

ORIGINAL

No. 23-6934

FILED

MAR 08 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

CALVIN C. FREEMAN — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CALVIN C. FREEMAN
(Your Name)

USP TERRE HAUTE, P.O. BOX 33,
(Address)

TERRE HAUTE, INDIANA, 47808
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1.) Whether Congress intended the Alternative sex trafficking of children "OR" by force, fraud, or coercion as Alternative Elements or Alternative Means?

2.) Whether Congress intended the 18 U.S.C. § 1591 statue to be used as a "Catch-All-Net" for an Accuse to be prosecuted for violating the 18 U.S.C. § 1591 statue, Whether the alleged victim be)Minor(s) or an Adult(s)? If so, does the statue 1591 controdicts its' definition and/or recognition of establishment of an minor not being an full legal adult to make free will decision, and under- mines an adult ability to do the same for its actions?

3.) Whether the 18 U.S.C. § 1591 statue have multiple statues combined in one statue that controdicts its' statue to be a single offense. If not, what essential element identifies the distintion of an minor vs. an adult whom choose to independently enter-off-into prostitution?

4.) Whether Congress clearly discribed the essential elements of 18 U.S.C. § 1591, or is the statue unconstitutional vague and over-broad. What is the true meaning of statue 18 U.S.C. § 1591?

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:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

18 U.S.C. § 1591(a)(1) and (a)(2);

18 U.S.C. § 1591(b)(1) and (b)(2);

2421 and 2422(a); 11(a); 11(b) and 22 U.S.C. § 7102

OTHER

§ 1591 § (a); (b); (1) and § (e)(2).

Congress record, the HR. 3244 matching Senate bill § 2414, Victim Protection Act April 12, 2000 Senator Wellstone; and Davis, 17204.

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APPENDIX A , 1-6 pages (The opinion of the United States court of appeals).

APPENDIX B, 1-2 pages (The denial by the United States Court of Appeals on the following date, and granting of requests to file a late petition for rehearing).

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APPENDIX D

APPENDIX E

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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 B to the petition and is unavailable at the moment in time.

☐ 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 Nov. 03, 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: Dec. 26, 2023, and a copy of the order denying rehearing appears at Appendix B, 1-2.

☐ 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

18 U.S.C. § 1591 statue unconstitutionally vague, overbroad.

Statutes:

18 U.S.C. § 1591(a)(1) and (a)(2);

18 U.S.C. § 1591(b)(1) and (b)(2);

2421 and 2422(a); 11(a); 11(b) and 22 U.S.C. § 7102.

Others:

§ 1591 § (a); (b); (1) and § (e)(2).

Congress record, the HR. 3244 matching Senate bill § 2414, Victim Protection Act April 12, 2000 Senator Wellstone; and Davis, 17204.

The Government's application of § 1591(a)(1) is unconstitutionally vague "as applied", due to said application failing to provide fair notice and clarity as to whether 18 U.S.C. § 1591(a)(1) alternative, "children" or "by force" are elements or means.

The child statue, 18 U.S.C. § 1591 for instance, which is titled: Sex trafficking of children "OR" by force, fraud, or coercion. The statue's structure, legislative history, and punishment provision makes it abundantly clear that the statue § 1591 "ONLY" applies to crimes committed against "children". And recently federal district court judges and prosecutors have broadened the 18 U.S.C. § 1591 statue and child protective statue § 1591 into a charge applicable to adult-based crimes of prostitution, creating a "Catch-All- Net".

Punishment Provision

The appropriateness of multiple punishment, Congress did "not" establish multiple punishments for a person who violates § 1591.

Constitution:

5th Amendment to the Constitution, Due Process Clause.

STATEMENT OF THE CASE

The Indictment On June 4, 2019, the government filed a multi-count indictment against Mr. Calvin C. Freeman, R.1. Pursuant to the operative second superseding indictment, count 1 alleged that Mr. Freeman conspired to engage in sex trafficking in violation of 18 U.S.C. § 1591(a)(1) and (b)(1).

