

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

AUG 31 2023 Page 1

KEVIN P. WEIMER, Clerk
By: *[Signature]* Deputy ClerkMOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

In the United States District Court for the Northern District of Georgia

Name (under which you were convicted):

Harrescia Hopkins

Docket or Case No.:

1:22-CR-00284-SEG-CMS-1

Place of Confinement:

N/A

Prisoner No.:

UNITED STATES OF AMERICA

v.

Harrescia Hopkins

MOVANT (include name under which convicted)

Amended

MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging: *Northern District of Georgia*(b) Criminal docket or case number (if you know): *1:22-CR-00284-SEG-CMS-1*

2. (a) Date of the judgment of conviction (if you know):

(b) Date of sentencing: *June 9, 2023*3. Length of sentence: *2 year probation, 5 months in custody*4. Nature of crime (all counts): *1 count of Wire Fraud, 2. Count of Wire Fraud*5. (a) What was your plea? (Check one) (1) Not guilty ☒ (2) Guilty ☐ (3) Nolo contendere (no contest) ☐(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to? *I plead guilty to 2 counts of wire fraud*

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐Judge only ☒

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☐No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐No ☒

9. If you did appeal, answer the following:

- (a) Name of court: _____
- (b) Docket or case number (if you know): _____
- (c) Result: _____
- (d) Date of result (if you know): _____
- (e) Citation to the case (if you know): _____
- (f) Grounds raised: _____

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): _____
- (2) Result: _____
- (3) Date of result (if you know): _____
- (4) Citation to the case (if you know): _____
- (5) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: Northern District of Georgia
- (2) Docket or case number (if you know): _____
- (3) Date of filing (if you know): _____
- (4) Nature of the proceeding: Motions to extend my surrender date.

(5) Grounds raised: Medical Conditions prior to Sentencing.

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☒

(7) Result: The extension was granted

(8) Date of result (if you know): _____

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☐

(7) Result: _____

(8) Date of result (if you know): _____

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Misrepresentation.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

My Attorney failed to represent me. When the government mentioned problems at my job. He didn't defend the fact that the ~~any~~ loans were forgiven. I did not complete the application myself. I was manipulated. I've been convicted based on actions of someone else. The government lied or assume I bought gas and went on vacation with the money. No one (my attorney) didn't correct them. When I decided to sue the GOP is when I was indicted. I endured sexual, verbal harassment. I left in a hostile work environment.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

my attorney ignored me for two weeks after sentencing where I couldn't file a appeal, due to personal reasons with the person who hired.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒

No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: Motion to Vacate Sentence

Name and location of the court where the motion or petition was filed: Northern District of Georgia

Docket or case number (if you know): _____

Date of the court's decision: Unknown

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

(6) If your answer to Question (c)(5) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

GROUND TWO: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The government asked my attorney if I had any information on the USP Atlanta issues of Contraband, my answer was NO. After I had nothing to give them for their investigation, I was told I had no choice but to plead guilty because they would add charges concerning ^{false} allegations made about me, in which is why I was filing a lawsuit, but was told my charge would prevent me from winning. Which is also why they decided to ~~not~~ go forward with indictment.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒(2) If you did not raise this issue in your direct appeal, explain why: my attorney told me it was pointless. Since the matters were separate but the government raised it in court.**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: this 28225 formName and location of the court where the motion or petition was filed: Northern District of Georgia

Docket or case number (if you know): _____

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(5) is "Yes," state:

Name and location of the court where the appeal was filed: Northern District of Georgia

Docket or case number (if you know): _____

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: I don't have proper representation.

GROUND THREE: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(5) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

GROUND FOUR: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(5) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At the preliminary hearing: Federal defender

(b) At the arraignment and plea: Ben Alper

(c) At the trial: _____

(d) At sentencing: Ben Alper

(e) On appeal: Millie Dunn

(f) In any post-conviction proceeding: Millie Dunn

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?
Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future?

Yes ☐ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

N/A

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, Movant asks that the Court grant the following relief: probation with an expunged record

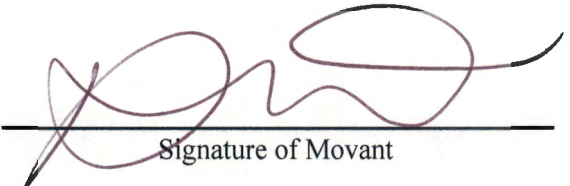
I would like to be able to seal my record to
continue my journey to be a federal judge. I cannot
fix my wrong in custody

or any other relief to which movant may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion
under 28 U.S.C. § 2255 was placed in the prison mailing system on ~~08/31/23~~ 08/31/23
(month, date, year)

Executed (signed) on 08/31/23 (date).



Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

Harrescia Hopkins
15535510
1509 Conley Way
Conley, Ga 30288

***** ATTENTION *****

Attorney Registration for Electronic Case Filing (ECF)

Electronic Filing became mandatory for all attorneys effective July 15, 2005. If you are a bar member in good standing with the Northern District of Georgia or an attorney admitted pro hac vice, visit our website at <http://www.gand.uscourts.gov> for information on obtaining ECF access.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HARRESCIA HOPKINS,	:	MOTION TO VACATE
Movant,	:	28 U.S.C. § 2255
	:	
v.	:	CRIMINAL ACTION NO.
	:	1:22-CR-00284-SEG-CMS-1
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
Respondent.	:	1:23-CV-03612-SEG-CMS

ORDER

Movant Harrescia Hopkins filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. (Doc. 44). However, Movant does not clearly describe her claims, as the only thing she states is “misrepresentation” in that she “was not represented with all documentation given” and that “it was best not to mention certain facts concerning the case in court.” (*Id.* at 6). Movant must provide additional details so that the Court can better understand the claim that Movant seeks to raise. In addition, Movant did not properly sign or date her motion. (*See id.* at 13).

Accordingly, it is **ORDERED** that Movant must, within 30 days of the entry date of this Order, submit an amended § 2255 motion. Movant is instructed to complete in detail the 28 U.S.C. § 2255 form motion provided to her by the Clerk of Court with this Order, add no more than 10 pages to the form, and write clearly

and on only one side of each page. Movant is advised that her amended motion shall supersede and replace her previous pleadings in this case.

During the pendency of her case, Movant must keep the Clerk of Court advised of her correct address at all times. Movant is admonished that this action shall be subject to dismissal if she fails to submit an amended motion within the specified period of time, fails to comply with any other of the Court's orders, or fails to keep the Clerk of Court advised of her current address at all times while this action is pending. *See* LR 41.2(B), 41.3(A)(2), NDGa.

The Clerk of Court is **DIRECTED** to forward a 28 U.S.C. § 2255 motion form to Movant, together with a copy of this Order. The Clerk is further **DIRECTED** to resubmit this action to the undersigned upon receipt of the amended petition or at the expiration of the aforementioned time period.

SO ORDERED, this 22nd day of August, 2023.


CATHERINE M. SALINAS
UNITED STATES MAGISTRATE JUDGE