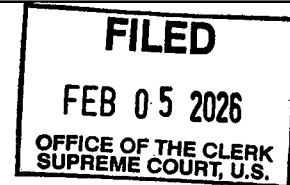


25-7127
No.

ORIGINAL

SUPREME COURT OF THE UNITED STATES

Gabriel L'Ambiance Ingram,
Petitioner,



v.

United States of America,
Respondent,

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

Gabriel L'Ambiance Ingram
Reg. No. 33535-171
FCI Atlanta
P.O. Box 150160
Atlanta, GA 30315
Petitioner Pro Se

QUESTIONS PRESENTED

1. Whether multiple consecutive convictions under 18 U.S.C. § 924(c) may be imposed when the government failed to identify distinct predicate offenses and instead relied on a single conspiracy to support multiple firearm convictions.
2. Whether the Sixth Amendment's Confrontation Clause is violated when a trial court bars cross-examination of a key government witness about his pending charges.
3. Whether Title III permits admission of wiretap evidence absent compliance with the "full and complete statement of necessity" requirement of 18 U.S.C. § 2518(1)(c).
4. Whether the Sixth Amendment and the Speedy Trial Act are violated when a defendant waits four years for trial due to government action and co-defendant delays despite repeatedly asserting his right and seeking severance.
5. Whether the due process clause permits federal courts of appeals to uphold convictions where the government failed to prove each element of the charged offense beyond a reasonable doubt.

6. Whether due process is violated when a federal court of appeals summarily affirms constitutional claims without analysis.

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LIST OF PARTIES

Petitioner:

Gabriel L'Ambiance Ingram

Respondent:

United States of America

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

RELATED CASES

United States v. Gabriel L'Ambiance Ingram,

No. 0:18-cr-00557-MGL-3, United States District Court for the District of South Carolina. Judgment entered June 29, 2023.

United States v. Gabriel L'Ambiance Ingram,

No. 23-4448, United States Court of Appeals for the Fourth Circuit. Opinion issued August 4, 2025.

United States v. Gabriel L'Ambiance Ingram,

No. 23-4448, United States Court of Appeals for the Fourth Circuit. Petition for rehearing and rehearing en banc denied September 15, 2025.

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The opinion of the United States Court of Appeals for the Fourth Circuit is unpublished and is reproduced in the appendix at *App. 1–6. United States v. Gabriel L’Ambiance Ingram*, No. 23-4448 (4th Cir. Aug. 4, 2025).

The order of the court of appeals denying rehearing and rehearing en banc is reproduced in the appendix at *App. 7. United States v. Gabriel L’Ambiance Ingram*, No. 23-4448 (4th Cir. Sept. 15, 2025).

The judgment of the United States District Court for the District of South Carolina is reproduced in the appendix at *App. 23–28. United States v. Gabriel Ingram*, No. 0:18-cr-00557-MGL-3 (D.S.C. June 29, 2023).

JURISDICTION

The judgment of the United States Court of Appeals for the Fourth Circuit was entered on August 4, 2025. The court of appeals denied a timely petition for rehearing and rehearing en banc on September 15, 2025. On November 24, 2025, this Court granted Petitioner an extension of time to file a petition for a writ of certiorari up to and including February 12, 2026. This petition is timely filed pursuant to that extension. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The full text of these provisions appears in Appendix F.

U.S. Const. amend. II.

U.S. Const. amend. IV.

U.S. Const. amend. V.

U.S. Const. amend. VI.

18 U.S.C. § 924(c)(1)(A).

21 U.S.C. § 846.

21 U.S.C. § 841(a)(1).

18 U.S.C. § 2518(1)(c).

18 U.S.C. § 3161(c)(1).

18 U.S.C. § 3161(h)(6).

STATEMENT OF THE CASE

The Second Superseding Indictment charged Petitioner in three counts under 18 U.S.C. § 924(c), each alleging only “a drug trafficking crime prosecutable in a court of the United States,” without identifying a specific predicate offense. (*Second Superseding Indictment*, App. 9–17). The jury instructions repeated this generic phrasing for Counts 11, 15, and 21. (*Written Jury Instructions*, App. 47–49). During the charge conference, defense counsel requested a multiple-conspiracy instruction, which the district court denied, ruling that the case involved a single conspiracy. (*Def.’s Proposed Jury Instruction on Multiple Conspiracies*, App. 53–54; *Trial Tr. Vol. 6*, App. 76–78). Counsel also objected that “this is not a firearm conspiracy, it’s a drug conspiracy,” stressing that only Petitioner was connected to firearms and that broadening the conspiracy to encompass firearm possession was “highly prejudicial.” The court overruled the objection. (*Trial Tr. Vol. 6*, App. 79–81). The jury returned a guilty verdict on Count 1, the conspiracy charge, attributing to Petitioner 500 grams or more of cocaine, 28 grams or more of crack cocaine, and a quantity of heroin, excluding fentanyl. (*Verdict Form*, App. 18–19). The jury also found Petitioner guilty on Counts 11, 15, and 21 using the same generic phrasing of “a drug trafficking crime,” without identifying any specific predicate offense. (*Id.*, App. 20–22). The district court sentenced Petitioner to 260 months’ imprisonment, including consecutive mandatory terms on the three § 924(c) convictions. (*Judgment in a Criminal Case*, App. 23–28; *Statement of Reasons*, App. 29–32). At trial, the

