

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Milton N. Ward III — PETITIONER

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District of Columbia Court of Appeals

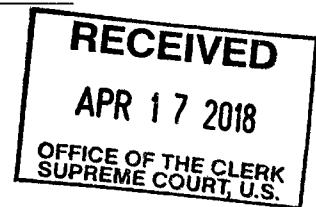
PETITION FOR WRIT OF CERTIORARI

Milton N. Ward III

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919-247-2981



QUESTION(S) PRESENTED

1. Did the District of Columbia Court of Appeals decide the question of whether the Petitioner's Sixth Amendment rights were violated in a way that conflicts with relevant decisions of the Supreme Court of the United States?
2. Did the District of Columbia Court of Appeals decide the question of whether the Petitioner's Second Amendment rights are to be respected and upheld by courts in a way that conflicts with relevant decisions of the Supreme Court of the United States?
3. Did the District of Columbia Court of Appeals decide the question of how the Petitioner's guilty plea affects his ability to assert his constitutional rights in a way that conflicts with relevant decisions of the Supreme Court of the United States?
4. Has the District of Columbia Court of Appeals decided the important question of whether the Second Amendment protects the right of individuals to carry common firearms beyond the home for self-defense, that has not been, but should be settled by the Supreme Court of the United States?
5. Did the District of Columbia Court of Appeals decide whether the Second Amendment protects the right of individuals to carry common firearms beyond the home for self-defense in a way that conflicts with a decision of the United States Court of Appeals for the District of Columbia.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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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

For cases from state courts:

The opinion of the highest state court to review the merits 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is unpublished.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 trial court

appears at Appendix B 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 state courts:

The date on which the highest state court decided my case was April 28, 2017.
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: November 17, 2017, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including April 16, 2018 on February 7, 2018 in Application No. 17A835.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONST. amend II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

U.S. CONST. amend VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

STATEMENT OF THE CASE

On Sunday March 27, 2011 between 23:00 and 23:30 I was involved in a three-vehicle accident at the intersection of Georgia Ave. and Decatur St. in Northwest Washington, D.C., while heading south on Georgia Ave towards I-395 on my way home to Alexandria, VA coming home from visiting in MD. I hit a second vehicle in the rear and that vehicle was forced into a third vehicle. Damage to all vehicles was minor and no one was injured to my knowledge. D.C. police officers were called to the scene by the driver of the first vehicle.

The officer's names were Vogel and Tran. The officers had all three drivers pull their vehicles off Georgia Ave onto the 900 block of Decatur St. NW. Officer Vogel asked me for my license, registration and insurance information. I gave the officer my registration and license but could not find my insurance card where I normally keep it. While searching for the

insurance card I was standing outside the driver's side front door, with officer Vogel standing beside me. When I could not find my insurance information Officer Vogel became impatient and walked around to the other side of the vehicle opened the front passenger door and started searching my vehicle. Officer Vogel opened my dashboard glove compartment and found my loaded Glock 9mm pistol along with an extra magazine loaded with 10 rounds.

At that time officer Vogel ordered me to stay where I was and came from the other side of the vehicle and placed me under arrest for carrying a pistol without a license from the District of Columbia, which is a felony. I was arrested on March 28th. I was subsequently indicted on a total of three felonies related to the weapon and ammunition. I had purchased the weapon from a licensed dealer in Virginia in December of 2005. During the time of the exchange of my information and the search and subsequent discovery of the gun officer Tran was at the police car or interviewing the others involved with the accident.

I specifically asked officer Vogel not to open my glove compartment before he did so. Officer Vogel had no probable cause to search my vehicle. Officer Vogel filed a false report stating that he observed the gun after I opened the glove compartment.

After my arrest I was incarcerated for five days due to a District of Columbia policy to hold people charged with gun charges for a minimum of five days. At the time I was arrested I worked as a contractor for the Office of the Director of National Intelligence (ODNI) and held a Top Secret security clearance. After my arrest I lost my job. The District of Columbia also seized my vehicle a 2007 Toyota Tacoma 4 Door 4WD due to my arrest and it was eventually repossessed.

