

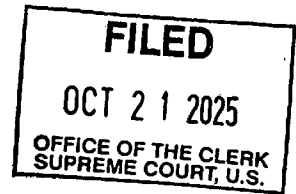
No. _____

ORIGINAL

25-5967

IN THE

SUPREME COURT OF THE UNITED STATES



LYNELL GUYTON — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals for the Third Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lynell Guyton
(Your Name)

F.C.I. Williamsburg P.O. Box 340
(Address)

Salters, South Carolina 29590
(City, State, Zip Code)

(412) 804-8742
(Phone Number)

QUESTION(S) PRESENTED

- 1). Did Congress intend for the scheduling requirements of the Controlled Substance Act to be applied to analogues?
- 2). Does the Drug Enforcement Agency's failure to schedule an analogue undermine Constitutional notice?
- 3). Is it statutorily and Constitutionally legal for the government to prove a persons mens rea i.e., knowledge of an unregulated substance's "federal legal status" as a "controlled" substance by their actions?
- 4). Can a person be prosecuted for dealing with an analogue before the Drug Enforcement Agency initiates the regulatory controls for a specific analogue?
- 5). When the entirety of the Jury instructions are erroneous may the government deny a defendant that he was prejudiced by the errors and forfeit his absolute due process rights?
- 6). Is there arguably a legal element in 21 U.S.C. § 841(a)(1) that the substance at issue be "controlled"?

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

N/A

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and Federal HSI Tetraault's testimony admitted into trial Exhibits 257-260;
Motion to Dismiss Exhibits 676-708; D.O.J. D.E.A. federal registers;
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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.

OPINION BELOW

The opinion of the United States court of appeals appear at Appendix A to the petition and is reported at 144 F.4th 449 (3d cir. 2025).

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 18, 2025.

☐ 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

Third Circuit Court of Appeals | Judgment entered on October 12, 2021
Judgment entered on | in United States Western District
July 18, 2025. | Court of Pennsylvania.

☐ For cases from **state courts**:

The date on which the highest state court decided my case was N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

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

' Citations to "Appx.", "Appx. Br." All refer to "Appendix A" materials.
All records citations refer to the trial transcripts, unless
otherwise indicated or evident from context.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Controlled Substance Act § 801-§ 841 i.e., § 813 the Controlled Substance Analogue Enforcement Act provision is to be conferred in this court's Jurisdiction to review on writ of certiorari in regards to the Judgment from the Western District Court of Pennsylvania on October, 10, 2021 in case No. 2:17-cr-00215-001; the Third Circuit Court of Appeals on July 18, 2025 in Case number 21-3093.

In pursuant to Supreme Court Rule 29.4(b) and 28 U.S.C. § 2403(a) apply and shall be served on the Solicitor General of the United States, Room 5614 Department of Justice, 950 Pennsylvania Avenue, NW Washington, D.C. 20530-0001.

Title 21 U.S.C. § 801 (CSA), Title 21 U.S.C. § 802(32)(A), 21 U.S.C. § 811(h), 21 U.S.C. § 812, 21 U.S.C. § 813 (CSAEA), 21 U.S.C. § 841, 21 U.S.C. § 846, Title 18 U.S.C. § 545, 82 FR 42754, 82 FR 55333, 21 C.F.R. § 1308.48, Title 11 of Act Oct. 27, 1970, P.L. 91-513, Title 11, Part-G, § 704, 84 Stat. 1284, S. Rep. No. 98-225, P. 264 (1984), U.S. Code Cong. & Admin. News 1984, p. 3182, H.R. Rep. No. 99-848, Pt. 1 at 4-5 (1986), Admin. Law § 276; statutes § 113, 128, 131 Cong. Rec. S. 17,842 (1985), 131 Cong. Rec. S. 27,311 (1985), 131 Cong. Rec. H. 18,938 (1985), 131 Cong. Rec. S. 19,411 (1985), 132 Cong. Rec. H. 6527 (1986), 131 Cong. Rec. E 1320-01, 1985 WL 705499, 18 U.S.C. § 3231, U.S. Const. - amendment 14, Const. amendment 1, U.S. Const. 5th amendment all set out in Motion to Dismiss appendix **A** to the petition and United States v. Barker, No. 1:16-cr-31, 2016 U.S. Dist. Lexis 182003 (N.D.W.Va. Dec. 12 2016) opinion, in appendix **A**.

