

No. 25-7028 **ORIGINAL**

Supreme Court, U.S.
FILED
FEB 15 2026
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ORLANDO ROOSEVELT ADKINS — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ORLANDO ROOSEVELT ADKINS #94141-509
(Your Name)
FCI FORT DIX, Federal Correctional Institution
P.O. Box 2000
(Address)

Saint Base MDL NS, 08640
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1). WHETHER OR NOT THERE WAS SUFFICIENT EVIDENCE TO SUPPORT ADKINS' CONSPIRACY CONVICTION AS TO BOTH FENTANYL AND MARIJUANA CONSISTANT WITH THE FIFTH AND FOURTEENTH AMIENDNIENT'S ?
- 2). WHETHER OR NOT THE DISTRICT COURT AND THE COURT OF APPEALS FOR THE FOURTH CIRCUIT ERRORED IN CONCLUDING THAT ADKINS WAS PROPERLY SENTENCED BASED UPON THE EVIDENCE AND DENYING HIM VARIOUS SENTENCING GUIDELINES REDUCTIONS AND WHETHER OR NOT HIS SENTENCE WAS SUBSTANTIVELY REASONABLE and LONGER THAN NECESSARY TO SATISFY 18 U.S.C. §3553
- 3). WHETHER OR NOT THE COURT OF APPEALS FOR THE FOURTH CIRCUIT ERRORED IN ITS FINDING THAT THE DISTRICT COURT PROPERLY CALCULATED ADKINS' CRIMINAL HISTORY, WHERE THE VA. CODE §46.2-357 (2019) WAS REPEALED IN JULY 2021.

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

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U.S. V. ADKINS Decided Oct. 21, 2025

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STATUTES AND RULES

SAME AS ABOVE

OTHER

SAME AS ABOVE

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 2025 U.S. App. LEXIS 27403; 2025 Lx 427129; 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 is unpublished.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 _____ 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 October 21, 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: November 18, 2025, 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. § 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. CONSTITUTIONAL PROVISIONS:

*FIFTH AMENDMENT
FOURTEENTH AMENDMENT*

STATUTORY PROVISIONS:

18 U.S.C. § 3553 (a)(6)

U.S.S.G. § 3B1.2 (a)

Section 3E1.1(a)

U.S.S.G. § 4A1.2 (a) and (d)-(1)

U.S.S.G. § 1B1.1 (a)

STATE STATUTES:

VIRGINIA CODE Sec. § 46.2-357, (Repealed July 2001)

STATEMENT OF THE CASE

Orlando Adkins, and alleged co-defendants Kenneth Otey Terrell Sentkins, Charles Chambers and Antron Rowland, were charged with conspiring to distribute and to possess with intent to distribute, cocaine, fentanyl, heroin and marijuana (Count 1); maintaining a drug-involved premises (Count 10); distributing marijuana (Count 11); and using a communication facility in furtherance of drug trafficking (Counts 14, 15, and 18)

Adkins pleaded guilty without a plea deal to (Counts 10, 11, 15, and 18), and the government voluntarily dismissed (Count 14). The government introduced a stipulation of facts into the record where Adkins upon his plea of guilty "only," that he worked with Rowland to sell 3 and 1/2 pounds of marijuana.

Adkins took (Count 1) to trial, and the government read the stipulation of facts to the jury. At the close of the government's evidence, Adkins moved for a judgment of acquittal pursuant to Fed. R. Crim. P. 29(a), which the district court denied.

The jury convicted Adkins of conspiring to distribute (and possess), marijuana and fentanyl, but acquitted him of the same as to heroin and cocaine.

At sentencing, Adkins objected to the pre-sentence report and calculation of the sentencing guidelines on several grounds

- (1) the report wrongly held him responsible for acquitted conduct, that is conspiring to distribute cocaine and heroin;
- (2) calculated his total offense level based partly on conduct before 2020;
- (3) denied him a four point reduction for mitigation role;
- (4) denied him a two point reduction for acceptance of responsibility; and
- (5) included in his criminal history score points for breaking a Virginia law that was no longer in force

Adkins also renewed his motion for a judgment of acquittal.

The district court overruled Adkins's objections and denied his renewed Rule 29 motion as untimely. The district court sentenced Adkins to 180 months imprisonment, because of his guilty plea and the non-violent nature of his criminal history which the appellate court considered a downward variance.

The U.S. Court of Appeals for the Fourth Circuit Affirmed Adkins conviction and sentence. See (Appendix A).

Adkins furthers his arguments to this court, the Supreme Court of the United States, for review. Adkins challenges the constitutionality of his conviction and sentence in this petition for a writ of certiorari as he did so upon appeal in the Fourth Circuit Court of Appeal, see (Appendix A). Adkins asks that the court refer to the record already submitted and appellate brief filed by counsel Patricia A. Rene Law Firm, Williamsburg, Virginia.