government's cooperating witness, Daniel Brock, testified about drug and firearm transactions. Defense counsel sought to impeach him with the full list of his still-pending state felony charges to show bias and motive to testify favorably to the prosecution. The court ruled that the jury could hear only that Brock had "pending charges," barring any reference to the specific crimes or penalties. Counsel placed the excluded charges on the record outside the jury's presence, preserving the issue. (*Trial Transcript, App. 66–69*). During trial, the jury heard only a general acknowledgment that Brock's charges remained pending. The court also restricted impeachment with Brock's prison disciplinary history and limited prior-conviction references to statutory titles only (*Trial Transcript, App. 56–65, 72–75*). Before trial, Petitioner moved to suppress wiretap evidence obtained under Title III, arguing that the Government failed to provide the "full and complete statement" of necessity required by 18 U.S.C. § 2518(1)(c). (*Motion to Suppress Wiretap Evidence, App. 89–97*).

The wiretap applications, supporting affidavits, and related suppression materials were filed entirely under seal. (*ECF Nos. 1044, 1070, 1071; see Sealed Title III Appendix Identification, App. 158*). Following the February 12, 2020 suppression hearing, the district court denied the motion orally and issued no written findings or orders. The transcript of that hearing also has not been made available to Petitioner. See *Notice of Filing of Suppression Hearing Transcript, ECF No. 1086*.

On direct appeal, Petitioner challenged the denial of his motion to suppress Title III wiretap evidence. The court of appeals affirmed in an (*Unpublished Per Curiam Opinion, App. 1-6*).

While still represented by counsel, Petitioner's attorney sought to unseal portions of the joint appendix in the court of appeals that included the Title III record in connection with a motion to withdraw as counsel. The court granted counsel permission to withdraw and denied the request to unseal without prejudice. After counsel was permitted to withdraw, Petitioner renewed the unsealing request pro se in the court of appeals. The Fourth Circuit subsequently granted in part and denied in part a motion to unseal certain Joint Appendix volumes, but the order did not authorize release of the Title III wiretap applications, supporting affidavits, or necessity submissions. (*Order Granting in Part and Denying in Part Motion to Unseal, App. 8*). The materials released therefore provided no information bearing on the Title III necessity determination.

Petitioner also pursued relief in the district court pro se by filing two motions to unseal the Title III materials. The district court denied the first motion and dismissed the second, both without prejudice. Because of the time-sensitive nature of the writ of certiorari deadline, there was insufficient time to pursue additional unsealing efforts, and the Title III materials remain under seal.

Petitioner was arrested in 2018 and remained in pretrial detention for approximately four years before trial. The case proceeded as a multi-defendant prosecution and was subject to numerous continuances. From 2018 through 2019,

continuances were granted based on co-defendant scheduling issues and the volume of wiretap discovery. In 2019 and 2020, additional delays resulted from the Government's discovery production decisions and the filing of the second superseding indictment. In 2020 and 2021, proceedings were continued pursuant to district-wide COVID-19 administrative orders. Throughout this period, Petitioner repeatedly asserted his right to a speedy trial. He filed written objections to continuances in 2020 and 2021 and personally confirmed his desire for a speedy trial when questioned directly by the court on March 24, 2022. (*Minute Entry, ECF 1458; Pretrial Conference Tr., App. 154–157*). The district court acknowledged that “all of the defendants, with the exception of petitioner,” agreed to a February 2020 continuance. (*Continuance Order, App. 104–107*). Petitioner also moved to sever, but severance was denied. In 2022, the district court granted an April–August continuance based on new-counsel appointments for co-defendants. The continuance order states that “the remaining defendants objected.” (*Order Granting Ends-of-Justice Continuance, App. 108–110*). Additional delay resulted from a government-created conflict shortly before trial (*Pretrial Hr'g Tr., App. 134:18–136:23*). On direct appeal, Petitioner raised multiple constitutional challenges, including a Sixth Amendment speedy trial claim, a sufficiency-of-the-evidence challenge, and additional claims under the Due Process Clause and the Sixth Amendment. The court of appeals rejected those claims and affirmed the judgment in an (*Unpublished Per Curiam Opinion, App. 1–6*).

Petitioner sought rehearing en banc, which the court of appeals denied. (*Order Denying Rehearing En Banc*, App.7).

