by threats or violence

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(b) As used in this section—

(1) The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(2) The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

(3) The term “commerce” means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

(43)

4

Mr. Fugate notwithstanding the fact that the Criminal Rule 32

44

1 requires that he do it and that you participate. Nonetheless,
2 you verbally affirmed to the Court the statement of facts as to
3 your guilt at the time of the plea. So with your guilty plea
4 and your acknowledgment at that time of the statement of facts
5 being accurate, you have sufficiently demonstrated acceptance
6 of responsibility. Although, if the Court were to take into
7 account all the things you've written to me since -- we just
8 agreed you're not going to do that anymore, right?

9 THE DEFENDANT: That's correct.

10 THE COURT: We're grouping under the guidelines. So
11 for an 18 U.S.C. 1951 offense this deals with Count 1 in Group
12 One, the Brookshire IGA, the base offense level pursuant to
13 2B3.1(a) is 20. The adjusted offense level is 20.

14 For count group three or Count 3, count Group Two, the
15 O'Reilly Auto Parts robbery, again 20 and 20. The multiple
16 count adjustment adds two units to that because each of the
17 groups represent one unit. So the greater of the adjusted
18 offense levels is 20. You increase by the two under the

19 multiple count adjustment. 22 then is the combined adjusted
20 offense level.

21 You're entitled to a reduction of three levels for
22 acceptance of responsibility pursuant to 3E1.1(a) and (b).

23 Total offense level is 19.

24 You have six countable criminal history points. You
25 have a long and aggressive background with the Ohio Department

(45)

1 However, this is an 11(c)(1)(C) plea and so if I accept a
2 guilty plea then I am bound to sentence accordingly. Do you
3 understand?

Exhibit A1

4 THE DEFENDANT: Uh-huh.

5 THE COURT: I need a yes.

6 THE DEFENDANT: Yes.

7 THE COURT: Thank you. Are you on any medication as
8 you sit here today?

9 THE DEFENDANT: Remeron.

10 THE COURT: Tell me what it is.

11 THE DEFENDANT: Remeron.

12 THE COURT: Does it affect your ability to understand
13 the nature of these proceedings?

14 THE DEFENDANT: No, sir.

15 MR. DURKIN: Your Honor, may I have a moment?

16 THE COURT: Yes.

17 MR. DURKIN: Your Honor, Mr. Wright would like to
18 address the Court.

19 THE COURT: Very good.

20 THE DEFENDANT: I want to plead not guilty. I want to
21 change my plea, sir.

22 THE COURT: Ramone, this is not a game. I'm going to
23 set a trial date and we're going to go to trial if that's what
24 you intend to do.

25 THE DEFENDANT: Okay.

(46)

1 THE COURT: Do you know how strong the evidence is
2 against you? **Exhibit B2**

3 THE DEFENDANT: I haven't seen none of the evidence.
4 He said it's a Jencks Act, wait a couple days before trial was
5 beginning to start.

6 THE COURT: Well, here's the deal. I assume you've
7 turned over all Jencks, haven't you?

8 MR. BOSLEY: We have given -- I think Kevin has all
9 the statements of the people. We haven't given them the latest
10 on Mr. Satterwhite's proffer, but everything else he has.

11 THE DEFENDANT: I never saw Nu's proffer neither, sir.

12 THE COURT: What's that?

13 THE DEFENDANT: I never saw Nu's proffer either.

14 THE COURT: I can't hear that.

15 MR. BOSLEY: He hasn't got Mr. Nu's proffer yet
16 either, Your Honor, is what he's saying.

17 THE DEFENDANT: No police statements or nothing of
18 that nature neither, sir.

19 THE COURT: Look, if you want to go through that, we
20 can do that.

21 THE DEFENDANT: I've been asking since I've been
22 incarcerated.

23 THE COURT: You've been changing your mind several
24 times and while you're being evaluated you've been malingering.
25 So we're going to go to trial and if you're convicted, you're

(47)

1 supervised release can be imposed as if -- with no credit being
2 given for the time already served on supervised release. Do
3 you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: How do you plead to Count 1, the O'Reilly
6 Auto Parts Hobbs Act robbery?

7 THE DEFENDANT: Guilty.

8 THE COURT: How do you plead to Count 2, the firearm
9 charge?

10 THE DEFENDANT: Guilty.

11 THE COURT: How do you plead to Count 3, the Hobbs Act
12 robbery involving the Eakin Road IGA?

13 THE DEFENDANT: Guilty.

14 THE COURT: And how do you plead to Count 4, the
15 924(c) brandishing the firearm?

16 THE DEFENDANT: Guilty, Your Honor.

17 THE COURT: No one has threatened you or otherwise
18 forced you to enter into this plea agreement, correct?

19 THE DEFENDANT: No, sir.

20 THE COURT: You are doing so of your own free will and
21 volition. Is that also correct?

22 THE DEFENDANT: That's correct.

23 THE COURT: The Court is going to accept your guilty

24 plea at this time -- your guilty pleas at this time, find that
25 they have been knowingly, intelligently and voluntarily made.

(48)