

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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DAVON BECKFORD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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On Petition for A Writ of Certiorari  
to the United States Court of Appeals for the Third Circuit

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PETITION FOR A WRIT OF CERTIORARI

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## **QUESTIONS PRESENTED**

1. DOES ENFORCEMENT OF APPELLANT'S WAIVER OF APPEAL AND THE GOVERNMENT'S SUMMARY AFFIRMANCE MOTION OF MR. BECKFORD'S SENTENCE CONSTITUTE A MISCARRIAGE OF JUSTICE BECAUSE OF MR. BECKFORD'S SUBSTANTIAL HELP TO THE GOVERNMENT?
2. IS ENFORCEMENT OF THE APPELLANT'S WAIVER OF APPEAL PROVISION IN HIS PLEA AGREEMENT UNCONSCIONABLE BECAUSE IT IS BOTH UNREASONABLY FAVORABLE TO THE GOVERNMENT AND THERE WAS NO MEANINGFUL CHOICE TO MR. BECKFORD?

### **LIST OF PARTIES**

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

### **RELATED CASES**

Undersigned Counsel is not aware of any related cases.

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**PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

Petitioner, Davon Beckford, by and through his undersigned attorney,  
respectfully petitions for a writ of certiorari to review the judgment entered in this  
case by the United States Court of Appeals for the Third Circuit.

### **OPINION BELOW**

The Judgment and Order of the United States Court of Appeals for the Third Circuit appear in the Appendix. Appx1-3.

### **JURISDICTION**

On July 7, 2025, the Court of Appeals entered its judgment granting the United States Motion for Summary Affirmance. Appx3. The jurisdiction of the Supreme Court is invoked under 28 U.S.C. § 1254(1).

### **RELEVANT CASE LAW HOLDING**

The pertinent case law holding includes United States v. Khattak, 273 F.3d 557, 562 (3d Cir. 2001) and Harris v. Green Tree Fin. Corp., 183 F.3d 173 (3d Cir. 1999).

### **STATEMENT OF THE CASE**

On February 15, 2022, Davon Anthony Beckford (“Mr. Beckford”) was charged in an Indictment with: COUNT 1, conspiracy to possess and distribute in excess of 400 grams of fentanyl and an unspecified amount of fluorofentanyl that resulted in the death and serious bodily injury of a person for the use of such substances in violation of 21 U.S.C. § 846; COUNT 2, distribution of a controlled substance analogue resulting in death in violation of 21 U.S.C. § 841(a)(1); COUNT 3, distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1); COUNT 5, distribution of a controlled substance in violation of 21



U.S.C. § 841(a)(1); COUNT 6, distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1); and a forfeiture allegation. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-1 at 1-2. Pursuant to a written Plea Agreement and an Addendum to Plea Agreement, Mr. Beckford entered a plea of guilty to Count 2 of the Indictment being: Distribution of a Controlled Substance Resulting in Death in violation of 21 U.S.C. § 841(a)(1). Id. at 2. As indicated in the Government’s motion for summary affirmance, the Plea Agreement included a direct appeal waiver. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 18-1 at 1-2

During Mr. Beckford’s change of plea hearing, a portion of the hearing was placed on the sealed record for the parties and the Court to review the Addendum to Plea Agreement. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-3 at 1-7. During the sealed portion of the plea hearing, Government counsel explained Mr. Beckford’s “agreement to fully cooperate with the United States” pursuant to the agreement. Id. at 3. Furthermore, Government counsel stated:

if The United States believes that the Defendant has provided substantial assistance, pursuant to Title 18 United States Code Section 3553(e) or Section 5(k)1.1 of The United States Sentencing Guidelines and has fully complied with the terms of this agreement, The United States may request the Court to depart below any applicable mandatory-minimum range only, any guideline range only or both, when fixing a sentence for the

Defendant.

The United States, specifically, reserves the right to make a specific recommendation of a term of months to the Court.

Id. at 5-6. Government counsel also stated under seal at the plea hearing: “I can tell the Court that the Defendant’s cooperation has already begun in this case.” Id. at 6. The District Court ultimately accepted Mr. Beckford’s plea of guilty.

