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23-6275

No. Case 2:20-cr-00832-DSF-1

Central District of California

IN THE

SUPREME COURT OF THE UNITED STATES

Samuel Trelawney Hughes PETITIONER  
 (Your Name)

vs.

U.S.A — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth Circuit Court of Appeals - Pasadena CA  
 (NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Samuel Trelawney Hughes  
 (Your Name)

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ORIGINAL

QUESTION(S) PRESENTED

- ① What grounds appeal wasn't granted?
- ② Why didn't Ninth Circuit see transparency in District Court erring Rule 11(b)(2)
- ③ Why the plea was involuntary given psychological reports?
- ④ Why District court feel psychology reports were "inappropriate"
- ⑤ If I knew what I'd be signing would I change my plea?
- ⑥ Did the defense counsel simply not understand?
- ⑦ Would I of accepted plea if conditions were right at time of change-of-plea hearing?

## 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:

(Attorney(s) on back of form)

## RELATED CASES

- ① Case; 2:20-cr-00332-DSF-1 U.S.D.C Central District of California U.S.A v S.T.H Judgement Entered November 13 2021
- ② Docket # 21-50304 Ninth Circuit U.S.A v S.T.H Judgement Entered April 25<sup>th</sup> 2023
- ③ Case; 2:20-cr-00322-DSF-1 U.S.D.C Central District of California 2255 motion U.S.A v S.T.H ongoing
- ④ Case; 5:22-cv-2117 U.S.D.C Central District of California S.T.H v Marquez et al. ongoing

To be reviewed by Attorney  
by IFP

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APPENDIX A Court of Appeals for Ninth Circuit

APPENDIX B United States District Court C, District of California

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### TABLE OF AUTHORITIES CITED

	CASES	PAGE NUMBER
Both US Supreme Court	- United States v Dominguez Benitez 542 US 74 2009	12, 14-17 Appellate Reply Brief
	- United States v Olano, 507 US 725 (1993)	12, 17
	United States v Ferguson Ninth Cir 2021 8F.4th 1143	Appellate Reply Brief 16
	United States v Fuentes-Galvez	Appellate Reply Brief 16; 13, 9-11 Appellate Reply Brief

### STATUTES AND RULES

- Fifth Amendment, Bill of Rights of the United States Constitution.
- Due Process Clause Rule 11(b)(2) of F.R.C.P.
- Eighth Amendment, Bill of Rights of the United States Constitution & Fourteenth Amendment of the Bill of Rights of the United States Constitution (Deprivation of Liberty & Cruel & Unusual Punishment)

### OTHER

- Invalid Appellate Waiver open to collateral attack under 28 USC 2255

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 April 25<sup>th</sup> 2023; 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 November 15<sup>th</sup> 2021; 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 25<sup>th</sup> 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).

→ Next Step in Petition, within 90 days

[ ] 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

- The right to have case heard by the US Supreme Court, if Appeal was not Granted to petitioner, in 90 days.
- The openness to collaterally attack sentence in Case 2:20-cr-00332-DSF-1 under 28 USC 2255 based on sixth amendment ineffective assistance of counsel during subsequent plea hearings; on or around October 2020.
- Timeliness of appeal approved July 2022; 351 & 455 motions to US Court of appeals motion to complain and motion to disqualify magistrate.
- Plea was involuntary under Rule 11(b)(2) of the Federal Rules of Criminal Procedure.
- Petitioner was still entitled to similar rights to US citizen, was on a Temporary E2 Treaty Investors visa in United States of America from October 19<sup>th</sup> 2018 until May 11<sup>th</sup> 2023, left on subsequent removal by ICE/DHS

## STATEMENT OF THE CASE

Petitioner Samuel T Hughes attempted to plead guilty while the District Court Omitted any due process of questioning about any queries of long term struggles with Autism.

Back in Fall 2020 Petitioner was indicted by a Grand Jury on a 26 count Indictment on Charges such as

- 2261(A)(2) Cyberstalking
- 875(c) Transmitting Interstates
- 876(c) Mailing a threat.
- 1512(b)(3) Witness Tampering

Hughes plead guilty involuntarily for 3 counts; count(S), count (10) & count (11) of the indictment. Hughes was remanded in custody from July 24<sup>th</sup> 2020 while subsequent cases in the State of California pre-requisite were dismissed without prejudice by United States Government.

Hughes was sentenced to a term of 37 months in PBOP custody in November 15<sup>th</sup> 2021 after extensive mitigation proceeds were made by "Dr Freeman", UCLA doctor with 50 years in psychology Field of expertise.

Appeal was not granted for Hughes as the court felt it was deemed inappropriate despite the apparent underlying condition is apparent. Memorandum of appeal was granted in favor of the United States District Court C. District of California.

Hughes Filed a 2255 at Santa Ana<sup>st</sup> US District Court on April 28<sup>th</sup>, 2023.

Hughes was removed under 237 of INA on May 14<sup>th</sup> 2023.

## REASONS FOR GRANTING THE PETITION

Involuntariness of the plea renders the agreement invalid and the decision by Ninth Circuit Court of Appeals was not absolute. Sentencing was based on a plea agreement signed by means of "coercion" and "Duress" under the law.

Indictment 2:20-CR-00332-DSF-1 reveals "multiplicity" of counts and it is "not valid". Requires dismissal under Rule(s) 6 & 12(b) of the F.R.C.P

Hughes would never of made a sufficient and full enough plea if the petitioner was not drowsy on date of plea, taking medications such as Lexapro, anti-depressant medications.

Additionally while in custody at FCC, on and around April 25th 2022, Hughes was subject to excessive force by employees of FBOP, Marquez et al. Repeated incidents were ongoing. Claim of matter 5:22-cv-2117 U.S.D.C Central California

Case should require a full judicial review by highest court; based on the facts; dismissal and reversal of convictions without prejudice.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Samuel Trelawny Hughes

Date: June 2nd 2023