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UNITED STATES DISTRICT COURT

Western District of Tennessee

UNITED STATES OF AMERICA

v.

RONALD FREEMAN

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:20CR20169-01-SHL

USM Number: 24817-076

David Bell, AFPD

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) Nine (9) and Eleven (11) of the Indictment on 03/24/2021.

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. § 841(a)(1);	Distribution of Marijuana	9/8/2020	9
21 U.S.C. § 841(b)(1)(D)			

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) 1-8, 10 and 12 is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

7/9/2021
Date of Imposition of Judgment

s/ Sheryl H. Lipman
Signature of Judge

Sheryl H. Lipman, U.S. District Judge
Name and Title of Judge

7/9/2021
Date

DEFENDANT: RONALD FREEMAN
CASE NUMBER: 2:20CR20169-01-SHL

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

60 MONTHS as to Count 9 and 60 MONTHS as to Count 11 to be served consecutively with each other for a total term of imprisonment of 120 MONTHS. Defendant's said term of imprisonment to be served concurrently with the anticipated undischarged term of imprisonment in Desoto County, Mississippi Circuit Court Docket No. CR2009-163.

The court makes the following recommendations to the Bureau of Prisons:

- 1. The defendant be allowed to participate in the Residential Drug Abuse Program (RDAP) or any other drug abuse program the defendant qualifies for.
- 2. The defendant be incarcerated in a facility as close to Memphis, TN as possible to be near family.
- 3. The defendant be allowed to participate in vocational training (ie. welding).

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: RONALD FREEMAN
CASE NUMBER: 2:20CR20169-01-SHL

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

3 YEARS as to Count 9 and 5 YEARS as to Count 11 to be supervised concurrently with each other, for a total term of supervision of 5 YEARS.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

AO 243 (Rev. 09/17)

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District	WESTERN DISTRICT OF TENNESSEE
Name (under which you were convicted): RONALD FREEMAN		Docket or Case No.: 2:20-cr-20169-01 SML	
Place of Confinement: FCI Memphis, P.O. Box, 34550 Memphis, TN 38134		Prisoner No.: 24817-076	
UNITED STATES OF AMERICA		Movant (include name under which convicted) V. RONALD FREEMAN	

MOTION

- (a) Name and location of court which entered the judgment of conviction you are challenging:
U. S District Court of Western Tennessee
Western Divisional Office,
167 N. Main Street, Room 242 Memphis, TN 38103

(b) Criminal docket or case number (if you know): 2:20-cr-20169-01 SML
- (a) Date of the judgment of conviction (if you know): 7/9/2021
(b) Date of sentencing: 7/9/2021
- Length of sentence: Counts 9 & 11 consecutively, 120 months. Supervised release, 5 years.
- Nature of crime (all counts):
COUNT 9: 21 U.S.C § § 841(a)(1); 841(b)(1)(D), Distribution of marijuana.

COUNT 11: 18U.S.C §§ 942(c), 942(c)(1)(A) Use and Carry of a Firearm During and in Relation to a Drug Trafficking Crime
- (a) What was your plea? (Check one)
(1) Not guilty (2) Guilty (3) Nolo contendere (no contest)
(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

- If you went to trial, what kind of trial did you have? (Check one) Jury Judge only
- Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes No

AO 243 (Rev. 09/17)

- 12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Mr. Freeman is in federal custody in violation of Amendments IV and V of the Constitution of the United States. ~~There is a substantial denial of Mr. Freeman's constitutional right of liberty without compelling reasons for Congress to proscribe marijuana therefore without due process of law.~~

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

1. There is no constitutional amendment proscribing marijuana.
2. Marijuana is not a constitutional right.
3. The historical definition of a crime requires a victim.
4. Original meaning of liberty, a constitutional right, is freedom from physical restraint.
5. Ground One is not about selective, arbitrary enforcement of the marijuana laws, violating due process of law.
6. Ground One is not about probable cause.
7. The operation and effect of federal prosecution in the enforcement of Counts 9 & 11, was the seizure of Mr. Freeman's person and deprivation of his constitutional right of liberty by the bounds of prison.
8. Marijuana does not meet all three criteria to be a dangerous controlled substance. It is safe to use without medical supervision.
9. A reasonable regulated interstate commerce of marijuana, does not present a substantial threat to the rights of others, to public safety or health, requiring the use of federal police power.
10. Mr. Freeman plead guilty, was convicted, deprived of his liberty, without compelling government reasons for a political crime, a victimless crime.
11. Political police power, Mr. Freeman is a political prisoner.

