

Supreme Court of the United States
Office of the Clerk

4-25-24

Jeremiah Lynch

Thursday

V.

Case No: 23-6824

United States

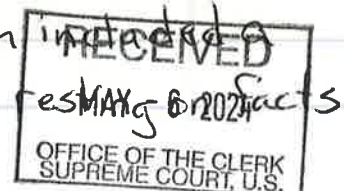
Movant Motion for Rehearing of his Writ of Certiorari
Petitioner Proceeding in forma Pauperis Under Rule 39

Here Comes Mr. Lynch Who received his new punishment from a Judge at a hearing to consider the revocation of his term of Supervised release. This procedural distinction makes all the difference, because the 6th Amendment's jury trial promise applies only to Criminal Prosecutions, which ends with issuance of a Sentence, and not post-judgment Sentence-administration proceedings.

Mr. Lynch Was found guilty by a Judge, by a preponderance of the evidence, for an Un-Charged Crime and recieved [51 months] with out a jury trial that Mr. Lynch asked for. The Court has Exceeded his Original Supervised release of 60 months, by [12 month's in prison], With an additional 60 more months Supervised release. Mr. Lynch's first Violation was in 2018 and he was sentenced to [21 months in prison] with a 2 year term of Supervised release. [72 months]

This Supervised release prison term
New and Higher Mandatory Minimum

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found only by a judge, by a preponderance of the evidence. Which Violates Mr. Lynch's right to trial by jury guaranteed by the 5th and 6th Amendments.
United States V. Andre Haymond 869 F.3d 1153; 139 S.Ct. 2369; 204 L. Ed. 2d 897.

The facts the judge found here Exceed "The Legally prescribed Range of allowable Sentences", in Clear Violation of 5th and 6th Amendments. "Any increase in in a defendants Authorized punishment Contingent on find of facts" requires a jury and proof beyond a reasonable doubt. Ring, 536 U.S. at 602, 122 S.Ct. 2428, 153 L. Ed 2d 556.

A jury must find beyond a reasonable doubt every fact "which the Law makes essential to [a] punishment." (139 S.Ct 2372) Blakely V. Washington, 542 U.S. 296, 304, 124 S.Ct. 2531, 159 L. Ed. 2d 403.

I Jeremiah Lynch, Certify that the grounds above are intervening Circumstances, The Motion to Show Cause was never served therefore it is Substantial grounds not previously presented. The petition is Filed in good Faith and Not for delay.

I Jeremiah Lynch, Certify that a copy was mailed to U.S. Solicitor General Via First Class mail on April 25-2024

SUPREME COURT OF THE UNITED STATES

NO. 23-6824

April-25-2024

~~March 20th 2024~~

Jeremiah James Lynch
Petitioner,
v.

United States of America
(Elizabeth A. Prelogan
Solicitor General)
Respondents.

PETITIONER: LYNCH'S MOTION SEEKING AN ORDER
OF THIS HONORABLE SUPREME COURT OF THE
UNITED STATES TO ORDER RESPONDENT'S SOLICITOR
GENERAL TO SHOW CAUSE WHY THE USA
HAD NOT ALREADY CONCEDED IN THIS
CASE IN-LIGHT OF SUPREME COURT'S
PREVIOUS PREVAILING CASE LAWS DEPICTED
IN: USA V. HAYMOND, ALLEYNE, BLAKELY,
APPENDI, JOHNSON, ETAL, REPEATEDLY REJECTED
EFFORTS BY THE GOVERNMENT TO DODGE THE
DEMANDS OF THE 5TH AND 6TH AMENDMENTS
REQUIRING BEYOND A REASONABLE DOUBT STANDARD
NOT UNDER THE MERE PREPONDERANCE OF
THE EVIDENCE STANDARD OF REVIEW FINDINGS
VIA: PUNISHMENTS FOR REVOCATION OF
SUPERVISED RELEASE AGAINST LYNCH.

Affidavit of Petitioner: Lynch, Via 28 U.S.C. § 1746,
Under perjury, the above and following to be
true, correct and complete. Pro-Se.

[1] Petitioner: Lynch, hereinafter referred to as
"Lynch" violation of his supervised release
allegations was for conduct he was not
even indicted of, not convicted of
beyond a reasonable doubt.

[2] Lynch was not afforded a jury trial concerning
his supervised release violation, which a jury
must find beyond a reasonable doubt every
fact "which the law makes essential to [a]
punishment" that a judge might later seek
to impose. Blakely v. Washington, 542 U.S.
296, 304.

[3] Historically, that rule's application proved
straightforward.

[4] In Apprendi v. New Jersey, 530 U.S. 466, for
example, this court held unconstitutional a
sentencing scheme that allowed a Judge
to increase a defendant's sentence beyond the
statutory maximum based on the judge's finding
of new facts by a preponderance of the evidence.

[5] And in Alleyne v. USA, 570 US 99, The court held that Apprendi's principle "applies with equal force to facts increasing the Mandatory Minimum." 570 US at 111-112. The lesson for this case is clear: Based solely on facts reflected in the Jury Verdict.

[6] And this court has already recognized that punishment's for revocation of Supervised release arise from and are "Treated... as part of the Penalty for the initial Offense." Johnson v. USA, 529 U.S. 694, 700. In Lynch, Mirrors the Unconstitutional Sentencing enhancement in Alleyne & Haymond. But what is true in Apprendi and Alleyne can be no less true here in Lynch.

The district court's factual findings by a preponderance of the evidence cannot stand.

Conclusion

Wherefore, for all the above specifically stated reasons Petitioner: Lynch, Most respectfully requests the following relief from this Honorable Supreme Court of the United States:

ORDER, The government/respondent's /
Solicitor General Elizabeth B. Prelogar,
Room 5616, Department of Justice, 950
Pennsylvania Avenue, N.W. Washington, D.C.
20530-0001 to show cause why it had
Not Already Conceded in this Case. "Lynch"
in-Light of Supra.,

ORDER, Solicitor General Ms. Prelogar to
respond to this motion.,

GRANT, Lynch appointment of Counsel.,

GRANT, Lynch's request for a "Writ of Certiorari"
be issued, and briefed by this Honorable Court.

Signed under 28 U.S.C. § 1746, Under perjury,
the above following to be true, Correct
and Complete. Pro-Se.

Respectfully submitted by
petitioner/affiant:

~~Jeremiah James Lynch~~

Jeremiah James Lynch

pro-se.

11963-030

USP Coleman T.

P.O. Box 1033

Coleman, Florida

33521.

Certificate of service

I, petitioner: Lynch, hereby certify that I have
sent this motion via: US mail/postage
prepaid on this 25th day of March, April
2024, to the following:

Clerk of Courts
U.S. Supreme Court
1 First Street, N.E.
Washington, D.C.
20543

Ms. Elizabeth B. Prelogar
Solicitor General
Room 5616
Dept of Justice
950 Pennsylvania Ave.
N.W. Washington, D.C.
205301-0001.

~~Jeremiah James Lynch~~
Jeremiah James Lynch