No. _____

9th Cir. No. 24-3716
D.C. No. 3:22-cr-08057-DGC-2

IN THE

Supreme Court of the United States

RYAN ADELBERT JOHNSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition For Writ of Certiorari
To The United States Court of Appeals, Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I. Whether the Due Process Clause of the 5th Amendment was violated when no rational trier of fact could have found the essential elements of Counts 1-3 beyond a reasonable doubt based upon the evidence at trial?

II. Whether Johnson was denied his constitutional right to due process and an impartial jury?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. There is no corporate disclosure statement required in this case under Rule 29.6.

RELATED CASES

- *United States v. Ryan Adelbert Johnson*, No. 3:22-cr-08057-DGC-2, U.S. District Court for the District of Arizona. Judgment entered June 13, 2024.

- *United States v. Ryan Adelbert Johnson*, No. 24-3716, U.S. Court of Appeals for the Ninth Circuit. Judgment entered September 30, 2025.

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CONSTITUTIONAL PROVISIONS

IN THE SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner, Ryan Johnson ("Johnson"), prays that a writ of certiorari issue to review the decision of the United States Court of Appeals for the Ninth Circuit.

OPINIONS BELOW

The Order of the United States Court of Appeals for the Ninth Circuit denying Mr. Johnson's Petition for Panel Rehearing and Petition for Rehearing En Banc was not published, but is annexed as Appendix C. The Memorandum Disposition of the United States Court of Appeals for the Ninth Circuit affirming Mr. Johnson's convictions and sentence was not published, but is annexed as Appendix A. The Judgment of the United States District Court for the District of Arizona was not published, but is annexed as Appendix B.

JURISDICTION

The United States Court of Appeals, Ninth Circuit decided this case on September 30, 2025. The Petition for Panel Rehearing and Petition for Rehearing En Banc was denied on October 31, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 18 U.S.C. §113

   (a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:
   …

(2) Assault with intent to commit any felony, except murder or a violation of section 2241 or 2242, by a fine under this title or imprisonment for not more than ten years, or both.

(3) Assault with a dangerous weapon, with intent to do bodily harm, by a fine under this title or imprisonment for not more than ten years, or both…

2. 18 U.S.C. §922

…

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

…

3. 18 U.S.C. §924

(a)(1)…

(2) Whoever knowingly violates subsection (a)(6), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both.

…

(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime--

(i) be sentenced to a term of imprisonment of not less than 5 years;

(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

…

(2) For purposes of this subsection, the term "drug trafficking crime" means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

4. U.S. Const. amend. V

   No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

5. 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 of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

STATEMENT OF THE CASE

The Government alleged that on or about February 3, 2021, on the Hopi Indian Reservation, Johnson assaulted TP and FD with a dangerous weapon in violation of 18 U.S.C. §1153, 113(a)(2) and (3). 2-ER-104. The Government also alleged Johnson discharged a firearm in furtherance of a crime of violence in violation of 18 U.S.C. §924(c)(1)(A)(iii) and (2), and that he possessed the firearm knowing he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year in violation of 18 U.S.C. §922(g)(1) and 924(a)(2). 2-ER-104.

A 5-day jury trial was held. 3-ER-113. TP, an officer with the Hopi Law Enforcement Services, testified he was on patrol with FD. 3-ER-115, 121. At 4 p.m., a dark GMC truck drove by the front of the patrol vehicle. 3-ER-122, 146. TP had to make a hard left to avoid a collision. 3-ER-123. TP turned around to conduct a traffic stop. 3-ER-124.

TP cut off the vehicle near a residence, and both vehicles had to slam on the brakes. 3-ER-126-127. TP exited his vehicle to conduct a stop. 3-ER-128. The driver reversed at a high rate of speed. TP then pursued the vehicle. 3-ER-130. TP saw a firearm from the back truck window which was shattered. TP heard 5-6 shots. 3-ER-136-137. A bullet went through the windshield of the police vehicle, past TP's head, and exited through the rear window. 3-ER-138. TP did not know who fired the shot at him. 3-ER-162. TP described the people in the vehicle as "silhouettes," and he could not identify anyone due to it being dark. 3-ER-184.

