

CASE NO. _____
SUPREME COURT OF THE UNITED STATES

STACEY WILLIAMS, JR.

PETITIONER

V.

UNITED STATES OF AMERICA

RESPONDENT

**PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF
THE UNITED STATES**

**JARROD J. BECK
LAW OFFICE OF JARROD J. BECK, PLLC
101 WEST SHORT STREET
LEXINGTON, KENTUCKY 40507
270.860.2025
JARROD.BECK@GMAIL.COM**

COUNSEL FOR STACEY WILLIAMS, JR.

QUESTIONS PRESENTED FOR REVIEW

- I. Whether Mr. Williams's Count 1 conviction and corresponding life sentence violate his right to due process?
- II. Whether application of a 21 U.S.C. § 851 enhancement resulting in a mandatory life sentence violates Mr. Williams's right to due process and Sixth Amendment rights?

LIST OF ALL PARTIES TO THE PROCEEDINGS

Petitioner/Appellant/Defendant – Stacey Williams Jr.

Respondent/Appellee/Plaintiff – United States of America

TABLE OF CONTENTS

Questions Presented for Review	i
List of All Parties to the Proceedings.....	ii
Table of Contents	iii
Index to Appendices.....	iv
Table of Authorities	v
Opinions Below.....	2
Jurisdiction	2
Constitutional and Statutory Provisions Involved.....	3
Statement of the Case	3
Reasons for Granting Writ	9
I. Mr. Williams's Count 1 conviction and corresponding life sentence violate his right to due process	9
II. Application of a 21 U.S.C. § 851 enhancement resulting in a life sentence violates Mr. Willia's right to due process and Sixth Amendment rights	14
A. 21 U.S.C. § 851 requires factual findings by a jury, not the district court.....	14
B. The district court's instructions and jury verdict form improperly permitted application of 21 U.S.C. § 841(b)(1)(C)'s enhanced penalties.....	17
Conclusion.....	20
Certificate of Service.....	21

INDEX TO APPENDICES

Appendix A

Judgment from the Eastern District of Tennessee in *United States v. Stacey Williams Jr.*, 19-CR-40-KAC, filed on June 23, 2022.

Appendix B

Unpublished Opinion of the United States Court of Appeals for the Sixth Circuit in *United States v. Stacey Williams Jr.*, No. 22-5540, filed on February 21, 2024.

Appendix C

Order of the United States Court of Appeals for the Sixth Circuit Denying Petition for Rehearing En Banc in *United States v. Stacey Williams Jr.*, No. 22-5540, filed on April 19, 2024.

TABLE OF AUTHORITIES

I. Cases	Page No.
<i>Abdur’Rahman v. Carpenter</i> , 805 F.3d 710 (6 th Cir.2015).....	11
<i>Alleyne v. United States</i> , 570 U.S. 99 (2013)	14, 16
<i>Almendarez-Torres v. United States</i> , 523 U.S. 224 (1998)	15, 16
<i>Apprendi v. New Jersey</i> , 530 U.S. 466 (2000)	14, 15
<i>Blakely v. Washington</i> , 542 U.S. 296 (2004)	14, 15
<i>Burrage v. United States</i> , 571 U.S. 204 (2014)	9, 10
<i>Descamps v. United States</i> , 570 U.S. 254 (2013)	16
<i>Diamora v. United States</i> , 973 F.3d 496 (6 th Cir.2020).....	19
<i>Erlinger v. United States</i> , 144 S.Ct. 1840 (2024)	15
<i>Harris v. United States</i> , 404 U.S. 1232 (1971)	9
<i>Jackson v. Virginia</i> , 443 U.S. 307 (1979)	9
<i>Johnson v. Florida</i> , 391 U.S. 596 (1968)	9