While incarcerated the court appointed Ms. Carlotta P. Jarvis as my attorney. During our initial conversation I shared all the information in the paragraphs above. On 3/31/2011 a preliminary hearing was held. At that hearing Officer Tran testified, Officer Vogel was not in

attendance. Officer Tran pretty much repeated the statements from Officer Vogel's report verbatim. Afterwards Ms. Jarvis visited me in the holding cell and said to me that she felt "something was wrong". At that point I reminded Ms. Jarvis of what I had told her happened the night of my arrest.

Over the next several weeks I met with Ms. Jarvis on several occasions. Several times I asked Ms. Jarvis about the illegal search by Officer Vogel. More than once she explained to me that the process was such that if a motion to suppress the evidence was filed a hearing would be held and after that hearing we would move immediately into the trial. In other words, there was no chance of winning suppression. To my knowledge Ms. Jarvis never investigated what happened the night of my arrest. She never spoke to either officer or to any of the other witnesses on the scene. Each of the other vehicles involved in the accident had passengers. I also made Ms. Jarvis aware that I was interested pursuing a defense based on the fact that the charges violated my Second Amendment rights. I shared with her copies of letters that I had written to various Second Amendment advocacy groups such as the NRA. Ms. Jarvis basic response to all my inquiries was to inform me that "they" wouldn't allow this or that "they" had done this or that to other's who had faced the same charges. To my knowledge she never did any legal research to determine whether there was a legal basis for a second amendment claim. I also expressed to Ms. Jarvis my concerns about her courtroom demeanor. I commented to her that I felt that at both my arraignment and preliminary hearing she did not project a lot of confidence. I told her I thought she talked very low and stumbled over her words. I eventually decided that I did not want Ms. Jarvis to represent me. On 5/26/2011 during a status hearing Ms. Jarvis filed a motion to withdraw and the court appointed Mr. James Williams as my attorney.

I told Mr. Williams everything that I had told Ms. Jarvis. His response to the violation

of my Fourth Amendment rights was identical to that of Ms. Jarvis as was his response to my Second Amendment concerns. He made the statements that asking the court to recognize my Second Amendment rights was a “stretch” and that “We” are not a state. He encouraged me to accept the plea bargain that was being offered by the U.S. Attorney’s office to drop two of the three felony charges I had been indicted on if I would plead guilty to the third. I explained to Mr. Williams that I was concerned about the effect a felony conviction on my record might have on my career. Mr. Williams informed me that there were ways to have my record reflect a misdemeanor instead of a felony. When I asked him to elaborate he was unable to provide me with any details. It was my understanding I would get clarification later. Being frustrated and having a desire to conclude the issue and having no other resources I agreed to accept the plea.

On 6/24/2011 I plead guilty to the charge of Carrying a Pistol Without a license and was sentenced to 30 days suspended jail time, 9 months unsupervised probation and a \$50 fine. Judge Morin asked me several questions. I felt uncomfortable agreeing to the account of the events of the night of my arrest without mentioning the illegal search, but Mr. Williams had advised me not to mention it. At some point Judge Morin made the comment that I could apply to have my record expunged after two years. After I paid my fine and was on my way back to Virginia on the Metro it dawned on me that I had never gotten an explanation as to how my record was going to reflect a misdemeanor. I called Mr. Williams on my cell phone and left him a voicemail with the question about my record. Mr. Williams never returned my phone call. After pleading guilty I was interested in seeking justice against Officer Vogel. I began researching my alternatives at the Library of Congress. At some point I discovered 42 U.S. § 1983. After relocating to NC to live with family because I could no longer afford to support myself I filed a 42 U.S.C. § 1983 claim against Officer Vogel in the United States

District Court for the Eastern District of North Carolina on or about March 26, 2013 (Case 5:13-CV-223-F). The case was transferred by the Eastern District of North Carolina to the District Court for the District of Columbia (Case 1:13-cv-01411-ESH). Although the complaint was filed against Officer Vogel in his individual capacity the clerk in the District of Columbia notified the D.C. Attorney General's Office not once but twice. Both times the Attorney General's office replied and recommended the court dismiss my complaint due to the "Heck" rule, Heck v. Humphrey, 512 U.S. 477, (1994) The case was eventually dismissed late in 2014 because the court was unable to serve process on Officer Vogel who has evidently left the Metropolitan Police Department.