REASONS FOR GRANTING THE PETITION

I. The courts of appeals are divided on whether multiple § 924(c) convictions require distinct predicate offenses.

The Second, Ninth, and Tenth Circuits have held that each § 924(c) must be based on a distinct predicate offense. See, e.g., *United States v. Finley*, 245 F.3d 199, 207 (2d Cir. 2001); *United States v. Voris*, 964 F.3d 864, 872 (9th Cir. 2020); *United States v. Rentz*, 777 F.3d 1105, 1115 (10th Cir. 2015) (en banc). By contrast, the Fourth and Eighth Circuits have upheld multiple § 924(c) convictions based on a single predicate conspiracy. See *United States v. Camps*, 32 F.3d 102, 108 (4th Cir. 1994); *United States v. Hamberg*, 675 F.3d 1170, 1172–73 (8th Cir. 2012). The U.S. Sentencing Commission has confirmed this split, explaining that most circuits require each § 924(c) count to rest on a distinct predicate offense, while the Fourth and Eighth Circuits permit multiple convictions arising from a single predicate. *Primer on Firearms Offenses 14–15 (2022)*.

The division turns on whether multiple § 924(c) counts may be imposed without distinct predicates—resulting in “predicate collapse,” a form of unconstitutional multiplicity. In the majority circuits, including the Second, Ninth, and Tenth Circuits, the same conduct would result in only one § 924(c) conviction; in the Fourth Circuit, Petitioner received three § 924(c) convictions requiring mandatory consecutive sentences that impose multiple punishments.

The Question Is Exceptionally Important and Recurs Nationwide.

This unresolved division warrants this Court's intervention. Section 924(c) is among the most frequently charged federal firearm statutes, resulting in 2,522 convictions in fiscal year 2024 and nearly 8% of those cases involved multiple § 924(c) counts. *U.S. Sentencing Commission, Quick Facts: Section 924(c) Firearms (FY 2024)*. The split therefore affects a substantial number of federal prosecutions and produces dramatically different sentencing outcomes depending on the circuit. In circuits that permit multiple § 924(c) convictions tied to a single predicate offense; defendants receive mandatory consecutive sentences that significantly extend imprisonment for the same conduct. Such disparity undermines the uniform application of federal criminal law and significantly increases the amount of time defendants spend in federal custody, placing added strain on the federal correction system. These recurring consequences underscore the exceptional importance of resolving the circuit conflict.

This case is an Ideal Vehicle.

Petitioner was convicted on three § 924(c) counts in a prosecution the district court treated as involving a single overarching drug-trafficking conspiracy under 21 U.S.C. § 846. The indictment and jury instructions used generic predicate language—“in furtherance of a drug-trafficking crime”—and did not require the jury to identify distinct predicate offenses (or distinct predicate findings) corresponding to Counts 11, 15, and 21. (*Indictment, App. 9–17; Jury Instructions, App. 47–48*). Defense counsel preserved the issue by objecting and requesting a

multiple-conspiracy instruction, which the court denied, and by moving to dismiss the § 924(c) counts on the ground that the firearm charges could not rest on a single predicate conspiracy. (*Trial Transcript Vol. 6, App. 76–81*). At sentencing, the court confirmed that “all the firearms fall under one conspiracy.” (*Sentencing Tr., App. 82A–88*). The verdict form likewise reflects three § 924(c) convictions anchored to that single conspiracy. (*Verdict Form, App. 18–22*). This case therefore cleanly presents whether multiple § 924(c) convictions may rest on a single predicate conspiracy without distinct predicate findings supporting each count. The issue was pressed and passed upon below, and no jurisdictional or procedural obstacle prevents review.

Reason for Granting

The decision below permits multiple punishments for the same offense in violation of the Double Jeopardy Clause. All three § 924(c) convictions rest on a single § 846 drug-trafficking conspiracy, and the government did not identify or prove any distinct predicate offense for each firearm count. While § 846 requires no overt act, § 924(c) requires proof that a specific drug-trafficking offense was furthered by a firearm. Each conviction therefore rests on the same unproven inchoate agreement rather than a separate completed crime. That result conflicts with *Blockburger v. United States*, 284 U.S. 299 (1932), and *Ball v. United States*, 470 U.S. 856 (1985), which forbid multiple punishments for the same offense. This structural defect does not end with multiplicity. When § 924(c) is untethered from a distinct predicate offense, the firearm restriction is no longer anchored to a concrete criminal act. The

resulting ambiguity independently raises preserved Second Amendment and due process concerns. Defense counsel expressly argued that § 924(c) could not be applied absent a clearly defined predicate offense, and the district court rejected that challenge. (*Pretrial Hr'g Tr.*, App. 142–152).

The same structural defect independently violates due process. Although § 846 technically qualifies as a drug-trafficking predicate, using one bare conspiracy to support multiple § 924(c) counts raises the same due-process concern identified in *Davis*, 139 S. Ct. 2319 (2019).

Though *Davis* addressed “crimes of violence,” its due-process reasoning applies by analogy here: vague or undefined predicates create the same constitutional defect. Section 924(c) requires a distinct, fact-specific nexus between each firearm and a substantive § 841 offense; none was established. None of the substantive § 841 offenses were tied to a firearm. Each § 924(c) count used the same generic phrasing— “in furtherance of a drug-trafficking crime”—without requiring the jury to link any firearm to a specific predicate offense. The result was multiple convictions drawn from one conspiracy. One conspiracy allows one predicate; multiple firearm counts required multiple predicates—none were proved. See *United States v. Simms*, 914 F.3d 229, 233 (4th Cir. 2019) (en banc). The district court’s handling of *Bruen* compounded the error. Defense counsel argued that without a distinct predicate, § 924(c) could not lawfully restrict firearm possession because *Bruen* requires any firearm limitation to rest on proven unlawful conduct and a clear historical analogue. (*Motion to Dismiss Firearm Counts– Bruen*, App.