Once the shots were done, TP left his stopped vehicle. The truck kept going. TP took cover behind his patrol vehicle and discharged four rounds into the pickup. 3-ER-138. TP then entered his vehicle and continued pursuit of the truck until he eventually returned to a church. 3-ER-139, 141, 144. TP did not know who was shooting out of the window but did see the barrel of a rifle. 3-ER-147, 189. TP stated the shooter was in the back passenger seat, but he could not see anything else except for the rifle pointing out of the back of the truck. 3-ER-166, 188.

FD's testimony was similar to TP's testimony regarding the pursuit. 3-ER-193-201. FD viewed three occupants of the truck (two in the front and one in the back seat).

3-ER-208. Initially, FD saw a small hole in the back window which continued to get bigger until the whole window was out. 3-ER-215. When the shooting stopped, FD saw the rifle inside the vehicle, and he could see the magazine because the rear window was fully blown out. 3-ER-219. FD stated the person who was behind the rifle had "little bumps" on the sides of the head. 3-ER-221-222. FD was not certain about where the shooter was seated in the vehicle. 3-ER-246.

Anthony Martin Harris ("Harris"), an officer with Hopi Law Enforcement Agency, was dispatched to try to find the suspects. 3-ER-313. Harris arrested an individual who had two braids going down the back of his head and who was later identified as Ryan Johnson. 3-ER-316, 322.

Elizabeth Talley ("Talley"), forensic examiner in the DNA Casework Unit at the FBI laboratory, developed DNA profiles belonging to Mike Duffy III ("Duffy"), Mr. Johnson, and Nanabah Hoyungowa ("Hoyungowa"). 4-ER-570, 573. Talley did testing on the rifle. 4-ER-573. The DNA profile contained male DNA and originated from four individuals. *Id.* at 645, 4-ER-575. Both Johnson and Duffy were included as possible contributors. *Id.* For Duffy, it was 420 trillion times more likely he was a contributor than an unknown person. *Id*. For Johnson, the likelihood ratio that he was a contributor was 2000, which means there's only moderate support for Johnson being a contributor to the DNA on the rifle. 4-ER-576. Duffy matched sixty-two percent (62%) of the DNA profile and Johnson only matched twenty-eight percent (28%). 4-ER-578. Ms. Hoyungowa was excluded as a possible contributor. 4-ER-576. Talley explained that male DNA can cover up or mask the female DNA. 4-ER-584-585. Male DNA can make

female DNA undetectable by hiding the double X chromosome of females. 4-ER-592. On the profile determination for the rifle, the sex of the individuals could be male or female. This is a different determination than being able to match the DNA to Duffy and Johnson and exclude Hoyungowa. Talley was unable to state who fired the weapon. 4-ER-594-595, 599.

Jennifer Mulhollen ("Mulhollen"), special agent with the FBI, searched the GMC. There were spent cartridges next to the door jam on the driver's side (two on the ground and one on the door jamb). 5-ER-684. The live ammunition was collected from the center console, and one of the rounds was collected from the floor area of the driver's seat. 5-ER-697. No gunshot residue testing was done on any suspects. 5-ER-725-727. There were no fingerprints lifted from the truck. 5-ER-727.

Weaver Barkman ("Barkman"), a reconstructionist for the defense, testified it would have been impossible for the individual in the driver's seat to have fired the weapon. 5-ER-796. It would have been extremely difficult for the individual in the passenger front seat to have fired the weapon with the barrel out the back window. Based on the totality of the evidence, the individual in the back seat fired the weapon out of the back window to a near certainty. 5-ER-797-802, 831-832. It would have been highly improbable, but possible, for the individual in the front passenger seat to fire the rifle. 5-ER-827.