(b) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

- (2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes No

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (3) Did you receive a hearing on your motion, petition, or application?

Yes No

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**Motion to Vacate, Set Aside, or Correct a Sentence
By a Person in Federal Custody**

(Motion Under 28 U.S.C. § 2255)

Instructions

1. To use this form, you must be a person who is serving a sentence under a judgment against you in a federal court. You are asking for relief from the conviction or the sentence. This form is your motion for relief.
2. You must file the form in the United States district court that entered the judgment that you are challenging. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this motion.
6. If you cannot pay for the costs of this motion (such as costs for an attorney or transcripts), you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you.
7. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
8. When you have completed the form, send the original and _____ copies to the Clerk of the United States District Court at this address:

Clerk, United States District Court for
Address
City, State Zip Code

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

9. **CAUTION:** You must include in this motion all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
10. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

APPENDIX D

8a

TABLE OF AUTHORITIES

Pertinent Text

I. Constitutional Provisions

Article I, Section 9, Clause 2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Article III section 2:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; . . . to controversies to which the United States shall be a party.

In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Amendment IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

Amendment V. "No person shall be . . . deprived of life, liberty, or property, without due process of law."

II. Rules of the Supreme Court of the United States

Rule 20. 2. The petition shall be captioned "In re [name of petitioner]" and shall follow, insofar as applicable, the form of a petition for a writ of certiorari prescribed by Rule 14. . . The petition shall be served as required by Rule 29(subject to subparagraph 4(b) of this rule).

Rule 20. 4. (a) A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U.S.C. §§ 2241 and 2242 and in particular with the provision in the last paragraph of §2242, which requires a statement of the "reasons for not making application to the district court of the district in which the applicant is held." . . . To justify the granting of a writ of habeas corpus, the petitioner must show that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

Rule 20. 4. (b). Habeas corpus proceedings, except in capital cases, are ex parte, unless the Court requires the respondent to show cause why the petition for a writ of habeas corpus should not be granted. . . . Neither the denial of the petition, without more, nor an order of transfer to a district court under the authority of 28 U. S. C. § 2241(b), is an adjudication on the merits, and Therefore does not preclude further application to another court for the relief sought.

Rule 20. 5. The Clerk will distribute the documents to the Court for its consideration . . . when a response under subparagraph 4(b) has been ordered and filed, when the time to file has expired, or when the right to file has been expressly waived.

III United States Code

28 U.S.Code § 2071 Rule making powers generally

(a) The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress.

21 U.S.C. § 841(a)(1); § 841(b)(1)(D) Distribution of Marijuana

18 U.S.C. § 924(c); § 924(c)(1)(A)(i) Use and Carry of a Firearm During and in Relation to a Drug Trafficking Crime.

28 Part VI Chapter 153 Habeas Corpus

28 U.S. Code § 2241

Power to grant writ

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.

(c)The writ of habeas corpus shall not extend to a prisoner unless—
(3) He is in custody in violation of the Constitution or laws or treaties of the United States;

28 U.S. Code § 2242

Application

If addressed to the Supreme Court, a justice thereof or a circuit judge it shall state the reasons for not making application to the district court of the district in which the applicant is held.

28 U.S. Code § 2243

Issuance of writ; return; hearing; decision

A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

28 U.S. Code § 2253

(c)

(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

(B) the final order in a proceeding under section 2255.

(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

28 U.S.C. § 2255

Federal custody; remedies on motion attacking sentence

(a) A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, . . . or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

(d) An appeal may be taken to the court of appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

(e) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.