

No. 7:08-CR-00043-D-1

19-6255

IN THE
SUPREME COURT OF THE UNITED STATES

KUNTA K. REED — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED

OCT 11 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KUNTA K REED
(Your Name)

EASTERN DISTRICT OF NORTH CAROLINA
(Address)

RALEIGH, N.C. 27611
(City, State, Zip Code)

(919) 856-4236
(Phone Number)

QUESTION(S) PRESENTED

Whether me, the Petitioner, is entitled to Relief from denial 404 motion at the District Court level in light of the First Step Act, December 21st, 2018. Section 404 "state" any person who was sentenced before August 3rd, 2010, is now entitled to a reduced sentence due to the crack cocaine calculation sshould be adjusted from 100/1 to 18/1. Due to the nature of congress provisions of due process constitutionally retroactive scheduled. Due to my presentence investigation report shows that my case qualified for stature modification under the disaprity of crack cocaine. Under Congress' guidelines policy 18 U.S.C. § 3553-A 28 U.S.C. § 994(f) and § 991(b)(1), the maximum of the guideline range cannot exceed the minimum by more than 25 percent or six months correctly applied under 28 U.S.C. § 994(b)(2), also violating the Sixth Amendment.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C to the petition and is

☒ reported at FOURTH CIRCUIT COURT OF APPEALS; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

☒ reported at EASTERN DISTRICT COURT NORTH CAROLINA; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix NA to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix NA to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was AUGUST 23RD, 2019.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including AUGUST 23RD, 2019 (date) on AUGUST 23RD, 2019 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix NA.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix NA.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including Aug 23 2019 (date) on Aug 23 2019 (date) in Application No. A NA.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Step Act, 404, under the section 404, 18/1 crack cocaine disparity constitutionality congress provision retroactive due process fair sentencing act reform. Fair Sentencing Act Motion 3582-C-2 statute modification. As of today section 404 any person sentenced before August 3rd, 2010 is now entitled to a 100/1 now to 18/1 also allows resentencing to a statutory range to 5 to 40 years, not ten to life anymore with the new change of law under the First Step Act! My criminal history now shows a level 32-section-2 97 months to 121 months, I have already done 132 months in prison, this is "wrong" imprisonment under this statutory range under this provision involving my sentencing!

STATEMENT OF THE CASE

Due to retroactive due process under the Fair Sentencing Act 404, my P.S.R. shows I do qualify for the Fair Sentencing Act, I was sentenced before August 3rd, 2010, my sentencing date was July 9th, 2009, so I am entitled to immediate release! I have no career offender statutes or guns statutes or violence, zero points as well for non-violence. My partial transcript shows that I am not a dangerous felon, my P.S.R. shows that I should have been out of prison two years ago. I was not ever sentenced under the 18/1 crack disparity, December 21st, 2018 congress passed the provision 18/1 from 100/1, I am entitled to immediate release! My public defender filed this motion 3582-C-2 with support "Katherine Shea" showing the court on May 29th, 2019 that I do qualify for the First Step Act 2018, December 1st.

My conclusion for the writ of certiorari should be granted, I am being overimprisoned, the 782 two level reduction and the 18/1 crack amendment section 404 First Step Act authorizes a lower sentence in my case. My P.S.R. shows that the U.S. probation filed for the two level reduction as well as the and was granted under the appeals courts and sent back to the District Court for Resentencing by three appeals Judges, Motz, King and Wynn by the motion appeal by leave in forma pauperis, my Judge James Dever III showed racism with denying the motion from the appeals courts under 782 3582-c-2 Motion two level reduction, this is why I should be granted this motion. I was supposed to have been out of prison two years ago under the Fair Sentencing Act with immediate release.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

KUNTA KENTA REDD

Date: SEPTEMBER 27TH, 2019