STATEMENT OF THE CASE

I believe that a persons lack of knowledge regarding the legal element in 21 U.S.C. § 841(a)(1) is an conclusive defense that the substance at issue be "Controlled". As, Chief Justice Roberts stated in separate opinion in *McFadden v. United States*, 576 U.S. 186 (2015);

"Ultimately, the courts statements on this issue... those statements should therefore not be regarded as controlling if the issue arises in a future case".

On the 10th year Anniversary in 2025, since chief Justice Roberts Solidarity opinion, that future case has risen. Bolstered by remarkable historical illuminious statements from the 131-132 Congressional records. On the cusp of the 40th year Anniversary since the passage of the Controlled Substance Analogue Enforcement Act of 1986.

The Western District Court of Pennsylvania denied petitioner's motion to dismiss in error confusating from pertinent Congressional findings before the court on January 9, 2020 Jury trial, based on its memorandum opinion docketed at entry 348 in case no. 2:17-cr-00215-01.

Citing, *United States v. Raymer*, 941 F.2d 1031, (that defendant could be prosecuted for distributing an controlled substance analogue even if the controlled substance was invalidated at the period time alleged in the indictment). Motion to Dismiss docketed at entry 445.

The Third Circuit Court of Appeals on petitioner's direct appeal in Reply Brief for Appellant, tables of contents E. Mr. Guyton's Pro Se Motion to Dismiss page 10 entirely unaddressed as both Court's passed this issue onto this Court's Jurisdiction. Filed: February 28, 2025. Also, Court of Appeals denied petitioner was prejudiced by *McFadden's* instructional errors, speculating in their findings arguments about effort to dodge customs, concealment of activities, and other evasive behaviors -- paying inculpatory homage to a T.V. show Character, and by knowing drugs were subject to seizure at customs, petitioner knew the drugs in the intercepted shipment - were federally Controlled. Statements which the government never argued in its Summation during Jury trial. By which, petitioner had the requisite Knowledge under § 841(a)(1) and has not established that the district Court's instructional errors affected my substantial rights. See APPENDIX C "Reply Brief for Appellant" in accordance with S.Ct. R. 14.1(g)(vi).

REASONS FOR GRANTING THE PETITION

On the 10th year anniversary in 2025, since Chief Justice Roberts Solidarity opinion in *McFadden v. United States*, 576 U.S. 194 (2015), he stated, "a persons lack of knowledge regarding that legal element can be a defense. *Liparota v. United States*, 471 U.S. 419, 425, n.9, 105 S.Ct. 2084, 85 L. Ed. 2d 434 (1985). "And here, there is arguably a legal element in Section 841(a)(1) - that the substance be "Controlled."

"I join the courts opinion, except to the extent that it says the government can satisfy the mental state requirement of section 841(a)(1)" by showing that the defendant knew the identity of the substance he possessed". Ante, at 192, 192 L. Ed. 2d, at 269.

"As, the courts points out, the word "knowingly" applies "not just to the Statute's verbs, but also to the object of those verbs - 'a controlled Substance'." Ante, at 191, 192 L. Ed. 2d, at 268 (emphasis deleted).

"Ultimately, the courts statements on this issue are not necessary to its conclusion that the District Courts Jury instructions "did not fully convey the mental state required by the Analogue Act" Ante, at 197, 192 L. Ed. 2d, at 272. Those statements should therefore not be regarded as controlling if the issue arises in a future case".

"The future case has risen"! Bolstered by remarkable historically, illuminous statements from the 131-132 Congressional records.

On the cusp of the 40th year anniversary since the passage of the Controlled Substance Analogue Enforcement Act of 1986.

Which, is the ultimate reason for granting this petition by the Supreme Court to resolve our Country's 40 year old dilemma, due to national importance.

The United States Third Circuit Court of appeals has decided an important question of federal law that has ~~not~~ been, but should be, settled by this Court pursuant to S.Ct. R. 10(c).

The United States Court of Appeals for the Third Circuit decision is in Contrary to the decisions of this court; In *Re Winship*, 397 U.S. 358, 364, 25 L. Ed. 2d 368, 90 S.Ct. 1068 (1970) (speculation about what the Jury could have done if properly instructed falls woefully short of that burden), (a defendant has a due process right to "proof beyond a reasonable doubt of every fact necessary to constitute the crime with he is charged").

REASONS FOR GRANTING THE PETITION - continued

Johnson v. United States, 520 U.S. 461, 467, 137 L.Ed. 2d 718, 117 S.Ct. 1544 (1997) (the materiality errors had seriously affected the fairness, integrity, public reputation of judicial proceedings, and petitioners 5th amendment right to due process was violated arbitrarily).