Mr. Beckford extensively cooperated with law enforcement pursuant to his Plea Agreement and the Addendum to Plea Agreement which led to the Government filing a Motion Recommending Downward Departure prior to sentencing. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 1-11. The Government’s Motion Recommending Downward Departure explains in detail Mr. Beckford’s remarkable cooperation which included but was not limited to: providing crucial intelligence to law enforcement regarding major national drug traffickers, conducting controlled purchases of major national drug traffickers, and testifying as the main witness for the United States in two federal criminal trials. Id. The United States ultimately requested a sentence of 180 months of incarceration for Mr. Beckford because of his compliance and substantial assistance. Id. at 11.

In addition, Mr. Beckford filed a sentencing memorandum further explaining his extensive and intricate cooperation with law enforcement. United States v.

Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-5 at 1-17. Mr.

Beckford's sentencing memorandum explains how Mr. Beckford's cooperation led to the federal convictions of fifteen drug traffickers in the Middle District of Pennsylvania and the District of Arizona. Id. at 9. Mr. Beckford asked for the District Court to grant a further departure pursuant to his continuous, thorough, and successful assistance to law enforcement and for a sentence of 135 months of incarceration. Id. at 3, 17.

During Mr. Beckford's sentencing hearing, a portion of the hearing was placed under seal for the parties and the Court to discuss Mr. Beckford's cooperation. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-6 at 1-26. At sentencing, Government counsel further explained to the District Court many details of Mr. Beckford's substantial assistance to law enforcement including: Mr. Beckford's crucial intelligence provided to law enforcement, his successful proactive cooperation including controlled purchases, and his critical testimony at two federal criminal trials. Id. at 3-10. Government counsel requested the District Court to depart fifty percent downward to a sentence of 180 months pursuant to Mr. Beckford's substantial assistance to law enforcement. Id. at 10.

Furthermore, at sentencing, Mr. Beckford, through counsel, provided the District Court additional details regarding Mr. Beckford's extensive cooperation.

Id. at 10-14. Mr. Beckford again ultimately requested a sentence of 135 months of incarceration. Id. at 13.

The District Court called counsel to sidebar and the District Court explained to counsel its reluctance to provide the reduction in sentence as requested. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-6 at 13-21.

After the District Court stated, “I don’t know that I can go that low on this”, Government counsel provided support for its recommendation of a fifty percent departure and Government counsel stated, “I believe he earned it.” Id. at 14.

Counsel for Mr. Beckford also provided the District Court arguments to support the reduction requested by the Government. Id. at 16. The District Court further explained at sidebar a portion of its reasoning stating:

I'm ultimately focused on what is appropriate here, given what happened, and I know the chain of events here, and there is something -- there is something really unthwart about the person who gave -- Akee Miller giving these drugs to [the victim] Michaelena Kowalczyk and getting 252 months and this guy getting far less than. There is something about it that offends, I think, my traditional understanding of what justice is.

Id. at 19.

After the discussion at the sidebar concluded, the District Court explained “in [its] analysis of cooperation, a 50-percent reduction is not justified”. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-6 at 22.

Counsel for Mr. Beckford again provided further argument providing justification

for the Government's requested departure. Id. at 22-23. Ultimately, the District Court reduced Mr. Beckford's guideline range to the mandatory minimum of 240 months stating:

I am prepared to recognize Mr. Beckford's cooperation and reduce his current guideline of 360 months to life to 240 months. I think that is an appropriate reduction in light of his cooperation, in light of the fact that the man to whom he sold the drugs, who in turn sold them to Michaelena Kowalczyk, Akee Miller, received 252 months in this very case. There has to be some recognition of responsibility that he had in her death, and I think that is appropriate.

Id. at 24. Mr. Beckford was sentenced to 240 months of incarceration.

Mr. Beckford filed a timely notice of appeal the Court of Appeals for the Third Circuit. The Government then filed a motion for summary affirmance. On May 16, 2025, Mr. Beckford filed a Response to the United States Motion for Summary Affirmance. Third Circuit ultimately issued an order in favor of the United States confirming his 240-month sentence. Appx3.

### **REASONS FOR GRANTING THE PETITION**

- I. CERTIORARI SHOULD BE GRANTED BECAUSE THE COURT OF APPEALS FOR THE THIRD CIRCUIT ERRED IN DETERMINING THAT THERE WOULD NOT BE A MISCARRIAGE OF JUSTICE IF MR. BECKFORD IS DENIED AN APPEAL.

