

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Marcus Dotson — PETITIONER
(Your Name)

United States Court of Appeals
U. S. C. O. A — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals 5th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marcus Dotson
(Your Name)

EC I Medium Forrest City P.O. Box 3000
(Address)

Forrest City, AR 72336
(City, State, Zip Code)

870-494-4200
(Phone Number)

(1.) The Government violated My 5th Amendment Right by placing A (Bias Jury Member) who was (Related to the victims) and My Jury Panel. Which Violated My Due Process Right And My 6th Amendment to An Impartial Jury And U.S. Supreme Courts Instruction to The Trial Courts. States v. Godfrey, 787, F.3d 72, 81 (1, Cir. 2015)

(2.) My 1st Amendment Right when I tried Numerous times to make A statement, Before And After Trial At Sentencing, At Sentencing I was Ignored by Judge Mays when my Hand was Raised to object.

(3.) 2K2(KB)(6)(B) was improperly used to enhance my sentence because no other offense to connect the ammunition.

(4.) My Due was violated under my 5th Amendment By the State Court having An Illegal Preliminary Hearing where I was the only Person sitting on A Bench to be Identified by the witness and A lineup. So that would be a Illegal Lineup. Fruit of the Poisonous Tree

(5.) My Due Process was violated when the Missing Material Witness D.F. that could've put All the Facts together didn't show up to Trial. He was the only person who could show Marcus Freeman and Marcus Dotson were not the same people and this case.

(6.) My 5th Amendment was violated because of Racial Profiling by the Grand Jury And the Foreperson not signing my Indictment to hide His/Or Her Identity.

7. Counsel was Ineffective At All stages of the Processing from not supervising all 51 witnesses, to not challenging the Identification of the witnesses, to not objecting to the enhancements At sentencing, to threatening my family and girl friend, trying to force me to take 10 years and the Fed's or 15 years and the states.

I Will Make Attachment Pages to Show more Questions And Mishaps And My Case.

My 6th Amendment was violated I filed A Motion For Speedy TRIAL AND my Case was continually delayed threw lies and tactic From the Federal Government and my Ineffective Counsel. (Speedy Trial Rights)(1)

Rule 16 Federal. Rules of Criminal Procedure(2)

I NEVER had A Fair chance to Review the DVD, shell casing, OR telephone conversation recording Before Trial. The DVD which supposedly had the phone conversation/video from the Community Center. Was taking from Me At (201 Poplar Shelby County Jail) by Sgt Twitter saying It was Contraband to the Facility. Which was log in the logbook under the date of July 22 or Aug 22. (Due Process)

(3) Sentencing Violation under 2K2.1(B)(6)(B). IN connection with Another offense. The Federal Courts enhanced Me before the Outcome of my state Case which was Dismissed by Trial Proceeding. But the Federal Courts didn't prove by A Preponderance of Evidence that the Enhancement given didn't involved another offense. Also All State Charges were dismissed without A plea or anything of that nature. Sentencing Hearings

(4) My Rights to An Impartial/Bias Jury under the 6th Amendment was violated when Mr. Kicker and the Prosecutor And the Government showed A photo of A MONSTERIZE Demonstration of A Firearm which was highly Prejudicial to the Fairness of My Trial to A Fair Jury Panel.

(5) Due Process of Law Grants Me A Right to A Fair Trial. So Under My Amendment Right Did All These Collective Errors, From Over 20 Sidebars, Missing Material Witnesses, Police Corrupt, Fabricated Evidence, objection not granted, losing Chain of Custody, and my Ineffective Assistance of Counsel. Did These Collection Render My Trial UnFair.

6. Did The Court of Appeals Erred When they didn't VIEW MY Supplemental Brief or Granted My Supplemental Brief.

7. Did the Court of Appeals Erred By Not ~~Granting~~ Granting Me Relief From My Counsel When he was clearly Ineffective.

8. Did the Preliminary Hearing Effect Reder My Entire Proceeding Unfair from the Illegal LINEup by having me sitting Alone.

9. Did Officer's Investigating the Case Error by ~~not~~ showing "Dan Dan" AKA D.P. a photolineup so he could positively Identify the Man really Responsible. Because Clearly (Dan Dan) knew the Man better than William Slaughter.

10. Did the Court of Appeals Erred by Not looking At A 2 minute window. Because Preliminary K.F. Testified gun was on him 40 seconds, Slaughter he left for a few seconds.

11. Did Courts Error by Not linking Marcus Freeman and Marcus Dotson. Meiton vs. Phillips 837 F.3d 502

12. Did Counsel Error by not objecting to interstate commerce when Jason Crewshaw showed no **MARKING** ON the ammunition or how it affected **interstate** commerce.

(13) Did Court Error by Not Stopping the Trial when she stated she was relative to the **victim**. Because she heard the Names on Day 1, so she couldve talk to her cousin alright about the case.