In 2015 the Petitioner filed a motion to withdraw guilty plea pursuant to Super. Ct. Crim. R. 32(e) and or D.C. Code § 23-110 on the grounds that (1) The plea was not made knowingly and voluntarily, (2) That the defendant was denied his Sixth Amendment right to effective assistance of counsel and (3) That the charge(s) were the result of an unreasonable search and seizure in violation of the Fourth Amendment of the U.S. Constitution and that the relevant statute(s) infringe upon the defendants right to keep and bear arms and therefore violates the Second Amendment of the U.S. Constitution and that the District of Columbia could not constitutionally prosecute. The trial court denied my motion to dismiss and the Court of Appeals for the District of Columbia subsequently affirmed the trial court's decision and denied a motion for rehearing en banc.

REASONS FOR GRANTING THE PETITION

THE SIXTH AMENDMENT ISSUE

IMPORTANCE

The Petitioner would respectfully remind the Court of its own pronouncements regarding the importance and definition of the role of defense counsel in a criminal

proceeding.

In all criminal prosecutions, the accused shall enjoy the right to have the Assistance of Counsel for his defense. U.S. CONST. amend. VI.

“Of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive for it affects his ability to assert any other rights he may have.” United States v. Cronin, 466 US 648, 654 (1984). “The core purpose of the counsel guarantee was to assure ‘Assistance’ at trial, when the accused was confronted with both the intricacies of the law and the advocacy of the public prosecutor.” United States v. Ash, 413 U. S. 300, 309 (1973). If no actual “Assistance” “for” the accused’s “defense” is provided, then the constitutional guarantee has been violated. Cronin, at 654. To hold otherwise “could convert the appointment of counsel into a sham and nothing more than a formal compliance with the Constitution’s requirement that an accused be given the assistance of counsel. The Constitution’s guarantee of assistance of counsel cannot be satisfied by mere formal appointment.” Id. 654-655 (citing Avery v. Alabama, 308 U.S. 444, 446 (1940)). Thus, the adversarial process protected by the Sixth Amendment requires that the accused have “counsel acting in the role of an advocate.” Anders v. California, 386 U. S. 738, 743 (1967). “To satisfy the Constitution, counsel must function as an advocate for the defendant, as opposed to a friend of the court”. Jones v. Barnes, 463 U.S. 745, 758 (1983) (BRENNAN J, dissenting. “Indeed, an indispensable element of the effective performance of [defense counsel’s] responsibilities is the ability to act independently of the Government and to oppose it in adversary litigation”. Ferri v. Ackerman, 444 U. S. 193, 204 (1979). If counsel entirely fails to subject the prosecution’s case to meaningful adversarial testing, then there has been a denial of Sixth Amendment rights that makes the adversary process itself presumptively unreliable. United States v. Cronin, 466 U.S. 648 at 659.

CONFLICTS WITH RELEVANT DECISIONS OF THE SUPREME COURT OF THE UNITED STATES

This Court has articulated a standard for determining whether the assistance of counsel has been constitutionally defective in Strickland v. Washington, 466 U.S. 668 (1984). The standard has two parts; first the defendant must show that counsel's performance was so deficient that they were not functioning as the "counsel" guaranteed by the sixth amendment. To show deficiency, the defendant must show that counsel's representation fell below an objective standard of reasonableness. Porter v. McCollum, 130 S. Ct. 447,452 (2009). "Prevailing norms of practice as reflected in American Bar Association standards and the like, e. g., ABA Standards for Criminal Justice 4-1.1 to 4-8.6 (2d ed. 1980) ("The Defense Function"), are guides to determining what is reasonable,". Strickland, at 688. Secondly the defendant must show that counsel's deficiencies prejudiced the defense or in other words that the defendant was deprived of a fair trial. Id. at 687. Where a defendant has accepted a plea agreement in order to satisfy the prejudice requirement the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial Hill v. Lockhart, 474 U.S. 52, 59 (1985).

