

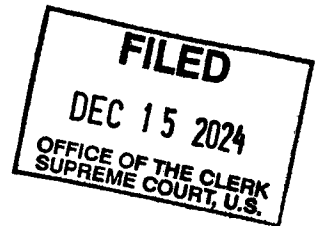
No. _____

24-6862

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Brandon Hardison — 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 6th Cir.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

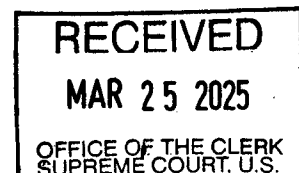
PETITION FOR WRIT OF CERTIORARI

Brandon Hardison
(Your Name)

FCC-USP-1 P.O. Box 1033
(Address)

Coleman, FL 33521
(City, State, Zip Code)

(Phone Number)



Questions presented for review

- ① Witnesses testified that there was NO link... and that the murders were NOT ordered & that petitioner had face eradication, plus petitioner acted by him self spontaneously, so what makes murders gang related?
- ② Trotter testified he never knew petitioner had a gun the night of murders yet Dowler testified that Trotter had the gun BEFORE we left to go to Sherdons house, so who's lying? & what makes Trotter testimony more credible than Dowler's?
- ③ If Trotter was seen with the gun BEFORE & AFTER the murders, what physical evidence link petitioner to the poss. of the gun?
- ④ There was supposedly 4 individuals in the car, yet 2 people were NOT gang members, so again where is the gang link?
- ⑤ The murders were NOT planned, so where does "conspiracy" come in at?
- ⑥ If no one knew petitioner even had a gun, then how were murders planned?
- ⑦ If Trotter was seen BEFORE & AFTER with a gun concerning the murders by witnesses, what physical evidence linked or proved that petitioner was guilty of committing accused crime?
- ⑧ If Trotter was the only person to testify that petitioner passed him (Trotter) a gun over the seat... yet the driver "Lavell" testified that he never saw me pass a gun or that I had a gun period... how is Trotter's testimony credible? over all other witness testimonies?
- ⑨ If petitioner was deemed in violation for unsanctioned

murders & faced being killed/eradicated, how is this increasing my status in the gang? and therefore how is the 5th element/prong under the VICAR statute met?

⑩ Was I charged with aid & abetting?

⑪ During deliberation the jury asked the judge ...
"Can we find the defendant guilty if we do not believe he pulled the trigger?, can we find him guilty?" The judge responds "yes", "under aid & abetting".

Now please review & re-read the jury instructions.
This created doubt! & if this created doubt, is it not possible that someone else committed this crime?

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

United States v. Lloyd, 10 F. 3d 1197, 1210 (6th Cir. 1993)
United States v. Callan, 426 F.2d 939, 942 (6th Cir. 1970)
United States v. Garcia, 758 F.3d 714, 718 (6th Cir. 2014)
18 U.S.C. § 1959, Violent Crimes in Aid of Racketeering Activity (VICAR)
18 U.S.C. § 924(j)
United States v. Woods, 14 F.4th 544, 556 (6th Cir. 2021)
United States v. Odum, 878 F.3d 508, 516 (6th Cir. 2017)
United States v. Banks, 514 F.3d 959, 968 (9th Cir. 2008)
United States v. Ledbetter, 929 F.3d 338, 359 (6th Cir. 2019)
United States v. Hackett, 762 F.3d 493, 500 (6th Cir. 2014)
United States v. Concepcion, 983 F.2d 369, 381 (2nd Cir. 1992)
United States v. Bailey, 973 F.3d 548 (6th Cir. 2020)
United States v. Gills, 702 Fed. Appx. 367 (6th Cir. 2017)
United States v. Hendricks, 950 F.3d 348 (6th Cir. 2020)
United States v. Vichitrongsa, 819 F.3d 260, 270 (6th Cir. 2015)

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Motion for leave to proceed in forma pauperis
APPENDIX B	Affidavit or declaration in support of Motion for leave to proceed in forma pauperis
APPENDIX C	Petitioner's writ of certiorari
APPENDIX D	Proof of service
APPENDIX E	List of Parties
APPENDIX F	United States Appeal Court opinion/order

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

United States v. Lloyd, 10 F.3d 1197, 1210 (6th Cir. 1993)

Also see -- related case

STATUTES AND RULES

"Statute states that when a defendant challenges the sufficiency of evidence, the appellate court should review the evidence"... United States v. Garcia, 758 F.3d 714, 718 (6th Cir. 2014)

18 U.S.C. § 924(j)

18 U.S.C. § 1959

18 U.S.C. § 3231

OTHER

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 F 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 Sept. 20, 2004.

☐ 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

Petitioner asserts that his conviction is illegal, there for making his sentence also illegal violating his constitutional laws when petitioner charge does not meet the elements of convicted statute making conviction illegal & warranted to vacate, set aside or correct sentence.