111–112.) The court dismissed *Bruen* as irrelevant, ignoring that no predicate offense was proved and failing to apply the historical-tradition standard that governs modern Second Amendment review. (*Order Denying Motion to Dismiss Firearm Counts*, App. 130–132.) Defense counsel moved to dismiss the § 924(c) counts, arguing that all firearm charges were “based on the same overarching conspiracy” and could not support separate convictions. (*Motion to Dismiss Firearm Counts*, App. 113–114.)

The government opposed the motion, asserting that § 924(c) applies to “using a firearm to facilitate violence or drug distribution,” and argued the firearms only in relation to drug trafficking generally, without assigning any firearm count to a distinct predicate offense. (*Government’s Opposition to Motion to Dismiss Firearm Counts*, App. 118–119).

By framing all firearm conduct as part of one continuous drug-trafficking scheme, the prosecution and court treated the § 924(c) counts as legally indistinguishable and tied to a single conspiracy theory, resulting in impermissible stacking. The prosecutor even described the firearms as “tools of the drug-trafficking trade,” further demonstrating that the government viewed all firearm conduct as inherent to the same conspiracy. (*Trial Tr. Vol. 6*, App. 79:19–24). The government’s own filings emphasized that the firearm and drug counts arose from the same conduct and shared a common factual basis, presenting the charges as factually unified rather than as distinct predicate offenses. (*Government’s Response in Opposition to Motion to Sever Counts*, App. 101–102.) Defense counsel reiterated in reply that the

government failed to establish a lawful predicate or historical basis sufficient to support multiple § 924(c) convictions. (*Supplemental Memorandum in Support of Motion to Dismiss Gun Counts*, App. 123–126.) The district court denied the motion as to all § 924(c) counts together and conducted no count-specific or predicate analysis. (*Order Denying Motion to Dismiss Firearm Counts*, App. 132.) The record—including defense motions, the government’s filings, and the court’s rulings—show that, despite defense objections, all firearm conduct was ultimately treated as part of one overarching conspiracy. (*Motion to Dismiss Firearm Counts*, App. 111–115; *Gov’t Opp’n*, App. 116–119; *Trial Tr.*, App. 79–80.) The issue was squarely presented and decided below, satisfying the requirement that it be “pressed or passed upon” for this Court’s review. The Statement of Reasons further confirms this inconsistency, grouping all drug conduct under a single conspiracy while still imposing three consecutive § 924(c) sentences as if separate predicates existed. At sentencing, the district court imposed three mandatory consecutive terms on Counts 11, 15, and 21, totaling 260 months’ imprisonment. (*App.* 29–32.) The jury instructions and verdict form both show that none of the firearm counts were linked to any specific predicate offense; instead, each referred generically to “a drug trafficking crime,” without connecting any firearm count to a specific underlying offense. (*Jury Instructions*, App. 37–38, 40, 43; *Verdict Form*, App. 20–22). The court ordered the three § 924(c) counts (Counts 11, 15, and 21) to “run consecutive,” imposing separate 60-month mandatory sentences for each, all stemming from the same predicate conspiracy in Count 1. (*Sentencing Tr.*, App.

82A–88). That outcome illustrates the very problem the Sentencing Commission has recognized in addressing excessive stacking. Amendment 828, adopted in 2023, reflects the Commission’s concern about multiple § 924(c) sentences derived from a single predicate. By disregarding that reform, the district court’s decision deepened an acknowledged circuit conflict and produced the very sentencing disparity the Commission sought to limit—stacked sentences derived from a single conspiracy predicate. This Court’s review is necessary to restore national uniformity and reaffirm that § 924(c) requires distinct, proven predicates for each conviction.

II. The trial court’s limitation on cross-examination of a key government witness conflicts with this Court’s precedent.

This Court has long held that the Confrontation Clause protects a defendant’s right to expose a witness’s motive to lie. In *Davis v. Alaska*, 415 U.S. 308 (1974), and *Delaware v. Van Arsdall*, 475 U.S. 673 (1986), the Court ruled that trial judges may not restrict cross-examination that reveals bias or expectation of leniency. Here, the court and prosecution privately agreed which parts of the cooperating witness’s record the jury could hear, allowing only a single “truthfulness” incident while excluding eleven others showing deceit and bias, thereby preventing the jury from learning the full scope of the witness’s credibility issues. No finding of prejudice or remoteness justified the limit. By deciding credibility in advance, the court—rather than the jury—determined what evidence bore on bias and truthfulness, in direct conflict with *Davis* and *Van Arsdall*. Defense counsel preserved the issue by placing on the record the witness’s pending violent and drug-trafficking felony charges

outside the jury's presence, demonstrating his powerful incentive to testify favorably to the government. (*Trial Tr.*, App. 66–68).