Generally, “waivers of appeals, if entered into knowingly and voluntarily, are valid.” United States v. Khattak, 273 F.3d 557, 562 (3d Cir. 2001). However, the Third Circuit has “decline[d] to adopt a blanket rule prohibiting all review of

certain otherwise valid waivers of appeals,” recognizing that “[t]here may be an unusual circumstance where an error amounting to a miscarriage of justice may invalidate the waiver.” Id. Thus, “[i]f denying a right of appeal would work a miscarriage of justice, the appellate court, in its sound discretion, may refuse to honor the waiver.” Id.

The Third Circuit has adopted the First Circuit’s approach, which requires consideration of specific factors before “relieving the defendant of the waiver.”

Khattak, 273 F.3d at 563. The Court should consider:

[T]he clarity of the error, its gravity, its character (e.g., whether it concerns a fact issue, a sentencing guideline, or a statutory maximum), the impact of the error on the defendant, the impact of correcting the error on the government, and the extent to which the defendant acquiesced in the result.

Id.

When “similar offenders engage in similar conduct”, “a sentencing difference is not a forbidden ‘disparity’ if it is justified by legitimate considerations, such as rewards for cooperation.” United States v. Parker, 462 F.3d 273, 278 (3d Cir. 2006).

The miscarriage of justice exception is also met where enforcing the appellate waiver “would ‘seriously affect[] the fairness, integrity, or public reputation of judicial proceedings.’” United States v. Stephens, 501 Fed. Appx. 117, 119 (3d Cir. 2012) (non-precedential) (citing United States v. Corso, 549 F.3d 921, 927 (3d Cir. 2008)).

Mr. Beckford respectfully contends that the failure to reverse the Third Circuit's order of summary affirmance would constitute a miscarriage of justice, given that the Khattak factors, adopted by the Third Circuit, weigh strongly in his favor.

### **1) The Clarity of the Error**

First, Mr. Beckford respectfully contends that the Third Circuit erred by affirming the district court's ruling because it clearly erred by failing to give meaningful weight to the Government's courtroom statements and Motion Recommending Downward Departure prior to sentencing.

#### **a) Governments In-court statements**

The Government explained during a sealed portion of the plea hearing that Mr. Beckford agreed to fully and accurately cooperate with law enforcement pursuant to his plea agreement. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-3 at 3. Government's counsel explained that Mr. Beckford actually began cooperating with law enforcement before entering into the plea bargain and continued to fully cooperate after the plea deal was entered into. Id. at 3-6. Furthermore, during the sentencing hearing, the government stated, "[f]rom a professional perspective, I believe he earned it," in reference to Mr. Beckford's assistance to law enforcement in support of his downward departure. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-6 at 14.

The government reasserted this position during a sidebar, stating again, “I just think that he earned it.” Id. at 15.

Thus, the government’s in-court statements support Mr. Beckford’s request for a departure from the mandatory minimum guidelines.

b) Government’s Motion Recommending Downward Departure Prior to Sentencing

Pursuant to Title 18 United States Code Section 5K1.1, “[u]pon motion of the government stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense, the court may depart from the guidelines.” U.S. SENT’G GUIDELINES MANUAL § 5K1.1 (U.S SENT’G COMM’N 2024). Subsection (a) states:

The appropriate reduction shall be determined by the court for reasons stated that may include, but are not limited to, consideration of the following: (1) the court’s evaluation of the significance and usefulness of the defendant’s assistance, taking into consideration the government’s evaluation of the assistance rendered; (2) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (3) the nature and extent of the defendant’s assistance; (4) any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance; (5) the timeliness of the defendant’s assistance.

Id.



*i) The Court's Evaluation of The Significance and Usefulness of the Defendant's Assistance, Taking Into Consideration the Government's Evaluation of the Assistance Rendered.*

Here, the Government filed a Motion Recommending a Downward Departure prior to sentencing. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4. First, Mr. Beckford's cooperation was both significant and useful, as recognized by Government Counsel stating "the United States submits that departure downward from this guideline imprisonment range is warranted in the defendant's case in light of the defendant's substantial assistance to law enforcement." Id. at 2. Mr. Beckford assisted in numerous significant ways; the following represent some of the most compelling examples, including detailing his drug connections, providing details about "hundreds of thousands of fentanyl pills" which he would get from his suppliers and provide to his subordinates, and providing details about the delivery process. Id. at 3. Thus, it is evident that Mr. Beckford's cooperation was significant and useful in obtaining information and evidence to get an extremely large quantity of fentanyl out of circulation.

