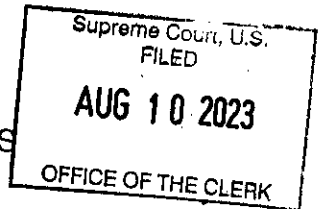


No. 23-5430 **ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES



Demitri Brown — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Request for GVR in light of Concepcion

Fifth Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Demitri Brown
(Your Name)

P.O. Box 26030 10979-035
(Address)

Beaumont, Texas 77720
(City, State, Zip Code)

In Prison
(Phone Number)

QUESTION(S) PRESENTED

1. Does the Fifth Circuit Court of Appeals abuse its discretion when it refuses to honor the Supreme Court's *Concepcion* ruling overruling its *Hegwood* opinion?
2. Request for General Vacate and Remand in Light of *Concepcion*.

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:

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TABLE OF AUTHORITIES CITED.

CASES

PAGE NUMBER

Concepcion, 142 S.Ct. 2398

Hegwood, 934 F.3d 414 (5th Circuit)

STATUTES AND RULES

OTHER

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 _____; 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☒ is unpublished.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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. *No opinion issued*

☐ 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☐ is unpublished.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 6/15/23.

☐ 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: 7/26/23, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Right to jury trial
Due Process

STATEMENT OF THE CASE

Petitioner denied First Step Act petition based on Hegwood precedent refusing a review of sentence above statutory maximum argument!

In *Concepcion*, this Court specifically overruled the Fifth Circuit's Hegwood opinion. 142 S. Ct. @ 2398

The Fifth Circuit continues to use Hegwood to deny First Step Act petitions. As such, petitioner request a General Vacate and Remand (GVR) in light of *Concepcion*.

The respondent has conceded that petitioner's maximum sentence is 20 years, not the Life sentence which the court imposed.

REASONS FOR GRANTING THE PETITION


The bring the Fifth Circuit in-line with
this Court's Conception ruling.

CONCLUSION

Petitioner declares under the penalty of perjury that the foregoing is true and correct

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Demetri Brown

Date: August 7, 2023