There are categories of cases where prejudice is presumed. This presumption occurs when there are "circumstances that are so likely to prejudice the accused that the cost of litigating their effect in a particular case is unjustified." These situations involve some kind of "breakdown of the adversarial process," and include actual or constructive denial of counsel, or failure of counsel to subject the prosecution's case to meaningful adversarial testing. United States v. Cronin, 466 U.S. 648, 657-659(1984).

The American Bar Association is quite clear that counsel's investigation is a "duty" that exist regardless of the accused's admissions or statements of guilt. The Supreme Court agrees saying "counsel has a duty to make reasonable investigations or to make a reasonable

decision that makes particular investigations unnecessary. **In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances,** applying a heavy measure of deference to counsel's judgments.” Strickland v. Washington, 466 U.S. 668, 691(1984). The Court goes on to say that conversations with the defendant are critical in assessing the reasonableness of counsel’s decisions

The Appellant told Mr. Williams that Officer Vogel filed a false report and that his gun had been seized as a result of an illegal search. The Appellant was standing on the opposite side of his vehicle (a large 4 door truck) when officer Vogel “discovered” his weapon in the glove compartment. Officer Tran and potentially others were witnesses to these facts. (Ward Aff. 3). Mr. Williams had a duty to assist the Appellant and act as his advocate and make a reasonable investigation or a reasonable decision that the investigation was not necessary. Id. at 691. The record is clear that Mr. Williams did not make the investigation nor make a reasonable decision that made the investigation unnecessary.

“Actual ineffectiveness claims alleging a deficiency in attorney performance are subject to a general requirement that the defendant affirmatively prove prejudice. Id. at 693. In the case of a guilty plea the “prejudice” requirement the defendant must show that he would not have plead guilty but for counsel’s errors. Hill v. Lockhart, 474 U.S. 52, 59. (1985). If the defendant alleges that counsel’s error is a **failure to investigate** the prejudice determination will depend on the likelihood that discovery of the evidence would have led counsel to change his recommendation to plead guilty and whether the evidence would have changed the outcome of the trial. Id. So, in this case the question is, assuming Mr. Williams had discovered evidence of an illegal search and seizure would he still have recommended Appellant plead guilty and would evidence of an illegal search and seizure likely change the outcome of the trial? The answer is obvious. Clearly Mr. Williams failure to investigate the

illegal search and seizure issue prejudiced the Petitioner.

In all the cases above the standard requires an objective examination of the actions or lack thereof of the defense counsel. In this case both the Superior Court and the Court of Appeals made their determination on the effectiveness of counsel based on the actions of the Petitioner i.e. an email to the U.S. Attorney's Office and the statements made during the plea proceeding (Mem. Op. and J.7.)

The logic used by the District of Columbia courts in this case is in direct contradiction to the relevant cases of this Court. All the actions of the Petitioner prove, is that he intended to plead guilty when he plead guilty. But that is not the question according to this Court. The question is whether the Petitioner was influenced by ineffective counsel to plead guilty and the only way to determine that is to make an objective examination of the actions or lack of actions of counsel and this is something the District of Columbia courts flatly refused to do. The District of Columbia has effectively ruled that if one is coerced by counsel that is acting as a friend of the court instead of as an advocate to the defendant, contrary to what this Court has said should be the case, then the defendant has no recourse once the guilty plea has been entered. If that were true, there would be no need for this Court to rule on standards for proving ineffective assistance of counsel for those who have plead guilty. 100% of defendants who enter a guilty plea have expressed a desire to the court to plead guilty whether they sent an email to the prosecutor's office or not. The fact of the matter is the District of Columbia Courts were unable to cite a singles case where the court determined the effectiveness of counsel based solely on the actions of a criminal defendant. The reason for this is because no such case law exists.