That, the trial evidence the Court of appeals panel for the Third Circuit reverted to unjustly, were violations of 18 U.S.C. § 545 "smuggling goods into the United States. Were not overwhelming and, in fact, controverted at trial by federal crime lab report, and federal agent's testimony during the admissions of the federal legal status of substance at issue in this petition.

McFadden v. United States, 576 U.S. 186 (2015); statutory interpretation - not addressed, I believe it to be uncontrolled by prior precedent. Because facial challenges are appropriate when a statute implicates First Amendment rights, this review is limited to an as-applied challenge. United States v. Mazurie, 419 U.S. 544, 95 S.Ct. 710, 42 L.Ed. 2d 706 (2010).

The nature of the analysis, however, first requires a review of the history of the relevant legislation.

ARGUMENT

I.

The drug counts (counts 1, 2, 5, 6 and 7) must be vacated because the district court gave an entirely erroneous McFadden jury instruction misstating McFadden's knowledge element.

A. On prong three, Guyton was prejudiced by the McFadden instructional errors, a reasonable probability of a different outcome.

The jury found the petitioner guilty with the entirely improper jury instructions. Here, the district court's failure to instruct the jury "That a defendant must know the substance he was dealing with is regulated by federal drug abuse laws not under 'any law.'" McFadden's legal standards was not expressed in its entirety in the jury charge contrary to the directives commanded by the Justices opinion, see McFadden v. United States, 576 U.S. at 194-95 n.3. Which, should have been reflected in the light of all the trial evidence i.e., scientist expert testimony, federal agent's testimony; against the state crime lab reports; versus the significant federal crime lab report. see Appx. A "3rd cir. C.O.A. opinion" III A pg. 12-15.

The jury may have presumed the governments state admitted

trial evidence conclusive to prove petitioner's mens rea on counts 1, 2, 5, 6 and 7. Which, undoubtedly had an effect on the Jury's deliberations. The Jury could not have been expected to make a finding beyond a reasonable doubt as to defendant's knowledge of the substance "legal status" as "a controlled substance" under federal drug abuse laws opposed to under "any law" in the absence of an instruction to do so.

See United States v. Xavier, 2 F.3d 1281, 1287, 29 V.I. 279 3d Cir. 1993 (citations and internal quotations omitted). See Appx. A "3d Cir. C.O.A. opinion" III A. 1. pg. 13-14.

B. 3rd Cir. Court of Appeals Panel's improper speculation about what a properly instructed jury would have done.

Given the jury had the properly worded instructions in light of all the trial evidence, the jury could have found petitioner not guilty beyond a reasonable doubt of having the requisite knowledge under § 841(a)(1) that petitioner knew he was trafficking "Federally controlled substances" under McFadden's first option with the necessary comparisons. See Appx. A "3d Cir. C.O.A. opinion" III A. 1. pg. 12-15.

Therefore, judged by the standards announced by the Supreme Court in McFadden, U.S. district court's instructions failed to explain the law correctly as to the element of guilty knowledge and the petitioner was prejudiced by the errors. See United States v. Demott, 906 F.3d 231 (2d Cir. 2018).

The government's argument and 3rd cir. C.O.A. panel's findings about the Jurors thought process therefore rest upon pure speculation. Petitioner had a due process right to "proof beyond a reasonable doubt of every fact necessary to constitute the crime with he is charged". In re Winship, 397 U.S. 358, 364, 25 L.Ed.2d 368, 90 S.Ct. 1068 (1970), "Speculation about what the Jury could have done if properly instructed falls woefully short of that burden." See Appx. A "3dcir. C.O.A. opinion" III. B. pg. 16-17.

As, to the panel's findings in the light most favorable to the government, they abused their discretion by soliciting their own argument to suffice for the government's insufficient trial evidence, in substitution of the prosecutor's clear failures. The prosecutor never argued to the Jury:

"By finding that Guyton knew his drugs were "subject to seizure at customs", or find that Guyton "told chinese suppliers to camouflage his opioids shipment "to pass customs" or that find Guyton paid inculpatory homage to a drug Kingpin and had instructed shipments be mailed to "Avon Barksdale", "you the Jury may find Guyton knew he was trafficking "Federally controlled substances". See Appx. A "3dcir. C.O.A. opinion" III. B. pg. 16-17; see Appx. 543-564.

As, to the Jury, the court cannot speculate that it made findings the government never argued in summation (citing — United States v. Haywood, 363 F.3d 200, 207 (3dcir. 2004).

