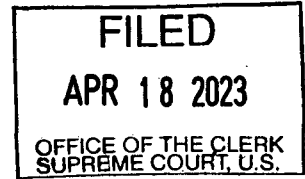


No. 22 - 7502



IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY GILBERT-BROWN — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Anthony Gilbert-Brown
(Your Name)

FCI Schuylkill Medium
(Address)

P.O. Box. 759

(City, State, Zip Code)

Minersville PA. 17954

(Phone Number)

QUESTION(S) PRESENTED

- 1) Whether Third Circuit Court of Appeals Erred Affirming Gilbert-Brown was seized when Officer Engle approached Gilbert-Brown as he attempted to go around Officer's Engle's police vehicle and banged on driver's side window with flashlight and then attempted to pull the driver's side door open, in an effort to remove Gilbert-Brown from the vehicle? See (Torres v. Madrid).
- 2) Whether Third Circuit Court of Appeals erred Affirming Gilbert-Brown was seized when Officer Engle ran in front of Gilbert-Brown's vehicle and started shooting at Gilbert-Brown as he reversed away from the crime scene and proceeded to turn around going the opposite direction? See (Torres v. Madrid).
- 3) Whether Supreme Court Justices Reverse and Remand on AG Garland Memo 12-16-2022 Equalizing Crack and Cocaine Disparity under Griffith v. Kentucky, 107 S.Ct. 708 (1987). To Have Gilbert-Brown Count 5 § 841(a)(1) GVR Remand Back To Third Circuit Court of Appeals.
- 4) Whether Supreme Court Justice GVR Remand Gilbert-Brown Count 6 § 924(c)-(C)(1)(A) In Light Of Recent Decision New York State Rifle & Pistol Assn., Inc. v. Bruen, (No. 20-843) (S.Ct. June 23, 2022).

LIST OF PARTIES

- [X] 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:

Gilbert-Brown v. United States

RELATED CASES

Range v. AG United States, 56 F.4th 992, 2023 U.S. App. Lexis 1061 No. 21-2835 3d Cir. Jan. 6, 2023.

New York State Rifle & Pistol Assn., Inc. v. Bruen, (No. 20-843) (S.Ct. June 23, 2022)

Torres v. Madrid, 141 S.Ct. 989; No. 19-292(3-25-21)

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
Torres v. Madrid, 141 S.Ct. 989; No. 19-292(3-25-21)	2,3,10,11,12
Griffith v. Kentucky, 107 S.Ct. 708(1987).....	2,12,13
New York Stat Rifle & Pistol Assn., Inc. v. Bruen,(No. 20-843) (S.Ct. June 23, 2022).....	2,3,13
Range v. AG United States, 56 F.4th 992, 2023 U.S. App. Lexis 1061 No. 21-2835 3d Cir. Jan. 6, 2023).....	3,13
US v. Gilbert-Brown, 2022 U.S. App. Lexis 467 No. 21-1316(3d Cir. Jan. 7, 2022).....	5,7,9,10,11
US v. Gilbert-Brown, 2019 U.S. Dist. Lexis 213434, 2019 WL 6726875 (M.D. Pa. Dec. 11, 2019).....	5,7,9,10,11
Wong Sun v. United States, 371 U.S. 471, 488 S.Ct. 407, 91 L.Ed 2d 491(1963).....	10
Jefferson v. Iias, 21 F.4th 74; 2021 U.S. App. Lexis 37115 No. 20- 2526 3d cir. Dec. 16, 2021.....	12
Haines v. Kerner, 404 U.S. 519(1972).....	13

STATUTES AND RULES

18 U.S.C. § 841(a)(1)	
18 U.S.C. § 924(c)(1)(A)	
18 U.S.C. § 922(g)(1)	

OTHER

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 US v. Gilbert-Brown, 2022 U.S. App. Lexis 467 No. 21-1316
(3d Cir. Jan. 7, 2022)

APPENDIX B SUR Petition For Panel Rehearing denial US v. Gilbert-
Brown No. 21-1316(3d Cir. Apr. 1, 2022)

APPENDIX C US v. Gilbert-Brown, 2019 U.S. Dist. Lexis 213434, 2019
WL 6726875(M.D. Pa. Dec. 11, 2019)

APPENDIX D

APPENDIX E

APPENDIX F

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Jan 7, 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: April 1, 2022, and a copy of the order denying rehearing appears at Appendix B.

☐ 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).

