ORIGINAL

No. 23-6424

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IN THE

SUPREME COURT OF THE UNITED STATES

TAQUARIUS FORD ,
Petitioner,
Pro Se

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari
To the United States Court of Appeals
For the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

When two Sex Trafficking statutes combine into a single Count, does the penalty for Sex Trafficking Conspiracy under 18 U.S.C. Section 1594(c) which has no required mandatory-minimum, take precedence over the substantive punishment of 18 U.S.C. Section 1591(b) which has a guaranteed mandatory-minimum of 15 years?

And is it Double Jeopardy when the two above statutes affirm guilt by joining them "together" in multiple counts? There is a major divide in the circuits about this.

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JURISDICTION

The Ninth Circuit Court of Appeals issued a order denying Mr. Ford's, 28 U.S.C. Section 2255 petition for Certificate of Appealability on August 7, 2023. (Appendix A.) Justice Kagan Granted a 30 day extension to file herein, on November 5, 2023. (Appendix B.) The Supreme Court now has jurisdiction to consider this Petition for Certiorari under 28 U.S.C. Section 1254.

RELEVANT CONSTITUTIONAL & STATUTORY PROVISIONS

The Fifth Amendment of the Double Jeopardy Clause of the United States Constitution focuses explicitly on the avoidance of multiple punishments for a single offense. While 18 U.S.C. Section 1591(b) and 18 U.S.C. Section 1594(c) prescribe two different statutory penalties for the underlying crime of sex trafficking authorized by 1591(a).

STATEMENT OF THE CASE

On January 29, 2014, the Government filed a two-count indictment against the petitioner Taquarius Ford and his co-defendant Konia Prinster. The indictment alleged the following;

COUNT 1:
Sex Trafficking Conspiracy in violation of 18 U.S.C. Sections 1591(a)(1), (b)(1), and 18 U.S.C. 1594(a) and (c).
Alleged Victims: T.H., A.C.W., J.D., E.H., C.H., A.F.W.

COUNT 2:
Sex Trafficking by Force, Fraud, and Coercion, in violation of 18 U.S.C. Sections 1591(a)(1), (b)(1), and 1594(a) and (c).
Alleged Victim: T.H., the same victim from Count One.

A Superseding Indictment was later filed and expanded the timeline of the conspiracy and added a substantive count.

COUNT 3:
Sex Trafficking by Fraud or Coercion under 18 U.S.C. Sections 1591(a)(1), (b)(1) and 1594(a).
Alleged Victim: A.C.W., the same victim from Count One.

On April 28, 2015 the Government added a Second Superseding Indictment charging Mr. Ford with two additional offenses:

Obstruction of Enforcement of Section 1591 in violation of 18 U.S.C. Section 1591(d); and Tampering with a Witness, Victim or Informant in violation of 18 U.S.C. Section 1512(b)(3).

On November 8, 2016, co-defendant Konia Prinster entered a guilty plea on Count One of the Superseding Indictment agreeing to cooperate against Mr. Ford, her co-defendant.

At trial the Government presented evidence that under the guise of promising adult women a career in modeling, Mr. Ford, lured them into prostitution and used fraud to complete such ends. There was also testimony from T.H., a Brothel Madam and alleged victim who claimed Mr. Ford assaulted her. However, testifying on his own behalf Mr. Ford, admitted to pandering but wholly denied the sexual assault of Madam T.H., or any of the alleged victims. It should be noted that two of the six alleged victims defied Federal Subpoenas and refused to testify against Mr. Ford.

On December 16, 2021, the jury found Mr. Ford guilty of Counts 1-4 of the Second Superseding Indictment. Mr. Ford was acquitted on the witness tampering charge. Prior to sentencing, Mr. Ford, brought to trial attorney Laurie Bender's attention that Counts One and Two are identical to each other and that Count Three was multiplicitous of Count One. Attorney Bender promptly filed a motion to dismiss the multiplicitous counts and argued at sentencing for a base offense level of 14 and not 34 in spite of the fact that Counts 1-3 were in violation of Double Jeopardy. Mr. Ford also raised the multiplicitous Double Jeopardy issue and Offense Level differential during his allocution at sentencing. (Appendix C.)