*ii) The Truthfulness, Completeness, and Reliability of Any Information or Testimony Provided by the Defendant.*

Second, Mr. Beckford provided truthful, complete, and reliable information since "with the assistance of the defendant, and further investigation by law enforcement, the Government was able to seek an indictment against 15 additional

defendants on February 14, 2023.” United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 6. Further relevant evidence of his truthful, complete, and reliable information is shown by his participation in three separate “controlled purchases” involving Shane Burns, which resulted in law enforcement seizing over 450+ grams of fentanyl. Id. at 6-7. Thus, it is evident that Mr. Beckford provided truthful, complete, and reliable information.

*iii) The Nature and Extent of the Defendant’s Assistance.*

Third, the nature and extent of Mr. Beckford’s assistance to the government were substantial. As previously stated, due to Mr. Beckford’s assistance and law enforcement efforts, the government was able to seek indictments against 15 additional individuals. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 6. All defendants except one, Kevin Jones (“Jones”), “pleaded guilty to their role on the drug trafficking conspiracy, varying only with respect to the quantity of fentanyl pills each drug subordinate ordered for further sale/distribution within the MDPA.” Id. Furthermore, Mr. Beckford testified at trial against Jones, where he was subject to “vigorous cross-examination”, which ultimately resulted in a jury finding Jones “guilty beyond a reasonable doubt for his role in the drug trafficking conspiracy.” Id. Therefore, Mr. Beckford’s assistance was extensive and substantial in the government's investigation into the drug conspiracy.

*iv) Any Injury Suffered, or Any Danger or Risk of Injury to the Defendant or His Family Resulting from His Assistance.*

Mr. Beckford's assistance came with great risk to himself and his family.

This is evident, as pointed out by the government, stating "[t]he defendant's testimony against Jones subjected the defendant to a high risk of retaliation."

United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 6.

The Government further acknowledges that "Beckford expressed some hesitation about testifying against Jones" because Jones was a "high-level member of the Bloods who had 'reach' to get to Beckford inside and his family members on the outside." Id. at 34. Despite this threat, Mr. Beckford testified at trial and "testified credibly," and his testimony was "instrumental in obtaining a guilty verdict." Id. Therefore, due to Mr. Beckford's testimony at trial and assistance to law enforcement, he and his family were put at great risk of injury.

*v) The Timeliness of the Defendant's Assistance.*

Mr. Beckford's assistance was timely because "immediately" after his arrest on February 24, 2022, he "expressed a desire to cooperate with law enforcement."

United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 3.

As soon as seven days after his arrest on March 3, 2022, Mr. Beckford attended a proffer where he consented to allowing law enforcement to search his Apple iPhone by signing a consent form and providing its password. Id. During this same meeting, Mr. Beckford detailed sources of his supply, subordinate drug

dealers, and the drug connections he cultivated. Id. Therefore, Mr. Beckford's assistance to law enforcement was timely.

Therefore, Mr. Beckford respectfully contends that the Third Circuit erred by the district court's decision because they clearly erred by failing to give meaningful weight to the Government's courtroom statements and Motion Recommending Downward Departure prior to sentencing because of the extent to which the in-court statements were favorable and because, pursuant to Title 18, United States Code Section 5K1.1, the relevant factors weigh heavily in his favor.

**2) The Character of the Error (e.g. Whether It Concerns A Fact Issue, A Sentencing Guideline, Or A Statutory Maximum).**

The character of the error involves a departure from the recommended sentencing guideline offered by Mr. Beckford and the Government, and in turn, the sentence was issued *sua sponte* by the district court.

Here, in light of Mr. Beckford's profound and substantial assistance, pursuant to Title 18 United States Code Section 5K1.1, the Government, through its Motion Recommending Downward Departure, respectfully recommended that the court "depart 50% from the low end of the guidelines imprisonment range of 360 months, yielding a new low end guidelines imprisonment range of 180 months in prison." United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 10. Additionally, Mr. Beckford also, pursuant to Title 18 United States Code Section 5K1.1, requested a sentence of 135 months of incarceration. United

States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-1 at 4.

The district court explained that in its position, “[t]here is something about it that offends, I think, my traditional understanding of what justice is.” United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-6 at 19. While the court did account for Mr. Beckford’s assistance, we respectfully contend that the court did not give sufficient weight to the Government’s and defense counsel’s considered recommendations, thereby undermining the policy rationale to motivate substantial assistance. Therefore, the character of the error of the sentencing guideline is significant.