The Question Is Recurring and Important.

Federal prosecutions often depend on cooperating witnesses who testify in exchange for leniency. When courts restrict cross-examination of their pending or institutional charges, juries lose the information necessary to assess credibility. Such limits erode confidence in verdicts nationwide and undermine the Sixth Amendment's guarantee that guilt be determined in an adversarial—not judicially managed—process. Clarification from this Court is essential to preserve uniform standards of fairness in federal trials.

This Case Is an Ideal Vehicle for Resolving the Question Presented.

The issue was cleanly preserved and decided below. All rulings occurred on record outside the jury's presence, where defense counsel made detailed proffers to impeach the government's key witness for bias and deceit. The trial court's limits were complete, leaving no room for meaningful cross-examination. The Fourth Circuit affirmed without addressing *Davis* or *Van Arsdall*, leaving the constitutional question unresolved. No procedural obstacle prevents review.

Reason for Granting

The trial court's exclusion of impeachment evidence deprived the jury of facts central to assessing credibility. The restriction was based not on prejudice or confusion but on an agreement between the court and prosecution about what

would be “allowed.” The court recognized that defense counsel sought to show the witness’s pattern of deceit through verified disciplinary records yet barred the evidence, undermining the core protections of the Confrontation Clause. That ruling transferred the credibility determination from the jury to the court. The government argued the disciplinary acts were inadmissible “character evidence,” and the court, though acknowledging they could show a “common scheme or methodology,” excluded them, foreclosing meaningful cross-examination.

(Trial Tr., App. 59-60). The court barred defense counsel from identifying the witness’s pending state felony charges, permitting only a vague reference to a “significant benefit,” and expressly instructed counsel not to “refer to the individual crimes,” thereby preventing the jury from learning the specific facts that revealed the witness’s motive to testify favorably. *(Id., App. 66–68).*

Counsel preserved the issue by listing each charge outside the jury’s presence. During cross-examination, the witness admitted he was serving a federal sentence, had pending felony charges, and hoped his cooperation would yield leniency, yet the court’s ruling prevented the jury from hearing the specific charges showing that bias. *(Id., App. 70–71).* Before the jury returned, the court reaffirmed its limits on impeachment, restricting inquiry to statutory titles and sustaining objections that prevented counsel from probing the witness’s credibility. *(Id., App. 72–75).*

The court’s instruction that jurors assess credibility and bias was rendered meaningless by the ruling that withheld the very evidence showing the witness’s motive to seek leniency—the bias this Court deemed indispensable in *Davis v.*

Alaska, 415 U.S. 308 (1974). Only this Court can reaffirm that it is the jury, not the judge, that decides whom to believe. (*Jury Instructions, App. 34–36*). This issue reaches far beyond this case. Limiting cross-examination of cooperating witnesses in federal trials erodes juries’ ability to judge credibility and weakens public trust in fair verdicts. Only this Court can preserve the Sixth Amendment’s full force nationwide.

III. The decision below conflicts with *United States v. Giordano*, 416 U.S. 505 (1974).

Title III demands strict compliance with each statutory prerequisite for electronic surveillance, including a “full and complete statement of necessity” showing that conventional investigative methods have failed or would be ineffective. 18 U.S.C. § 2518(1)(c). This Court held in *Giordano* that these safeguards are integral to protecting privacy and to preventing the routine or unnecessary use of wiretaps. Petitioner challenged the government’s failure to meet that burden by moving to suppress the intercepted communications. Petitioner argued that traditional investigative methods had already succeeded in exposing the alleged crimes and participants, and that the government made no showing that those methods had failed or were unduly dangerous. (*Motion to Suppress Wiretap Evidence, App. 89–97*). The government relied on sealed filings in opposing suppression. (*ECF Nos. 1044, 1070, 1071; see Sealed Title III Appendix Identification, App. 158*). Those materials remain unavailable for review, and the basis for the necessity determination under § 2518(1)(c) cannot be assessed for statutory compliance on the

record before this Court. This issue was fully preserved through Petitioner's pretrial suppression motion, objections at the February 12 hearing, and his briefing on direct appeal. See *Notice of Filing of Suppression Hearing Transcript, ECF No. 1086*. The district court nevertheless permitted the evidence, orally denying suppression at the February 12 hearing without issuing written findings or otherwise addressing the statutory necessity requirement. By admitting wiretap evidence without enforcing the strict statutory necessity safeguard Congress imposed in § 2518 and without a necessity determination available to Petitioner for review, the ruling below undermines the core protections Title III was enacted to secure. As *Giordano* makes clear, Congress intended the pre-application statutory requirements to "play a central role in the statutory scheme," and suppression must follow when those requirements are not enforced. *Giordano*, 416 U.S. at 528–29. The error was not harmless. The government's case relied extensively on intercepted calls, and the court of appeals affirmed without determining whether the admission of wiretap evidence without enforcement of Title III's necessity requirement had a substantial and injurious effect on the verdict. (*Unpublished Per Curiam Opinion, App, 3–4*). Because the wiretap recordings formed the backbone of the prosecution's proof, the failure to enforce *Giordano's* standard affected the verdict itself. Under *Kotteakos v. United States*, 328 U.S. 750 (1946), an error is not harmless if it had a substantial and injurious effect or influence on the jury's verdict.

