

TRULINCS 10895510 - BUCK, DARA - Unit: ALD-A-B

FROM: 10895510

TO:

SUBJECT: Addendum to 28 U.S.C 2255 Ineffective Counsel

DATE: 06/12/2024 07:03:57 PM

Pro Se's Motion for Leave to ADD Addendum to
28 U.S.C 2255 INEFFECTIVE COUNSEL and Certificate of Untimeliness

Now comes Pro Se's motion for leave to add Addendum Pursuant to 28 U.S.C 2255 Coupled with Certificate of Untimeliness

A.) Statement of the Case

- On July 14, 2022 Petitioner pleaded guilty to 1 count of conspiracy to Commit an Offense Against the Government pursuant to 18 U.S.C 371
- Petitioner asserts Conspiracy to commit an offense against the government is an Inchoate Offense
- Congress has recently decided that Inchoate Offenses without supporting predicate does not constitute a substantive offense. Therefore, this current conviction cannot legally be sustained. It is an EN DEMURRER.

B. INCHOATE AMBIGUITY AS TO STATUTORY SENTENCE GUIDELINES. {Dupree vs. U.S. No. 1913776 11th Circuit 2023}

- In Dupree the District Court found Dupree to be a Career Offender based in part on a prior conviction for Conspiracy to Possess with intent to Distribute a controlled Substance in Violation of 21 U.S.C 846. In Dupree, Dupree was charged with Conspiracy ONLY.
- In interpreting Supreme Court Precedent and relevant guideline the Eleventh Circuit held that Section 4B1.2 UNAMBIGUOUSLY EXCLUDES INCHOATE OFFENSES and the commentary's interpretation is not binding joining

C.) Petitioner asked Counsel for Evidentiary Hearing

- Defense counsel's deficiency was inexcusable {Brady vs. Maryland 373 US 83 10L Ed 2d 215, 83 S ct 1194(1963).}

D.) Petitioner was Categorically placed into a population to which she did not belong {Seabrook vs. US No. 26-13459(11th Cir 2022) Rehaif vs. US 139th S ct 2191(2019)}

E.) Defense counsel's inefficiency caused Petitioner great Judicial Harm {Dugas vs. Copland 428 F. 3d 318, 322(1st Cir 2005)}

F.) Petitioner was Coerced to plead guilty to an INCHOATE offense--she was not guilty of {U.S vs. Goliday No. 21-1326 (7th Cir) U.S vs. Goins 51 F. 3d 400(4th Cir 1995) U.S vs. Herrera 412 F. 3d 577, 581-82(5th Cir 2005)}

CERTIFICATE OF UNTIMELINESS

-Due to the inefficiency of Defense Counsel, there was an untimeliness of the 2255 Motion to VACATE. Please reference the original 2255 Timelessness In Motion

Dara Buck 13 June 2024

Dara Buck 10895-510

PETITIONER

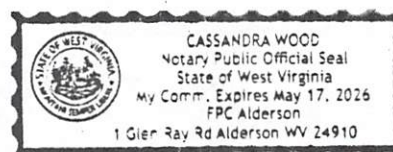
STATE OF WEST VIRGINIA
COUNTY OF GREENBRIER

The foregoing instrument was acknowledged before me on
this 13 day of June, 2024, by C Wood

Notary Public's Signature

Notary's Printed Name

My Commission Expiration: May 17, 2026



TRULINCS 10895510 - BUCK, DARA - Unit: ALD-A-B

FROM: 10895510

TO:

SUBJECT: MOTION UNDER 28 U.S.C 2255 TO VACATE

DATE: 02/27/2024 02:59:50 PM

12(a)

Ground 1- VALIDITY OF CONVICTION

My attorney did not have jurisdiction to represent me in the state of Georgia.

Ground 2-INEFFECTIVE COUNSEL

I was never provided a copy of my PSR nor was it ever thoroughly reviewed with me. I was never told about my discovery nor did I ever see it. I was never allowed to read or review my plea deal. I was never offered a safety valve. When I asked about the information in my plea deal prior to signing it, I was told it was in my best interest for my family to just sign it. I asked to take my case to trial but I was threatened with a 20 year sentence. After my sentencing I asked to appeal my case for 13 days straight. My lawyer did not acknowledge me until day 14 saying he saw no reason to appeal anything. After my self surrender I was not able to make any contact with my attorney for the entire nine months of my time served to date. All deals made between my attorney and the prosecution team was done without my knowledge. I was told that I was taking a plea deal for helping my husband and several others to commit fraud. After reviewing my PSR in prison it states I took a guilty plea for a leadership role I had no knowledge of. I provided all evidence for the persons responsible for the leadership roles in my case. On the day of my sentencing, the prosecutor that worked my case had only been assigned for five days due to the other prosecutors leaving the case. I never had a fair chance at sentencing.

Ground 3- SENTENCE DISPARITY

There were 178 names to be tried in my case but I was the only person charged and convicted. I was discriminated against and targeted for being a service member. When I asked my lawyer why no one else was charged, he stated that I was the easy target and that's just the way it is. The judge said he intended to make an example out of me.

18 Timelessness In Motion

I have tried making contact with the attorney that I hired for 10 months with no success to file an appeal. I contacted the public defender for my county in December 2023 and he informed me that he could not assist me since my case is federal. January 5 2024 would make a year since my sentencing and the public defender did not respond to my request until January 19 2024. I am now filing without legal representation since my federal attorney has failed to continue representation.

Dara Buck 10 February 2024

Dana Buck 10895-510
A2-58L
Federal Prison Camp
PO Box A
Alderson WV 24910

CHARLESTON WV 250

14 JUN 2024 PM 2 L



BY

JUN 18 2024

U.S. Marshals Service/SGA

⇔ 10895-510 ⇔
Clerk Of Court
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31412-828686