<i>Mathis v. United States</i> , 579 U.S. 500 (2016)	16
<i>Monge v. California</i> , 524 U.S. 721 (1998)	16
<i>O'Donnell v. Sheriff</i> , 91 Nev. 754 (1975).....	11
<i>Opper v. United States</i> , 348 U.S. 84 (1954)	12
<i>Ramos v. Louisiana</i> , 590 U.S. 83 (2020)	14
<i>Shepard v. United States</i> , 544 U.S. 13 (2005)	16
<i>Thompson v. Louisville</i> , 362 U.S. 199 (1960)	9
<i>United States v. Damra</i> , 621 F.3d 474 (6 th Cir.2010).....	17
<i>United States v. Hayes</i> , 49 F.3d 178 (6 th Cir.1995)	12
<i>United States v. Haymond</i> , 588 U.S. 634 (2019)	14, 15
<i>United States v. Kuehne</i> , 547 F.3d 667 (6 th Cir.2008).....	17
<i>United States v. Graham</i> , 622 F.3d 445 (6 th Cir.2010).....	12
<i>United States v. Ledbetter</i> , 929 F.3d 338 (6 th Cir.2019).....	12

<i>United States v. Pruitt,</i> 156 F.3d 638 (6 th Cir.1998).....	12
<i>United States v. Sadler,</i> 24 F.4 th 515 (6 th Cir.2022)	10
<i>United States v. Sherrill,</i> 972 F.3d 752 (6 th Cir.2020)	12
<i>United States v. Silver,</i> 864 F.3d 102 (2d Cir.2017)	19
<i>United States v. Thompson,</i> 558 Fed.Appx. 449 (6 th Cir.2014)	12
<i>United States v. Volkman,</i> 797 F.3d 377 (6 th Cir.2015)	11
<i>Vachon v. New Hampshire,</i> 414 U.S. 478 (1974)	9

Statutes, Rules, and Guidelines

21 U.S.C. § 841(b)(1)(C)	6, 17
21 U.S.C. § 851	14
28 U.S.C. § 1254(1)	2
Ala. Code 12-21-222 (1975)	12
Cal.Penal Code § 1111	12
NRS § 175.291	11
FRAP 10(a)	13
Texas CRIM P. Art. 38.14.....	11

CASE NO. _____
SUPREME COURT OF THE UNITED STATES

STACEY WILLIAMS, JR.

PETITIONER

V.

UNITED STATES OF AMERICA

RESPONDENT

**PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF
THE UNITED STATES**

Stacey Williams Jr., by court-appointed counsel, respectfully requests that a Writ of Certiorari issue to review the unpublished opinion of the United States Court of Appeals for the Sixth Circuit in the case of *United States v. Stacey Williams Jr.*, No. 22-5540, filed on February 21, 2024 and attached to this Petition as Appendix B.

OPINIONS BELOW

Mr. Williams's appeal to the Sixth Circuit was taken from the Judgment entered following his convictions for narcotics offenses. *See Appendix A.* On February 21, 2024, the Sixth Circuit issued an unpublished opinion affirming Mr. Williams's convictions and life sentence. *See Appendix B.* The Sixth Circuit subsequently denied Mr. Williams's petition for rehearing en banc on April 19, 2024. *See Appendix C.* This petition for a writ of certiorari now follows.

JURISDICTION

The Sixth Circuit issued an unpublished opinion affirming Mr. Williams's convictions and sentence on February 21, 2024. *See Appendix B.* The Sixth Circuit denied Mr. Williams's timely petition for rehearing en banc on April 19, 2024. *See Appendix C.* Mr. Williams invokes this Court's jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

U.S. Const. amend. VI: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”

STATEMENT OF THE CASE

In March 2019, Stacey Williams Jr. and co-defendant Joshua Catlett were indicted in the Eastern District of Tennessee for *inter alia* distributing “fentanyl, acetyl fentanyl, and butyryl fentanyl[.]” [R. 1: Indictment, Page ID # 3-6]. The

Indictment included a Notice indicating an enhanced statutory penalty under 21 U.S.C. § 841(b)(1)(C) could apply because it was alleged the distribution led to an overdose death. *Id.* at Page ID # 3-4.

