

No. 21-5402

ORIGINAL

Supreme Court, U.S.
FILED

JUL 09 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Ronald E. West Pro se — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District of Columbia Court of Appeal
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ronald E. West #11353-CC7
(Your Name)

FCT-Hazleton, West Virginia
(Address)

P.O. Box 5000, 26525
(City, State, Zip Code)

N/A
(Phone Number)

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:

Honorable Steven Wellner
Thomas T. Heslep, Esquire
Elizabeth Trosman, Esquire
Assistant United States Attorney

RELATED CASES

1. United States v. Rodriguez, 2020 U.S. Dist LEXIS 1810004.
7 (S.D.N.Y. Aug 19, 2020)
2. United States v. Price, NO. 2005 FEL 2694, Order at 5
N. 1 (D.C. Super. Ct Nov 16, 2020). Courts have noted that
"the original offense and evidence is of lesser import as
to current dangerousness, nearly 20 years later.."
3. United States v. Jennings, NO 2000 FEL 4515, Order at 9
N. 3 (D.C. Super. Ct Oct 30, 2020) (statutory factor of
"Weight of evidence is arguable of lesser relevance here")
(Pittman J.)
4. Kinard v. United States Super Ct LEXIS 33: October 30, 2020
Granted. District of Columbia, Superior Court

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QUESTION(S) PRESENTED

1. Why the lower Court put too much weight on offenses committed back in the 80's 33 years later?
2. Why the lower Court did not take the 7645 good time days credit in consideration?
3. Why the Court did not take in consideration the COVID-19 Response, Emergency Amendment Act of 2020. "Act 23-286"?
4. Why the Court did not take in consideration that Defendant have 20 years of Good Time Credit with no serious violation while in custody?
5. Why the Court did not consider the "BOP" low recidivism risk rating guidance whether the factors that influenced appellant's offenses still existed?
6. Good Time Credit is evidence of rehabilitation while in custody over three decades, the question on rehabilitation at 60 years old..

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
United States v. Rodriguez, 2020 U.S. Dist LEXIS 1810004, 7 (S.D.N.Y. ^{Sept 30} Aug 19 , 2020)	7
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STATUTES AND RULES

The emergency version of the law become effective on April 10, 2020. (An explanation of emergency and temporary Amendment Act of 2020 (D.C. Act 23-286) and the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (D.C. Act 23-286) Supplemental Temporary Amendment Act 2020. One provision of the law addresses good time for indeterminate sentences. Another provision of the law creates compassionate release for individuals convicted of D.C. Code felonies.

OTHER

Good Time Credit for Indeterminate Sentences

The new law only applies to sentences for offenses committed before August 5, 2000 (indeterminate sentences).
The new law has no impact on sentences for offenses committed on or after August 5, 2000. (indeterminate sentences).

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 _____ 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 United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; 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 _____ to the petition and is

- ☐ reported at Superior Court, District of Columbia; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. Sealed

The opinion of the _____ court appears at Appendix _____ 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 _____.

☐ 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 _____ (date) on _____ (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 May 17, 2021.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied 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 _____ (date) on July 2021 (date) in Application No. A A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The fact that the government response to the motion file on Petitioner compassionate release was concede that the petitioner had extraordinary and compelling reason for release was grounds to be granted.. However, the Judge summarily deny petitioner motion because the nature of the case was the primary reason and he did not want to sign his name on petitioner release..

The Judge was new to the criminal bench and did not take the legislation called the COVID-19 Amendment Act of 2020 (D.C. Act 23-286) in consideration or the good time credit Petitioner has earned while in prison..

Petitioner challenges the trial court's weighing of offenses and not the nature that petitioner has rehabilitate his self while programming.. Other court rule to release with lack of criminal history and evidence of "extraordinary and compelling reason for release with medical conditions". That's the statutory issue on compassionate release, and a constitutional provision for the Court to review.

STATEMENT OF THE CASE

Petitioner was convicted of multiple offenses on four robberies of women over a three-month period, including two involving rape and one resulting in a victim's death. While the Court acknowledges petitioner's lack of criminal history, generally good behavior while incarceration and programming participation, it determined that the nature and circumstances of offenses. Petitioner challenges the trial court putting too much weight on the nature that happened three decades ago. Petitioner poses no danger to the community and the "BOP" considers petitioner low risk for recidivism rating as it did provide information whether the factors that influenced petitioner's offenses still existed.

Petitioner has evidence that he has rehabilitated his self while in prison over three decades with good programming and completion of improvement. The Court did not take any good time credit in consideration before denying the motion on compassionate release.

The government concedes that petitioner's coronary artery disease constitutes an "extraordinary and compelling reason for release" but the Judge did not want to sign his name on petitioner's release. He is new to the criminal bench and that's the reason he summarily motioned for compassionate release.

Conclusion

For the reasons stated herein, the petitioner requests that the Court grant the petition for Writ of Certiorari.

Respectfully submitted
Pro Se Ronald E. West

REASONS FOR GRANTING THE PETITION

On April 10, 2020, the D.C. Council passed and the Mayor signed an emergency law to address the COVID-19 public health emergency. The Council also voted a temporary version of the same law that the Mayor sign..The legislation is called the COVID-19 Response supplemental Emergency Amendment Act of 2020 "D.C. Act 23-286" and the COVID-19 Response Supplemental Temporary Amendment Act of 2020. One provision of the law addresses good time for indeterminate sentence. Another provision of the law creates compassionate release for individuals convicted of D.C. Code felonies. The emergency version of the law became effective on April 10, 2020. An explanation of emergency and temporary legislation follows the section on compassionate release. The two provisions are explained below.

Good Time Credit for Indeterminate Sentence

The new law only applies to sentences for offenses committed before August 5, 2000 "indeterminate sentences". The new law has no impact on sentences for offenses committed on or after August 5, 2020, "determinate sentences".

With respect to good time credit, the new law does two things. First, it allows all people sentenced for offenses committed before August 5, 2000 to earn good time during the mandatory minimum portion of a sentences. under this law, the amount of good time that petitioner can earn during the mandatory minimum portion of the sentence is 54 days per year. This good time credit is retroactive, meaning it will apply to all of the time Petitioner have already served.

The math would be: 54 days per year x 33 years = 3720 days per year in State.

The low Court did not take any of that in consideration on compassionate release or terminal illness or 60 years of age. Also, Petitioner's Medical conduction that ^{place} ~~passed~~ Petitioner at risk for COVID-19.

The Court put to much weight on the offenses committed back in the 80's. That's the reason for reverseal to the low Court, and grant the petition.

CONCLUSION

For the reason above Stated and Stated in the Jurisdictional Statement filed in this court in respect of the direct Appeal from the decree of the statutory District Court the Petitioner for a Writ of Certiorari be granted.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald E. West Pro Se

Date: August 6, 2021