

24-5556

No.

FILED

JUL 24 2024

OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

24-1367

IN THE

SUPREME COURT OF THE UNITED STATES

24-1367

In re Kenneth Koshawn Reid — PETITIONER
(Your Name)

vs.

Solicitor General — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

4th Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kenneth Koshawn Reid
(Your Name)

P.O. Box 300
(Address)

Waymart PA 18472
(City, State, Zip Code)

N/A
(Phone Number)

Front page

QUESTION(S) PRESENTED

1) IS §922(g)(3) unconstitutional as applied to Kenneth Kashawn Reid

2) When Reid was Acquired of First degree drug related Capital Murder in Count 3 does it automatically Acquit him of the same first degree Capital Murder crime charged in Count 4. The date on each Count 3 and 4 confirm that it's the same Capital Murder crime,

3) Since Reid was Acquired of all the Threshold drug Quantity Elements of Count 1 doesn't that mean he was Unanimously Acquired of Count 1 Since the government did not sustain its burden of proof under Due Process of law

Nov 1 2024 Amendment

Prohibiting Punishment of Acquired Conduct Act
must be Applied here

#1 ARGUMENT PRESENTED ✓

Petitioner is ^{*} Actually innocent / factually innocent of First degree Capital Murder which the Jury Acquired him of in Count 3 Count 3 and Count 4 are the same first degree Capital Murder crimes charged twice under two different statutory labels or federal criminal statutes. See Dates on Count 3, 4 (Sept 28, 2003) confirm that it's the same murder, same crime, same date, same episode Same victims,

(Actual innocence due to Acquired by Jury)

②

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

Nov, 1, Amendments to U.S.S.G

Prohibiting Punishment of Acquitted Conduct Act (Applies)

(Defective Indictment)

Argument #3

The indictment is Defective and violates "Double Jeopardy Clause" 5th Amendment of the U.S. Constitution by charging First degree Capitol murder twice in the same indictment for the same murder.

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- Exhibit 1-4 show charges, Verdict of "Not guilty" of Cant⁶ 3
the Acquittal of First degree Capital Murder.

TABLE OF AUTHORITIES CITED

	Nov 1, 2024 Amendment U.S.S.G.	
CASES	Prohibiting Punishment of Acquitted Conduct Act must be Apply	PAGE NUMBER
	United States v. Martin Linen Supply Co., 430 US 564 (1977)	
	Burks v. United States 437 US 1	
	Jackson v. Virginia 443 US 307	
	Fifth Amendment of the U.S. Constitution	
	Waley v. Johnson 316 US 101 (1942) / U.S. v. Kennedy 157 Fed 891	
	Brown v. Ohio 432 US 161	
	New York Rifle & Pistol Ass'n v. Bruen 142 S Ct 2111, 2126 (2022)	
	First Step Act of 2018	
	Fair Sentencing Act of 2010 Crack Law	
STATUTES AND RULES	Fed Rule Crim P 59	
	848(e)(1)(A)	
	924(j)(1)	
	Fed Rule Crim P Rule 29	

OTHER

IN THE UNITED STATES SUPREME COURT

In re: Kenneth Roshawn Reid

Petitioner,

-VS-

Appealing case # 24-1367
3rd Circuit Court of Appeals

Solicitor General

New case #

Respondent

Attachment

WRIT OF CERTIORARI

Petitioner, Kenneth Roshawn Reid, now moves to your honorable Supreme Court to make a simple claim of Actual innocence due to the Acquittal of one count of First degree Capital Murder that I was Acquitted of in Cant 3. The government charged me twice with First degree Capital Murder under two different statutory Labels but the dates Sept 28, 2003 confirm that they are the same crime. Only one First degree Capital Murder crime should have been charged in Reid's indictment 0:04-353* case in the District of South Carolina. Some how none of the Judges in the past who looked at the Case mentioned the fact that it was a clear "fifth Amendment clause Double Jeopardy" violation. The indictment is clearly defective and must be dismissed. Reid only needs the fifth Amendment of the Constitution to prove his rights/substantial Rights being violated here. The Jury Acquitted him of the First degree drug related Capital Murder crime. No law is necessary to support this actual innocence claim, because he was found Not guilty by his peers. See Cant 3 and Cant 4 (Case # 0:04-353)