Shortly after indictment, Mr. Catlett reached a plea agreement with the government and agreed to cooperate against Mr. Williams. *See* [R. 21: Catlett Plea Agreement, Page ID # 35-42]; [R. 25: Minute Entry for Change of Plea Hearing, Page ID # 51]. The government explained its theory of the case at Mr. Catlett's rearraignment:

Mr. Catlett said he “was contacted by Christopher Neal Noon to purchase heroin” on November 21, 2018. [R. 59: Transcript, Catlett Change of Plea Hearing, Page ID # 246]. Mr. Catlett allegedly contacted Mr. Williams “in order to purchase heroin to distribute to Noon.” *Id.* Mr. Catlett then supposedly met Mr. Williams in the parking lot of a Family Dollar store in Sevierville, Tennessee. Mr. Catlett drove to the location “with his friend Cody Ryan Hughes, Noon, and Noon’s friend Katie Clark.” *Id.* “Once the group arrived” Mr. Catlett “exited the vehicle alone...[and] made the transaction – money in exchange for suspected heroin.” *Id.*

When Mr. Catlett returned to his vehicle, “[a]ll four individuals” injected it. *Id.* “When Noon injected the drugs, he immediately began having trouble breathing and started to turn blue.” *Id.* Mr. Catlett witnessed Ms. Hughes inject

Mr. Noon with methamphetamine, which “provided stimulation and revived him.” *Id.* Mr. Catlett dropped Mr. Noon and Ms. Clark off and “gave the remainder of the drugs” to Mr. Noon. *Id.* Mr. Noon “overdosed and died on the morning of November 22, 2018[.]” *Id.* He was found “on the bathroom floor” at his parents’ house. [R. 39: 404(b) Notice, Page ID # 87].

The government’s expert Knox County, Tennessee Regional Forensic Center Medical Examiner Dr. Christopher Lochmuller conducted Mr. Noon’s autopsy and determined the death resulted from a “combination of fentanyl, acetyl fentanyl, butryl fentanyl, and methamphetamine intoxication.” [R. 32: Government Expert Notice, Page 77]. Dr. Lochmuller indicated he was unable to “say how much the methamphetamine may have contributed to [Noon’s] death, as an individual can overdose from any amount of methamphetamine[.]” *Id.*

Given these findings, Mr. Williams filed a pro se motion to dismiss arguing in part the drugs allegedly distributed by him were not an “independently sufficient cause of death” to permit the enhanced penalty provisions of 21 U.S.C. § 841(b)(1)(C) to apply. The magistrate court dismissed the motion because the “Local Rules...prohibit a defendant from filing motions in his or her own behalf, when represented by counsel.” *Id.* No similar motion was ever filed by counsel for Mr. Williams.

Prior to trial, the government filed an Information pursuant to 21 U.S.C. § 851 to provide notice of intent “to seek increased punishment” based on Mr. Williams’s prior Michigan drug conviction. [R. 121: 851 Notice, Page ID # 505]. This notice increased the potential penalty for Count 1 to mandatory life based on Mr. Williams’s prior conviction for simple possession of narcotics. *See* 21 U.S.C. § 841(b)(1)(C); [R. 121: 851 Notice, Page ID # 505].

At trial, the government called officers and witnesses involved in controlled purchases from Mr. Williams unrelated to the distribution charged in Count 1. *See* [R. 187: Transcript, Jury Trial, Day 2, Page ID # 1791-1831]. Mr. Noon’s mother testified about her son staying at her house with Ms. Clark the night of the overdose. *Id.* at Page ID # 1847. Mr. Noon’s father described finding Mr. Noon overdosed in a bathroom with drugs near him. *Id.* at Page ID # 1857.

Joshua Catlett testified that he obtained drugs for Mr. Noon on November 21, 2018 from Mr. Williams. *Id.* at Page ID # 1887-94. No other witness testified about the transaction or indicated Mr. Williams was involved in any way. Mr. Noon acknowledged he had multiple sources from whom he purchased heroin around the time of Mr. Noon’s overdose and agreed he never entered Mr. Williams’s vehicle to complete the transaction as he previously claimed. *Id.* at Page ID # 1922, 1926.

