

No. 23A1076

24-5248

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

AUG 01 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Jason Wade Grant — 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 Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jason Wade Grant
(Your Name)

P.O. Box 3725
(Address)

Adelanto, Ca. 92301
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED

AUG - 2 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Can a guilty plea be valid, if the defendant is not aware what they are guilty of until the sentence is pronounced?
2. Can a guilty plea be valid, if at sentencing the summary of the relevant conduct is omitted that the court tends to use for possible punishment?
3. Can a sentence be valid if an defendant is not competent? With an IQ to support claim.
4. Does a sentencing court abuse its discretion when a defendant's mitigating factors warrant attention are not mentioned or considered?
5. Will a defendant's rights be violated at sentencing if their family members are prevented from addressing the court on their behalf?
6. Does ineffective of assistance of counsel warrant a remand to the lower court when there is a failure to address an material issue affecting a defendant's sentence?
7. Will an defendant be prejudiced if acting in pro se and is denied requested records from previous counsel even after seeking the courts assistance to compel?
8. Can relevant conduct alleged be considered without any witness testimony?

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

U.S. Dist. Ct. 5:22-CR-105-11 N. Dist. Texas.

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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

[X] 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,
[X] is unpublished.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 03/05/2024.

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: Unknown, and a copy of the order denying rehearing appears at Appendix Do Not Have.

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

1. The United States of America Sixth Amendment Right of effective assistance of counsel; confrontation clause.
2. US Const. Fifth Amendment Due Process Rights.
3. US Const Eighth Amendment unusual, cruel punishment
4. US Const Thirteenth Amendment
5. US Const Fourteenth Amendment
6. Federal Rule Crim. Proced 11 F.R.Crim.P. 11 (Rule 11)

STATEMENT OF THE CASE

On 11-09-2022, petitioner was indicted with several others. He was arrested on 11-16-2022. On 2-27-23 a superseding information came about and on 2-27-23 a plea agreement was entered by petitioner, a factual Resume was filed. On 3-01-23 a waiver of indictment was filed and the Report and Recommendation. The order accepting R&R was on 3-20-23.

Jason Wade Grant suffered from head injuries and several years of voluntary and involuntary intoxication. His comprehension is below par in analysis of law and procedures. He is [i] competent by its meaning as a matter of law. Despite answering the courts basic questions thru out the proceeding, his penmanship tells a different story. Even at this point a legal clerk assists him in his post conviction stage.

Grants' appointed counsel was aware of the aforementioned yet did not inform the court or seek an evaluation. In fact as the record will reflect counsel embraced petitioners ignorance over the objection of petitioners sister who was removed from court in efforts to let the record reflect petitioners' incompetence. See DKT 479 page 5 lines 12-15 and DKT 477 page 8 lines 6-13.

During the sentence hearing and rearraignment hearing the petitioner was never advised that he would be held accountable for relevant conduct nor that he could confront persons making statements the court would consider at sentencing. The court never heard testimony to make a determination if the informant was credible even being a drug user herself.

Petitioner accepted the appointed counsels guidance and pled guilty to violating Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C). As the evidence viewed by petitioner he faced only a offense level of 19 at category III which equated less than five years. Albeit by the time the petitioner was sentenced he would be subjected to offense level 39 at category III, over the statutory guideline of Title 21 USC 841(a)(1) and 841(b)(1)(C). Petitioner received the max of 240 months. Adding insult to injury petitioners counsel filed a Anders Brief claiming no grounds existed for relief. Petitioner thru a friend of the court sought to seek a rehearing on direct appeal and was denied records, discovery and the request.

Petitioner is detained at the FCI #1 Victorville in Adelanto California serving his sentence.

REASONS FOR GRANTING THE PETITION

The compelling reason to grant certiorari is so that defendants like in the case at hand are afforded the protection of due process regardless if they know what it means or not. The national importance of many not lettered in the law to be guided thru the proceedings should be offered regardless of their status. What is basic and fundamental that any statements considered by a factfinder is subject to cross examination especially if the person is available was denied and unknowingly. This is an erroneous clear miscarriage of justice.

The Supreme Court is able to view the conflict with the decision rendered in the US Dist Court of Texas, Lubbock Division and the US Court of Appeals for the Fifth Circuit in its own and other courts and circuits. The ruling goes against the framers of the US Constitution.

Other ignorant litigants, rather defendants must be protected by the constitution when those who have taken oaths fail to do so. It is clear drug addiction is a nationwide issue even apparent in the White House as our nation witness our Presidents' son go thru it. All drug users are not fortunate to have the financial backing for adequate representation but they all have the protected rights under the Sixth Amendment. When a court is aware of drug use the ruling here should assure that the defendant be evaluated and screened that they are truly aware of all the ramifications of their guilty plea.

Surely not the first time a case has been remanded when the court failed to make the record clear a defendant is aware of the ramifications of their plea and all things considered. Yet herein is another violation of due process and clear errors in the procedure which affected the outcome of the case that must be corrected. Without a friend of the court the petitioner would be deprived of his constitutional rights which many addicts whom could not fight their addiction let alone their federal case. If the court fails to shed light on the miscarriage of justice many more in the nation will fall victim to the effect of drugs and being unlettered in the law.

Ignorance to the law is no excuse for committing a crime but it should not be the basis of being sentenced unconstitutionally. This court should demand so in the interest of justice course and court will do what is deemed fair and just.

June 2nd 2021

This was written on my behalf and is the truth

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jason Wade Grant
Jason Wade Grant

Date: 6-2-24

Resubmitted 7-18-24

Jason Wade Grant