On November 6, 2017, the District Court sentenced Mr. Ford to 400 months imprisonment. Subsequently, the Federal Public Defender's Office appointed Appellate Counsel: Michael Levine. From the onset, Mr. Ford urged his appeal attorney, through numerous letters, phone calls and emails to address the issue of his multiplicitous Double Jeopardy convictions. Yet attorney Levine, failed to raise even a modicum of these multiplicitous convictions on Mr. Ford's direct appeal. (Appendix D.)

Subsequently, Mr. Ford raised the Constitutional Double Jeopardy error on his 28 U.S.C. Section 2255 motions with both the District Court and Appellate Court for the Ninth Circuit. However, the Panel gave no substantial explanation on why it chose to ignore such a grave miscarriage of justice and Constitutional provision such as the Fifth Amendment's Double Jeopardy Clause. "An indictment is multiplicitous when it charges a single offense multiple times, in separate counts, when in law and fact, only one crime has been committed. "United States v. Wahchumwah, 710 F.3d 862, 869 (9th Cir. 2013).

REASONS THE WRIT SHOULD BE GRANTED

Mr. Ford moves for an order dismissing multiplicitous counts in the Second Superseding Indictment because the charges are multiplicitous and violate his due process and double jeopardy rights. *United States v. Zalapa*, 509 F.3d 1060, 1064 (9th Cir. 2007) ("It was plain error for the district court not to vacate one of the [multiplicitous] counts before entering a judgment and sentencing"); *United States v. Gries*, Nos. 15-2432 (7th Cir. 2017) (court remanded to vacate convictions on lesser counts when two conspiracies were wholly incorporated into the enterprise count violating defendant's Fifth Amendment right not to be punished twice)[1];

1. The TVPRA of 2008 did not create a separate offense for conspiracy to commit sex trafficking under 18 U.S.C. §1591(1)(a).

While it is a generally accepted principle of law that the commission of a substantive crime and a conspiracy to commit it may be treated by Congress as separate offenses, and cumulatively punished, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) did not create a separate offense for

[1] See also, *United States v. King*, 713 F. Supp. 2d 1207 (D. Haw. 2010) (A court may redress multiplicity in an indictment by dismissal of multiplicitous counts or entry of an order directing the government to elect under which counts it will proceed so long as there is no improper amendment to the indictment. A court may also choose to have all counts proceed to trial and vacate one of the multiplicitous convictions prior to sentencing); *Ball v. United States*, 470 U.S. 856, 860 & n.7 (1985) (The Double Jeopardy Clause does not prohibit the government from proceeding with prosecution on multiplicitous counts, so long as no more than one punishment is imposed).

conspiracy to commit sex trafficking under 18 U.S.C. §1591(1)(a).[2] The relevant section of the Act, amending 18 U.S.C. §1594 provides:

> "(c) Whoever conspires with another to violate section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both."

The original legislation, the Trafficking Victims Protection Act of 2000 (TVPA) did not contain any reference to conspiracy. Congress enacted 18 U.S.C. §1594(c) in part to hold conspirators accountable for violations of is §1591(a)(1) but recognizing that the degree of culpability for a conspirator could significantly vary according to the role played by a specific participant, e.g., "bottoms", bouncers, recruiters. It was also enacted to "give prosecutors new tools to gain cooperation from witnesses and informants who can provide vital testimony in trafficking prosecutions" and "to remove unintended

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[2] 18 U.S.C. §1591, in relevant part, provides:

> (a) Whoever knowingly—
> (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or
>
> (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

mandatory minimum penalties." (Congressional Record, Dec. 10, 2008). Section 1594(c) was not meant to create a substantive offense; it is merely a sentencing enhancement.

Aside from evidence of congressional intent, the language of §1594(c) does not create a substantive offense. The language of §1594(c) is dissimilar to other federal conspiracy statutes that indisputably create substantive offenses. For example, 21 U.S.C. §846, which states that "[a]ny person who conspires to commit any offense defined in this subchapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy". This statute, like many other statutes which prohibit conspiracies to commit specific substantive acts, provide that the penalties for conspiracy are the same as those for the underlying substantive offenses.

