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### Cases of Citizen versus Country

Cases of citizen versus country are broad and complex legal issues that have gained great popularity only during the last twenty years. Within the modern law system, an ordinary citizen has the right to file a lawsuit against a country if the latter violates his or her constitutional rights. Such lawsuits are in the federal courts' jurisdiction, whether a citizen is attempting to sue the United States or Canada. However, filing a lawsuit against a country, bringing it to the federal court, and preparing reliable evidence that can be accepted in a courtroom does not necessarily mean that the final decision of the judge will be binding on the state without its consent. Therefore, due to the highly complicated nature of cases of citizen versus country, ordinary citizens should provide undeniable evidence in the courtroom to prove that the country has violated their rights and liberties that are guaranteed by the Constitution.

In the 2015 case *Luis v. the United States*, Sila Luis filed a lawsuit against the U.S. for restraining her assets after she was accused of fraud five years before. In particular, Sila Luis was involved in the Medicare fraud scheme, according to which she denied hundreds of patients access to her home health care companies ("Luis v. the United States"). Even though in 2010, the Grand jury of the Federal Court indicted Sila Luis for fraud and allowed the government to file a pretrial motion to restrain her assets, in 2015, the United States Court of Appeals for the

Eleventh Circuit decided that pretrial restraint of untainted assets that are necessary to pay a lawyer violated the Sixth Amendment rights of American citizens (“Luis v. the United States”). Thus, Sila Luis and her advocate managed to prove that the government is not eligible to prohibit her from the ability to make use of assets that are untainted by the crime and thus, be represented in court.

In the other 2015 case, *Lockhart v. the United States*, Avondale Lockhart, who is a citizen of the United States, brought a lawsuit to the federal court against the U.S. for subjecting him to a mandatory minimum sentence. Lockhart argued that the mandatory minimum sentence should not have been given to him since his previous sexual offense did not involve a minor (“Lockhart v. United States, 577 U.S. (2016)”). The recent crime by Lockhart included watching child pornography videos, both online and offline, and storing 15,000 images and nine videos containing child pornography on his computer (“Lockhart v. the United States, 577 U.S. (2016)”). Based on these two sexual offenses, the District Court and later, the U.S. Court of Appeals for the Second Circuit, rejected Lockhart’s arguments in the case and held that the mandatory minimum sentence had to be applied. The justices, in this case, decided that according to the U.S. Constitution, Lockhart’s previous conviction was within the 10-year mandatory minimum sentence enhancement.

Furthermore, in 2016, Richard Mathis brought a lawsuit to the U.S. District Court for the Southern District of Iowa against his native country, the U.S., for sentencing him to 10-year imprisonment in accordance with the Armed Career Criminal Act (ACCA). Police officers issued a warrant for searching Richard Mathis’ apartment due to allegations of sexual abuse from two young men (“Mathis v. United States”). During the searching procedure, the police officers

found a loaded rifle and ammunition in Richard Mathis' house. Thus, using a modified categorical approach, he was charged with a felony in possession of a firearm that violates the stipulations of the ACCA based on his five previous burglary convictions ("Mathis v. United States"). Presenting well-prepared and justified arguments, the advocate of Mathis managed to prove that a predicate prior conviction under the ACCA did not qualify when the court considered his offenses using a modified categorical approach. Thus, prior convictions of Mathis were held to be unable to bring about the ACCA's sentence enhancement because the burglary law in the state of Iowa is broader than the generic burglary state law.

Also, in 2016, Robert McDonnell, the former Governor of Virginia, filed a lawsuit against the U.S. to the U.S. Court of Appeals for the Fourth Circuit arguing that he was mistakenly accused of corruption because the jury's instructions that were provided at the trial did not define the term "official action" clearly. To be specific, McDonnell was convicted of receiving money, political campaign contributions, and other valuable gifts from Jonnie Williams, the founder and CEO of Star Scientific Inc., in exchange for facilitating his company's efforts in testing a newly produced nutraceutical medication called Anatabloc ("McDonnell v. United States"). During the trial, McDonnell was found guilty on 11 counts of corruption, which made it a felony to take official actions in exchange for unofficial funding. McDonnell and his advocate disagreed with the final decision and brought a lawsuit to the Court of Appeals, which confirmed the resolution of the lower court and affirmed his conviction. The *McDonnell v. the United States* case shows that citizens often attempt to take advantage of the vague interpretation of the statutory language in the courtroom to cancel their convictions, but the rule of law has greater power when it comes to exercising formal governmental power for personal purposes.

Another unprecedented case is *Nichols v. the United States* in which the Court supported the position of the citizen against the U.S. In particular, the Court determined that the Sexual Offender Registration and Notification Act does not require a sex offender moving abroad to update his or her status of residence in the sexual offender registry (“Nichols v. United States”). Lester Nichols was convicted of a sexual offense involving a minor and was sentenced to 5-year imprisonment. After his release, Lester Nichols moved to the Philippines, where he was taken into custody for a failure to update his residence status within the sexual offender registry and eventually, was returned to the U.S. (“Nichols v. United States”). After filing a motion to dismiss, the U.S. Court of Appeals for the Tenth Circuit held that a sexual offender is not required to inform the state about a change in his or her residence status even if the offender is moving abroad, outside of U.S. jurisdiction. Thus, the U.S. Court of Appeals granted a petition of Nichols to dismiss him in the courtroom, showing that a citizen can and should defend his or her constitutional rights if the state violates them.

Consequently, in cases of citizen versus a country, the Court always places every aspect of the case under scrutiny and allows petitioners to defend their rights in the courtroom. In most situations, a citizen advocates against the country in the U.S. Court of Appeals, which has a higher jurisdiction over the District Courts nationwide. The cases of citizen versus country that are provided above demonstrate the complex nature of the motions to dismiss offenders in the courtroom. Nevertheless, citizens are granted their right to file a lawsuit against the country and take advantage of the rule of law when the lower courts do not follow citizens’ rights and freedoms provided in the U.S. Constitution as the supreme law of the country.

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