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 US v. Gilbert-Brown, 2022 U.S. App. 467 (No. 21-1316); or, (3d cir. 1-7-22)
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☒ reported at US v. Gilbert-Brown, 2019 U.S. Dist. Lexis 213434, 2019; or, WL 6726875 (M.D.
☐ has been designated for publication but is not yet reported; or, Dec. 11, 2019)
☐ 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment Violation
Fifth Amendment Violation

STATEMENT OF THE CASE

A. Background

On or about Feb. 19, 2018, Gilbert-Brown was arrested by Officer Bradley Engle of the York City Police Department was in pursuit of a stolen car, Officer Engle followed them down a one-way street but then lost sight of them. He then began to return to the now-abandoned car by turning on his emergency lights and driving his patrol car in reverse towards the intersection. Before he reached the intersection, however, another car blocked him from backing up any further. The driver of that car was Gilbert-Brown, and with him was another individual in the front passenger seat. The rest is to be noted in See(US v. Gilbert-Brown, 2019 U.S. Dist. Lexis 213434, 2019 WL 6726875 (M.D. PA., Dec. 11, 2019); See(US v. Gilbert-Brown, 2022 U.S. App. Lexis 467 No. 21-1316 3d Cir. Jan. 7, 2022).

REASONS FOR GRANTING THE PETITION

- I. WHETHER SUPREME COURT SHOULD GRANT GVR BACK TO THIRD CIRCUIT COURT OF APPEALS IN LIGHT OF TORRES V. MADRID AS GILBERT-BROWN WAS SEIZE WHEN OFFICER ENGLE APPROACH HIS VEHICLE AND BANGED ON DRIVER SIDE WINDOW WITH FLASH-LIGHT THEN ATTEMPT TO PULL DRIVER SIDE DOOR OPEN IN EFFORT TO REMOVE GILBERT-BROWN.

QUESTION PRESENT:

WHETHER OFFICER ENGLE SEIZE GILBERT-BROWN
AS HE WAS NOT FREE TO LEAVE THAT AMOUNTED
TO A FOURTH AMENDMENT VIOLATIONS

Now Petitioner high-light the Torres v. Madrid to carry the day as the record is sound on Feb. 19, 2018 to dis-regard Officer Engle testimony. That was not correct in lower court pleading when evidence was not presented to Court of Appeals. But to stay on point Petitioner will leave this up to Third Circuit Court of Appeals after Court GVR remand back to the Circuit Court.

Petitioner contention rely in the record in appeals decision and district court. See (US v. Gilbert-Brown, 2022 U.S. App. Lexis 467 No. 21-1316 3d Cir. Jan. 7, 2022); See (US v. Gilbert-Brown, 2019 U.S. Dist. Lexis 213434, 2019 WL 6726875 (M.D. Pa., Dec. 11, 2019) (App A and C)).

Which follow the Petitioner conclusion as he was innocent bystander driving down the street. Then was ordered by officer Engle to stop vehicle, banged on driver side window with flash light then attempted to pull driver side door open to remove petitioner. This cause Petitioner to be restricted from his movement as any reasonable lay person would not believe he was free to go. Upon this any evidence seized from this illegal stop bares the fruits of poisonous search and should be suppressed. See (Wong Sun v. United States, 371 U.S. 471, 488 S.Ct. 407, 91 L.Ed. 2d 491 (1963) (holding

evidence stemming from Fourth Amendment violation must be excluded from trial as fruits of the poisonous tree); See(Torres v. Madrid, 2023 U.S. App. Lexis 3785 No. 22-2001 10 Cir. Feb. 17, 2023).

For this reason, Mr. Gilbert-Brown respectfully request that this court GRANT GVR remand In Light of Torres v. Madrid Back To Third Circuit Court Of Appeals.

II. WHETHER SUPREME COURT SHOULD GRANT GVR BACK TO THIRD CIRCUIT COURT OF APPEALS IN LIGHT OF TORRES V. MADRID AS GILBERT-BROWN WAS SEIZED WHEN OFFICER ENGLE RAN IN FRONT OF GILBERT-BROWN'S VEHICLE AND STARTED SHOOTING AT GILBERT-BROWN AS HE REVERSED AWAY FROM THE CRIME SCENE AND PROCEEDED TO TURN AROUND GOING OPPOSITE DIRECTION?

QUESTION PRESENT:

WHETHER OFFICER ENGLE SEIZED GILBERT-BROWN
WHEN HE STARTED SHOOTING AT GILBERT-BROWN
AT THIS POINT HE WAS NOT FREE TO LEAVE
THAT AMOUNTED TO A FOURTH AMENDMENT VIOLATIONS

Now Petitioner further resort to a game-changer in Supreme Court as this restricted movement cause any lay-person to not believe they were free to leave. As this vary Supreme Court ruling was clearly on point today to be use when a young man has been targeted to such unlawful seizure. Which the record down below in lower court should be re-address in light of Torres v. Madrid decision. See(US v. Gilbert-Brown, 2022 U.S. App. Lexis 467 No. 21-1316 3d cir. Jan. 7, 2022); See(US v. Gilbert-Brown, 2019 U.S. Dist. Lexis 213434, 2019 WL 6726875(M.D. Pa. Dec. 11, 2019)(App. A and C).

