

No. 18-_____

In The Supreme Court Of The United States

KENNETH WHIGHAM, JR.,
Petitioner,

v.

UNITED STATES,
Respondent.

Petition For A Writ Of Certiorari
To The United States Court Of Appeals For The First Circuit

APPENDIX

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United States Court of Appeals For the First Circuit

No. 18-1035

UNITED STATES,

Appellee,

v.

KENNETH WHIGHAM, JR., a/k/a Kenneth Pringle,

Defendant, Appellant.

Before

Torruella, Lynch and Thompson,
Circuit Judges.

JUDGMENT

Entered: December 11, 2018

Appellant Kenneth Whigham, Jr., appeals from the downward-variant sentence imposed by the district court at resentencing. Whigham argues that "a sentence may not be enhanced on the basis of prior convictions neither admitted nor proved beyond a reasonable doubt," but he acknowledges that the argument is contrary to the Supreme Court's decision in Almendarez-Torres v. United States, 523 U.S. 224 (1998). The government has moved for summary disposition. Because Whigham's claim indeed is contrary to Supreme Court precedent, we conclude that summary affirmance is in order. See United States v. Jimenez-Banegas, 790 F.3d 253, 258 (1st Cir. 2015) (citing United States v. Rodríguez, 759 F.3d 113, 122 (1st Cir. 2014) (holding that Almendarez-Torres "remains good law" (quoting United States v. Carrigan, 724 F.3d 39, 51 n. 4 (1st Cir. 2013))). The judgment of the district court is **AFFIRMED**. See Local Rule 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Robert R. Herrick
Kenneth Whigham Jr.
Christopher John Pohl
Mark T. Quinlivan
Cynthia A. Young