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

①

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 _____ to the petition and is

☒ reported at Third Circuit Court of Appeals 24-1367; 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 June 21, 2024 opinion

[☒] 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

Prohibiting Punishment of Acquitted Conduct Act⁺
must be Applied here

All U.S. Supreme Court law on Acquittals

18 USC § 924(j)

21 USC § 848(e)(1)(A)

Double Jeopardy Clause 5th Amendment of U.S. Constitution

STATEMENT OF THE CASE

In District Court of South Carolina the District Court allowed the government to try and convict petitioner on a fatally defective indictment that charged Reid twice with the exact same First degree Capitol Murder crime under two different statutory Labels. In Court 3 the First degree Murder was charged under 848(c)(1)(A) and under 924(j) on Court 4. Both Courts have the same date which reveals they are the same First degree Capitol Murder Crime.

Facts

Reid did not ~~not~~ commit the murder, did not participate in the murder and maintains his innocence after 21 years in prison.

Relief

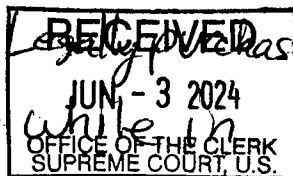
The failure of the District Court to give petitioner the benefit of his Acquittal of First degree Capitol Murder is a complete miscarriage of justice and can only be remedied by this Court by immediate dismissal of indictment, all Courts and immediate release of prisoner. 11485-171 Kenneth Roshaun Reid who's at USP Canaan

REASONS FOR GRANTING THE PETITION

Petition should be granted because Kenneth R. Reid was Acquitted of First degree drug related Capitol Murder in Cant 3 which was the exact same Capitol Murder recharged under a different Statutory Label on Cant 4. But the dates on the Con Counts confirm that Cant 3, 4 are the same First degree Capitol Murder (Sept 28, 2003) Reid was sentenced to Life for the same Capitol Murder crime he was Acquitted of. The indictment charged Reid twice with the same crime which was a violation of V Amendment Double Jeopardy Clause. The U.S. Supreme Court must look at the Dates on Cant 3, 4 and conclude that they are the same crimes, same dates

"Pure miscarriage of Justice"

Supreme Court Justice Katanji Jackson Brown, My name is Kenneth Roshain Reid and I've been asking the District Court of South Carolina and the 4th Circuit Court of Appeals to hear my federal claim to no avail neither Courts will Apply the law or any of the New Current changes in law made retroactive to Cases on collateral review to my case and the Appeals Court will not grant me Authorization to use the changes in law I have tried to use the case "New York Rifle & Pistol Ass'n v Bruen 142 SCT 2111, 2126 (2022) to challenge both of my 922(g)(3) convictions on Court 12, 14 I wish to make a As-applied to challenge saying that 922(g)(3) was or is unconstitutional as-applied to me due to the facts stated in my motion - I was not in possession of any firearms when I was arrested in 2008, and The firearms I was charged with in Court 12, 14 were my Legally owned, ~~legally purchased~~ while in firearms, I was not under the influence of any drugs possession of any firearms, Also I was double charged twice with these same firearms in Courts 11, 13. I was Acquitted of Courts 11, 13 See the dates on the Courts 11, 12 matchup just like Courts 13, 14 matchup because they are the Same firearms charged under different Statutory Labels. The product of indictment manipulation by the prosecutions drafting a defective indictment that violates the Double Jeopardy Clause of the Fifth Amendment of the U.S. Constitution. lower courts are denying me Equal Protection of the laws So I need your Authorization so it can present my New claims here. (11)



claim that 922g(3) is unconstitutional as applied to me which is the same claim that Unitedstates v Daniels 77 F4th 337 2023 WL5091317 the same claim he makes, recieved relief dismissal of his indictment. Also Unitedstates v Harrison 2023 US. DIST LEXIS 18397 (W.D. OKla Feb 3, 2023) Unitedstates v Connelly No-22-CR-229 (W.D. Tex April 6, 2023) all of these people used New York Rifle & Pistol Association v Bruen 142 Sct 2111, 2126 (2022) retroactivity to make their claim.