Here, Congress' decision to define the penalty "for one who conspires with another to violate section 1591" differently than the penalty for the substantive offense presumably means that Congress did not intend to create a statutory basis for common law conspirator liability. If it had, under the *Pinkerton* Doctrine, a conspirator would be liable for the substantive crimes of a co-conspirator that are performed in the course and furtherance of the conspiracy and are reasonably foreseeable, including conduct triggering the mandatory minimum sentence under §1591(b)(1). *Pinkerton v. United States*, 328 U.S. 640 (1947). This would undermine Congress' intent in enacting section 1594(c) of the TVPRA "to remove unintended mandatory minimum penalties" and/or cumulative punishments for a less culpable participant. The clear intent of Congress in

prescribing such wide-ranging punishment (from zero years to life imprisonment) was to expand the available penalties available to a particular case given the expansive nature of the sex trafficking statute.

Mr. Ford's position is supported by the Ninth Circuit's decision in *United States v. Wei Lin*, 841 F.3d 823 (9th Cir. 2016), wherein the court held that United States Sentencing Guideline (USSG) §2X1.1(a) does not apply to § 1594(c). The plain language of the guideline for the substantive offense, USSG §2G1.1 (a), implicitly covers violations of 18 U.S.C. §1594(c), stating:

(a) Base Offense Level

(1) 34, if the offense of conviction is 18 U.S.C. §1594(b)(1); or

(2) 14, otherwise.

USSG §2X1.1(a) only applies if a conspiracy offense is not covered by a specific guideline offense. *Id.*

Despite the Ninth Circuit's holding in *Wei Lin*, the Government continues to interpret and apply the Base Offense Level of 34 violations of §1594(c). The Government's interpretation of USSG 2G1.1 and argument for separate punishments contradicts the clear intent of Congress in enacting §1594(c) and violates the rule of lenity. The Court has steadfastly insisted any ambiguity or uncertainties in statutory text or Sentencing Guidelines shall be resolved in favor of the defendant. "[D]doubt will be resolved against turning a single transaction into multiple offenses." *Bell v. United States,*

349 U. S. 81, 349 U. S. 84 (1955); *Ladner v. United States,* 358 U. S. 169 (1958). *See Prince v. United States,* 352 U. S. 322 (1957). In *Ladner*, the Court stated:

> "This policy of lenity means that the Court will not interpret a federal criminal statute so as to increase the penalty that it places on an individual when such an interpretation can be based on no more than a guess as to what Congress intended."

358 U.S. at 178.

2. "No man should be twice punished for the same offense"

The Fifth Amendment to the United States Constitution provides, in pertinent part, that no person shall "be subject for the same offense to be twice put in jeopardy of life or limb." The Double Jeopardy Clause[3] generally precludes the entry of a conviction and sentence on both a greater offense and an offense included within it. *United States v. Davenport*, 519 F.3d 940 (9th Cir, 2008); *North Carolina v. Pearce,* 395 U. S. 711, 395 U. S. 717 (1969). It also precludes the government from dividing a single conspiracy into multiple charges and pursuing successive prosecutions against a defendant. *Braverman v. United States*, 317 U.S. 49 (1942) (reversing convictions on seven conspiracy counts charging violations of separate Internal Revenue codes where government conceded that evidence at trial proved defendants entered into a single agreement to commit multiple crimes); *United States v. Stoddard*, 111 F.3d 1450, 1454-57 (9th Cir. 1997) (holding defendant's prior acquittal on charges alleging a drug conspiracy between 1989-1990

[3] The Double Jeopardy Clause protects against three distinct abuses: a second prosecution for the same offense after acquittal; a second prosecution for the same offense after conviction; and multiple punishments for the same offense.

barred the government, on double jeopardy grounds, from subsequently charging the defendant in a broader drug conspiracy between 1985 and 1995 because the evidence showed "that there was only one agreement between the conspirators).

Counts 1 and 2 of the Second Superseding Indictment are charged by the Grand Jury under the same statutes -18 U.S.C. §§ 1591(a)(1), (b)(1), and 1594(a) and 1594(c).