The question is of national importance.

Title III wiretaps implicate the most sensitive privacy interests protected by the Fourth Amendment. Allowing courts to excuse non-compliance with § 2518 or to uphold wiretaps through deferential review of sealed necessity submissions expands government surveillance beyond what Congress authorized and invites the very abuses Giordano sought to prevent. Uniform enforcement of Title III is essential to maintaining public confidence in electronic-surveillance oversight. The decision below deepens an existing conflict among the circuits. Several courts of appeals, including the Fourth and Seventh Circuits, have upheld wiretaps based on deferential or “substantial compliance” approaches to Title III’s requirements. See, e.g., *United States v. DeJesus*, 887 F.3d 770 (7th Cir. 2018) (collecting cases). Others, including the Second and Ninth Circuits, require a detailed, particularized necessity showing and suppress wiretaps that fail to satisfy § 2518(1)(c). See *United States v. Lilla*, 699 F.2d 99 (2d Cir. 1983); *United States v. Blackmon*, 273 F.3d 1204 (9th Cir. 2001). The Fourth Circuit’s acceptance of deferential necessity review in this case widens that entrenched conflict and lowers the nationwide standard for lawful electronic surveillance.

This case is an Ideal Vehicle for Resolving the Question Presented.

The question is cleanly presented, fully preserved, and uncomplicated by procedural barriers. The relevant events are confirmed by public docket entries, and the continued sealing of the Title III materials underscores—rather than obscures—the need for this Court’s review. The government has repeatedly advanced the same

substantial-compliance approach in other Title III cases, including *Dahda v. United States*, 584 U.S. ____ (2018). The recurrence of this argument highlights the national importance of the question presented and the need for this Court’s intervention to restore uniform enforcement of § 2518.

Reason for Granting

The Fourth Circuit affirmed, holding that the Government satisfied Title III’s necessity requirement through “specific factual information” showing investigative difficulties and that the authorizing court did not abuse its discretion in approving the wiretap. (*Unpublished Per Curiam Opinion, App. 3–4*). That conclusion conflicts with *Giordano*, which requires courts to enforce each statutory prerequisite Congress imposed in § 2518. By applying deferential abuse-of-discretion review and upholding wiretap evidence without ensuring strict adherence to the necessity safeguard, the court below effectively replaced statutory compliance with judicial tolerance, undermining Congress’s privacy protections and *Giordano*’s core holding. The continued sealing of the Title III materials further demonstrates why this Court’s review is necessary. Petitioner has diligently sought unsealing of the Title III wiretap materials in both the district court and the court of appeals. Petitioner moved to unseal the wiretap applications and supporting affidavits in the district court, and that motion remains pending at this time. Petitioner also sought unsealing in the Fourth Circuit. Although the Fourth Circuit ordered limited unsealing of certain joint-appendix materials, those disclosures did not include the wiretap applications or the Government’s necessity submissions required to assess compliance with 18 U.S.C. §

2518(1)(c). As a result, and due to the timing of the certiorari deadline, Petitioner has not yet been able to review the sealed Title III materials. This case presents the precise danger Giordano warned against: electronic surveillance approved without transparency and without meaningful enforcement of the statutory safeguards Congress required.

IV. The decision below conflicts with this Court's Speedy Trial precedents—Barker, Zedner, and Doggett.

The Sixth Amendment and the Speedy Trial Act, 18 U.S.C. § 3161(c)(1) and 3161(h)(6) guarantee that a criminal defendant be brought to trial within a reasonable time. This Court has held that the speedy-trial right is “fundamental” and “personal to the accused.” *Barker v. Wingo*, 407 U.S. 514, 522–29 (1972). Yet the Fourth Circuit affirmed years of delay imposed on Petitioner despite his repeated written objections, oral objections, personal assertion of his right, and a contingent motion seeking severance solely to preserve his independent right to proceed to trial. (*Contingent Motion for Severance*, App. 120–122) That holding cannot be reconciled with Barker’s requirement that delay be assessed as to the objecting defendant; with Zedner’s prohibition on implied or presumed waivers; or with Doggett’s presumption of prejudice in long delays not caused by the accused. Every continuance here resulted from co-defendant issues, government-created conflicts, discovery complications, or district-wide administrative orders—not from Petitioner. The district court itself acknowledged that Petitioner alone did not consent to delay. (*Continuance Order*, App. 104–107.) By imputing co-defendant

delay to an objecting defendant, the decision below directly conflicts with this Court's precedent and undermines the constitutional protection that the Speedy Trial Clause guarantees.

The question is exceptionally important and recurs nationwide.

