

ORIGINAL

No. 26-5149

FILED

MAY 21 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

David Knoche — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David Knoche
(Your Name)

F.C.I. Safford, P.O. Box 9000
(Address)

Safford, Arizona, 85548
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

Why was the plea rejected and is a reason needed?

Was Sentencing valid and what are the ramifications if it was not?

Does Rule 11(e) supersede Rules 11(c), (5)(B), (5)(C), (d), and/or (g)?

Was the response timely and if so what outcome can be expected?

Does a loss of Constitutional rights Merit relief

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Knoche v. United States, No. 25-4063. U.S. Court of Appeals
for the Tenth Circuit. Judgment entered February 26, 2026.

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	6
CONCLUSION.....	12

INDEX TO APPENDICES

APPENDIX A	Order and Judgement, 10 th Circuit Court of Appeals
APPENDIX B	Decision and order, District Court, District of Utah
APPENDIX C	Appellants Opening Brief, 10 th Circuit Court of Appeals
APPENDIX D	Memorandum in support of the Opening Brief, 10 th Circuit Court of Appeals
APPENDIX E	Petition for Rehearing
APPENDIX F	Court Transcript Attempts
APPENDIX G	Motion to Re-Open and Appoint Counsel, District Court District of Utah
APPENDIX H	Memorandum in support of Motion to Re-Open and Appoint Counsel, District Court District of Utah

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
U.S. v. Byrum 567 F.3d 1255	6
U.S. v. Lewis 633 F.3d 262	6
U.S. v. Skidmore 998 F.2d 372	6
U.S. v. Mercer 691 F.2d 343	6
U.S. v. Heredia 768 F.3d 1220	7
Hernandez v. Rivas 573 F.3d 759	7

STATUTES AND RULES

Rule 11 (c)	788
Rule 11 (c)(5)(B)	788
Rule 11 (c)(5)(C)	788
Rule 11 (d)	788
Rule 11 (e)	5, 8, & 9
Rule 11 (g)	788

OTHER

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 _____; 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 B to the petition and is

☒ reported at LEXIS 83952; 2025 LX 11498; 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 02/26/2026.

☐ 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: 03/20/2026, and a copy of the order denying rehearing appears at Appendix E.

☐ 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

Constitutional

- Right to Trial by Jury Article III.2, 6th Amendment
- Right to Due Process 5th, and 14th Amendment
- Right to Effective Counsel 14th Amendment
- Right to Access the Courts 7th, 6th, and 14th Amendments

Statutory

- Rule 11(c)
- Rule 11(c)(5)(B)
- Rule 11(c)(5)(C)
- Rule 11(d)
- Rule 11(g)
- Rule 11(e)

STATEMENT OF THE CASE

In 2016, as I prepare for trial I'm notified that persons of interest are set to testify against me to protect and advance their own agendas.

I decide to take a plea agreement. One of the main reasons being under the impression that Court appointed counsel Adam Bridge would let the Court know that I was under duress for the safety of my family.

There was strong exculpatory and exonerating evidence and I was under the impression that this plea would be treated as "Nolo Contendere" even if it was unofficial.

I was also under the impression at this time that the plea deal was for simple possession, no additions or enhancements.

I was narrowly induced away from taking this to trial and even changed my mind several times including after the Change of Plea.

On 03/29/2017 I left sentencing confused. Counsel Adam Bridge couldn't talk to me after sentencing, this is the last time I would see him in person. I felt cheated then and called him as soon as I had access to a phone. I left a message requesting he meet me.

One of my biggest frustrations was in sentencing the persons of interest were still allowed to speak, but we couldn't cross examine. How was this unmitigated slander better than trial?

Adam Bridge had Scott Wilson meet me to discuss sentencing

instead of meeting me. I shared with him the five reasons I, as an innocent man decided to take a plea, and I vented how I felt scammed out of my Constitutional Right to Trial. His main advice was to "Keep the plea deal."

The plea was not pulled and from all I can see no attempts at any remedy are made by Mr. Bridge or Mr. Wilson.