Katie Clark testified she was present in Mr. Noon's room the night of his overdose. They two used the same drugs obtained from Mr. Catlett every "couple hours" – "three or four" times total. *Id.* at Page ID # 1956. Later that night, Mr. Noon said "he wanted to go get more heroin[,"] but Ms. Clark indicated she did not and instead would remain in his bedroom while he did so. *Id.* at Page ID # 1957. Ms. Clark also confirmed Mr. Noon obtained drugs from multiple sources. *Id.* at Page ID # 1965. As she fell asleep, Mr. Noon was "walking out the bedroom door[.]" *Id.* at Page ID # 1958. She awoke only when detectives confronted her the next morning. *Id.* at Page ID # 1957-58.

Dr. Lochmuller testified that fentanyl-laced drugs "could be the cause of" Mr. Noon's death, but the methamphetamine was also "toxic[.]" *Id.* at Page ID # 2051-52. He said he could only conclude the combination of drugs found in Mr. Noon's system caused his death and could not determine if one drug "was more important than the others." *Id.* at Page ID # 2065, Lines 11-17. Dr. Lochmuller reiterated that there is "no minimal lethal dose for methamphetamine." *Id.* at Page ID # 2071.

TBI Special Agent Carolyne Simpson testified about testing performed on the narcotics located at the scene of Mr. Noon's overdose and in Mr. Williams's apartment. *Id.* at Page ID # 2132-41. Despite the toxicology report confirming the presence of butyryl fentanyl in Mr. Noon's blood, none of the samples tested

contained the same compound. *Id.* at Page ID # 2151-52. In its closing argument, the government insisted “the facts support” a finding of “but-for causation[,]” but said it “is not something” any of the experts could tell the jury definitively. [R. 200: Transcript, Closing Arguments, Page ID # 2587].

The district court did not utilize Sixth Circuit Pattern Jury Instruction 14.02B for Count 1, instead crafting its own instruction. This original instruction did not require the jury to find beyond a reasonable doubt that Mr. Noon “would not have” died “but for the use” of the controlled substance “distributed by” Mr. Williams and that Mr. Williams was “part of the distribution chain that placed” the drugs “into the hands” of Mr. Noon. Instead, it asked only whether Mr. Noon’s death resulted from the use of a controlled substance “distributed or caused to be distributed” by Mr. Williams. [R. 189: Transcript, Jury Trial, Day 4, Page ID # 2213-15]; [R. 131: Jury Verdict, Page ID # 534]. The district court also misstated other proof requirements as to Count 1 when instructing the jury, orally indicating a conviction for Count 1 required a unanimous finding that Mr. Williams distributed a mixture or substance containing fentanyl, acetyl fentanyl, and butryl fentanyl that caused Mr. Noon’s death. [R. 189: Transcript, Jury Trial, Day 4, Page ID # 2205-06].

The jury returned guilty verdicts as to Counts 1-7 and 9. [R. 188: Transcript, Jury Trial, Day 4, Page ID # 2247-54]. The jury acquitted Mr. Williams of Count

8. Contrary to the district court's instructions, the jury convicted Mr. Williams of Count 1 despite finding that the substance at issue only contained fentanyl and acetyl fentanyl while leaving the line on the verdict form for butyryl fentanyl blank. *See* [R. 131: Jury Verdict, Page ID # 533-34].

The district court ultimately imposed a mandatory life sentence pursuant to 21 U.S.C. § 841(b)(1)(C). [R. 190: Transcript, Sentencing, Page ID # 2287-90].

REASONS FOR GRANTING THE WRIT

I. Mr. Williams's Count 1 conviction and corresponding life sentence violates his right to due process.

Due process requires that a citizen alleged to have committed a criminal offense be provided a “meaningful opportunity to defend” against the charge, and that he be convicted only if a jury makes factual findings as to each and every essential element “beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 314-15 (1979). “It is beyond question...that a conviction based on a record lacking any relevant evidence as to a crucial element of the offense charged...violate(s) due process.” *Vachon v. New Hampshire*, 414 U.S. 478, 480 (1974) (citing *Harris v. United States*, 404 U.S. 1232, 1233 (1971) (Douglas, J., in chambers); *Thompson v. Louisville*, 362 U.S. 199 (1960); *Johnson v. Florida*, 391 U.S. 596 (1968)).