Defense counsel made a motion pursuant to Rule 29(a). 5-ER-793. The court asked what evidence the Government had that Johnson aided and abetted. 6-ER-901. The Government stated if Hoyungowa was the shooter, then Johnson aided and abetted

her because his DNA was on the gun. *Id*. The court then asked if Duffy was the shooter, was there evidence of aiding and abetting against Johnson? The Government cited to his DNA being on the weapon and the unspent cartridges because those items were in proximity to Johnson and Duffy. 6-ER-902. The Government agreed that aiding and abetting must occur before the crime is committed pursuant to *U.S. v. Centeno*, 793 P.3d 378 (3rd Cir), where the court found aiding and abetting liability could not be shown where the defendant was simply the get-away driver for the principal and had no other involvement in the offense. 6-ER-940. In a text only docket entry on October 10, 2023, the trial court denied Defendant's Rule 29 Motion. 1-ER-25.

While the jury was deliberating, the trial court received a note about changing out a juror who was "uncomfortable with sentencing." The trial court sent back a note telling the jury to review instruction 26 along with all the instructions. 6-ER-973-974.

Counsel for Duffy made a motion for a mistrial because counsel presumed the juror who was uncomfortable was juror number one, and there was a violation of instruction 28 (not to disclose where the jury stands in its deliberation). Johnson joined the motion. 6-ER-974-975. The trial court denied the motion for mistrial. 6-ER-974.

The jury returned its verdict at close to 7 p.m. Both Defendants were found guilty of all counts. 6-ER-978-979. The jury found Johnson did the following: used a firearm during and in relation to the crime of violence, carried a firearm during and in relation to the crime of violence, brandished a firearm during and in relation to the crime of violence, discharged a firearm during and in relation to the crime of violence, possessed a firearm in furtherance of the crime of violence, brandished a firearm in furtherance of

the crime of violence, and discharged a firearm in the furtherance of the crime of violence. 6-ER-979.

Johnson pled guilty to Count 4, felon in possession of a firearm, and Count 5 was dismissed. At sentencing, the Court imposed 37 months on Count 4, and 95 months on Counts 1 and 2. Johnson received 120 months on Count 3 to run consecutively to the others. 6-ER-1125-1128.

Judgment was entered on June 13, 2024. 1-ER-2. Johnson timely appealed on June 14, 2024. 6-ER-1132. The Memorandum Decision was issued September 30, 2025, affirming Johnson's convictions and sentence. On October 31, 2025, the Ninth Circuit denied Johnson's petition for rehearing and suggestion for rehearing en banc.

REASONS FOR GRANTING THE WRIT

I. The Due Process Clause Of The 5th Amendment Was Violated Because No Rational Trier Of Fact Could Have Found The Essential Elements Of Counts 1-3 Beyond A Reasonable Doubt.

The Due Process Clauses of the Fifth and Fourteenth Amendments protect the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. *In re Winship*, 397 U.S. 358, 364, 25 L.Ed.2d 368, 375 (1970). The Ninth Circuit concluded there was sufficient evidence to support Johnson's convictions, which included Johnson's DNA found on the rifle, Johnson's position in the vehicle, evidence suggesting the shooter was located where Johnson was sitting, and that Johnson's hairstyle was consistent with the shooter. However, material points of fact and law were overlooked by the Ninth Circuit in

assessing the sufficiency of the evidence in this case. Therefore, Johnson's convictions violate the Fifth Amendment.

Regarding Counts 1 and 2, the prosecution was required to prove beyond a reasonable doubt that Johnson assaulted TP and FD by intentionally wounding them or using a display of force that reasonably caused them to fear immediate bodily harm, that Johnson intended to do bodily harm to them, and that Johnson used a dangerous weapon (the rifle). 18 U.S.C. §113(a)(2) and (3); 2-ER-79-80. Regarding Count 3, the prosecution was required to prove that Johnson used, carried, brandished or discharged a firearm (the rifle) "during and in relation to" or "in furtherance of" the assaults charged in Counts 1 or 2. 18 U.S.C. §924(c)(1)(A)(iii) and (2); 2-ER-81. Therefore, all three of the counts required proof beyond a reasonable doubt that Johnson was either the shooter (Counts 1 & 2 – used a dangerous weapon; Count 3 – used, carried, brandished, or discharged a firearm) or aided and abetted the shooter.