Using everything at my disposal and more I researched what could have happened. In correspondence with Counsel Adam Bridge and other lawyers some of which being Douglas Otto, Patricia Gerry, and Mark Adair, we found several things, but none of us saw a rejected plea.

It was in the District Courts 12/01/2023 Decision and Order that I first saw that purportedly the plea was rejected, among other things.

Because there was no record of this and because new issues cannot be brought to the Appellate Court I filed a timely Motion to clarify the Courts stance.

The District Court made their statement official on May 1st of 2025. Even though there is no record of the plea being rejected or any proof of a reason, notification, or a chance to withdraw, that the plea was rejected and conveniently Rule 11(e) prevents any further action.

Additionally the District Court denies my access to this court now denying my Constitutional rights to Access to the Courts and Due Process.

For these reasons I appealed to the Appellate Court with no success as they affirmed the District Courts position.

REASONS FOR GRANTING THE PETITION

With over 9 out of every 10 accused taking a plea deal granting this petition will allow discussion on important parts of the plea process especially if it becomes prudent to reject a plea. This will help the efficiency and effectiveness of the courts while protecting the rights of the accused.

A cascade of problems led to specifically this one. Granting this petition will not only correct this plea rejection but reverse the cascade. Very few solutions are as productive. Though not a catch all the widespread benefit has merit alone.

As an innocent man I've been trying to figure out and fix this since sentencing. This petition should be granted because it is the right thing to do. Additionally though it will show well on this Court and the Judicial system as a whole regardless of the final outcome of the District Court.

Because there was not any reason stated for rejecting the plea this court should vacate the sentence and remand it to the District Court.

The 4th, 6th, 7th, and 9th circuits make it clear that a reason must be given. This is not a strong suggestion as seen in United States v. Byrum 567 F.3d 1255, it is a requirement. Quick examples are; United States v. Lewis 633 F.3d 262, United States v. Skidmore 998 F.2d 372, United States v. Mercer 691 F.2d 343, and

The only thing that comes close is in sentencing when Judge Benson states "Given your past history..." (Sentencing transcripts p.45 line 10), but I don't have a past criminal history? The reason the statement must be made is "a court cannot arbitrarily reject a plea..." (see Hernandez v. Rivas 513 F.3d at 759.)

Also of note is this statement was made in sentencing which is too late, see Rule 11(d).

The only other time Court was held with Judge Benson was in the Change of Plea hearing where he clearly accepted the plea.

Because no reason was given the case should be remanded to the District Court after the sentence is vacated.

This petition should be granted to review the validity of sentencing. Sentencing should be knowing and voluntary and should not impose on constitutional rights. To ensure this several stipulations are stated for this process, when a plea is rejected

It needs to be done in open court, Rule 11(c)(5).

On the Court record, Rules 11(c)(5), and (g).

The defendant notified personally, Rule 11(c)(5)(B), and be given an opportunity to withdraw Rule 11(c)(5)(B)

The defendant must be advised of the consequences of proceeding, and of inaction, both Rule 11(c)(5)(C).

That these steps be done before sentencing Rule 11(d)

Lastly in the 4th, 6th, 7th, and 9th Circuits that a reason is stated showing sound discretion for rejecting the plea.

The Court records do not show that any of the aforementioned were done correctly or even at all. However on 12/01/2023 the Court unfoundedly claims the plea was rejected. I filed a timely motion to clarify this and other points with them. On 05/01/2025 the District Court issues their Decision and Order making it official that even though done wrong, the plea was rejected. Conveniently for them they also claim that because of Rule 11(e) they are powerless to do anything at this point.

I filed a timely appeal to the Appellate Court. Their decision issued on 02/26/2026 also uses Rule 11(e) as the main reason to uphold the District Courts Decision.

But the question still stands, with so many procedural safeguards and rules ignored, was Sentencing knowing, voluntary, and valid?

If Sentencing is not valid Rule 11(e) which applies to Sentencing, is not a Factor and this Court should remand this case to the District Court. This would be the start of restoring the Constitutional rights that have been lost.