A conviction under 21 U.S.C. § 841 for distribution of a controlled substance resulting in serious bodily injury or death requires a jury to find: (1)

knowing or intentional distribution of a controlled substance by the defendant, and (2) serious bodily injury or death caused by the use of that drug. *Burrage v. United States*, 571 U.S. 204, 210 (2014). “[W]here the use of the drug distributed by the defendant is not an independently sufficient cause of the victim’s death or serious bodily injury, a defendant cannot be held liable under the penalty enhancement provision of 21 U.S.C. § 841(b)(1)(C) unless such use is a but-for cause of the death or injury.” *Burrage*, 571 U.S. at 218-19. Likewise, a “district court cannot impose” an enhanced sentence for a conviction under 21 U.S.C. § 841(b) “unless the jury finds the defendant was part of the distribution chain that led to the victim’s overdose.” *See United States v. Sadler*, 24 F.4th 515, 560 (6th Cir.2022).

In this case, the record contains no evidence as to multiple essential elements of Count 1. First, no testimony was offered establishing the fentanyl mixture provided by Mr. Catlett was an “independently sufficient cause” of Mr. Noon’s death as required under *Burrage*. Mr. Williams is alleged to have sold narcotics to co-defendant Joshua Catlett, who then distributed them to others, including Mr. Noon. The government’s theory was that these same drugs were responsible for Mr. Noon’s deadly overdose. At trial, the government’s experts testified they could not determine if the fentanyl mixture at issue “was more important” in causing the overdose than the methamphetamine also found in Mr. Noon’s blood. *See, e.g.*, [R. 188: Transcript, Jury Trial, Day 3, Page ID # 2048-95]. These

experts were the only two witnesses qualified to offer scientific testimony about the cause of Mr. Noon's death, yet neither said the fentanyl mixture provided by Mr. Catlett satisfied the *Burrage* test. Nor was any testimony offered that Mr. Noon's death could have been avoided "without the incremental effect of" the fentanyl. *United States v. Volkman*, 797 F.3d 377, 392 (6th Cir.2015). Given the scientific testimony as to but-for causation and the circumstances surrounding Mr. Noon's injection of multiple potentially lethal drugs on the day of his passing, Mr. Williams's conviction based on the trial record violates his right to due process.

There was also insufficient evidence that Mr. Williams was in the chain of distribution of the drugs that caused Mr. Noon's death. The only evidence at trial relating to Mr. Williams's distribution of drugs on November 21, 2018 was the uncorroborated testimony of co-defendant Joshua Catlett. None of the other individuals nearby at the time of the alleged transaction interacted with or identified Mr. Williams. Mr. Catlett alone tied Mr. Williams to the trafficking resulting in the overdoses.

The law in various jurisdictions prohibits a criminal conviction from resting solely on the uncorroborated testimony of an accomplice. *See, e.g.*, Texas Code of Criminal Procedure – CRIM P. Art. 38.14 (Texas state law); *Abdur 'Rahman v. Carpenter*, 805 F.3d 710, 716 (6th Cir.2015) (Tennessee state law); *O'Donnell v. Sheriff*, 91 Nev. 754 (1975) (citing NRS § 175.291) (Nevada state law); § 12-21-

222, Ala. Code (1975) (Alabama state law); Cal.Penal Code § 1111 (California state law). When arguing this issue before the Sixth Circuit, Mr. Williams noted that court had previously recognized uncorroborated accomplice testimony can be sufficient to support a conviction, but none of the decisions addressing that issue involved the imposition of a mandatory life sentence. *See* [App. R. 47: Appellant Brief, Page 31]; *United States v. Thompson*, 588 Fed.Appx. 449, 452 (6th Cir.2014) (citing *United States v. Graham*, 622 F.3d 445, 448 (6th Cir.2010); *United States v. Pruitt*, 156 F.3d 638, 647 (6th Cir.1998); *United States v. Hayes*, 49 F.3d 178, 181 (6th Cir.1995)).

