

No. 19-8055

In the
Supreme Court of the United States

Corey Jones,

Petitioner,

v.

United States of America,

Respondent.

On Petition for a Writ of Certiorari to
The United States Court of Appeals
For the Second Circuit

SUPPLEMENTAL BRIEF OF PETITIONER

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SUPPLEMENTAL BRIEF OF PETITIONER

Pursuant to Rule 15.8, Petitioner Corey Jones submits this brief to call the Court's attention to "matter not available at the time of [his] last filing."

On March 18, 2020, Jones filed his Petition for a Writ of Certiorari, which asks the Court to remand his case because the jurists below refused to entertain any argument that (1) he should be sentenced to less than 15 years in prison for biting a finger, and that (2) refusing to hear him out denied him due process of law.

On March 23, 2020, the Court remanded the case of Charles Earl Davis because "the Fifth Circuit refused to entertain Davis' argument" of being wrongly given a sentence consecutive to, rather than concurrent with, state sentences. *Davis v. United States*, No. 19-5421, 2020 WL 1325819, at *1 (U.S. Mar. 23, 2020) (per curiam). The Fifth Circuit had refused to hear Davis out pursuant to an "outlier practice." *Id.* at *2.

Jones's case is an "outlier" too: as detailed in his Petition, after the Second Circuit remanded his case for "further consideration" of whether a 15-year sentence for biting a finger is "just under the circumstances," *United States v. Jones*, 878 F.3d 10, 20 (2d Cir. 2017), the District Judge refused even to accept a brief from him and a different panel of the Circuit then "refused to entertain [his] argument," *Davis*, 2020 WL 1325819, at *1, of thereby being denied due process of law.

This was "not consistent with that regularity and fairness which should characterize the administration of criminal justice in the federal courts," *Saldana v. United States*, 365 U.S. 646, 647 (1961) (per curiam), and it hurts more than Jones.

The “public legitimacy of our justice system relies on procedures that are ‘neutral, accurate, consistent, trustworthy, and fair,’ and that ‘provide opportunities for error correction.’” *Rosales-Mireles v. United States*, 138 S. Ct. 1897, 1908 (2018) (citation omitted). This case calls out for correction, as “‘what reasonable citizen wouldn’t bear a rightly diminished view of the judicial process and its integrity if courts refused to correct obvious errors of their own devise that threaten to require individuals to linger longer in federal prison than the law demands?’” *Id.* (quoting *United States v. Sabillon-Umana*, 772 F.3d 1328, 1333-34 (10th Cir. 2014) (Gorsuch, J.)).

The errors here fit that bill. “The fundamental requisite of due process of law is the opportunity to be heard,” *Nelson v. Adams USA, Inc.*, 529 U.S. 460, 466 (2000) (citations omitted), and Jones was decidedly not heard. Because it is “crucial in maintaining public perception of fairness and integrity in the justice system that courts exhibit regard for fundamental rights and respect for prisoners ‘as people,’” *Rosales-Mireles*, 138 S. Ct. at 1907 (citation omitted), this case should be remanded. “This Court is charged with supervisory functions in relation to proceedings in the federal courts,” *United States v. Shotwell Mfg. Co.*, 355 U.S. 233, 242 (1957) (citation omitted), and the errors below are clear, grievous and easily corrected.

“Put simply, there is no legal basis” for refusing to hear Jones out. *Davis*, 2020 WL 1325819, at *2. Due process requires that he be heard on whether his 15-year prison sentence for biting a finger, imposed on a man with an I.Q. of 69, is “just under the circumstances.”

CONCLUSION

The Court should grant the petition for a writ of certiorari, vacate the ruling below, and remand the case with instructions that a different District Judge give consideration – accounting for Jones’s view – of what punishment is just.

Respectfully submitted,

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March 27, 2020

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