The evidence at trial shows the Government failed to meet its burden that Johnson was the shooter. The first officer, TP, testified he was unable to see inside the truck and did not know who fired the shots. 3-ER-124. He also testified the shooter was in the back passenger seat (which would have been Hoyungowa), but he could not see anything else except for the rifle pointing out of the back of the truck. 3-ER-166, 188. The other officer, FD, testified he did not know if the shooter was male or female and was not certain about where the shooter was seated in the vehicle. 3-ER-246.

The DNA profile from the rifle originated from four individuals and showed both Johnson and Duffy were possible contributors. 4-ER-575. For Duffy, it was 420

trillion times more likely he was a contributor than an unknown person. *Id.* For Johnson, it was only 2000 times more likely he was a contributor than an unknown person, which means there's only moderate support for Johnson being a contributor to the DNA on the rifle. 4-ER-576. Duffy matched sixty-two percent (62%) of the DNA profile and Johnson only matched twenty-eight percent (28%). 4-ER-578. A fake eyelash was also found on the magazine of the rifle and the DNA profile from that excluded Johnson as a contributor. 4-ER-581-582, 597. Also, all the ammunition was found where Duffy was sitting in the truck, which was the driver's seat, while Johnson was in the passenger seat. 5-ER-684, 697. There were no gunshot residue or fingerprints from the gun connecting Johnson to the firearm. 5-ER-725-727, 728.

The reconstructionist expert testified it would have been impossible for the individual in the driver's seat (Duffy) to have fired the weapon and it would have been extremely difficult for the individual in the passenger front seat (Johnson) to have fired the weapon out of the back window with the barrel out (as officer TP described). Based on the totality of the evidence, it was his conclusion to a near certainty that the individual in the back seat (Hoyungowa) fired the weapon out of the back window. 5-ER-796-802, 831-832. The reconstruction expert based his opinion on the layout of the truck and the portions of the rifle that were described by TP. *Id.* For TP to have seen the portions of the rifle that he testified to, the rifle had to be sticking out of the back window. *Id.* The distance between the passenger seat and the rear window was too far for the front seat passenger to be the shooter. *Id.* The reconstruction expert described several ways the backseat passenger (Hoyungowa) could have shot out or broken out

the rear window with the rifle. 5-ER-807.

In summary, there were no eyewitnesses that identified Johnson as the shooter. The DNA evidence from the gun was not conclusive, but it was a stronger match to Duffy than Johnson. It was equally plausible (if not even more likely) that Hoyungowa was the shooter. However Hoyungowa, the most likely shooter, never testified and was not subject to cross examination. Therefore, there was significant reasonable doubt about the identity of the shooter.

The evidence also shows the Government failed to meet its burden of proving that Johnson, if not the shooter, aided and abetted the shooter. The fourth element of aiding and abetting requires the defendant acted before the crime was completed, which in this case would mean before the assault on the officers was completed. The Government pointed to Johnson's DNA being found on the rifle. But Johnson's DNA could have gotten on the rifle merely from his presence in the vehicle, that he touched the rifle at some point earlier in the day or that evening (prior to coming into contact with the police), or simply the rifle coming into contact with another object or area containing Johnson's DNA. It was not enough for Johnson to have merely associated with Duffy or Hoyungowa, that he unknowingly or unintentionally did things that were helpful, or that he was merely present at the scene. 2-ER-83. Aiding and abetting requires that the accused assisted or participated in the commission of the underlying substantive offense, mere presence or knowledge of the crime is not sufficient. *United States v. Thum*, 749 F.3d 1143, 1148-49 (9th Cir. 2014); *United States v. Sayetsitty*, 107 F.3d 1405, 1412-13 (9th Cir. 1997). The aiding and abetting must occur before the crime is

committed. *U.S. v. Centeno*, 793 F.3d 378, 390 (3rd Cir).

There was no evidence that Johnson "aided, counseled, commanded, induced, or procured" either Duffy or Hoyungowa before the assaults were completed. 2-ER-83. There was no evidence introduced about when Johnson's DNA got on the rifle. If it was because he touched the gun after the completion of the assault, that would not be sufficient to sustain a conviction for aiding and abetting. There was also no evidence that the shooting was planned instead of a spontaneous event or last-minute decision made solely by the shooter. The Government did not present any evidence about what happened prior to the shooting (and aiding and abetting requires an act prior to the crime). The Government did not argue or present evidence that Johnson said or did anything additional to aid the shooter. It was equally likely that the shooter, whoever it was, acted completely on their own.