In its opinion denying Mr. Williams's appeal, the Sixth Circuit cited *United States v. Sherrill*, 972 F.3d 752, 760-61 (6th Cir.2020), and *United States v. Ledbetter*, 929 F.3d 338 (6th Cir.2019), to support its conclusion that "mandatory life sentences" can be applied based solely on uncorroborated accomplice testimony. *See* [Appendix B: Panel Decision, Page 3]. But both of those cases involved significant corroboration and had no application to Mr. Williams. *See* [App. R. 52-1: Petition for Rehearing, Pages 3-5].

Prior precedents from this Court require proof a defendant was in the chain of distribution to permit a sentencing enhancement under 21 U.S.C. § 841(b). Given the mandatory life sentence Mr. Williams received and Mr. Catlett's testimony being the only evidence linking Mr. Williams to the drugs allegedly

causing the overdose, Mr. Williams's Count 1 conviction cannot stand. As this Court held in *Opper v. United States*, 348 U.S. 84, 89 (1954), "doubt persists" in this country "that the zeal of agencies of prosecution to protect the peace [and] the self-interest of the accomplice...may tinge the facts[.]" This is the scenario Mr. Williams faced as to Count 1. Mr. Catlett was truly responsible for distributing the drugs that led to the overdose. He could not dispute those circumstances. There were numerous witnesses, many of whom also received narcotics from him. Mr. Catlett was facing a recommended sentencing range of 30 years to life. [R. 187: Transcript, Jury Trial, Day 2, Page ID # 1914]. Yet, following Mr. Williams's conviction, Mr. Catlett was sentenced to just 84 months of incarceration. [R. 147: Catlett Judgment, Page ID # 1267-73].

This is precisely the kind of situation that has long concerned courts across the country, including this one. Not only was the Sixth Circuit incorrect in suggesting its prior precedent justifies upholding a conviction resulting in a mandatory life sentence based solely on the uncorroborated testimony of an accomplice, but numerous other jurisdictions specifically prohibit it. This Court should grant certiorari to resolve this conflict and give guidance to courts throughout the country on a matter of exceptional importance. *See* FRAP 10(a).

II. Application of a 21 U.S.C. § 851 enhancement resulting in a life sentence violates Mr. Williams's right to due process and Sixth Amendment rights.

21 U.S.C. § 851 permits the government to seek an increased statutory penalty based on a defendant's prior qualifying convictions, but it must do so in a properly filed enhancement notification submitted before trial. Here, the government filed an Information, but application of the enhanced statutory penalty violates Mr. Williams's right to due process and his rights under the Sixth Amendment.

A. 21 U.S.C. § 851 requires factual findings by a jury, not the district court.

The Sixth Amendment requires that a guilty verdict will issue only from a unanimous jury. *Ramos v. Louisiana*, 590 U.S. 83, 93 (2020). The Fifth Amendment mandates that the government must prove to a jury every one of its charges beyond a reasonable doubt. *United States v. Haymond*, 588 U.S. 634, 641 (2019); *Apprendi v. New Jersey*, 530 U.S. 466, 477-78 (2000). The Fifth and Sixth Amendments also seek to ensure that a judge's power to punish is “deriv[ed] wholly” from and remain always “control[led] by, the jury and its verdict.” *Blakely v. Washington*, 542 U.S. 296, 306 (2004).

Even when it came to early American statutes that gave judges some discretion in choosing from among possible sentences, “the ranges themselves were linked to particular facts” found by the jury. *Alleyne v. United States*, 570

U.S. 99, 109 (2013). This ensured a judge could not “swell the penalty above what the law provided for the acts” found by a jury of the defendant’s peers. *Haymond*, 588 U.S. at 642 (citing *Apprendi*, 530 U.S. at 519) (internal quotation marks omitted).