(14) Did the States and Federal Courts violated my Due Process by forcing me to trial, because one Court offered my 30 year's at one point and another 10 year's. But I couldn't plea guilty and one court without admitting guilt and the other threw (PSN). The States had me facing over (600 year's) and the Federal Court 10 years. Did the Courts Errors by not giving a guideline offer without the State Court.

16. My Due Process under 5th Amendment was violated. IF I was Acquitted of All State Charges, The Federal government isn't allowed to use acquitted conduct or evidence. The phone calls are states phones, state jalls, so that states jurisdiction (not) Federal Jurisdiction. So would that consist of Double Jeopardy.

(17) Did The Court of Appeals, denied OF My Appeal Error, Because of the Weight of the evidence, Not the sufficiency, IN A Case like ~~THIS~~ ONE. where eyewitness testimony IS everything, but was (clearly unreliable) and this Case. Also (opinion testimony) had (no fingerprint) and serve no purpose not even with interstate commerce, But was clearly given weight. The (officers) who first investigated the incident (~~MAVLE~~ FACTER EVIDENCE). Sgt Bulter wasn't informed of the Incident to the Next morning so how could he changed the incident report.

18. Did Officers violated ~~my~~ Due Process Right by not speaking to Mary Ford, K.P legal guidance before speaking with him, And By Tiffany Freeman not being present when officer's spoke with D.P

19. By this Case happening And A public Community Center, By It Being televised on the News with Another Man Photo, with 51 people inside (where NOONE was injured). ~~Is~~ It even possible for me to have A Fair Trial.

20. Did the Court Error under The Plain Error Rule At Any Point and Trial Proceeding

23. IN Melton v. Phillips 837 F.3d 502 A defendant had the same First and last Name as And My Case the Same First Name, As and Melton v. Phillips the officers only had A Arrest Warrant No Search Warrant and no Reason for the Search to this Address, Was probable Cause shown enough to Arrest, And should Officer have had a Search Warrant to Arrest.

24. IN U.S vs Eugene Chambers, II, also known AS GINO (5th Cir) 408 F.3d 237; 2005 U.S. App Lexis 7447. As IN the above name case my charges also had no mention of Anything listed IN U.S.C. § 917 (A)(17)(A) Also. My Case had no grand jury foreperson signature or any mention of where the ammunition came from.

25. IN Gregory LAMAR Gillespie vs. U.S 17A0624 N.06 Case NO. 16-6402, The Courts reversed Gillespie sentence under U.S Sentencing Guidelines Manual § 2K2.1 (B)(6)(B) for Agg. Assault under Tenn. Code Ann § 39-13-102 (A)(1)(A). Defendant didn't point A Gun toward the officer, but merely held the gun while he attempted to Run away; (A) - Because the District Court's finding didn't start ed with A properly calculated Guidelines Range and also Based its decision on A clearly erroneous facts, the above - Guidelines sentence was procedurally unreasonable. The District Courts finding that The Defendant Assaulted the Police Officer impacted the Guidelines Range and likely Influenced the Analysis under 18 U.S.C. § 3553 (A). The Same facts AND Circumstances are displayed and my Case which would warrant resentencing.

Question Presented (End) 1-25

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:

UNITED States Court of Appeals

UNITED States District Courts

STATE OF TENNESSEE

(All Charges from State of TN
where dismissed and acquitted)

(14) TABLE OF Authorities Cited

CASES

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Nelson v. Colorado 137 S.Ct 124; L.Ed. 2d 611 2017...
U.S. vs. Beverly 750 F. 2d 39
Melton vs. Phillips 837 F.3d 502
States vs. Godfrey, 787 F.3d 72, 81 (1st Cir. 2015)...
Saul Molina Martinez vs. U.S., 136 S.Ct 1338;
194 L.Ed. 2d 444; 2016 ...
U.S. vs. Eugene Chambers, III (5th Cir.) 408 F. 3d, 237...

STATUTES And Rules

922(G)(1)

Fed R. Crim. Proc Rule 16 Discovery

4A1.1 (B) Prior Sentences

2B2.1 - In Connection with Another offense
(No other offense) ...

Rule 901 ~~Authenticating or~~ Authenticating or
Identifying Evidence Fed R. Evid. 106 ...

OTHER

Chain of Custody

Relevant Conduct 1B1.3

U.S. vs. Gregory Lamar Gillespie, (6th Cir.)

2017 U.S. Appx. LexIS 22578; 2017 Fed App. 0624N

(6th Cir.) 17A0624 N.06 Case No. 16-6462 Nov 9 2017

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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 **federal courts**:

The opinion of the United States court of appeals 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 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 March 23, 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).