Because there was insufficient evidence to find Mr. Johnson guilty beyond a reasonable doubt, his convictions violate the due process clause of the Fifth Amendment. Therefore, this Court should grant certiorari and reverse Mr. Johnson's convictions.

II. Johnson Was Denied His Constitutional Right To Due Process & An Impartial Jury.

The Sixth Amendment guarantees every defendant the right to a trial "by an impartial jury." U.S. Const. amend. VI. Due process has long demanded that the jury must stand impartial and indifferent to the extent commanded by the Sixth Amendment. *Morgan v. Illinois*, 504 U.S. 719, 727, 119 L.Ed.2d 492, 502 (1992).

a. Motion for Mistrial

The Ninth Circuit concluded the district court's response to the jury note, "Can we ask about changing out a Juror because he states uncomfortable with sentencing" was sufficient and did not prejudice Johnson. That conclusion overlooks material points of law. The Ninth Circuit previously upheld the dismissal of a juror when the district court determined the juror was unable to deliberate, but a court may not dismiss a juror during deliberations if the request for discharge stems from doubts the juror harbors about the sufficiency of the evidence. *United States v. Symington*, 195 F.3d 1080, 1085 (9th Cir. 1999). In *Symington*, the jury complained that one of its members refused to participate in the deliberative process. *Id.* at 1083. The evidence that developed, however, suggested that the jurors' frustrations may have derived more from their disagreement on the merits of the case. *Id.* at 1084. The Ninth Circuit held that because it was reasonably possible that the impetus for the juror's dismissal came from the juror's position on the merits of the case, it was error to dismiss her. *Id.* at 1088. Further in *United States v. Williams*, 547 F.3d 1187 (9th Cir. 2008), a juror sent a signed note to the judge indicating that she disagreed with the other jurors about the merits of the case and asking to be excused from the jury. The Ninth Circuit held that when a juror clearly discloses to the district court that she disagrees with the rest of the jury and that she cannot return a different verdict, the district court cannot give a supplemental instruction instructing the jury to continue deliberating. *Id.* at 1207.

In this case, the motion for mistrial should have been granted due to the district court's failure to dismiss the juror in question. The juror should have been dismissed

because of their misconduct in violating Jury Instructions 26 and 28, which had nothing to do with the juror's views on the merits. The juror had violated Instruction 26 by considering the sentence/punishment and violated Instruction 28 by disclosing where at least one of the jurors stood in their deliberations. *See United States v. Vartanian*, 476 F.3d 1095, 1099 (9th Cir. 2007) (Juror 7 dismissed because of misconduct and not because of views on the merits). The question in this case was signed by the juror – Juror 1 – although it was not entirely clear the question was referring to the juror who signed it. 2-ER-102.

At a minimum, the district court should have questioned the juror to inquire whether the juror could set aside set aside their considerations of punishment and adhere to their duty to apply the law impartially. *See United States v. Angulo*, 4 F.3d 843, 847 (9th Cir. 1993) (district courts have discretion to determine whether to hold a hearing to investigate allegations of juror misconduct). Given the clear and unequivocal statement that the juror was considering "sentencing," the district court should have assessed the circumstances to determine whether the juror could continue deliberating within the purview of the jury instructions, or whether the juror's impartiality was compromised. It is the judge's "responsibility to remove prospective jurors who will not be able impartially to follow the court's instructions and evaluate the evidence." *Morgan v. Illinois*, 504 U.S. 719, 729-30 (1992) (quoting *Rosales-Lopez v. United States*, 451 U.S. 182, 188 (1981) (plurality opinion) (quotation marks omitted)). Given the note was clear that the juror had violated the instructions by considering "sentencing", and absent the district court's inquiry into the juror's ability to follow its instructions and continue

deliberations impartially, the district court abused its discretion when it denied Johnson's motion for a mistrial without taking further action.

b. Motions for New Trial

The Ninth Circuit concluded the district court's statements did not constitute explicit deadlines, and that the court properly denied permission to conduct further investigation into a juror's call to the court's chambers. Those findings overlook material points of fact and law.