### **3) The Impact of the Error on the Defendant.**

The impact of the error on Mr. Beckford is undoubtedly profound because of the disparity between the requested sentences and the imposed sentence. As previously stated, the government requests a sentencing, in their 5K1.1 motion, of 180 months, and the defense requested a sentencing of 135 months. The district court imposed a sentence of 240 months. There is a disparity of 60 months between the government's recommendation and the actual sentence imposed, and a disparity of 105 months between the sentence requested by the defense and the actual sentence imposed. Thus, because of the significance of the disparities between the requested sentences and the actual sentence imposed, there is a significant impact of the error on Mr. Beckford.

#### **4) The Impact of Correcting the Error on the Government.**

Correcting the error would not be detrimental to the government; rather, it would further its own recommendation. The government explicitly recommended that the sentence be 180 months. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 10-11. Allowing an appeal would not undermine the government but instead enforce its original view. Thus, allowing the appeal would affirm the prosecution's own position.

#### **5) The Extent to Which the Defendant Acquiesced in the Result.**

Mr. Beckford concedes that, during the plea hearing, Government's counsel noted the waiver of appeal provision and the district court confirmed defendant's understanding of it. However, Mr. Beckford did not accept the waiver provision without an objection. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-1 at 8. On pages 25 and 26 of the initial Plea Agreement, Mr. Beckford crossed out and did not agree to the appeal waiver. Id.; United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-7 at 25-26. The government ultimately would not agree to the appeal waiver being crossed out, and a subsequent Plea Agreement was required to be executed. However, at this point, Mr. Beckford had essentially no bargaining power against the Government whatsoever. He had already desired to enter a Plea Agreement, and he was fully cooperating with law enforcement.

Therefore, while Mr. Beckford did enter into his plea deal knowingly and voluntarily, not granting him an appeal would constitute a miscarriage of justice because the factors adopted by the Third Circuit, when determining whether there has been a miscarriage of justice, weigh heavily in his favor.

II. CERTIORARI SHOULD BE GRANTED BECAUSE THE COURT OF APPEALS FOR THE THIRD CIRCUIT ERRED IN DETERMINING THAT THE PLEA AGREEMENT WAS NOT UNCONSCIONABLE.

It would be unconscionable to enforce the appeal waiver in Mr. Beckford's Plea Agreement against him since the unilateral appeal waiver is unreasonably favorable to the Government, and Mr. Beckford had no meaningful choice in accepting this provision.

“Although a plea agreement occurs in a criminal context, it remains contractual in and is to be analyzed under contract-law standards.” United States v. Isaac, 141 F.3d 477, 481 (3d Cir. 1998). “Unconscionability is a ‘defensive contractual remedy which serves to relieve a party from an unfair contract or from an unfair portion of a contract.’” Harris v. Green Tree Fin. Corp., 183 F.3d 173, 181 (3d Cir. 1999) (citing Germantown Mfg. Co. v. Rawlinson, 341 Pa. Super. 42, 491 A.2d 138, 145 (1985)). “[U]nconscionability requires a two-fold determination: that the contract terms are unreasonably favorable to the drafter and that there is no meaningful choice on the part of the other party regarding acceptance of the provisions.” Harris v. Green Tree Fin. Corp., 183 F.3d 173, 181

(3d Cir. 1999) (citing Bensalem Township v. International Surplus Lines Ins. Co., 38 F.3d 1303, 1312 (3d Cir. 1994)).

The Plea Agreement was unreasonably favorable to the Government. Mr. Beckford bore all of the risks of cooperation, including providing information that led to “hundreds of thousands of fentanyl pills” being taken out of circulation, testifying against Jones, which put himself and his family at great risk, and participating in controlled buys. Mr. Beckford was already fully cooperating with law enforcement in a proactive capacity prior to the Government providing Mr. Beckford a written Plea Agreement. The Government agreed to recommend to “50% downward departure from the low end of the guidelines imprisonment range of 360 months, yielding a new low end guidelines imprisonment range of 180 months in prison.” United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-4 at 10. However, Mr. Beckford still received a sentence of 240 months. Thus, the Government received all of the benefits of Mr. Beckford’s cooperation, while Mr. Beckford took all of the risks associated with his cooperation, while not receiving the benefits of being incarcerated for 180 months or less when being sentenced. Therefore, the Plea Agreement was unreasonably favorable to the Government.