2K2.1 States IN CONNECTION WITH ANOTHER OFFENSE "I've no other Felonies and States or Federal Court so this Statute couldn't apply to me. IN threw K.F statement Dotson never found him so how could this enhancement apply. Notes Nelson v. Colorado 137 S.Ct 124; 1. Ed. 2d. 611, 2017/Saul Molina Martinez v. US 136 S.Ct 1338; 194 L.Ed 2d, 444;

922(G)(1) For A Conviction stated that you need (3) things for Conviction (1) That the defendant had been convicted in ANY Court of A Crime Punishable by Imprisonment for A term Exceeding ONE Year; (2) Following that Conviction, the Defendant (knowingly) possessed the Ammunition specified in the indictment; And (3) the possession charged was IN or affecting Commerce. The Government didn't prove that I Marcus Dotson knowingly possessed Ammunition. For ONE the Government mostly only proved A shell casing was retrieved but not from Marcus Dotson. Shell casing could've been dropped there was evidence more than ONE gun was presented.

Chain of Custody was **Not** established. The government didn't fill the gaps with the shell casing. U.S vs. Beverly 750 F.2d 39.

Prior Sentence for Crime of Violence 4A1.1(CA)-4A1.1(CB)-4A1.1(CD)(3)

I had ONE sentence prior to my instant offense back in 2006 which was ran current ONE sentence, same charge. U.S vs. Hummasti 986 F.2d 337 (9th Cir.). Defendant was sentence as a career offender based on his Criminal History including two prior offenses. The Courts held that the Defendant's two prior ~~Armed~~ Robbery Convictions were Related, and should therefore only be counted as ONE prior offense. Defendant had been sentence in separate cases with different Case # by the same Court in ONE proceeding and received identical current sentences. His cases were consolidated for sentencing purposes even though No formal Consolidation order was entered.

Relevant Conduct - When A Defendant ARGues that proposed "Relevant Conduct" wasn't criminal in Nature, the Government should identify the statute that the conduct violated in sentencing proceeding U.S. Sentencing Guidelines Manual 2K2.1(b)(3) increasing A Defendant Base offense level by 4 points if used or possessed Any firearm or Ammunition in Connection with Another Felony offense 2K2.1. The Government must Demonstrate a Nexus Between the Firearm - (^{not used} Not Ammunition) - And AN Independent Felony, meaning that the possession of the Ammunition / Firearm ^{not used} cannot Be merely "coincidental." Thus the Firearm - (^{not used} Not Ammunition) - must have served some purpose in Relation to the other Felony offense, such as emboldening the Defendant in committing it. The burden to show the nexus Between the Firearm AND the other Felony ISN'T Onerous.

Fed. R. Evid. 106. Did the District Court improperly instruct the Jury or Mislead the Jury (1) Whether the additional evidence explains the evidence already admitted; (2) Whether it places the admitted evidence in its proper context; (3) Whether its Admission will serve to avoid misleading the trier of the facts; And (4) Whether its admission will insure (a) fair and impartial understanding of All the evidence.

Abuse of Discretion > Criminal Law > Juries > Jurors > Disqualification > Removal of Jurors

Jurors may be bias in two ways. A juror's answers to question ON voir dire might display personal bias which is referred to As "Bias in fact." Alternatively, A Juror's life Circumstances or relationship to ONE of the parties (regardless) of how the juror answer questions Related to his or Her impartiality ON voir dire - can Reveal a "bias As A Matter of Law.

Criminal Laws > Appeals > Standards of Review > Abuse of Discretion

Criminal Law > Procedure > Juries > Jurors > Disqualification & Removal of Juror > Bias

The presence of Merely ONE Biased Member on A Criminal Jury

Requires Reversal, The U.S Supreme Court Instructs Courts that A

Trial Court's Findings of jurors impartiality may be overturned only manifest Error. Under the "Stringent" standard of Review, appellate Courts have consistently stated that they "Reverse District Court determinations regarding juror bias only where there has been A clear Abuse of Discretion

Hence, when an appellate Court reviews assessments of Juror partiality, the deference due to district Courts is At its pinnacle.

Criminal law > Procedure > Juries & Jurors > Disqualification > Removal of Jurors > Bias

A non exhaustive list of Circumstances that might trigger a finding of Bias as a matter of law Include a Revelation that the Juror is an actual employee of the prosecuting agency, that the Juror IS A Close relative of the participants in the trial of A Criminal transaction, or that the Juror was A witness or somehow involved in the Criminal transaction. States vs. Godfrey, 787 F.3d 72, 81 (1st Cir. 2015)

Rule 901 Authenticating or Identifying Evidence

The officer weren't the first on the scene who testified at trial, he stated he was (40 minute) late, so he wouldn't be able to testify about the shell casing. William Slaughter stated he didn't see A shell casing ejected but he owns a 40 Cal weapon, and seemed the shell casing after the Chao. K.F. Never testified about the shell casing. No picture were taken at the scene or ever presented with (Rule 16 Discovery) to show the Authenticity of the Evidence.