Count 2 alleged that beginning in August 2015, through October 7, 2018, Mr. Freeman engaged in sex trafficking AV-1 by force, fraud or coercion in violation of 18 U.S.C. § 1591(a)(1) and (b)(1); count 3-5 alleged between October, 2017 and February 2018, March 13 and May 3, 2018, and September, 2018 and October 2018, Mr. Freeman engaged in interstate transportation of AV-1 for prostitution in violation of 18 U.S.C. §§ 2421(a). R. 42 at 1-6.

Count 6 alleged on or about October 7, 2018, Mr. Freeman possessed a firearm as felon in violation of 18 U.S.C. § 922(g)(1)(A) and 924(a)(2); count 7 alleged possession of ammunition by a felon on or about October 10, 2018, in violation of 18 U.S.C. § 922(g)(1)(A) and 924(a)(2). Id. at 6-7.

Count 8 alleged between May 21, 2019 and June 3, 2019, Mr. Freeman obstructed a sex trafficking enforcement in violation of 18 U.S.C. § 1591(d).

Count 9 alleged between June 2007 and August 2007, Mr. Freeman engaged in sex trafficking a child, JV-1, in violation of 18 U.S.C. § 1591(a)(1) and (b)(2); count 10 alleged between June, 2007 and August, 2007, Mr. Freeman transported a minor, JV-1, with intent to engage in criminal sexual activity in violation of 18 U.S.C. § 2423(a) Id. at 8-10.

Count 11 alleged that Mr. Freeman, between January 2014 and January 2016, sex trafficked by force, fraud or coercion, AV-2 in violation of 18 U.S.C. § 1591(a)(1) and (b)(1); count 14 alleged Mr. Freeman obstructed a sex trafficking enforcement on or about August 2, 2019 in violation of 18 U.S.C. 1591. Id. at 11, 14.

Count 15-17 charged Mr. Freeman with contempt of court on June 27, 2019, July 24, 2019, and August 12, 2019 in violation of 18 U.S.C. § 401(3). Id. at 15-17.

The Trial

A jury commenced on June 14, 2021.

On June 22, 2021, the jury reached its verdict finding Mr. Freeman guilty on count 1-8, 10-11, and 14-17 and not guilty on count 9. R. 110.

Sentencing

On October 4, 2021, the court conducted a sentencing hearing and gave an oral sentencing ruling. R. 140. Judgement and the statement of reason were entered on October 12, 2021, R. 141, 142. A second amended judgment was entered on March 18, 2022. R. 194; App 1. Mr. Freeman filed his Notice of Appeal on October 18, 2021. R. 144.

Appeal Three Panel Decision

The panel's decision, not to address Mr. Freeman's Question(s) regarding whether 1591's alternative as "Elements" or "Means" leaves open the possibility for the same Arbitrary Enforcement as illustrated above by the Third Circuit Court. Until a conclusive interpretation of what the alternative sex trafficking of children "OR" by force, fraud, or coercion actually means, 18 U.S.C. § 1591 will be unconstitutionally vague, and over broad "as Applied".

REASONS FOR GRANTING THE PETITION

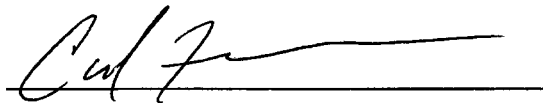
A United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter. There is a split in the circuits. Courts have so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by lower courts, as to call for an exercise of this Court's supervisory power. United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court.

Congress, when establishing 18 U.S.C. § 1591 statute (sex trafficking) its' language identifies minor(s) through-out the discribing the elements of the t above said statue in its subsets/and or subsections. Congress never intended for the government to widen its definition of the statue's subsets to achieve an prosecution of an defendant(s) accused of violating the statue. In addition,, accordingly to the 5th Amendment of the Constitution, Due Process of Law, requires every element must be proven by the government in-order to establish the accuse violated the statue. A jury instruction violate due process if it subverts the presumption of innocence or relieve the Government of its burden to prove every elements of a crime beyound a reasonable doubt. This is because due process requires the government to prove beyond a reasonable doubt every fact necessary to constitute the crime with which a defendant is charged. The government CAN NOT by the rules of law, identify an legal adult under the statue of 18 U.S.C. § 1591. As well as, a jury instruction might also be unconstitutional if there is reasonable likihood the jury has applied the challenged instruction in a way that prevent the consideration of constitutionally relevant evidence.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'C. J.', is written over a horizontal line.

Date: Feb. 29, 2024