Multi-defendant federal prosecutions are common, and delays arising from discovery volume, conflict litigation, new-counsel appointments, COVID-related administrative orders, and docket congestion occur in thousands of cases each year. When circuit law permits courts to impose years of delay on a defendant who repeatedly objects, the Sixth Amendment becomes contingent on the slowest-moving co-defendant, rather than on the individual whose liberty is at stake. That result is incompatible with Barker's recognition that the speedy-trial right is "fundamental" and "personal to the accused," and with Zedner's prohibition on implied waivers. Under the rule applied below, consolidation becomes a mechanism for nullifying a defendant's constitutional protection, effectively allowing courts to bypass the Speedy Trial Clause whenever any co-defendant needs more time. This recurring issue affects a large portion of federal prosecutions and demands this Court's intervention.

This case is an ideal vehicle for resolving the conflict.

This case presents the question cleanly, with a fully developed record and preserved objections at every stage. The district court expressly acknowledged that "all of the defendants, with the exception of petitioner," agreed to the February 2020

continuance (*Continuance Order, App. 104–107.*) Mr. Ingram filed written objections in 2020 and 2021, objected orally during the September 14, 2021, pretrial conference, and personally asserted on the record his right to a speedy trial when asked directly by the court on March 24, 2022. (*Minute Entry, ECF 1458; Pretrial Conference Tr., App. 154–157.*) He moved to sever to avoid further postponement, but the court denied severance and required him to wait for co-defendants whose circumstances repeatedly caused delay. None of the continuances were attributable to him: the 2018 and 2019 continuances were based on co-defendant scheduling and wiretap discovery; the 2019–2020 delays arose from the Government’s production decisions and a superseding indictment; the 2020 and 2021 delays were caused by district-wide COVID orders; the 2022 delay resulted from new-counsel appointments for co-defendants; and the government-created attorney conflict involving Swerling caused additional postponement through no fault of Mr. Ingram. The Fourth Circuit nevertheless held that co-defendant needs “independently supported” the April–August 2022 continuance and that Mr. Ingram’s objections were deemed insufficient. With preserved objections, a clean record, and no procedural obstacles, this case allows the Court to resolve a recurring constitutional question with far-reaching consequences.

Reason for Granting

The Fourth Circuit’s reasoning cannot be reconciled with *Barker, Zedner*, or *Doggett*. *Barker* requires courts to assess delay as to the objecting defendant, not as a matter of administrative convenience. The decision below ignored that mandate

and treated co-defendant delay as categorically excludable even when the district court itself recognized that Mr. Ingram alone refused to waive time. *Zedner* prohibits implied waivers, yet the Fourth Circuit treated Mr. Ingram as if he had implicitly agreed to continuances he expressly opposed in writing, in open court, and through a severance motion. *Doggett* holds that multi-year delays not caused by the defendant are presumptively prejudicial; here, Mr. Ingram endured four years of pretrial detention, and none of that delay is chargeable to him. Petitioner asserted his right to a speedy trial on the record, (*Pretrial Conference Tr., App. 154:8–23*), and once a defendant has invoked that right, he is not required to reassert it at every subsequent continuance. Once invoked under *Barker*, the right remains active unless affirmatively waived, and the record here contains repeated objections and no waiver by Petitioner. The district court record confirms that the delay resulted from a government-created conflict that had been known long before it was raised on the eve of trial. During the March 2022 hearing, defense counsel explained that the Government had been aware of the conflict yet waited until trial approached to raise it, inevitably forcing a continuance over Petitioner’s objection. (*Pretrial Hr’g Tr., App. 134–140.*) The court nevertheless denied the motion to dismiss. (*Id. App. 141.*) The most consequential continuance—from April to August 2022—was imposed because two co-defendants obtained new counsel, and the order itself states that “the remaining defendants objected.” (*Order Granting Ends-of-Justice Continuance, App. 108–110.*) Despite those objections, Mr. Ingram confirmed his desire for a speedy trial on March 24, 2022 (*Pretrial Conference Tr.,*

App. 154:8–23), yet the Fourth Circuit imputed that delay to him. The Government-created Swerling conflict — which defense counsel explained arose from a conflict the Government had known about for years but raised only on the eve of trial — also cannot be attributed to Petitioner under Barker’s second factor (*Pretrial Hr’g Tr., App. 134:18–136:23*). By adopting a rule that treats an objecting defendant’s constitutional right as contingent on other defendants’ preparedness, the Fourth Circuit effectively nullified the Sixth Amendment’s individual guarantee. Only this Court can restore the constitutional protections Barker, Zedner, and Doggett require, and reaffirm that the Sixth Amendment’s speedy-trial guarantee is personal to the accused.