This petition should be granted because in this case Rule 11(e) shouldn't take precedence over Rules 11(c), (5)(B), (5)(C), (d), and (g) individually or collectively.

For a detailed account of how each broken rule was more

7
than harmless error please see Appendix C, Appellants Opening Brief in the 10th Circuit Appellate Court 3. a. starting on page 3.

To avoid redundancy in summary I obviously was denied Due Process. Court appointed Counsel Adam Bridge was ineffective and through deception I was induced to entertain a plea deal. I was failed by counsel when neither Adam Bridge or Scott Wilson attempted any remedy especially as it was my request. Ultimately in this process I am now denied access to the courts in the most controversial and pressing issue in my life

Had any one of the Rules been followed or a reason given I was already on the fence and would have gone to trial. I also would have been afforded a measure of Due Process.

Enforcing Rule 11(e) over any or all of these other stipulations ensures I'm "sentenced less favorably" at the statutory max without any warning or opportunity to withdraw. It should be easy in this instant case to see why these precautions are established. Even worse though, enforcing Rule 11(e) amplifies the harm done to Due Process and the right to Trial, because recourse is limited to direct appeal or collateral attack, as neither offer a guarantee of trial or the processes and procedures that were available before sentencing, handicapping Due Process.

For these reasons the Court should vacate the sentence and remand the case to the District Court.

This Court should grant this petition as it is timely in all regards.

It is apparent that all the deadlines were made in the process up to this point but a review will clarify why and how establishing claims at remedy.

For a decision to be made both parties must be aware of it. Because there is no record that the plea had actually been rejected. I did not know it had been until May 5th of 2025 specifically on the Courts stance in their Decision and Order from the 1st. Within 14 days I had appealed.

IF this Court does not agree we should consider the rules of a 2255 (F)(4) which state I have a year to present claims of new evidence which specifically is evidence that could not have been found earlier. Because none of the steps to reject a plea were done it should be easy to see that even through exhaustive searches I could not have known the plea was rejected.

IF this Court still does not agree It should take into consideration the recorded jail phone call and subsequent requests via voice mail and in person visit with Scott Wilson to "fill the plea". Though according now to the District Court the plea was non-existent this request for action should have been honored and was within 14 days.

This Court should see that I've been more than timely in all regards and if it doesn't vacate and remand this case it should at least allow the opportunities for direct appeal or collateral attack.

A loss of a Constitutional right requires an attempt at remedy.

The District Courts 05/01/2025 stance emphasizes that I did not just lose my Constitutional right to trial, but that it was fraudulently stolen from me. Being innocent I shouldn't have been induced away from this right. The ramifications have been unforeseeably tragic. I can regain a right to trial though if this Court grants this petition ruling in my favor.

It should be apparent that Counsel was ineffective and I've yet to be appointed any other counsel. Even Doug Otto, Patricia Geary, and Mark Adair only reviewed the case, none of them can be held to the same level as Adam Bridge or Scott Wilson.

Obviously Due Process was denied the records or lack thereof support this. I'll re-state though that this was not harmless but very harmful.

Additionally in my greatest need of the Courts I'm being denied access. This feels unjust and unwarranted.

For a more detailed account of the loss of these Constitutional rights see Appendix C, part 3.6. starting on page 3. If a loss of a Constitutional right requires remedy the loss of four surely demands a remedy.

Remanding this case to the District Court after vacating the sentence will allow the restoration of all four lost Constitutional rights. Regardless of the outcome at the District Court level, this needs to be done as it is the correct solution to this situation. I am open to any and all forms of relief this court deems

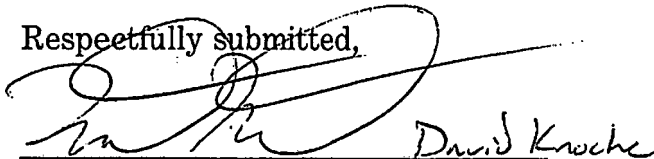
proper though. I appreciate your time and consideration

On my honor as an Eagle Scout the foregoing is true and correct to the best of my knowledge.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 David Knoche

Date: 05/21/2026