C. On prong four, the McFadden instructional errors, panel's findings, trial counsel's ineffective summation, district court's exclusion of the defense's evidence seriously affected the fairness, integrity, and public reputation of the judicial proceedings.

1. The McFadden Instructional Errors.

The McFadden instructional errors is prejudicial, as explained above and a matter of integrity, due process, and fairness.

Haywood, for an example, remanded for a new trial on an erroneous knowledge instruction because "a conviction based on an incomplete charge taints the reputation of the judicial process. see Haywood, 363 F.3d at 207. ("speculation.. undermines due process").

2. Panel's findings.

In re Winship, 397 U.S. 358, 364, 25 L.Ed. 2d 368, 90 S.Ct. 1068 (1970). Speculation about what the jury could have done if properly instructed falls woefully short of that burden; a defendant has a due process right to "proof beyond a reasonable doubt of every fact necessary to constitute the crime with he is charged."

3. Trial counsel's ineffective summation.

Notably, petitioner's trial counsel conceded his clients guilt to all the drug counts over his clients objections. Gov't Br. at 21 (citing Appx. 564-65), see Appx. 147-49 (pro se opening statements); Appx. 676 (pro se Motion to dismiss) see McCoy v. Louisiana, 584 U.S. 414, 417-18 (2018).

4. District Court's Exclusion of the Defense's Evidence.

In Contrast to the district court's intrusion upon the province of the Jury. through biased preliminary and egregious final instructions. see Appx. Br. 133 pg. 14, line 17-25:

"Also, in my final instructions, I'm going to give you some things to think about that should help you decide credibility and believability of witnesses, factors that have been time-tested, things that courts have recognized are very important for Judges or Jurors to take into consideration, not that Judges intrude upon the province of a Jury," but there will be things that I will point out to you that you should be looking for" or you should be aware of when you weigh the testimony of the various witnesses.

The district court pointed out this; see Appx. Br. 71 III.

Final Instructions: Consideration of Particular Kinds of Evidence

4.27 Defendant's choice not to testify or Present Evidence.

"Lynell Guyton did not testify and did not present evidence in this case". "A defendant has an absolute constitutional right not to testify or to present any evidence."

In Contrary to the controverted state evidence at Jury trial admitted by the prosecutor. See Appx. A "Exhibit 257-260 and "Defense Exhibit 2", -HSI and CBP crime lab report and

federal HSI agent Tetrault's testimonial evidence in accordance with the final instructions: General 3.02 Evidence: "The evidence from which you are to find the facts consists of the following: (1) Testimony of the Witnesses; and (2) Documents and other things received as exhibits. See Appx. A "Exhibit 55".

The conclusive federal document controverted the prosecutor's insufficient state evidence admitted at the petitioner's jury trial. As, the jury was denied by the district court's special final instructions to make the legally necessary comparison weighed by a categorical approach between — direct and circumstantial evidence.

Instead, the "Defense Exhibit 2" and federal HSI agent Tetrault's testimonial evidence was unconstitutionally excluded as evidence by the district court Judge David S. Cercone verbatim from the jury's minds and went unfathomably unacknowledged by appointed trial counsel, the jury, appointed appeal counsel, and 3d Cir. C.D.A. panel justices relieving their willful blind eye.

Petitioner was prejudiced by all beforementioned errors, which all undoubtedly had a prejudicial impact on the jury's deliberations, and such seriously affected the fairness, integrity, and public reputation of judicial proceedings.

Such miscarriage of law and Justice would be the unfathomable result if rehearing en banc and Supreme Court Justices will not take action to correct the errors. See., United States v. Johnson, 520 U.S. 461, 467, 137 L.Ed. 2d 718, 117 S.Ct. 1544 (1997).

Petitioner, had a due process right to "proof beyond a reasonable doubt of every fact necessary to constitute the crime with he is charged". (quoting In re Winship, 397 U.S. 358, 364, 25 L. Ed. 2d 368, 90 S. Ct. 1068 (1970)).

The Jury could not have been expected to make a finding beyond a reasonable doubt as to Guyton's knowledge of the substance "legal status" as "a controlled substance" under federal drug abuse laws opposed to under "any law" in the absence of an instruction to do so. see United States v. Xavier, 2 F.3d 1281, 1287, 29 V.I. 279 (3d cir. 1993) (citations and internal quotations omitted).