THE SECOND AMENDMENT

IMPORTANCE

Petitioner would remind the Court of its previous findings on the history and importance of the Second Amendment.

The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home. District of Columbia v. Heller, 128 S.Ct. 2783 (2008). The Court went onto say "Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation".

In fact, in Heller the Supreme Court took the opportunity to do an in depth historical and legal analysis of the Second Amendment. In doing so the Court referred to many 19th century primary and secondary resources such as:

Americans understood the "right of self-preservation" as permitting a citizen to "repel] force by force" when "the intervention of society in his behalf, may be too late to prevent an injury." 1 Blackstone's Commentaries 145-146, n. 42 (1803) (hereinafter Tucker's Blackstone). See also W. Duer, Outlines of the Constitutional Jurisprudence of the United States 31-32 (1833).

See 2 Tucker's Blackstone 143. In Note D, entitled, "View of the Constitution of the United States," Tucker elaborated on the Second Amendment: "This may be considered as the true palladium of liberty The right to self-defence is the first law of nature: in most governments it has been the study of rulers to confine the right within the narrowest limits possible.

Likewise, in State v. Chandler, 5 La. Ann. 489, 490 (LA 1850), the Louisiana Supreme

Court held that citizens had a right to carry arms openly: "This is the right guaranteed by the Constitution of the United States, and which is calculated to incite men to a manly and noble defence of themselves, if necessary, and of their country, without any tendency to secret advantages and unmanly assassinations."

"The right to bear arms has always been the distinctive privilege of freemen. Aside from any necessity of self-protection to the person, it represents among all nations power coupled with the exercise of a certain jurisdiction. . . . It was not necessary that the right to bear arms should be granted in the Constitution, for it had always existed." J. Ordronaux, Constitutional Legislation in the United States 241-242 (1891).

The District of Columbia has a high crime rate. Many of these crimes occur on the street. D.C.'s "Zero Tolerance" gun laws that don't allow for carrying arms outside the home or business and don't allow reciprocity to other municipalities and states gun licensing laws deprive citizens of their Second Amendment right to bear arms in case of confrontation in places where they are most likely to need it. See also State v. Reid, 1 Ala. 612, 616-617 (1840) ("A statute which, under the pretence of regulating, amounts to a destruction of the right, or which requires arms to be so borne as to render them wholly useless for the purpose of defence, would be clearly unconstitutional"). The petitioner lived in southeast D.C. from 2006 to 2009. During that time there were at least three murders on my block alone and at least one of these occurred in broad daylight. All of these murders were committed using firearms despite D.C. having some of the strictest gun laws in the nation.

Due to the nature of the District of Columbia's firearms registration laws the Petitioner believes there are many others similarly situated to himself, meaning they have a firearms conviction on their record not because they set out to harm someone or rob them of their possessions but simply because they chose to exercise their enumerated constitutional right

to bear arms.

Although the District of Columbia Court of Appeals agrees with the government that the Petitioner's guilty plea was very "advantageous" to the Petitioner the facts say otherwise. Not only did the Petitioner lose the high paying job he held at the time of his arrest, but he was subsequently denied jobs at least three times due to the conviction being on his record.

Most recently (2017) in his new career as a commercial driver the Petitioner sought to obtain a Hazmat endorsement on his commercial driver's license, which required the Department of Transportation (DOT) to perform a background check. DOT initially denied Petitioner's application because it "appeared" he had a felony firearms conviction. The Petitioner submitted the trial court's opinion that stated the Petitioner plead guilty to a misdemeanor and DOT subsequently granted the Hazmat endorsement. Had I not filed the motion to withdraw my guilty plea I would have no documentation that I was convicted of a misdemeanor. Employers have proved less willing to accept information from the Petitioner regarding the conviction.