REASONS FOR GRANTING THE PETITION

FOR QUESTION (1)

Counsel Patricia A. Rene, of RENE LAW FIRM, Williamsburg Virginia argued on appeal to the U.S. Court of appeals for the Fourth Circuit the reasons why the appeal should be granted, Adkins submits that the appointment of the same would be relevant, on Petition for certiorari, where counsel has argued the national importance of the case, and why the decisions of the district court was erroneous and wrong. It is of the utmost importance that the Supreme Court decide Adkins's case and the questions involved.

The decisions of the lower courts are in conflict with decisions of other appellate courts, as shown by counsel in her appellate briefs and Adkins's case is also important to others who are similarly situated.

Mr. Adkins was convicted by a jury for conspiring to distribute (and possess) marijuana and fentanyl, but acquitted of the same as to heroin and cocaine. The government's evidence was that the heroin was mixed with fentanyl, and not two separate drugs, but a combination. Therefore Adkins could not have been guilty of conspiring to distribute (and possess) fentanyl, but acquitted of the same for heroin. And as a fact there was no evidence put forth that Adkins possessed either, cocaine, fentanyl, or heroin.

The Court of appeals reasoned that, "the jury had enough evidence before it to conclude that Adkins agreed with Otey and Jenkins to sell fentanyl-laced heroin. Which is not the correct assessment of facts. Adkins was in fact acquitted of ("conspiring to distribute (and possess) heroin). Therefore his conviction for ("conspiring to distribute (and possess) fentanyl) should not stand, where the facts and evidence shows that both the fentanyl and heroin were one combined drug, (fentanyl-laced heroin), as stated by the court below.

Adkins asks that counsel be appointed to effectively brief and argue the facts supported by authority, as well as other issues that are of national importance.

Under the circumstances of Adkins case the Court of Appeals has departed from the usual and accepted course of judicial proceeding, and certiorari should be granted.

FOR QUESTION (2)

Counsel Patricia A. René, of RENE LAW FIRM, Williamsburg Virginia argued on appeal to the U.S. Court of Appeals for the Fourth Circuit, the reasons why the appeal should be granted. Adkins submits that the appointment of the same would be relevant, on Petition For Certiorari, where counsel has argued the national importance of the case and the reasons why Adkins's sentence was not proper based upon the evidence, where he should have received a reduced sentence under the guidelines, his sentence was in fact and at law substantively unreasonable and higher than necessary to satisfy 18 U.S.C. § 3553, due to the non-violent nature of the offense and his criminal history. Adkins further's his reasons as to why his sentence is unreasonable to this court, from the Fourth Circuit Court of Appeals, as briefed by Counsel.

FOR QUESTION (3)

Counsel Patricia A. René, of RENE LAW FIRM, Williamsburg Virginia, argued on appeal to the U.S. Court of Appeals For the Fourth Circuit, the reasons why appeal should be granted. Adkins submits, that the appointment of the same would be relevant, on Petition For Certiorari, where counsel has argued and shown, the correct calculation of Adkins Criminal history and the national importance of the case as well as why Adkins should be resentenced, where Virginia Code § 46.2-357 (2019) was repealed in July 2021, and his sentence should be reduced.

Adkins asks that counsel be appointed in order that the reasons for granting the petition can be properly argued in a Supplemental Counselled Petition. Where, "In all criminal prosecutions, the accused shall enjoy the right, . . . to have the assistance of counsel" as "fundamental and essential to a fair trial," *id.*, at 342, 9 LEd 2d 799, 83 S.Ct. 93 ALR2d 733, because "[E]ven the intelligent and educated layman . . . requires the guiding hand of counsel at every step in the proceedings against him," *id.*, at 345, 9 LEd 2d 799, 83 S.Ct. 792, 93 ALR2d 733, quoting *Powell v. Alabama*, 287 U.S. 45, 69, 77 LEd 158, 53 S.Ct. 55, 84 ALR 527 (1932).

Adkins attorney moved the court below to withdraw from his case while he was in federal transit. He had no knowledge of the granting nor filing of the motion until after the time expired in order to file his written objections to the withdrawal. Non the less, he submitted his objection as well as a request to recall the mandate. Adkins present non-frivolous claims and he is indigent.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Orlando R. Adkins
ORLANDO R. ADKINS # 9414-509

Date: Feb. 15, 2026

CERTIFICATE OF SERVICE

I the Under Sign hereby certify that a true and exact copy of the Petition For A Writ of Certiorari was place into the Prison mailing system for mailing on 2 15, 2026, FCI Fort Dix, Federal Corr. Institution, P.O. Box 2000, Joint Base MDL 08640.

Orlando R Adkins
Orlando R. Adkins # 9414-509