This Court has recognized that these rules are “fundamental reservation[s] of power” to the American people. *Blakely*, 542 U.S. at 306. By requiring the Executive Branch to prove its charges to a unanimous jury beyond a reasonable doubt, the Fifth and Sixth Amendments mitigate the risk of prosecutorial overreach and misconduct, including the pursuit of “pretended offenses” and “arbitrary convictions.” *Erlinger v. United States*, 144 S.Ct. 1840 (2024) (citing The Federalist No. 83, p. 499 (C. Rossiter ed. 1961)). Those constraints similarly seek to restrict the Judicial Branch, ensuring that the punishments courts issue are not the result of a judicial “inquisition” but are premised on laws adopted by the People’s elected representatives and facts found by members of the community. *Id.* (citing *Blakely*, 542 U.S. at 307; *Haymond*, 588 U.S. at 640-41).

While this Court in *Almendarez-Torres v. United States*, 523 U.S. 224, 228-32 (1998), held the existence of a prior conviction is an exception to the Sixth Amendment’s jury trial finding requirement, the Court’s more recent opinions have reiterated the greater principle that “[w]hen a finding of fact alters the legally prescribed punishment so as to aggravate it, the fact necessarily forms a constituent

part of a new offense and must be submitted to the jury.” *Alleyne*, 133 S.Ct. at 2161. Indeed, little more than one month ago this Court emphasized that *Almendarez-Torres* is “at best an exceptional departure” from “historic practice.” *Erlinger*, 144 S.Ct. at 1840 (citing *Apprendi*, 530 U.S. at 487). The Court suggested that decision parted ways from “uniform course” of the Court’s prior precedents and was “arguabl[y] incorrec[t],” noting that “a number of Justices” have criticized it, with Justice Thomas in particular “call[ing] for it to be overruled.” *Id.* See also *Mathis v. United States*, 579 U.S. 500, 522 (2016) (Thomas, J., concurring); *Descamps v. United States*, 570 U.S. 254, 280 (2013) (Thomas, J., concurring in judgment); *Shepard v. United States*, 544 U.S. 13, 27 (2005) (Thomas, J., concurring in part and concurring in judgment); see also *Monge v. California*, 524 U.S. 721, 741 (1998) (Scalia, J., joined by Souter and Ginsburg, JJ., dissenting).

The time has come for this Court to do as it has repeatedly suggested it must and overrule *Almendarez-Torres*. The Fifth and Sixth Amendments prohibit a criminal defendant like Mr. Williams from being subjected to an enhanced mandatory life sentence based on factual findings made by a district court, not a jury. No citizen should be subjected to the kind of life-altering sentence imposed in this case without the facts used to enhance that sentence being found unanimously by his peers.

B. The district court’s instructions and jury verdict form improperly permitted application of 21 U.S.C. § 841(b)(1)(C)’s enhanced penalties.

Criminal trials and their resulting judgments flow from “the language of the indictment, the evidence presented at trial, the jury instructions[,] and the verdict forms used by the jury.” *United States v. Kuehne*, 547 F.3d 667, 683-84 (6th Cir.2008). When a defendant is convicted of a violation of 21 U.S.C. § 841 leading to “death or serious bodily injury,” § 841(b)(1)(C) mandates various enhanced statutory penalties depending on the circumstances of the case and the defendant’s criminal history. District courts are prohibited from imposing an enhanced sentence unless the jury finds the defendant was part of the distribution chain that led to the victim’s overdose.

Courts “regularly look to whether jury instructions mirror or track the pattern jury instructions as one factor in determining whether any particular instruction is misleading or erroneous.” *United States v. Damra*, 621 F.3d 474, 499-500 (6th Cir.2010). When courts depart from the pattern instructions, potential problems can arise.

The district court in this case did not utilize Sixth Circuit Pattern Jury Instruction 14.02B relating to offenses involving the distribution of a controlled substance when death or serious bodily injury results. It appears the court’s instruction included language from this Court’s decision in *Burrage*. However, the

jury form dispensed with the additional proof requirements outlined in Pattern Jury Instruction 14.02B. The Pattern Instruction would have properly required the jury to find beyond a reasonable doubt that Mr. Noon “would not have” died “but for the use” of the controlled substance “distributed by” Mr. Williams and that Mr. Williams was “part of the distribution chain that placed” the drugs “into the hands” of Mr. Noon. Instead, the verdict form only asked the jury to find that Mr. Noon’s death resulted from the use of a controlled substance “distributed or caused to be distributed” by Mr. Williams. [R. 131: Jury Verdict, Page ID # 534].

