

No. 24-7060

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**FILED**

APR 15 2025

MAURICIO GONZALEZ — PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(The courts refuse ruling on the merits)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MAURICIO GONZALEZ

(Your Name)

PO BOX 5010

(Address)

OAKDALE, LA 71463

(City, State, Zip Code)

(Phone Number)

**QUESTION(S) PRESENTED**

1. Whether a district court's denial of a renewed Rule 29 motion for judgment of acquittal can be equated with, or substituted for, a verdict of guilt beyond a reasonable doubt, in direct conflict with *United States v. Martin Linen Supply Co.*, 430 U.S. 564 (1977).

2. Whether rendering a verdict of guilt by merely denying a renewed Rule 29 motion—without allowing the defendant the opportunity for closing arguments—violates the Fifth Amendment's guarantee of due process, as established in *Herring v. New York*, 422 U.S. 853 (1975).

**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:

**RELATED CASES**

United States v. Mauricio Gonzalez,  
Case No. 2:21-cr-80087-DMM-1  
United States District Court of South Florida,  
Judgment entered on May 15th, 2024.

United States v. Mauricio Gonzalez,  
No. 24-11757-C,  
United States Court of Appeals for the Eleventh  
Circuit, Judgment Entered on December 30th, 2024

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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 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 is unpublished.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 B 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 is unpublished.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 \_\_\_\_\_.

[ ] 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: 02/27/2025, 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 \_\_\_\_\_ (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**

**U.S. Const. amend. V**

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

**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... and to have the Assistance of Counsel for his defence."

**Federal Rule of Criminal Procedure 29(a)**

"The court on the defendant's motion must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction. The court must decide the motion on the evidence at the close of the government's case."

**Federal Rule of Criminal Procedure 29(b)**

"The court may reserve decision on the motion, proceed with the trial... and decide the motion either before or after the verdict."

**Federal Rule of Criminal Procedure 23(c)**

"In a case tried without a jury, the court must find the defendant guilty or not guilty. If a party requests before the finding of guilt or innocence, the court must state its specific findings of fact in open court or in a written decision or opinion."

**Federal Rule of Criminal Procedure 33(b)(1)**

"Any motion for a new trial grounded on newly discovered evidence must be filed within 3 years after the verdict or finding of guilty."

**28 U.S.C. § 1254(1)**

"Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari."

**3.**

### Statement of the Case

Petitioner seeks review of the Eleventh Circuit's erroneous affirmance of the district court's improper use of a Rule 29 denial as a substitute for a verdict of guilt. After explicitly denying Petitioner's initial Rule 29 motion solely on evidentiary sufficiency grounds (Trial Transcript, D.E. 59, p. 141), the district court later invited and heard renewed arguments but then improperly rendered a guilty verdict explicitly in place of separately denying the renewed motion (Trial Transcript, D.E. 59, p. 153). Months afterward, the court inaccurately memorialized this ruling, conflating its procedural denial of Petitioner's Rule 29 motion with a substantive guilty verdict (D.E. 75 at p. 3). The Eleventh Circuit summarily affirmed without analysis, allowing a critical procedural distortion to stand uncorrected.

## REASONS FOR GRANTING THE PETITION

This case presents a fundamental procedural issue warranting immediate review: whether a district court may lawfully equate its denial of a renewed Rule 29 motion for judgment of acquittal with rendering a guilty verdict in a criminal bench trial. At Petitioner's bench trial, the district court initially denied Petitioner's Rule 29 motion solely based on evidentiary sufficiency, explicitly stating:

> "THE COURT: I deny your motion as to Counts 2 and 3. I am going to reserve ruling as to Count 1." (Trial Transcript, D.E. 59, p. 141).

At that point, no guilty verdict was announced. Instead, the district court expressly invited renewed briefing on Petitioner's Rule 29 motion. Subsequently, when Petitioner renewed his Rule 29 motion at the conclusion of the evidence, the district court failed to issue a separate denial as it had previously done. Instead, the district court explicitly merged the denial of Petitioner's renewed Rule 29 motion with its pronouncement of guilt, stating:

> "THE COURT: All right. I am going to reserve ruling on Count 1. On Count 2 and Count 3, I find the Defendant guilty" (Trial Transcript, D.E. 59, p. 153).

This procedural conflation was further evidenced months later in the district court's written post-trial order (D.E. 75 at p. 3), where it inaccurately represented its earlier ruling:

> "At the conclusion of the bench trial, Defendant moved for a Judgment of Acquittal on Counts One, Two, and Three. (Tr. 131:19-21). I denied that Motion as to Counts Two and Three and found Defendant guilty on those counts. (Tr. 141:14-15)."

Critically, this written characterization directly contradicts the trial transcript, as no guilty verdict had been rendered at the time of the initial Rule 29 denial (p. 141). Instead, the district court first pronounced guilt explicitly upon ruling on Petitioner's renewed Rule 29 motion at page 153 of the transcript. By doing so, the district court impermissibly transformed what was strictly a procedural ruling on evidence sufficiency into a verdict.

This action violates clearly established Supreme Court precedent, which mandates that Rule 29 decisions address only evidentiary sufficiency and may never substitute for an independent determination of guilt. See *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 572-73

(1977) (holding Rule 29 decisions cannot substitute for factual guilt); *Walker v. Russell*, 57 F.3d 472, 475 (6th Cir. 1995) (emphasizing Rule 29 motions do not involve the reasonable doubt standard).

Further exacerbating the constitutional violation, the district court pronounced this purported verdict without conducting closing arguments, depriving Petitioner of a fundamental due-process right essential to fair adjudication. See *Herring v. New York*, 422 U.S. 853, 862–63 (1975) (denial of closing argument violates due process); *United States v. King*, 650 F.2d 534, 536–37 (4th Cir. 1981) (closing arguments critical to fair trial procedure).

The Eleventh Circuit summarily affirmed without analysis, effectively endorsing this dangerous procedural precedent. Such affirmation threatens to undermine the integrity of criminal adjudications nationwide by permitting trial courts to conflate procedural denials of Rule 29 motions with substantive guilty verdicts.

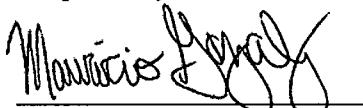
Certiorari is therefore urgently warranted to clarify definitively that a district court's denial of a renewed Rule 29 motion for judgment of acquittal can never lawfully substitute for, nor be distorted into, a verdict of guilt, thus preserving fundamental fairness in federal criminal trials.

### Conclusion

The Court should grant certiorari to correct the Eleventh Circuit's endorsement of the district court's improper procedural conflation of a Rule 29 denial with a guilty verdict, to clarify that such procedural denials cannot substitute for actual determinations of guilt beyond a reasonable doubt, and to preserve essential constitutional safeguards within federal criminal bench trials.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Mauricio Gonzalez

Date: 3/30/2025