

Case No. 22-6736

SUPREME COURT OF THE UNITED STATES

Justin D. Martin,

Petitioner,

vs.

United States of America,

Respondent.

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

REPLY BRIEF FOR THE PETITIONER

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Reply

Petitioner Martin briefly replies to two points in the government's opposition brief.

First, the government points out that Petitioner did not cite or address *United States v. Watts*, 519 U.S. 148 (1997) (per curium). *Government's Opposition Brief* at p. 7. However, implicit in Petitioner's argument is the suggestion that *Watts* does not resolve the issue presented. To further clarify his position, Petitioner hereby incorporates by reference herein petitioner Dayonta McClinton's argument in his petition for writ of certiorari filed June 10, 2022, in *McClinton v. United States*, U.S. Sup. Ct. case No. 21-1557, Part I A & C, petition at pp. 10 – 15, and Part II A, pp. 20 – 22, as well as his arguments in his reply brief filed November 11, 2022, pp. 1 – 8, as reasons why *Watts* should not be considered as controlling authority to resolve the question presented.

Second, the government posits that this case “would be an unsuitable vehicle in which to review the question presented because the record does not clearly establish that the district court actually relied on acquitted conduct in sentencing petitioner.” *Government's Opposition Brief* at p. 8.) This assertion is belied by the opinion below. Pet. App. 6 (page 5 of the opinion below, Analysis,

A. Justin Martin). The first paragraph clearly indicates that the district court used the acquitted conduct in fashioning Petitioner's sentence.

Conclusion

Wherefore, Petitioner Justin D. Martin respectfully requests this court to issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

Respectfully submitted,

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Counsel for Petitioner

Dated: April 25, 2023.