Clearly this is Plain Error.

STATEMENT OF THE CASE

This IS AN Appeal From A Final Judgement in the Case/Criminal arising out of the Western District of Tennessee. On JUNE 30 2016, A ONE Count indictment was filed against I Marcus Dotson. I Marcus Dotson was charged with being a felon IN possession of Ammunition in violation of 18 U.S.C § 922 (G)(1).

I Marcus Dotson trial began ON April 10, 2017 - April 12, 2017. The jury found Me (~~guilty~~) in less than 3 hours. I Marcus Dotson was sentence ON July 25 2017 to (78 months) imprisonment. A timely Notice of Appeal was filed ON July 26, 2017. Case # (7-5857) in the Court of Appeal (COA)

I Marcus Dotson was (~~denied~~) and the Court of Appeal ON (March 23, 2018) by the Sixth Circuit Court of Appeal. While not Accepting my supplemental Brief or removing my Ineffective Assistance of Counsel.

[The Statement of Facts are they had another Suspect name Marcus Freeman for whatever reasons not stated in Rule 16 Discovery officer threw My Name Marcus Dotson and A photo LINEUP to Mr. William Slaughter. Mr. Freeman AKA Dan Dan (was not) showed a photoline so he could correctly identify the Right Suspect. Later At A ~~pre~~liminary Hearing I Marcus Dotson was forced to sit alone in my preliminary where the witness was asked do they see the man responsible I was alone, so I was the only person that could be identify. I Asked Counsel several times about the shell casing and when could I see it or a photo of it, Counsel continue to tell me I Couldn't, unless I plea guilty. I also ~~told~~ Counsel that I wanted all 51 witness he to me No and attempted to remove himself from my case. I told Counsel that the DVD

with the PHONE Calls and from the Crime had been taking away from me (before I could review) Its contents or Examined It. He told Me we would get back to It, we Never did until trial. I also called Detective Butler trying to make a statement on my behalf, he wouldn't let me. I told my Counsel numerous times I wanted to make a statement before and At my trial, He kept making excuses and at Sentencing when I finally was allow to speak Counsel and Judge Mays Attend to stop me. My 1 Amendment Rights where violated and Numerous ways in this Case.

Statement of Fact from the ~~officers~~ OFFICERS

ON Feb 5, 2016 Officer's were met by Recreation Director William Slaughter. Slaughter advised that two males blacks entered the community center and went inside the gymnasium. They began walking the ~~perimeter~~ perimeter of the Basketball Court while speaking to the individuals on the other side in A (defensive manner). They walked completely around the gym and stopped at the entrance/exit doors. ONE of the Males removed a unknown type handgun from his waistline and handed it to the other Male. The Male then raised the gun and waved it around the crowd where word were being exchanged. At the last minute he raise the gun IN the Air and fired shot(s). The males then fled the scene in A unknown Direction possible were driving A white Nissan Maxima.

OFFICERS took photos of the video footage with the PDA. There is video available upon requests. ONE .40 Caliber shell casing was tagged at 201 Poplar property room.

Reason For Granting The Petition

I Marcus Dotson contends that this Court should grant Me Certiorari, vacate the Court of Appeals and District Courts decision and Remand for futhers proceedings.

(1) Because the lower Courts Clearly Erred under 282.1 (B) (6) (B) CONNECTION with Another Felony offense (2nd) Clearly Erred under Fed Crim R. Proc Rule 16 by Not letting the Defendant Review the Shell Casing and DVD video/telephone calls recorded as required before trial. Clearly Erred (3rd) By allowing A related jury member of the victims to be placed on the Jury panel. (4th) Clearly Erred by forcing the Defendant to keep Counsel when he was clearly Ineffective by not objecting too my PSI, By not objecting and trial when he was asked too, By not using some questions out my supplemental Brief to Ask the Court of Appeals. (5th) The Courts Clearly Erred when they violated my Due Process Rights, By forcing the Defendant to sit alone for A lineup and My Preliminary Hearing where he was the only Male to choose from. (6th) The Courts violated the Defendant 1st Amendments Rights by not letting him speak at his trial, sentencing hearing, or pretrial appointment for Court. The Courts Clearly Erred when Chair of Custody to the shell Casing was lost before trial and also at trial. The Courts Clearly Erred by not have a Grand Jury Foreperson Signature on my indictment which lacked probable Cause for Arrest.

I honorably asked this Courts to reverse my decision and Remand for further proceeding or to be Resentence because the 4-level Enhancement wasn't warranted or to vacate the charges, because so many Errors render my trial proceeding unfair.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Marcus Dotson

Date: May 16, 2018