Not only has the conviction affected the Petitioner professionally but personally as well. While a member of a church in Wake Forest, North Carolina the Petitioner was interested in volunteering for program associated with the church that supported at risk pregnant women. To volunteer one had to submit to a background check and one of the disqualifying factors was a misdemeanor firearms offense. In fact, the current application form for D.C. gun registration ask whether the applicant has ever been convicted of a misdemeanor firearms offense and presumably such a conviction would be cause for the District to deny the Petitioner the very same Second Amendment rights that he was denied in 2011. The D.C. Court of Appeals has acknowledged that such people will not be allowed to have their Second Amendment claims adjudicated if their guilty plea stands. (Mem. Op. and J.7.) For

the Court's information the trial court also denied Petitioner's motion to have his conviction expunged.

It is not a coincidence that both the Petitioners case and this Courts first attempt to really define the scope of the Second Amendment took place in the same jurisdiction, the District of Columbia. How long will the District of Columbia be allowed to treat the Second Amendment so cavalierly?

DISTRICT OF COLUMBIA COURT OF APPEALS HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BUT SHOULD BE, SETTLED BY THE SUPREME COURT

The District of Columbia Court of Appeals has ruled that citizen's Second Amendment right to bear arms beyond the home for self-defense does not rise to the level of Constitutional rights that courts should afford protection too, arbitrarily relegating it to second class constitutional standing. (Mem. Op. and J.6.)

This Court has said that an act of the legislature repugnant to the constitution is void. Marbury v. Madison, 5 US 137, 177 (1803) The Court also goes on to say that courts are bound by the constitution Id. at 180. Thus, if a case involved a conflict between a law and the Constitution, judges would have a duty "to adhere to the latter and disregard the former." (quoting The Federalist No. 78, at 468 (A. Hamilton).

The Judiciary has a responsibility to decide cases properly before it, even those it "would gladly avoid." Cohens v. Virginia, 19 U.S. 264, 404, (1821).

The issue in this case is and has always been whether citizens have the right to bear arms outside the home for purposes of self-defense in case of confrontation. The gun registration laws in effect at the time of the Petitioner's arrest are repugnant to the constitution and both the Superior Court and the Court of Appeals of the District of

Columbia have willfully, artfully and “gladly” avoided deciding the case before it properly. The District of Columbia Court of Appeals points out in two different places that the Supreme Court has not made a ruling on this issue. (Mem. Op. and J.8-9.)

DISTRICT OF COLUMBIA COURT OF APPEALS HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE DECISION OF A UNITED STATES COURT OF APPEALS

The gun registration laws of the District of Columbia completely prohibited the Petitioner from registering a firearm in the District of Columbia for purposes of self-defense outside the home. The United States Court of Appeals, District of Columbia Circuit has ruled that the Second Amendment covers carrying firearms in public for self-defence and that complete prohibitions of Second Amendment rights are always invalid. Wrenn v. District of Columbia, 864 F.3d 650, 659, 665 (D.C. Cir.2015).

**GUILT
CONFLICT WITH RELEVANT DECISIONS OF THE SUPREME COURT OF THE UNITED STATES**

The District of Columbia Court of Appeals has ruled that the Petitioner cannot assert his constitutional rights in the instant case due to his guilty plea. (Mem. Op. and J.6-7.) This conflicts with this Court’s ruling that “Where the State is precluded by the United States Constitution from haling a defendant into court on a charge, federal law requires that a conviction on that charge be set aside even if the conviction was entered pursuant to a counseled plea of guilty.” Menna v. New York, 423 U.S. 61, 62 (1975)(quoting Blackledge v. Perry, 417 U. S. 21, 30 (1974).

A guilty plea is an admission of factual guilt and renders irrelevant all constitutional claims related to factual guilt. But in a case like the one here where the Petitioner argues that the State may not constitutionally convict no matter how factually guilty he is the

guilty plea does not bar the claim. Id. at 63 n.2

CONCLUSION

Respectfully submitted,

DocuSigned by:
Milton Ward
57EC28EA257C4CC...

Date: April 11, 2018