

IN THE
Supreme Court of the United States

ALFRED LAVORIS MOODY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the 78-month sentence imposed on Mr. Moody was “greater than necessary” considering his troubled childhood.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Alfred Lavis Moody respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The Fourth Circuit's Opinion affirming Mr. Moody's conviction and sentence is attached at Pet. App. 1a and is unreported.

LIST OF PRIOR PROCEEDINGS

1. *United States v. Alfred Lavis Moody*, No. 5:20-cr-00419-D-1, United States District Court for the Eastern District of North Carolina.

Final judgment entered on April 23, 2021.

2. *United States v. Alfred Lavis Moody*, No. 21-4202, United States Court of Appeals for the Fourth Circuit.

Opinion issued on November 29, 2021.

JURISDICTION

The Fourth Circuit issued its opinion on November 29, 2021. Pet. App. 1a.

This Court's jurisdiction over this timely petition rests on 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

18 U.S.C. § 3553(a):

The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

STATEMENT OF THE CASE

Defendant-Appellant, Alfred Moody, was born in 1981 in Wilson, North Carolina to his parents, Alfred Batts and Brenda Moody. Unfortunately, Mr. Moody was not afforded the opportunity to be raised with a father figure in his home. However, his mother was his primary caregiver and the only sense of solace he's ever known in an unsettling world. That all changed when his mother was diagnosed with breast cancer when he was fourteen.

When Mr. Moody's mother was diagnosed with breast cancer, their respective roles reversed. While only fourteen years-old, Mr. Moody was forced to assume the role as her caregiver and provider while she battled cancer. At that point, any semblance of stability he felt in his life disappeared. Both he and his mom ended up having to move out of their home and in with his grandmother, while he continued to care for his mom. Unsurprisingly, Mr. Moody's life was erratically altered as he watched the only true support system he ever had fight a losing battle. The suffering her illness caused left Mr. Moody traumatized. Sadly, six months after her diagnosis his mom passed away.

Losing his mother so abruptly created a domino effect in Mr. Moody's life that continues to persist today. As a student in special education classes, the sudden loss of his only true support system was incredibly difficult for Mr. Moody to process and it impacted the rest of his adolescence and adulthood. However, he didn't give up and graduated from Hunt High School in 1999, an endeavor he is incredibly proud of. However, the abandonment that Mr. Moody felt as a teenager led him to a life of crime. Lost with no real direction, he struggled to find his purpose in life. He's been unable to find a career path or maintain a steady place to live, often living with a friend or his maternal grandmother.

Based on investigations from the Wilson County (NC) Sheriff's Office, Mr. Moody was indicted by a grand jury sitting in the Eastern District of North Carolina for two counts of possession with intent to sell cocaine and marijuana in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(C), and one count of

possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c). Mr. Moody accepted responsibility for his offense and pleaded guilty to all three counts.

At sentencing, Mr. Moody argued that a sentence at the bottom or slightly below the Guidelines range was sufficient to meet the goal of deterrence, as this is his first felony conviction, and his longest custodial sentence. At sentencing, Mr. Moody declared:

I had learned my lesson, your Honor, sitting in jail the last couple of months, and you won't never have to worry about me no more because I know that I have done wrong, and I know the mistakes I made....I'm just ready to get this behind me and get out and get back to my kids and find a good job.

The district court sentenced Mr. Moody to 78 months of incarceration and five years of supervised release.

Mr. Moody timely appealed. The Fourth Circuit upheld his sentence. This petition follows.

REASON FOR GRANTING THE PETITION

This Court should grant review because the Fourth Circuit has decided an important federal question in a way that conflicts with relevant decisions of this Court. Sup. Ct. R 10(c).

Congress prohibits district courts from imposing sentences that are “greater than necessary [] to comply with” the statutory purposes of sentencing. 18 U.S.C. § 3553(a). These purposes include “the nature and circumstances of the offense and the history and characteristics of the defendant” as well as “the need for the

sentence imposed “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; to afford adequate deterrence to criminal conduct; [and] to protect the public from further crimes of the defendant.” *Id.* § 3553(a)(1)-(2) (internal numeration omitted).

In order to ensure that district courts follow this statutory command, “courts of appeal must review all sentences—whether inside, just outside, or significantly outside the Guidelines range—under a deferential abuse-of-discretion standard.” *Gall v. United States*, 552 U.S. 38, 41 (2007). And, critically, courts of appeal must “set aside those [sentences] they find ‘unreasonable.’” *Rita v. United States*, 551 U.S. 338, 341 (2007) (internal citation omitted).

Mr. Moody appealed his sentence, arguing that it was greater than necessary to punish him. His unstable childhood went directly to his “history and characteristics.” 18 U.S.C. § 3553(a)(1). It required the district court to impose a lower sentence than 7.5 years in federal prison. But the Fourth Circuit, despite this Court’s holding that it must “set aside” unreasonable sentences, let the sentence stand.

This Court’s review is required to give meaning to substantive reasonableness review.

CONCLUSION

For these reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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