The District Court of South Carolina or the 4th Circuit Court of Appeals will not grant Authorization so I can use the New changes in Supreme Court law or the Fair Sentencing Act of 2010, cracklaw - Neither Court will Apply the laws
Relief Sought

Please review this Motion and if you believe the Lower Courts should hear it on the Merits please Forward this Motion to the Appellate Commissioner to "Order" the lower district Court to hear it on the merits and to grant relief, reverse both convictions

Order Courts to allow me to use the New changes in law The New York Rifle & Pistol Ass'n v Bruen case and the Fair Sentencing Act of 2010

(Order Authorization) so my motion can be heard on the Merits.

Certificate of Service

I swear under the penalties of perjury that the foregoing is true and correct to the best of my knowledge under the laws of the United States, Title 28 USC § 1746 sign: Kenneth K. Reid

Fundamental Defect in sentence must
be recognized, resolved in the name of justice.

ATTEST:

To Explain:

s/ Patricia S. Dodszeweit
Clerk

DATED: June 21, 2024

#2 Argument

The District Court committed Plain Error and Abused its discretion by imposing a 240 month sentence based on an Erroneously increased mandatory minimum after the Jury refused to find maant guilty of any Threshold Drug quantity - Elements or Drug Amounts rendering the sentence a fundamental defect.
United States v. Wheeler, 886 F3d 415, 429 (4th Cir 2018)

(In justice explained)

This Sentencing Error is reveal once the Fair Sentencing Act of 2010 Crack Cocaine law is Applied, but the District Court of South Carolina and 4th Circuit Court of Appeals refuses to apply the FSA of 2010 Crack Cocaine law / First Step Act to Kenneth Roshawn Reid simply the Courts have denied him justice / relief

Not only was Reid Acquitted of all Threshold Drug Quantity Elements of his crime in Cant 1 by the Jury, The Jury also Acquitted him of Cant 3 First degree Capitol Murder and Acquitted him of the firearms charged in Cant 11, 13 which are the same firearms recharged in Cant 11, 13 and Cants 12, 14. This case screams "Double Jeopardy" Clause Violation 5th Amendment of the U.S. Constitution must be uphold by the U.S. Supreme Court.

The U.S. Supreme Court should give Reid the benefit of his Acquittal of First degree Capitol Murder. The Jury Acquitted me of "First degree Capitol Murder" in Cant 3, It's the same crime where is the Justice. The district Court overruled the Jury and Abused its discretion by Erroneously increasing the mandatory minimum sentence on Cant 1 in an effort to gain an unlawful invalid conviction on Cant 4. A First degree Capitol Murder crime which Kenneth Reid was Acquitted of anyway. It was the governments way of still gaining a Conviction.

CONCLUSION

Grant "Writ" Vacate Cant 4's conviction on Double Jeopardy grounds. Reverse conviction, Vacate conviction dismissal of indictment 0104-353. Vacate Judgement 0104-353 in its entirety due to Acquittal of First degree Capitol Murder Cant 3.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth R. Reid

Date: _____

The AUSA, USPO manipulated Mr. Reid's PSR/PSI Presentencing investigation report by increasing Reid's Criminal History Category from a 2 to 4 points and the FBOP put his Criminal History Score and Category at a 4 instead of a 2 in effort to have Kenneth Reid placed in a United States Penitentiary instead of a FCI Medium facility all this was done by USPO Elizabeth Windham, AUSA Mark C. Meene, Judge Cameron Megawan Curie in effort to have Reid targeted, hunt they were mad, because the Jury Acquitted him of "Capitol Murder"