The Ninth Circuit has adopted a "factor analysis" to determine whether two conspiracy counts under one statute charge the same offense. "We compare the differences in the periods of time covered by the alleged conspiracies, the places where the conspiracies were alleged to occur, the persons charged as conspirators, the overt acts alleged to have been committed, and the statutes alleged to have been violated. *United State v. Bendis*, 681 F.2d 561, 565 (9th Cir. 1981).

Here, Counts 1 and 2 charge the same persons as conspirators, Taquarius Kaream Ford and Konia Prinster, and the same statutory provisions. The time frame alleged in Count 1 (beginning in 2008 and continuing through 2013) is broader than the time frame alleged in Count 2 (December 2011 and February 17, 2012), but the places where the conspiracies were alleged to have occurred and the alternative means alleged to have been committed are the same.

Notwithstanding the fact that the two conspiracies have different dates, the proof required at trial to convict Mr. Ford of both counts was identical. The time period of a conspiracy is determined not by the dates alleged in the indictment, but by the evidence adduced at trial. The Double Jeopardy Clause cannot be avoided through artful pleading

or "the simple expedient of dividing a single crime into a series of temporal or spatial units." (quoting *Brown v. Ohio*, 432 U.S. 161, 169, 97 S. Ct. 2221, 53 L. Ed. 2d 187 (1977)). See also, *United States v. Lynn*, 636 F.3d 1127 (2011) ("merely citing different dates or date ranges for the receipt and possession charges alone does not suffice to separate the conduct for double jeopardy purposes).

There is another fundamental principle stemming from the Fifth Amendment which provides that a defendant can only be convicted for a crime charged in the indictment.[4]

> "It is the exclusive prerogative of the grand jury finally to determine the charges, and once it has done so neither a prosecutor nor a judge can change the charging part of an indictment to suit [his or her] own notions of what it ought to have been, or what the grand jury would probably have made it if their attention had been called to suggested changes." *United States v. Leichtnam*, 948 F.2d 370, 375–76 (7th Cir. 1991) (quoting *Ex parte Bain*, 121 U.S. 1, 10 (1887)) (alteration in original) (internal quotation marks omitted); *see also Stirone v. United States*, 361 U.S. 212, 216 (1960).

United States v. Ward, 747 F.3d 1184, 189 (9th Cir. 2014)

An amendment to an indictment occurs when the charging terms of the indictment are altered, either literally or in effect, by the prosecutor or a court after the grand jury has last passed upon them. *United States v. Von Stoll*, 726 F.2d 584, 586 (9th Cir. 1984); *Ward* at 190; see also, *United States v. Weissman*, 899 F.2d 1111, 1114 (11th Cir.1990). A jury instruction that constructively amends a grand jury indictment constitutes per se reversible error because such an instruction violates a defendant's constitutional right to

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[4] "No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury..." U.S. Const. amend. V.

be tried on only those charges presented in a grand jury indictment and creates the possibility that the defendant may have been convicted on grounds not alleged in the indictment. *Stirone v. United States*, 361 U.S. at 217-18.

The prosecutor and the court constructively amended the indictment by omitting the charge under §1594(c) to jury on Count 2. Despite defense counsel's failure to object to the erroneous instruction, the amendment constitutes another legal error in Mr. Ford's conviction of Count 2.

3. Convictions on the "conspiracy" count and the crimes charged in Counts 2 and 3 constitute double jeopardy

Count 1 charges the defendants (Konia Prinster and Taquarius Kaream Ford) with "Sex Trafficking Conspiracy" under 18 U.S.C. §§ 1591(a)(1), (b)(1), and 1594(a) and (c)). As previously argued, §Section 1594(c) does not create a separate offense under federal conspiracy law. The punishment under §1591(a)(1) is set forth under 1591(b)(1). This statutory provision is not a separate offense. *United States v. Todd*, 627 F. 3d 329, 334 (9th Cir. 2009). The penalties for one who attempts or conspires to commit §1591(a)(1) fall under 1594(a) and 1594(c). Accordingly, Counts 2 and 3 are lesser included offenses of Count 1, and cumulative punishments cannot be imposed.

