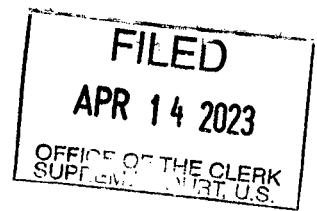


No. 22-7307

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Darek Lathan — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the 6th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Darek Lathan
(Your Name)

P.O. Box 6000
(Address)

glenville West Virginia 26351
(City, State, Zip Code)

N/A

(Phone Number)

① **QUESTION(S) PRESENTED**

Did the appeal court abuse its discretion by failing to comply with the constitution which guarantee me due process of law which compel the rebuttal of affidavits notarized under seal of notary republic.

② Did the appeal court abuse its discretion by not allowing a "ACTUAL INNOCENT" claim to be amended to the direct appeal

③ Did the appeal court abuse its discretion by not applying United States-v-White (21-3209, 6th Cir. 2023) to remove the A.C.C.A. and 15 year min. sentence from petitioner sentence.

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

See attached exhibit of appeal

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A 6th CIR. OPINION

APPENDIX B Affidavit of exonerations

APPENDIX C Affidavit asserting DURESS

APPENDIX D Affidavit collaborating Actual innocence

APPENDIX E Affidavit collaborating Actual innocence

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
Brown-v-Romanowski, 845 F. 3d 703 —	25/26 (BRIEF)
Sylvester-v-united states 868 F. 3d 503 —	18/24 (BRIEF)
United states-v-Brown 498 F. 3d 523 —	26 (BRIEF)
United states-v-Camex 309 F. 3d 950 —	23 (BRIEF)
United states-v-gardner 488 F. 3d 700 —	26 (BRIEF)
United states-v-Jackson 179 F. Appx. 921 —	19 (BRIEF)
United states-v-Tinklenberg 579 F. 3d 589 —	20 (BRIEF)

STATUTES AND RULES

Sixth amendment —	16/25/08
18 USC 922(g)(1) —	1/14
18 USC 924(e)(1) —	12/14
18 USC 3161(c)(1) —	17
18 USC 3161 (H) —	17
18 USC 3161 (H)(Y)(A) —	10/13/18/19/20/21/22/
18 USC 3161 (H)(Y)(D) —	27
18 USC 3161 (H)(Y)(F) —	12/18/19
18 USC 3161 (H)(T)(A) —	13/18/19
18 USC 3161(A)(2) —	12
18 USC 3231 —	18/20/22/23/25
18 USC 4241(a) —	VI
OTHER	9/19
18 USC 4241(B) —	13
18 USC 4247(B) —	13
18 USC 1291 —	X

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 21-4177; 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 3:18-CR-67; 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 2/15/2023.

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

6th & 14th amendment

28 U.S.C. 2513

STATEMENT OF THE CASE

ON 11-17-17 petitioner was charged with (222g)(1) and (924)(E).
The charge stem from a firearm being found on a table at the home of Carlos and Rudy Torres. Petitioner was babysitting and fell asleep on the couch with the kids prior to the raid of the home. In December of 2019 "Carlos Torres" made a affidavit for petitioner explaining that he Carlos Torres made numerous attempts to contact petitioner attorney to clarify that the fire arm found in fact belongs to "Carlos Torres" and not petitioner. The holding facility that housed petitioner prior to trial lost the affidavit which left petitioner in a precarious situation.

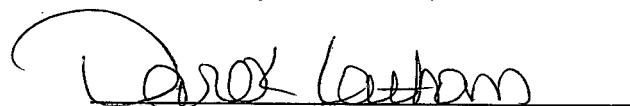
REASONS FOR GRANTING THE PETITION

Due to the fact that petitioner is "ACTUALLY INNOCENT" and the government has on numerous occasions failed to rebut the multiple affidavits filed. In the interest of justice and to stop a miscarriage of justice this petition should not only be granted but expedited as well. The petition should be granted due to United States - v - White (21-3209, 6th Cir. 2023) 2-15-23 due to United States - v - White (21-3209, 6th Cir. 2023) 2-15-23 this court should grant this petition and remand and compel the 6th Cir. to apply United States - v - White (21-3209, 6th Cir. 2023) 2-15-23 and order immediate release.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daryl L. Johnson". The signature is fluid and cursive, with a large, stylized initial "D".

Date: 4-3-2023