

ORIGINAL

No. 21-690

FILED
AUG 27 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Rodney Earl Cannady — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FOURTH CIRCUIT COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

Rodney Earl Cannady
(Your Name)

F.C.I.JESUP 2680 HWY 301 SOUTH

(Address)

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SUPREME COURT, U.S.

JESUP GA, 31599

(City, State, Zip Code)

(Phone Number)

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QUESTION(S) PRESENTED

Did the district court error by denying defendant Cannady relief pursuant to the "First Step Act of 2018" retroactive, which made the "Fair Sentencing Act of 2010" retroactive to section-2 the 18-to-1.

Did the district court error by adopting the "Covered Offense" of (60) grams or more of cocaine base to deny Cannady relief under the Fair sentencing act, whereas facts on the record support all fact finders that Cannady pled guilty to the "Covered Offense" of (50) grams or more of cocaine base alleged within the Indictment.

Did the district court error by failing to recalculate defendant Cannady's guideline range, pursuant to the "Covered Offense" of (50) grams or more of cocaine base charged in his Indictment.

Did the district court error at Cannady's original sentencing, where the district court designated defendant as a career offender for his 1997 Conspiracy prior conviction.

What part of the record, did the **Fourth Circuit Court of Appeals** agree with from the **district court** ruling, denying Cannady relief for a sentence reduction.

What parts of the **Fair Sentencing Act** were made retroactive by the **First Step Act** as though they were in effect at the time of sentencing.

Does intervening change in law apply, where defendant is eligible for relief pursuant to the **First Step Act retroactive**.

Does Cannady qualify for the retroactive Crack amendments 706,750 and 782.

Is it "right" for the district court to continue to ignore an error, a plain error that was committed by the district court at defendant's original sentencing, where the district court themselves (knew) that a sentencing error had been committed by designating defendant as a career offender.

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:

RELATED CASES

U.S.V BOOKER 2019 (7th cir 2019).....pg-6
U.S.V POWELL 2019 (2nd cir 2019).....pg-6
U.S.V CROOKS 20-1025 (10th cir 2021).....pg-9
U.S.V MARTINEZ-CRUZ 836 F.3d.1305 (10th cir 2016).....pg-9

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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U.S.V.POWELL 2019 (2nd cir 2019).....	pg-6
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STATUTES AND RULES	

21 U.S.C.S 841 (b) (1) (A) and (B)

FIRST STEP ACT PROVISIONS OF 2018 SECTION- (404)

FAIR SENTENCING ACT OF 2010 SECTION-2 and 3

OTHER

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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

[x] For cases from federal courts:

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

[x] reported at FOURTH CIRCUIT (20-6986); 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 _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

[x] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was JUNE 7, 2021.

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 _____. A copy of that decision appears at Appendix _____.

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 _____ (date) in Application No. A _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FIFTH AMENDMENT RIGHTS

SIXTH AMENDMENT RIGHT

FIRST STEP ACT STATUTORY PROVISION SECTION-4040

FAIR SENTENCING ACT STATUTORY PROVISION SECTIONS 2 and 3

STATEMENT OF THE CASE

On September 4, 2008, a Federal grand Jury indicted Cannady and charged him with one count of; Possessing with the intent to distribute (50) grams or more of Cocaine base (Crack) and a quantity of oxycodone in violation of 21 U.S.C.S 841(a)(1). The offense conduct took place on July 9, 2008.

On November 17, 2008, pursuant to a written plea agreement, Cannady pleaded guilty to the Indictment.

REASONS FOR GRANTING THE PETITION

Reason One; is that defendant is eligible for a sentence reduction pursuant to the "First Step Act of 2018 Retroactively,Which made the "Fair Sentencing Act of 2010 Retroactive,"Specifically", to Section-2,Which reduces the "Crack-to-Powder Cocaine disparity from 100-to-1 to 18-to-1 as if section-2 were in effect at the time of sentencing.

Reason Two; is because defendant is one of those defendants still effected by the racial disparity between "Crack-to-Powder Cocaine.

Reason Three; district court erred at defendant's original sentencing by designating defendant as a "Career Offender" for his;1997 Conspiracy Conviction that did not then and does not now qualify as a "Controlled Substance Offense" under federal law.

Reason Four; district court erred by failing to recalculate defendant's sentencing guideline range without the career offender designation.

Reason Five; district court erred by applying "Criminal History Category points to defendant's "Criminal History Category" for ten year old misdemeanor Traffic Offenses to increase his Criminal History Category.

Reason Six; district court erred,where it fail to put defendant on notice as to whether or not he was eligible or ineligible for relief under the First Step Act of 2018,before denying defendant relief.

Reason Seven; because defendant poses no threat to any other person or to his community if granted relief.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Rodney Earl Connady

Date: August 24, 2021