However, assuming Congress intended to create a separate conspiracy offense, the Ninth Circuit employs the test from *Blockburger v. United States,* 284 U. S. 299 (1932), to determine whether on offense is a lesser included offense of another. The *Blockburger* test is also used for determining "whether two offenses are sufficiently distinguishable to

permit the imposition of cumulative punishment." *Brown v. Ohio,* 432 U. S. at 61. The Court held:

> "[t]he applicable rule is that, where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one is whether each provision requires proof of a fact which the other does not."

Blockburger v. United States, supra at 284 U. S. 304. *See also Brown v. Ohio, supra* at 432 U.S. 166; *Ianelli v. United States,* 420 U. S. 770 (1975); *Gore v. United States,* 357 U. S. 386 (1958).

In *Wahchumah*, the court explained:

> "Under that test, "where the same act or transaction constitutes a violation of two distinct statutory provisions," we ask "whether each provision requires proof of a fact which the other does not." *United States v. Overton*, 573 F.3d 679, 691 (9th Cir.2009) (quoting *Blockburger*, 284 U.S. at 304) (internal quotation marks omitted). "If two different criminal statutory provisions punish the same offense or one is a lesser included offense of the other, then conviction under both is presumed to violate congressional intent." *United States v. Davenport*, 519 F.3d 940, 943 (9th Cir.2008) (citation omitted). [T]he Court's application of the test focuses on the statutory elements of the offense. If each requires proof of a fact that the other does not, the *Blockburger* test is satisfied, notwithstanding a substantial overlap in the proof offered to establish the crimes." *Albernaz v. United States*, 450 U.S. 333, 338, 101 S.Ct. 1137, 67 L.Ed.2d 275 (1981) (quoting *Iannelli v. United States*, 420 U.S. 770, 785 n. 17, 95 S.Ct. 1284, 43 L.Ed.2d 616 (1975)).

Under the *Blockburger* test Count 2 and 3 are multiplicitous of Count 1 in that each count constitutes a violation of 1591(a)(1) and requires the same proof at trial. There is a presumption "that where two statutory provisions proscribe the same offense, a legislature does not intend to impose two punishments for the offense. *Rutledge v. United States*, 517 U.S. 292, 297 (1996).

Sex Trafficking under §1591(1)(a) contains a single, indivisible set of elements. It has been well settled over the past decade in sex trafficking cases that jurors are required to unanimously conclude that the elements of an offense are satisfied, but are not required to unanimously agree on which means a defendant used to commit a particular element. *Richardson v. United States*, 526 U.S. 813, 817, 119 S. Ct. 1707, 143 L. Ed 2d 985 (1999). Force, fraud and coercion are alternate means of accomplishing sex trafficking, not distinct elements); *United States v. Marcus*, 487 F. Supp. 2d 289, 308 (E.D.N.T. 2007) (describing "force, fraud or coercion" as a single element of interstate domestic violence); see also *United States v. Fuertes*, 805 F.3d 485 (4th Cir. 2005) (the "jury need not agree on anything past the fact that the statute was violated")[5] *Rendon v. Holder*, 764 F.3d 1077, 1085 (9th Cir. 2014).

Here, the Government charged Mr. Ford with violations of §1591(1)(a) in Counts 1, 2 & 3. To prove Count 1, the court instructed the jury as follows:

> "(1) First, beginning in or about 2008 and continuing through 2013, there was an agreement between two or more persons to engage in sex trafficking of persons by force, fraud or coercion; and
> (2) defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it.

[5] In *Fuertes*, the court held that because the crime of sex trafficking under Section 1591 does not qualify as a crime of violence under the residual clause, because in the ordinary case, an offender's possible conduct under the elements of the offense include several different ways that the crime could be committed in a non-violent manner. Similarly, a sex trafficking conspiracy under §1591(a)(1) cannot be divorced from its violent [or non-violent] objective). In the same way §1591(a)(1) is indivisible, a sex trafficking conspiracy under §1591(a)(1) cannot be divorced from its violent [or non-violent] objective. *United States v. Naughton*, 621 Fed. App'x 170 (4th Cir. 2015).