V. Whether due process permits affirmance of a conviction absent proof of each element beyond a reasonable doubt.

The decision below conflicts with this Court’s precedent. *Jackson v. Virginia* establishes a constitutional minimum: a conviction cannot stand unless, viewing the evidence in the light most favorable to the prosecution, a rational juror could find each element of the charged offense beyond a reasonable doubt. 443 U.S. at 319. The decision below departs from that rule by affirming convictions despite the government’s failure to prove all required elements. As explained in Part I, the jury here was permitted to convict on the § 924(c) counts without identifying—unanimously or otherwise—a specific predicate offense, an element essential to the charged crime. Yet the court of appeals affirmed those convictions. That approach conflicts with *Jackson* by allowing convictions to rest on a generalized and

indeterminate theory of guilt rather than proof of each element beyond a reasonable doubt. Where the jury is not required to find an essential element, the government is relieved of its constitutional burden to prove that element, and a conviction resting on such instructions is legally insufficient under Jackson.

The jury instructions did not require the jury to identify a specific predicate offense supporting each § 924(c) count, instead permitting conviction upon a generic finding that a firearm was used “in furtherance of a drug trafficking crime.” (*Jury Instructions, App. 37-38,40,43*). The verdict form likewise reflects three § 924(c) convictions without any predicate-specific findings. (*Verdict Form, App.20-22*). Despite this absence of proof as of an essential element, the court of appeals affirmed the convictions. (*Unpublished Per Curiam Opinion, App. 1-6*).

The question is important and recurring.

Sufficiency-of-the-evidence review is a core constitutional safeguard. When courts uphold convictions despite the absence of proof as to an essential element, they erode the Due Process Clause’s requirement of proof beyond a reasonable doubt and expand criminal liability beyond statutory limits. The problem is not confined to § 924(c); it arises whenever appellate courts substitute inference or association for proof of each element during sufficiency review. This Court’s review is necessary to reaffirm the constitutional boundary that Jackson enforces.

This case is an ideal vehicle.

This case presents a clean constitutional question on a settled record. The jury instructions permitted conviction without requiring proof of a specific element, and the court of appeals affirmed on that basis. The § 924(c) counts provide a concrete illustration of the broader sufficiency problem, but resolution of this case turns on a single legal issue: whether due process permits affirmance where an element of the charged offense was never proven beyond a reasonable doubt. The issue was pressed and passed upon below, and no jurisdictional or procedural obstacle prevents review.

Reason for Granting

Because the government failed to prove each element of the charged offenses beyond a reasonable doubt, the convictions cannot stand under *Jackson*. By affirming nonetheless, the court of appeals lowered the constitutional sufficiency standard and sanctioned convictions resting on inference rather than proof, in violation of the Due Process Clause.

VI. Whether due process is violated when a federal court of appeals summarily affirms significant constitutional claims.

This Court has long held that due process requires meaningful appellate review of properly presented constitutional claims. See *Carter v. Stanton*, 405 U.S. 669, 671–72 (1972); *Anders v. California*, 386 U.S. 738, 744 (1967). While courts of appeals may affirm when claims lack merit, they must provide sufficient explanation to

permit understanding of the grounds of decision and to allow this Court to exercise its supervisory role.

Here, the court of appeals addressed two issues—the wiretap necessity challenge and the Speedy Trial claim—but disposed of Petitioner’s remaining preserved constitutional claims, including his Confrontation Clause claim and his Jackson v. Virginia sufficiency challenge, through a single conclusory sentence stating that it had “considered” those arguments and found “no reversible error,” without analysis or explanation. (*Unpublished Per Curiam Opinion, App. 1-6*).

When a preserved constitutional claim is rejected without any explanation, neither the defendant nor this Court can determine whether the claim was evaluated under the correct constitutional standard.

The question is important and recurring.

Federal courts of appeals increasingly resolve criminal cases through unpublished per curiam opinions that address select issues while summarily rejecting others, often including substantial constitutional claims—without analysis. When constitutional arguments are dismissed without explanation despite being fully briefed and supported by the record, defendants are deprived of meaningful appellate review. This practice shields potential constitutional error from scrutiny and prevents this Court from assessing whether federal rights were properly enforced, undermining both due process and this Court’s supervisory role.

This case is an ideal vehicle.

This case cleanly presents the issue on the face of the court of appeals' decision. After addressing only selected issues, the court of appeals disposed of Petitioner's remaining arguments in a single conclusory sentence stating that it had "considered" them and found "no reversible error," without analysis or explanation. No procedural obstacle prevents this Court from deciding whether due process permits constitutional issues to be resolved through such unexplained summary affirmance.

Reason for Granting

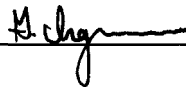
By resolving preserved constitutional claims without analysis, the court of appeals failed to provide the meaningful appellate review required by due process and this Court's precedent. That failure warrants this Court's intervention to reaffirm that constitutional claims may not be dismissed through conclusory affirmance alone.

This Court's review is necessary to clarify that due process requires appellate courts to provide a reasonable basis for rejecting properly presented and preserved constitutional claims, even in unpublished decisions.

CONCLUSION

For the foregoing reasons, the Court should grant the petition for a writ of certiorari to resolve the important constitutional questions presented.

Respectfully submitted,



Gabriel L'Ambiance Ingram
Petitioner, Pro Se
Inmate No. 33535-171
P.O. Box 150160
Atlanta, GA 30315
Date: March 12, 2026