As a result, the verdict form in this case permitted the jury to apply the death enhancement under 21 U.S.C. § 841(b)(1)(C) even if it did not believe Mr. Williams was truly in the “chain of distribution” of the drugs that led to Mr. Noon’s overdose. Instead, the form as written allowed the jury to subject Mr. Williams to an enhanced statutory penalty based solely on evidence that he “caused” others to distribute drugs without ever possessing them or distributing them himself. This modified proof requirement improperly reduced the government’s burden in seeking a conviction and enhanced penalty under 21 U.S.C. § 841(b)(1)(C).

Making matters worse, the district court’s instructions misstated other proof requirements as to Count 1. One of the factual issues in this case was that Mr. Noon’s blood tested positive for fentanyl, acetyl fentanyl, and butyl fentanyl, but

the drugs recovered at the location of Mr. Noon’s overdose and at Mr. Williams’s residence “did not contain burtylfentanyl.” [R. 188: Transcript, Jury Trial, Day 3, Page ID # 2151-52]. These circumstances led the jury to mark only the choices for fentanyl and acetyl fentanyl on the verdict form while leaving the line for butyryl fentanyl blank. *See* [R. 131: Jury Verdict, Page ID # 533-34]. In other words, the jury was unable to reach a unanimous verdict that the mixture it believed Mr. Williams initially distributed contained all three of the drugs in Count 1.

While it is not uncommon for charges to be pled in an indictment in the conjunctive, but proven at trial in the disjunctive, the district court specifically instructed the jury that it could only convict Mr. Williams if it believed beyond a reasonable doubt that he distributed a mixture containing all three of the drugs listed in Count 1. *See* [R. 189: Transcript, Jury Trial, Day 4, Page ID # 2205-06]. This misstatement of the law is highly problematic given the jury ultimately convicted Mr. Williams of Count 1 and applied the death enhancement, yet it failed to find the substance at issue actually contained butyryl fentanyl as required by the court. While we typically assume the jury “follow[ed] instructions[,]” we know it did not in this case. The court’s instructions and verdict form as to Count 1 “mis[led] the jury as to the correct legal standard” and did not “adequately inform the jury on the law.” *Diamora v. United States*, 973 F.3d 496, 502 (6th Cir.2020); *United States v. Silver*, 864 F.3d 102, 118 (2d Cir.2017).

The government has convicted Mr. Williams and requested a mandatory life sentence despite the jury explicitly ignoring the district court's instructions as to the necessary factual predicates for Count 1. The jury was also permitted to enhance Mr. Williams's sentence without making the necessary finding that he was in the chain of distribution that caused Mr. Noon's overdose. Fundamental fairness and the integrity and public reputation of our judicial system require this Court to grant certiorari.

CONCLUSION

For the foregoing reasons, Mr. Williams respectfully asks this Court to grant his petition for the issuance of a writ of certiorari for the purpose of vacating his convictions or sentence.

Respectfully submitted,

JARROD J. BECK

LAW OFFICE OF JARROD J. BECK, PLLC
101 WEST SHORT STREET
LEXINGTON, KENTUCKY 40507

COUNSEL FOR STACEY WILLIAMS, JR.

CERTIFICATE OF SERVICE

I, Jarrod J. Beck, counsel for Petitioner Stacey Williams Jr., do hereby certify that the original and ten copies of this Petition for Writ of Certiorari were mailed to the Office of the Clerk, Supreme Court of the United States, Washington, DC 20543. I also certify that a true copy of the Petition was served by mail with first-class postage prepaid upon Brett Nelson Jones, Assistant United States Attorney, 800 Market Street, Suite 211, Knoxville, Tennessee 37902.

This 16th day of July, 2024.

JARROD J. BECK

COUNSEL FOR STACEY WILLIAMS, JR.