A conspiracy is a kind of criminal partnership—an agreement of two or more persons to commit one or more crimes. The crime of conspiracy is the agreement to do something unlawful; it does not matter whether the crime agreed upon was committed. For a conspiracy to have existed, it is not necessary that the conspirators made a formal agreement or that they agreed on every detail of the conspiracy. It is not enough, however, that they simply met, discussed matters of common interest, acted in similar ways, or perhaps helped one another. *You must find that there was a plan to commit at least one of the crimes alleged in the indictment as an object of the conspiracy with all of you agreeing as to the particular crime which the conspirators agreed to commit.*

One becomes a member of a conspiracy by willfully participating in the unlawful plan with the intent to advance or further some object or purpose of the conspiracy, even though the person does not have full knowledge of all the details of the conspiracy. Furthermore, one who willfully joins an existing conspiracy is as responsible for it as the originators. On the other hand, one who has no knowledge of a conspiracy, but happens to act in a way which furthers some object or purpose of the conspiracy, does not thereby become a conspirator. Similarly, a person does not become a conspirator merely by associating with one or more persons who are conspirators, nor merely by knowing that a conspiracy exists." (Emphasis added). (Appendix E.)

The Government sought to hold Mr. Ford accountable as a conspirator for violating §1591(a)(1) by requiring the jury to find, beyond a reasonable doubt, that there was a "plan to commit at least *one of the crimes alleged in the indictment as an object of the conspiracy*". The jury was further instructed that its verdict had to be unanimous as to the particular crime the conspirators agreed to commit. In other words, a conviction on Count 1 required the jurors to unanimously agree that at least one of the crimes alleged in the indictment was the object of the conspiracy. Because the verdict form is silent with respect to what crime alleged in the indictment served as the object of the conspiracy

means the verdict on Count 1 was either unlawful or the conduct alleged in Counts 2 and 3 is multiplicitous of the conduct alleged in count 1. The latter seems the more appropriate answer.

THE CIRCUITS ARE SPLIT: In the Ninth Circuit, United States v. Warren, 5 F.4th 1078; 2021 U.S. App. LEXIS 21709, defendant Warren was convicted of violating 18 U.S.C. Section 1594(c) and U.S.C. Section 1591(a)(1), (b)(2). The Court reversed conviction because 1591(a)(1) and (b)(2) did not transform judgement into the penalty of the substantive. The Court reasoned that 1594(c) was the proper punishment; In United States v. Nichols, 77 F.4th 490; (7th Cir. 2023) U.S. APP. LEXIS 20435, Nichols brought a procedural challenge to the district court's imposition of a life sentence. The gist of his argument focused on the text of 2G1.1(a) of the Sentencing Guidelines, which provides a level of 34 "if the offense of conviction is U.S.C. 1591(b)(1)" but only without it being paired together with the conspiracy statute of U.S.C. 1594(c). The U.S. Probation Office agreed with Nichols. Since Nichols, Circuits are still at odds with regards to 18 U.S.C. Section 1594(c) as how 2G1.1 should be applied. Compare United States v. Sims, 957 F.3d 362, 363-64 (3rd Cir. 2020); United States v. Guity-Nunez, No. 20-2483, 2021 U.S. App. LEXIS 37473, 2021 WL 6061763, at *1 (3rd Cir. Dec. 20, 2021) ("[E]ven if a defendant convicted under Section 1594(c) pleads guilty 'only to conspiring to violate Section 1591(a),' the base offense would still be 34 because [s]ubsections 1591(a) and (b)(1) are inextricably linked" (quoting Sims, 957 F.3d at 365 n.2)); United States v. Carter, 960 F.3d 1007, 1013-14 (8th Cir. 2020) (agreeing with the government and district court for a base offense level of 34 on U.S.C. Section 1594(c)).

CONCLUSION

Cumulative punishments in this single prosecution violated the Double Jeopardy Clause and due process of Mr. Ford. Based on the above arguments and in accordance with the Fifth Amendment. This Most Highest Court should Reverse and Remand to Dismiss Counts 2 and 3 as Multiplicitous and redress the ongoing dispute between the Circuits concerning the offense level of U.S.C. Section 1594(c) and its penalties. Mr. Ford humbly requests Certiorari in this matter.

RESPECTFULLY SUBMITTED, This 29 th Day of December 2023.

Taquarius Ford, Pro Se