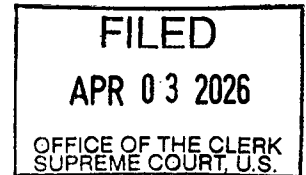


ORIGINAL

No.
26-5640



IN THE
SUPREME COURT OF THE UNITED STATES

Vonnie McDaniels — PETITIONER

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Sixth Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Vonnie McDaniels

(Your Name)

United States Penitentiary McCreary Satellite Camp P.O. Box 3000

(Address)

Pine Knot, KY 42635

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

Whether a district court violates the Fifth Amendment's guarantee of due process by denying leave to file a motion for vindictive prosecution as untimely, where (1) prior counsel refused to raise the claim, (2) the court granted substitution of counsel to address that refusal, and (3) new counsel promptly sought to file the motion.

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:

Petitioner:
Vonnie J. McDaniels

Respondents:
1. Supreme Court of the United States of America
2. Solicitor General of the United States of America

RELATED CASES

This case arises from the following proceedings:

- *United States v. Vonnie McDaniels*, Case No. 5:23-cr-00124-DCR-MAS U.S.

District Court for the Eastern District of Kentucky. Judgement entered January 11, 2024.

- *United States v. Vonnie McDaniels*, Case No. 5:24-cr-00022-DCR-MAS U.S.

District Court for the Eastern District of Kentucky. Judgment entered on September 25, 2024.

- *United States v. Vonnie McDaniels*, Case No. 25-5056 U.S. Court of Appeals for the Sixth Circuit. Judgment entered January 26, 2026.

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.....	9

INDEX TO APPENDICES

APPENDIX A	OPINION, U.S. Court of Appeals for the Sixth Circuit	1a
APPENDIX B	OPINION AND ORDER, U.S. District Court for the Eastern District of Kentucky	8a
APPENDIX C	INDICTMENT, Case No. 5:23-cr-00124-DCR-MAS	12a
APPENDIX D	JUDGMENT OF ACQUITTAL, U.S. District Court for the Eastern District of Kentucky	14a
APPENDIX E	INDICTMENT, Case No. 5:24-cr-00022-DCR-MAS	15a
APPENDIX F	McDaniels' Motion to go Pro Se	29a
APPENDIX G	Relevant Pretrial Transcript Excerpts	51a
APPENDIX H	Motion for Leave to File Motion to Dismiss for Vindictive Prosecution	60a
APPENDIX I	Motion to Dismiss for Vindictive Prosecution	62a

TABLE OF AUTHORITIES CITED**CASES****PAGE NUMBER**

Blackledge v. Perry 417 U.S. 21 (1974).....	5, 210a
United States v. Jenkins, 494 F.3d 1135 (9th Cir. 2007).....	5, 229a
Strickland v. Washington, 466 U.S. 668 (1984).....	5, 243a

STATUTES AND RULES

28 U.S.C. § 1254(l)	
---------------------	--

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 _____; 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 January 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: _____, 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

The Fifth Amendment to the United States Constitution provides in relevant part:

“No person shall... be deprived of life, liberty, or property, without due process of law...”

STATEMENT OF THE CASE

This case presents a fundamental question concerning whether a defendant may be denied any opportunity to raise a claim of vindictive prosecution based solely on procedural timing, where the delay resulted from prior counsel's refusal to assert the claim and the court itself granted substitution of counsel to address said refusal.

After a prior prosecution¹ resulting in an acquittal², McDaniels was later indicted³ in a subsequent federal case. Believing the timing and circumstances of the indictment to be retaliatory, McDaniels sought to challenge the prosecution as vindictive.

However, original counsel refused to file a motion alleging vindictive prosecution, asserting that the claim lacked merit. As a result, McDaniels sought⁴ to proceed without counsel to raise the issue⁵. The magistrate judge instead found a breakdown in the attorney-client relationship and granted substitution of counsel, along with a continuance to allow new counsel to prepare and present appropriate defenses, which included filing pretrial motions.

