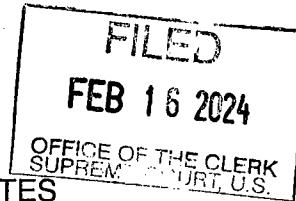


23-6824 ORIGINAL  
No.

IN THE  
SUPREME COURT OF THE UNITED STATES



Jeremiah Lynch — PETITIONER  
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals - Eighth Cir U.S.

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

PETITION FOR WRIT OF CERTIORARI

Jeremiah Lynch  
(Your Name)  
Federal Correctional Complex - USP-1  
PO Box 1033  
(Address)

Coleman Fl 33521  
(City, State, Zip Code)

N/A  
(Phone Number)

**QUESTION(S) PRESENTED**

Is it a Constitutional Violation to apply a grade "A" violation for a crime the state did NOT indict or prosecute, furthermore Movant, received more time than his original sentence by 12 months in prison and an additional period of supervised release,

## 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

Donald John Trump V. Colorado - Pending US CT.

U.S. v. Lalley 257, F. 3d 751-758 (8th Cir 2021)

U.S. v. Kern 2022 U.S. 8th Cir of Appeals Lexis 21124

U.S. v. Williams 605 F. 3d 556, 570 (8th Cir)

Johnson v. U.S. 529 U.S. 694, 700, 120 S. CT 1795, 146 L. Ed 2d 727 (2000)

Mc Millan v. Pennsylvania 477 U.S. 79 (1986)

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## TABLE OF AUTHORITIES CITED

### CASES

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Schlup v. Delo	513 U.S. 130 L. Ed. 2d 808, 115 S. Ct (1995)	
Dagger v. Adams	489 U.S. at 401, 411 n.6, 109 S. Ct 1211-1217 n.6 103 L. Ed 2d 435 (1989)	
Bousley v. US	523 U.S. 140 L. Ed. 2d 828, 118 S. Ct (1998)	
Johnson v. US	529 U.S. 694, 700, 120 S. Ct 1795, 146 L. Ed. 2d 727 (2000)	
McMillan v. Pennsylvania	477 U.S. 79 (1986)	

### STATUTES AND RULES U.S. C. 3583(e)(3)

U.S. C 7B1.1(A)  
U.S.C 7B1.4(a)(1)  
Iowa Code 708.2A(5)  
Iowa Code 708.2A(5) P1  
U.S.C §3561(b)

### OTHER N/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 \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished. *But provided*

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is *Direct Cite only*

reported at \_\_\_\_\_; 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.

*NA*

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 July - 13 - 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: Nov-22-23, 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**: NA

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

This issue is an issue of preponderance of evidence, much like the Donald Trump v. Colorado issues at hand in this very court. Here, Movant received a grade A violation for allegations he strangled his wife, [A crime for which he was never indicted or convicted of.] Much like the Trump case where he was never convicted of insurrection but was removed from the ballot.

Movant was given a total of 12 months in prison which exceeds his original sentence.

Movant was denied his constitutional right to due process of law under the U.S. Bill of Rights - Dec 15, 1791

- Amendment V. -5
- Amendment VI. 6

## STATEMENT OF THE CASE

On May 3 2022, Movant's wife Alyssa Lynch contacted the Davenport P.D. to report Movant assaulted her by attempted strangulation. Mrs Lynch recanted her story and testified that in fact, Movant did not strangle her.

The District Judge - through a preponderance - found Movant Guilty on the May 2 - [e]xent. Even though Movant was never prosecuted and found guilty of the state charges.

Movant claims 1. That he is actually innocent - his wife testified she lied see D.J. Trump ~~§ 708.2A~~

2. Movant argues the classification, which should only be a grade C violation.
3. Movant contends that Iowa State Code § 708.2A (S) (2011) does not prosecute for attempted strangulation.
4. with service of 21 months in 2018 and 51 months on this violation he has served 12 months longer than his original sentence

Movant simply did not commit the charged crime, This court is currently addressing this issue [Donald John Trump] one can not be punished for a state crime for which he was NOT convicted, charged or tried. The Movant has a Sixth amendment right to due process of law, also the right to have a jury find the facts behind his punishment - Here, acting sua sponte the judge applied a 51 month sentence, which is 12 month longer than the original sentence imposed.

It's clear even by the govt's ruling that Movant was not charged with a domestic assault in state court Appx A p. 2 - sub note 2. Now Movant alleges his due process rights guaranteed by the Bill of rights have been violated. With this motion Movant has shown a case of clear error which caused him to serve a total of 12 month over his original sentence for a violation of an alleged crime for which he was never charged, indicted, convicted of or sentenced on.

We request this case be placed in abeyance until a ruling in Trump v. Colorado/Illinois. This case mirrors Trump in the fact that Movant is being punished for a crime he WASN'T even charged with.

## REASONS FOR GRANTING THE PETITION

The Bill of Rights- Amendment V.

No person "shall be compelled in any criminal case.... be deprived of life, liberty, or property, without due process of Law"

In this case Movants begs this honorable Court for Consideration and would not object to the case being held in Abeyance pending the decision in Donald John Trump V. Colorado.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jeremiah Lynch

Date: Jan - 28 - 24