Mr. Beckford had no meaningful choice in accepting the Plea Agreement. Mr. Beckford was initially looking at a guideline range of 360 months to life. Mr.



Beckford began full cooperation with law enforcement in a proactive capacity prior to the Government, providing Mr. Beckford a written plea agreement. Upon receiving the written Plea Agreement, Mr. Beckford and his counsel crossed out the appeal waiver provision and signed the Plea Agreement and sent it back to the Government on or about March 23, 2022. On pages 25 and 26 of the initial Plea Agreement, Mr. Beckford crossed out and did not agree to the appeal waiver. United States v. Beckford, No. 25-1178 (3d Cir. July 7, 2025), ECF No. 22-7 at 25-26. However, the Government would not agree to the appeal waiver being crossed out, and a subsequent Plea Agreement was required to be executed. Thus, at this point, Mr. Beckford was looking at 360 months to life, already cooperating with law enforcement, and when Mr. Beckford sought to modify the agreement, he lacked any bargaining power, and his request was denied. Therefore, he effectively had no meaningful choice but to accept the Plea Agreement if he ever hoped to have a chance to rehabilitate his life.

Thus, the Plea Agreement was unreasonably favorable to the Government because Mr. Beckford bore all of the risks of cooperation while still receiving a sentence of 240 months of incarceration. Moreover, he faced 360 months to life and was denied any modification of the appeal waiver, thereby having no bargaining power or meaningful choice but to accept the Plea Agreement if he had hoped to rehabilitate his life. Therefore, because the Plea Agreement is both

unreasonably favorable to the Government and Mr. Beckford had no meaningful choice but to accept the appeals waiver provision, he respectfully contends that the Plea Agreement appeal waiver provision is unconscionable.

### **CONCLUSION**

WHEREFORE, based on the foregoing argument and authorities, this court should grant the petition for writ of certiorari.

Respectfully submitted,

Date: October 5, 2025

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UNITED STATES OF AMERICA,

Respondent.

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**CERTIFICATE OF SERVICE**

I, Christopher R. Opiel, hereby certify that on this 5th day of Ocoter 2025, I served copies of the Motion for Leave to Proceed in Forma Pauperis and the Petition for a Writ of Certiorari in the above-captioned case were mailed, first class postage prepaid, to the following:

Solicitor General of the United States  
Room 5616  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Patricia S. Dodszuweit, Clerk  
United States Court of Appeals for the Third Circuit  
601 Market Street  
Room 21400  
Philadelphia, PA 19106-1790

Office of the United States Attorney  
235 N. Washington Avenue  
Scranton, PA 18503

Davon Beckford  
Register No. 75217-067  
FCI Mendota  
Federal Correctional Institution  
P.O. BOX 9  
Mendota, CA 93640

I certify that all parties required to be served have been served.

Respectfully submitted,

Date: October 5, 2025

/s/ Christopher Opiel  
**Christopher Opiel, Esq.**  
**CJA Appointed Counsel**  
**Attorney ID# PA318776**  
Opiel Law  
88 North Franklin Street  
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(570) 762-9992 (Office)  
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## **CERTIFICATIONS**

I, Christopher R. Opiel, Esq., hereby certify that:

1. I am an attorney appointed under the Criminal Justice Act of 1964.
2. The text of the documents electronically filed with the Court is identical to the text of the paper copies mailed to the Court.
3. A virus check was performed on the electronic documents with AVG software, and the documents are virus-free.
4. This filing contains **5231** words.
5. On **October 5, 2025**, one copy of the foregoing Petition for Writ of Certiorari was placed in the United States mail, first-class, postage prepaid, addressed to: U.S. Attorney's Office, William J. Nealon Federal Building, Suite 311, 235 N. Washington Avenue, Scranton, PA 18503.
6. On **October 5, 2025**, ten copies of the same were placed in the United States mail, first class, postage pre-paid, addressed to: Supreme Court of the United States, Office of Clerk, 1 First Street NE, Washington, D.C. 20543.

Date: October 5, 2025

/s/ Christopher Opiel  
**Christopher Opiel, Esq.**  
**CJA Appointed Counsel**  
**Attorney ID# PA318776**  
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