

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Francisco Vega Sanchez 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 Eighth Circuit
Appeal No. 16-3793 (USDC-ARND Case 05:15-CR-50077)
// (NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Francisco Vega Sanchez
(Your Name)
#12884-010, U.S.P. Lee
P.O. Box 305
(Address)

Jonesville, VA 24263-0305
(City, State, Zip Code)



QUESTION(S) PRESENTED

① Whether the district court violated defendant's right to due process by "double counting" sentence enhancements by using "precisely the same" enhancement aspects twice in violation of prior precedents including United States v. Johnson, 860 F.3d 1133, 1146 (8th Cir. 2017) "Impermissible double counting occurs when precisely the same aspect of a defendant's conduct factors into his sentence in two separate ways" citing United States v. Strong, 826 F.3d 1109, 1116 (8th Cir 2016).

See also "Double counting" issue discussed in United States v. LaBonte, 520 U.S. 751, 117 S.Ct. 1637, 137 LEd2d 1001 (1997).

(See Reasons for Granting the Petition.)

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JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 09-12-17.

☒ 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

Constitutional Amendment Five; Due Process

TABLE OF AUTHORITIES CITED

CASES

United States v. Johnson, 860 F.3d 1133, 1146 (8th Cir 2017)
United States v. Strong, 826 F.3d 1109, 1116 (8th Cir. 2016)
United States v. LaBonte, 520 U.S. 751, 117 S.Ct. 1637, 137
L.Ed2d 1001 (1997)

STATUTES AND RULES

OTHER

STATEMENT OF THE CASE

(Petitioner is currently without counsel to assist him in preparing this petition and has submitted a motion for appointment of counsel to this honorable court.)

(1) The district court proceeded in this criminal action to sentence defendant in violation of his right to due process by double counting sentence enhancements by using "precisely the same" enhancement aspects twice. (See questions presented.)

REASONS FOR GRANTING THE PETITION

① District courts across the nation are "double counting" "precisely the same" aspect of a defendant's conduct factors into sentences. This is a violation of due process, impinges the integrity, public trust and reputation of the court.

② There is dissension and conflict between the holdings of the different courts of appeals; intra-circuit conflicting decisional law, including:

United States v. Johnson, 860 F.3d 1133, 1146 (8th Cir. 2017),
and United States v. Strong, 826 F.3d 1109, 1116 (8th Cir. 2016),
(double counting prohibited) supported by United States v. LaBonte, 520 U.S. 751, 117 S.Ct. 1637, 137 LEd2d 1001 (1997);

VERSUS

contrary holding in:

United States v. Barrett, 552 F.3d 724, 727 (8th Cir. 2009),
and United States v. Cook, 698 F.3d 667, 671 (8th Cir. 2012)

(allowing double counting "on criminal history even though that history has already been accounted for in the guidelines")

③ Public interest in maintaining continuity with all courts in decisional law and maintaining the integrity of the court system.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

x  _____

Date: December 11th, 2017

Affidavit

I, Francisco Vega Sanchez, do hereby declare, under penalty of perjury, that the foregoing petition is true and correct, being mailed First-class, postage-prepaid, pursuant to Fed.R. Civ. Pro, Rule 6(e); pursuant to 28 USC 1746, this 11th day of December, 2016.

x  _____
Francisco Vega Sanchez

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 16-3793

United States of America

Appellee

v.

Francisco Sanchez, also known as Frankie Sanchez, also known as Francisco Vega Sanchez, also known as Francis Sanchez, also known as Franscisco Vega Sanchez

Appellant

Appeal from U.S. District Court for the Western District of Arkansas - Fayetteville
(5:15-cr-50077-TLB-1)

ORDER

The motion to withdraw as appointed counsel and the request for a 28-day extension of time to file a petition for rehearing are granted. The petition for rehearing is due 10/26/2017. Mr. Bruce Eddy and Mr. Christopher Holt are granted leave to withdraw from the case.

The pro se motion for a 60-day extension of time to file a petition for rehearing is denied.

September 28, 2017

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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Exhibit-1

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 16-3793

United States of America

Appellee

v.

Francisco Sanchez, also known as Frankie Sanchez, also known as Francisco Vega Sanchez, also known as Francis Sanchez, also known as Franscisco Vega Sanchez

Appellant

Appeal from U.S. District Court for the Western District of Arkansas - Fayetteville
(5:15-cr-50077-TLB-1)

ORDER

Appellant's motion for appointment of counsel and to hold the case in abeyance pending appointment of counsel is denied.

October 24, 2017

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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Exhibit-2