¹ Case no. 5:23-cr-00124-DCR-MAS Indictment

² Acquittal: Case no. 5:23-cr-00124-DCR-MAS

³ Case no. 5:24-cr-00022-DCR-MAS Indictment

⁴ McDaniels' Pro Se Motion

⁵ Pretrial Transcript Excerpt

Newly appointed counsel acted diligently and sought leave⁶ to file a motion⁷ to dismiss the indictment on the ground of vindictive prosecution within a reasonable time after appointment.

The district court denied leave to file the motion, concluding that it was untimely.

The court reasoned that prior counsel's decision not to file the motion was a "intentional" decision that was considered "strategic" and that substitution of counsel did not establish good cause to excuse the missed deadline.

McDaniels appealed⁸, and the court of appeals subsequently affirmed.

As a result, McDaniels was never permitted to present the vindictive prosecution claim, despite the court's acknowledgment that substitution of counsel was necessary due to counsel's refusal to raise that claim.

⁶ Motion for Leave to File

⁷ Motion to Dismiss

⁸ Appellant Brief

REASONS FOR GRANTING THE PETITION

I. The Decision Above Undermines the Fundamental Right to Due Process

The Fifth Amendment guarantees a right to due process.

Here, McDaniels was denied any opportunity to present a vindictive prosecution claim because of a procedural deadline that could not be met due to prior counsel's refusal to raise the claim.

The court acknowledged the refusal as a breakdown in the attorney-client relationship and granted substitution of counsel. Yet it then relied on the resulting delay due to prior counsel's refusal to bar consideration of the claim altogether. This application of procedural rules deprived McDaniels of a meaningful opportunity to be heard and is incompatible with due process as guaranteed by the Fifth amendment.

II. The Decision Above Conflicts with Long Recognized Vindictive Prosecution Jurisprudence

Courts have long recognized that prosecutorial actions taken in retaliation for the exercise of legal rights violate due process. See *Blackledge v. Perry*⁹ 417 U.S. 21 (1974); *United States v. Jenkins*¹⁰, 494 F.3d 1135 (9th Cir. 2007). Vindictive

⁹ *Blackledge v. Perry*, 417 U.S. 21 (1974)

¹⁰ *United States v. Jenkins*, 494 F.3d 1135 (9th Cir. 2007)

prosecution claims often depend on the timing and sequence of events surrounding a prosecution. Denying a defendant any opportunity to raise such a claim based solely on procedural timing after granting him substitution counsel due to prior counsel's refusal to raise such claim prevents courts from evaluating whether the prosecution itself is constitutionally permissible.

The decision above effectively insulates prosecutorial decisions from review, undermining the protections recognized in past precedent.

III. The Decision Above Undermines the Right to Effective Assistance of Counsel

This Court has recognized that the right to counsel includes the right to effective assistance. See *Strickland v. Washington*¹¹, 466 U.S. 668 (1984).

Where prior counsel refuses to raise a fundamental constitutional claim, and the court grants substitution of counsel to address that refusal, the defendant must be afforded a meaningful opportunity to have the claim heard. Otherwise, the substitution of counsel was meaningless.

IV. This Question Is Important and Recurring

This issue arises frequently in criminal proceedings where defendants seek to assert constitutional claims that prior counsel declined to raise. But in this case, it was

¹¹ *Strickland v. Washington*¹¹, 466 U.S. 668 (1984)

particularly egregious because McDaniels was appointed substitute counsel to raise constitutional claims.

If courts may grant substitution of counsel while simultaneously enforcing procedural deadlines that bar newly appointed counsel from raising constitutional claims, defendants nationwide will be deprived of meaningful access to constitutional protections and due process rights.

Therefore, this case presents an important and recurring question regarding the balance between procedural rules and fundamental rights.

V. This Case Is an Ideal Vehicle

This case cleanly presents the question as to whether due process permits a court to deny leave to file a vindictive prosecution motion as untimely after granting substitute counsel because of prior counsel's refusal to file said motion.

The relevant facts are undisputed:

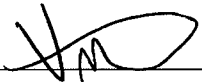
- Prior counsel refused to file the motion
- The court granted substitution of counsel and a continuance to file said motion
- New counsel acted diligently to file leave of motion and said motion
- The motion was denied solely on timeliness grounds

Because the issue was squarely presented and decided above, this case is an ideal vehicle for review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 04/03/2026