

23-6880

No. _____

ORIGINAL

FILED

FEB 27 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

James Tyree Lunsford — PETITIONER
(Your Name)

vs.

King "et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Courts of Appeals of the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Lunsford
(Your Name)

McDowell County Jail
(Address)

Marion, NC 28654
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether my Sentence was Justifiable
2. Why i Wasn't granted time serve or any jail credit
due to the state and federal case are related the state dismissed charges the federal prosecuted indicted
3. Im asking the courts would it still be considered Double Jeopardy the state was going to dismiss all charges against me and let the feds take the case i sat in jail 793 day awaiting federal sentencing PJRC
4. I ask the courts to get my Durham County Plea agreement
5. also Why would the federal prosecutor use evidence off my state case if there want related to prosecute me in federal courts they wanted 5 years to ~~indict~~ indict my case
6. Why i didnt receive any credit
7. Shouldnt at least get time serve on 84 months
that's non consecutive
8. We did 7 Years that could've been doing in
the feds or counted towards my federal sentence
Now i have 201 months on top of the 7 Years
9. Why are the stacking 924C under the first Step Act
there not Posed to stack 924C

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:

AGEE, and THACKER Circuit Judges
for the Fourth Circuit

RELATED CASES

~~RECORDED CASES~~, the federal Judge
said this is unusual see in transcript

its no cases similar

besides cases like

United States V McCoy

Rodriguez V United States
933 F. Supp 219, 281-283 (S.D.N.Y 19

Thomas F McCoy
No 20-6821

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

United States v McCoy

2

Anders v California

2

United States v Bantcher

2

United States v Missouri

3

United States v Jackson

3

STATUTES AND RULES

895 F.3d 358, 362

(4th Cir. 2018)

386 U.S. 138 (1967)

998 F.3d 603, 608

(fourth Cir 2021)

591 F.3d 263, 279 (4th Cir. 2010)

699 F.3d 1141, 1144 (9th Cir 2012)

OTHER

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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 _____ to the petition and is

[] 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.

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 Feb 5, 2024.

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).

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

- Eighth Amendment to be Free from Cruel and unusual Punishment under the ~~First~~ First Step Act eliminating Sentence - stacking under 924(c)
- Federal five-year statute of limitations, 18 U.S.C., § 3282

STATEMENT OF THE CASE

Whether my sentence is reasonable
due to the delay

REASONS FOR GRANTING THE PETITION

- Under the First Step Act
eliminating Sentence-stacking under
924(c) were i have two
- The delaying for federal PROsecution
that caused my offense levels to go up
also caused me to not receive my 893 day
Sail Credit awaiting federal PROsecution.
- The state was going to dismiss all charges
against me that way i would've gotten
all my credit towards my federal sentencing
- The feds waited until the last minute
of the Statutory Limitation of 5 Years
was running out to indict the case.
- Offense of crime ~~2016~~ 2016 of October
- indicted November of 2021

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jamel Lunsford

Date: 02/09/24