

No. 19-5445

IN THE
SUPREME COURT OF THE UNITED STATES

RONALD LEWIS COLEMAN, JR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

SUPPLEMENTAL BRIEF OF PETITIONER

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SUPPLEMENTAL BRIEF OF PETITIONER

In accordance with this Court's Rule 15(8), Mr. Coleman offers this supplemental brief. It has come to his attention that this Court has, at least twice, granted review, vacated the subject sentences, and remanded for resentencing in cases involving the same First Step Act issues as presented in Mr. Coleman's petition: namely, whether the First Step Act's provisions, in its § 401, apply to individuals whose cases were on direct appeal at the time the act took effect. *See* First Step Act, S. 756, 115th Cong., § 401 (2018).

At least twice, this Court has granted relief in these circumstances, ordering sentencing reconsideration in light of the First Step Act. This Court granted certiorari, vacated the judgment, and remanded "for the court to consider the First Step Act of 2018, Pub. L. No. 115-391 (2018)" in *Richardson v. United States*, No. 18-7036, on June 17, 2019, issuing its judgment in the matter on July 19, 2019. In *Wheeler v. United States*, No. 18-7187, the Court did the same, granting certiorari on June 3, 2019, and issuing its judgment on July 5, 2019.

In their supplemental briefs on the matter, both the *Richardson* and *Wheeler* petitioners cited cases that included *Hamm v. City of Rock Hill*, 379 U.S. 306, 308 (1964), and *Griffith v. Kentucky*, 479 U.S. 314 (1987). *See Richardson*, No. 18-7036 (supplemental brief of Jan. 8, 2019, at 4-6); *Wheeler*, No. 18-7187 (supplemental brief of Mar. 19, 2019, at 6, 8). In *Hamm*, this Court concluded that, while the conduct at issue (and prosecutions and convictions) occurred prior to enactment of the Civil Rights Act of 1964, "the still-pending convictions were abated by [that Act's] passage." *Hamm*, 379 U.S. at 308. In *Griffith*, this Court held that "a new rule for the conduct of criminal prosecutions

is to be applied retroactively to all cases, state or federal, pending on direct review or not yet final, with no exception for cases in which the new rule constitutes a 'clear break' with the past." *Griffith v. Kentucky*, 479 U.S. at 328. While Mr. Coleman maintains his Fourth Amendment claims, he asks the Court to consider following its course in *Richardson* and *Wheeler* and to remand for resentencing in light of the First Step Act, should the Court fail to rule in his favor on those Fourth Amendment claims.

CONCLUSION

For these reasons and those in his original petition, Mr. Coleman asks this Honorable Court to grant his Petition for a Writ of Certiorari, vacate the Judgment of the Sixth Circuit Court of Appeals, and remand for reconsideration of his conviction and sentence in light of this Court's Fourth Amendment jurisprudence and the provisions of the First Step Act.

Dated: October 22, 2019

Respectfully Submitted,



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