After the verdict on Counts 1-3, Defendants filed a Joint Motion for New Trial Pursuant to Rule 33 arguing the question about changing out a juror, along with the court's response and the late time when the note was sent (5:54p.m. on a Friday night, the last day of the scheduled trial) implied to the jurors under the circumstances that the trial would be concluded within the time allotted (by the end of Friday). 2-ER-59. Defendants argued that no communication from the Court stating the jury could return to continue their deliberations on another day, combined with no provisions for them to convene on a later date, the fact that many jurors were facing a 4-5 hour drive back home after a week of trial, and the implications that the trial would be finished within the 5-day estimate, effectively created a deadline for the jury. 2-ER-59.

A court may not place a deadline on jury deliberations. *See United States v. McElhiney*, 275 F.3d 928, 947 (10th Cir. 2001) (court's attempt to secure a quick verdict prevents fair and thoughtful deliberation by a jury). An implicit suggestion by the court indicating a deadline due to the court's promise the jury would "be leaving" by a certain date puts pressure on the jurors to arrive at a verdict by a given time. *United*

States v. Green, 523 F.2d 229, 239 (2d Cir. 1975) (Mansfield, W., concurring). "The implicit suggestion, although doubtless unintended, was that it was more important to be quick than to be thoughtful." *United States v. Flannery*, 451 F.2d 880, 883 (1st Cir. 1971) (court erred in reminding jury it was Friday afternoon).

On the morning of jury selection, the trial court told the jurors, "As the jury notice indicated to you, this trial is expected to last five days. It will go today through Friday. We are confident that it will be done by Friday." Then at the end of the day on Wednesday, the trial court stated, "I think we're making good progress in getting through the evidence. We'll have no difficulty I don't believe ending the trial within the days we told you." It does not appear anywhere in the record that the trial court ever told the jury they could adjourn and return to deliberate on Monday if they were unable to reach a verdict on Friday.

The Ninth Circuit found that the district court "informed jurors and alternates that they might have to return on Monday to resume deliberations." That interpretation is not correct given the context in which the district court's comments were made. What actually occurred when the district court selected the two alternate jurors, the court admonished them to "not to talk to anybody about the case over the weekend." 6-ER-935-36. The court then continued, "I think the jury will complete today and be finished; but if by chance one of them were to get ill and we had to continue on Monday or we had to continue on Monday and one or two of them couldn't do that, we would call you back for the deliberations." *Id.* Those comments served to reinforce the notion that the jury should conclude their deliberations that day (Friday) and would only be returning

on Monday if they needed to utilize an alternate juror.

Then on January 25, 2024, a member of the jury called the trial court and spoke with the Judicial Assistant. 1-ER-14. The juror told the Judicial Assistant that one or more of the jurors had been influenced to make a quick decision during deliberations because they wished to go home for the weekend. *Id.* The juror stated he had spoken to several individuals about the matter and asked if it could be taken into consideration at sentencing. *Id.* Johnson renewed his motion for a new trial on that basis, which was denied. 2-ER-44; 1-ER-7. The juror's statements to the judicial assistant corroborated the arguments made by Johnson in his first Motion for a New Trial, i.e., that the jury was under undue pressure to conclude their deliberations because of an arbitrary deadline imposed by the district court, whether intentionally set or not. Given the unique circumstances of this case, this Court should grant certiorari and find that the district court's statements amounted to setting a time limit and were inherently coercive.

CONCLUSION

Mr. Johnson respectfully requests this Court grant certiorari because this case involves questions of exceptional importance involving federal statutory law (18 U.S.C. §§113, 922, & 924) and constitutional law (5th & 6th Amendments). This case also involves a question of constitutional importance whether the district court's actions amounted to an impermissible deadline on jury deliberations.

RESPECTFULLY SUBMITTED this 12th day of January 2026.

LAW OFFICE OF FLORENCE M. BRUEMMER, P.C.

/s/ Florence M. Bruemmer
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Attorney for Petitioner
Ryan Johnson