

No. 17-2981

IN THE
SUPREME COURT OF THE UNITED STATES

Joseph Alan James — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals 8th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph Alan James
(Your Name)

P.O. Box 14500
(Address)

Lexington, Ky 40512
(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

The Issue at hand is why is uncharged, Dismissed, Acquitted Relevant conduct being used at the time of Sentencing. I believe that at Sentencing anything that is used against you should be proved beyond a reasonable doubt and not Preponderance of the evidence. Using it like this is Unfair and unjust. What happened to Innocent until proven guilty? Preponderance of the evidence is clearly against the U.S. Constitution and 2k2.1 (b) 6(b) Also violates life, liberty, which is given as a right anything that is used as Punishment (enhancements) should be proved beyond a reasonable doubt. Recent Supreme court decision in Nelson v. Colorado, 137 S. Ct. 1249 (2017) clearly shows that Relevant conduct should only be used if Proven beyond reasonable doubt and not relevant conduct that was acquitted, Dismissed, or uncharged conduct. My questions are:

In America Are we innocent until Proven Guilty?

Is 2k2.1 (b) 6(b) unconstitutional?

Should relevant conduct be used against you at time of Sentencing, IF it was Acquitted, Dismissed, or uncharged?

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:

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STATUTES AND RULES

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 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☒ is unpublished.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 A 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☒ is unpublished.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 1/29/2018.

☒ 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

The issue at hand is whether 2K2.1(b)(6) is unconstitutional since it is used against individuals at the time of sentencing. The conduct is acquitted, uncharged, and dismissed relevant conduct. which is against the U.S. Constitution.

STATEMENT OF THE CASE

Should acquitted, uncharged, dismissed. Relevant
conduct be used to enhance a persons ~~case~~ sentence?

REASONS FOR GRANTING THE PETITION

The reason to grant Petition, would be that ~~is~~ 2K2.1(B) 6(b) clearly violates the US Constitution by Punishing people for crimes that (1) they did not commit and (2) that a court of law has acquitted, dismissed, or uncharged, and (3) has not proven beyond a reasonable doubt against them. This is unfair and unjust and has been going on for decades. A person should not have to answer for a crime or be punished unless it has been afforded due process of law. 2K2.1(B) 6(b) affects many people over many years and I believe that it should be debated among the Judges.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh Jones", written over a horizontal line.

Date: 02/22/2018