Now in the record up above the Supreme Court address in Torres v. Madrid that while Ms. Torres had successfully fled the scene, she was not seized and therefore not entitled to Fourth Amendment protections. As this was documented by 10th Circuit which was latter reverse and remand by Supreme Court. Supreme Court said it was irrelevant that Ms. Torres had not been

apprehended, holding that " the application of physical force to the body of a person with intent to restrain is a seizure even if the person does not submit and is not subdued." Torres v. Madrid, 141 S.Ct. 989, 1003, 209 L.Ed. 2d 190(2021). Petitioner follow the same relief today as if the Supreme Court Judge's look at the lower court fact finding and now reflect the record brought in this current petition before us we are looking at Deja Vu. This petition should be GVR remand back to the Third Circuit Court of Appeals in light of Torres v. Madrid. See(Jefferson v. Lias, 21 F.4th 74; 2021 U.S. App. Lexis 37115 No. 20-2526 3d Cir. Dec. 16, 2021)(cites Torres v. Madrid).

For this reason, Mr. Gilbert-Brown respectfully request that this court GRANT GVR remand In Light of Torres v. Madrid Back To Third Circuit Court of Appeals.

III. WHETHER SUPREME COURT JUSTICES REVERSE AND REMAND ON AG GARLAND MEMO 12-16-22 EQUALIZING CRACK AND COCAINE DISPARITY UNDER GRIFFITH V. KENTUCKY, 107 S.Ct. 708(1987). TO HAVE GILBERT-BROWN COUNT 5 § 841(a)-(1) GVR REMAND BACK TO THIRD CIRCUIT COURT OF APPEALS.

QUESTION PRESENT:

WHETHER SUPREME COURT GRANT GVR ON GARLAND MEMO
12-16-22 EQUALIZING CRACK AND COCAINE
DISPARITY[GRIFFITH V. KENTUCKY] RETROACTIVE
ACTIVITY WHILE PENDING ON DIRECT APPEAL

Petitioner follow in this recent Memo by AG Garland on 12-16-22 that Equalize Crack and Cocaine Disparity. This will result to Count Five § 841(a)(1) changing the Base Offense to 16 and Category V. Then Petitioner will receive acceptance of responsibility in total of three level drop from the Base Offense 16 to 13 with Category V resorting into 30-37 months. Therefore For these reasons Mr. Gilbert-Brown respectfully request that this court GRANT GVR remand In Light of AG Garland Memo on 12-16-22 Equalizing Crack and Cocaine Disparity.

In Light of Griffith v. Kentucky, 107 S.Ct. 708(1987) to be remanded back to Third Circuit Court of Appeals.

IV. WHETHER SUPREME COURT JUSTICES GVR REMAND GILBERT-BROWN COUNT 6 § 924(c)(1)(A) In Light of Recent Decision New York Rifle & Pistol Assn., Inc. v. Bruen, (No. 20-843)(S.Ct. June 23, 2023).

QUESTION PRESENT:

WHETHER SUPREME COURT GRANT GVR REMAND
ON GILBERT-BROWN COUNT 6 § 924(c)(1)(A)
IN LIGHT OF BRUEN

Petitioner will follow in the recent Supreme Court decision, that is mark to be game-changer as Petitioner turn to his Count Six. § 924(c) to be remanded. See (New York State Rifle & Pistol Assn., Inc. v. Bruen, (No. 20-843)(S.Ct. June 23, 2023).

Petitioner direct the court to apply Count Six as if it was § 922(g)(1) charge. This further will turn Retitioner to Range v. AG United States, 56 F.4th 992; 2023 U.S. App. Lexis 1061 No. 21-2835 3d Cir. Jan. 6, 2023).

For this reason, Mr. Gilbert-Brown respectfully request that this GRANT GVR remand Count 6 § 924(c)(1)(A) in Light of New York rifle & Pistol Assn., Inc. v. Bruen, (No. 20-843)(S.Ct. June 23, 2023). See (Haines v. Kerner, 404 U.S. 519(1972)).

CONCLUSION

Based on the foregoing, Petitioner Anthony Gilbert-Brown Respectfully requests this Court to issue Writ of Certiorari to back to the United States Court of Appeals for the Third Circuit. The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 4-14-23