STATEMENT OF THE CASE

- ① Petitioner acted solely by himself ... review witnesses testimony
- ② Petitioner was charged, convicted & sentenced illegally pursuant to 18 U.S.C. 1959(a)(1) (count 2 & 4) murder in the aid of racketeering, the VICAR statute, & to establish a VICAR violation the government MUST show; (1) that the organization was a RICO enterprise, (2) that the enterprise was engaged in racketeering activity as defined in RICO, (3) that the defendant in question had a position in the enterprise, (4) that the defendant committed the alleged crime of violence and (5) that his general purpose in doing so was to maintain or increase his position in the enterprise.
- ③ Petitioner asserts that he is actually innocent of the 18 U.S.C. 1959(a)(1) statute making the conviction illegal because 18 U.S.C. § 1959(a)(1) does not apply to petitioner & does not meet the elements for a conviction under VICAR.
- ④ The government has failed to show & or prove that petitioners actions was motivated to maintain or to increase his position. The government failed to sufficiently meet the "purpose" element. VICAR prohibits committing murder for "the purpose" of ... maintaining or increasing position in an enterprise engaged in racketeering activity. 18 U.S.C. § 1959(a)(5)
The government has failed to sufficiently prove that the murders were committed in aid of racketeering.

* Attachment of Statement of the case *

- ⑤ VICAR does not extend "to any violent behavior by a gang member under the presumption that such individuals are always motivated" --- United States v. Banks, 514 F.3d 959, 968 (9th cir. 2008). Id. at 968. In other words "it is NOT enough that a violent gang member did a violent thing." United States v. Ledbetter, 929 F.3d 338, 359 (6th cir. 2019)
- ⑥ In the United States v. Ledbetter (6th cir. 2019) courts overturned the defendants conviction for murder in aid of racket-
~~teering~~ teering because it found that there was "insufficient evidence that the defendant acted with the necessary statutory purpose", AND the courts found that "a rational juror could NOT, however, have found beyond a reasonable doubt that the defendant murdered either for pecuniary gain or to boost his position within the gang."
- ⑦ Petitioner asserts that there is insufficient evidence / a lack of evidence to support petitioners charged VICAR conviction and contends that this honorable Supreme court concerning LAH & abiding by LAH will see that petitioner Hardison does NOT meet all elements for a VICAR conviction and that there is insufficient evidence that the petitioner acted with the Statutory purpose ---
and that count two & four must be vacated because they were not committed to in aid of racketeering.
- Counts Three & five should also be vacated & acquitted because government failed to prove that petitioner Hardison committed the underlying crimes of violence charged in count two & four.

REASONS FOR GRANTING THE PETITION

There are several reasons for the granting of petitioners petition as follows;

① Petitioner's conviction & sentence is illegal & unconstitutional for the conviction does not meet the elements pursuant to 18 U.S.C. § 1959(A)(1) thru (5) in which petitioner was erroneously charged.

And if 18 U.S.C. § 1959(A)(5) does not meet all the elements & does not apply to petitioner, makes conviction illegal under VICAR & in need to be remanded vacating petitioner's conviction & sentence.

② A petitioner is not guilty of a VICAR crime when he acts alone with no apparent connection to the gang. Petitioner did act alone in a spontaneous & uncalculated act.

③ Petitioner's small time marijuana sells were not gang related & were not drug trafficking activities for the gang. See... Case# 22-6101, Doc. # 26, pages 23 & 24

④ The murders were not sanctioned by the gang, & they did NOT contribute to the purpose of the group & thus is not attributable to the enterprise.

⑤ To meet the elements of VICAR, the intent of the petitioners actions must be gang related. see... Banks, 514 F.3d at 968. and that the petitioners committed the crime to maintain or increase his position. see... US v. Hackett, 762 F.3d 493, 511 (6th Cir. 2014) AND see... 18 U.S.C. § 1959(A)(2) & (A)(5)

⑥ The government failed to sufficiently prove that the crime was gang related & the government failed to prove that the petitioner committed the crime to maintain or increase his position.

* attachment to reasons for granting the petition *

⑦ The jury went well beyond "reasonable inferences" & engaged in "improper speculation" to arrive at the statutory purpose required under VICAR. see - Ledbetter, 929 F.3d at 358.

⑧ U.S. v. Ledbetter, 929 F.3d 338 (6th cir. 2019) the courts overturned its conviction for the murder in aid of racketeering because it found that there was "insufficient evidence" that the defendant had acted with the necessary statutory purpose defined in 18 U.S.C. § 1959 (A)(2) & (A)(5)

⑨ According to the governments proof, there is No facts in record that show or prove that the petitioners crime was committed to maintain or increase his position.

⑩ Petitioner Hardison contends that Count 2 & count 4 must be vacated because pursuant to laws & insufficient evidence petitioners crime was not committed to aid in racketeering

And petitioner Hardison contends that Count 3 & count 5 charging petitioner with causing death through the use of a firearm in violation of 18 U.S.C. § 924(j) be acquitted because the government failed to sufficiently prove that petitioner Hardison committed the underlying crimes of violence charged in count 2 & count 4; therefore he MUST be acquitted of counts 3 & 5.

Because the murders were NOT gang related & were not committed to maintain or increase ones position in a gang... and by the standards set in law, petitioner Hardison did NOT commit the underlying crimes of violence - VICAR murder - and thus, can not be convicted for count 3 & count 5 for violating 18 U.S.C. § 924(j) because the

government failed to prove ALL the ~~and~~ essential elements
of the crime.

End
of
Statement

CONCLUSION

For the foregoing reasons, petitioner respectfully request that
this Honorable court by law, vacate his conviction for counts 2
and count 4 ... and acquit/vacate counts 3 and count 5
The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brunelton Harrison

Date: Dec. 15th 2024