The district Court gave no ruling in the trial record to specifically strike "Defense Exhibit 2" HSI and CBP crime lab report or "Federal HSI agent Tetrault's testimonial evidence" wholly as probative value outweighed by any factors outlined in the — Fed. R. Evidence 403. see also, Holmes v. South Carolina, 547, U.S. 319, 326, 126 S. Ct. 1727, 164 L. Ed. 2d 503 (2006) (abuse of discretion by trial court) see., Paol II, 35 F.3d at 749; see

Bhaya v. Westinghouse Elec. Corp., 922 F.2d 184, 187 (3d Cir. 1990) (citing United States v. De pen, 778 F.2d 963, 973-74, (3d Cir. 1985)) ("Trial Court's arbitrary and irrational").

D. NATIONAL EXCEPTIONAL IMPORTANCE

The Controlled Substance Act and Controlled Substance Analogue Enforcement Act legislation history concurs that the (CSAEA) of 1986 was enacted to cover the lag between an analogues identification and it's federal scheduling of it's subsequent control by the regulatory controls of the CSA overall statutory scheme for the criminal sanctions to become applicable. Prosecutions before the (CSA) statutory mandates are initiated violates a persons due process rights. See Appx. A "Motion to Dismiss 676-708".

1. Chief Justice Roberts's Seperate Opinion
in *McFadden v. United States*, 576 U.S. 186, (2015).

Chief Justice Roberts stated, "I join the courts opinion, except to the extent that it says the government can satisfy the mental state requirement of section 841(a)(1)" by showing that the defendant knew the identity of the substance he possessed, "Ante, at — 192 L. Ed. 2d. at 269.

Section 841(a)(1) makes it unlawful for any persons "Knowingly... to manufacture, distribute, or dispense.. a controlled substance". As, the court points out the word "knowingly" applies "not just to the verbs, but also to the object of those verbs - 'a controlled substance'." Ante at 192 L.Ed.2d at 268 (emphasis added).

"That suggest that a defendant needs to know more 'than the identity of the substance; he needs to know that the substance is controlled. see, e.g., United States v. Howard, 773 F.3d 519, 526 (CA4 2014); United States v. Washington, 596 F.3d 926, 944 (CA8 2010); United States v. Rogers, 387 F.3d 925, 935 (CA7 2005).

"Involving well known drugs such as heroin, a defendant's knowledge of the identity of the substance can be compelling evidence that he knows the substance is controlled". see United States v. Turcotte, 405 F.3d 515, 525 (CA7 2005).

"But that is not necessarily true for lesser known drugs. A pop quiz for any reader who doubts the point: Two drugs - dextromethorphen and hydrocodone - are both used as cough suppressants. "They are both used as recreational drugs. Which one is a controlled substance"?

"The court says knowledge of the substance's identity suffices because "ignorance of the law is "typically true".

"But when "there is a legal element in the definition of the offense," a persons lack of knowledge regarding that legal element can be a defense". *Liparota v. United States*, 471 U.S. 419, 425, n.9, 105 S. Ct. 2084, 85 L. Ed. 2d 434, (1985).

And here, there is arguably a legal element in Section 841(a)(1) - that the substance be "controlled".

"The analogy the court drew in *Liparota* was to a charge of receipt of stolen property". "It is no defense that the defendant did not know such receipt was legal, but it is a defense that he did not know the property was stolen". "Here, the argument goes, it is no defense that a defendant did not know it was illegal to possess a controlled substance, but it is a defense that he did not know the substance was controlled".

"Ultimately, the court's statements on this issue are not necessary to its conclusion that the District Court's Jury instructions "did not fully convey the mental state required by the Analogue Act." Ante, at 197, 192 L. Ed 2d, at 272. Those statements should therefore not be regarded as controlling if the issue arises in a future case.

2. CSA and CSAEA's purpose, Congressional intent on regulatory controls for analogues.

H.R. Hughes remarks, "The Designer Drug Enforcement Act builds upon the emergency scheduling authority to control designer drugs which the crime subcommittee developed in the last Congress" see 132 Congressional Record H. 6527: Scheduling. (9/10/1986); also see Appx. A "Motion to Dismiss 676-708".

Congress had directly spoken to the precise question at issue, Congress intent is clear; "We have often remarked that Congress does not "hide elephants in mouseholes" by altering the fundamental details of a regulatory scheme in vague terms or ancillary provisions." (quoting *Whitman v. American Trucking Assns. Inc.*, 149 L.Ed.2d 1 (2001); also see, *United States v. Barker*, No. 1:16-CR-31, 2016 U.S. Dist. Lexis 182003 (N.D. W. Va. Dec. 12, 2016) ("Report and recommendation that defendant's motion to dismiss be Granted").

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lynell Guyton

Date: 10/11/2025