
NO. _____

In The
Supreme Court of the United States

KEANAN DEQUEZ BOND,
a/k/a Sticks,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR WRIT OF CERTIORARI
FROM THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Jorgelina E. Araneda
ARANEDA LAW FIRM
Suite 200
5400 Glenwood Avenue
Raleigh, NC 27612
919-788-9225
jea@aranedalaw.com
Counsel for Petitioner
Pedro Gutierrez

QUESTION PRESENTED

Whether the court of appeals violated the defendant's Fourteenth Amendment right to equal protection where the district court in a motion for compassionate release relied on the existence of a plea agreement to deny the motion when the plea agreement did not address compassionate release.

STATEMENT PURSUANT TO RULE 14(1)(b)(iii)

This case originated in the U.S. District Court for the Eastern District of North Carolina:

United States v. Bond, No. 4:16-cr-00030-FL-2. Judgment entered July 9, 2021.

It was appealed to the United States Court of Appeals for the Fourth Circuit:

United States v. Bond, No. 21-7066. Judgment entered January 3, 2023.

A petition for rehearing and rehearing en banc was denied January 31, 2023.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Keanan Dequez Bond, through undersigned counsel, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit in this case.

OPINIONS BELOW

The opinion of the court of appeals (App. A1, *infra*) is not published in the Federal Reporter. The Judgment of the district court (App. A9, *infra*) is not published in the Federal Supplement.

JURISDICTION

The judgment of the court of appeals was entered on January 3, 2023. The Order denying the petition for rehearing and rehearing en banc was entered on January 31, 2023. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment XIV, Equal Protection Clause

“No State shall ... deny to any person within its jurisdiction the equal protection of the laws.”

STATEMENT OF THE CASE

A. District Court Procedural Background

Keanan Dequez Bond, a/k/a Sticks, pleaded guilty to two counts of a superseding indictment for using, carrying, and brandishing a firearm in furtherance of a crime of violence and aiding and abetting (18 USC §§ 924(c), 924(c)(1)(A)(ii) and 18 USC § 2). App. A9.

The district court sentenced Mr. Bond to 84 months imprisonment on the first § 924(c) offense and a consecutive 300 months on the second § 924(c) offense, for a total sentence of 384 months in prison. App. A11. His co-defendant was sentenced to the same and both parties appealed.

The Fourth Circuit Court of Appeals affirmed Mr. Bond's and his co-defendant's criminal judgment on April 20, 2020, in case number 18-4377. C.A. App. 57, 62.

On October 21, 2020, Mr. Bond filed a motion to reduce his sentence based on the changes to the First Step Act of 2018. App. A11. The district court denied his motion for compassionate release. App. A16. A timely appeal was filed. C.A. App. 165.

On January 3, 2023, the appellate court issued a published decision in case number 21-7077, and affirmed the district court sentence. App. A1. A petition for rehearing and rehearing en banc was filed and denied by the appellate court on January 31, 2023. App. 18.

B. Statement of Facts

On January 23, 2018, Keanan Dequez Bond, a/k/a Sticks, pursuant to a written plea agreement, pleaded guilty to two counts of a superseding indictment for using, carrying, and brandishing a firearm in furtherance of a crime of violence and aiding and abetting, in violation of 18 USC §§ 924(c), 924(c)(1)(A)(ii) and 18 USC § 2. App. A9. The plea agreement provided that the remaining seven counts would be dismissed at sentencing. C.A. App. 29, App. A11.

The district court sentenced Mr. Bond to the statutory mandatory minimum sentence applicable at the time of his sentencing. He received 84 months imprisonment on the first § 924(c) offense and a consecutive 300 months on the second § 924(c) offense, for a total sentence of 384 months in prison. App. A11. His co-defendant was sentenced to the same and both parties appealed.

While their appeals were pending with the appellate court, Congress enacted the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194.

On April 2, 2020, the Fourth Circuit Court of Appeals affirmed Mr. Bond's and his co-defendant's criminal judgments on April 20, 2020, in case number 18-4377. C.A. App. 57,62.

On September 3, 2020, Mr. Bond submitted a written request to the Warden of F.C.I. Williamsburg asking that he move for a reduction in his sentence pursuant to 18 USC § 3582(c)(1)(A)(i) due to the “stacked” § 924(c) sentences. He never received a response. C.A. App. 64.

On October 21, 2020, Mr. Bond filed a motion to reduce his sentence based on the changes to 18 USC § 3582(c)(1)(A)(i) made by the First Step Act of 2018. C.A. App. 64. The district court denied his motion for compassionate release. C.A. App. 156. A timely appeal was filed. C.A. App. 165.

On January 3, 2023, the appellate court issued a published decision in case number 21-7077, and affirmed the district court sentence. App. A1. An amended Order was issued to correct the cover page to the decision to change the year of issuance. App. A1. A petition for rehearing and rehearing en banc was filed and denied by the appellate court on January 31, 2023. App. A18.

C. The Appeal

Mr. Bond appealed his sentence and argued that the district court erred in denying his motion for compassionate release because it did not want to disturb the negotiated plea agreement of the parties. The court of appeals concluded that the district court “acted well within its discretion” in denying Mr. Bond's motion for compassionate release. App. A2.

REASONS FOR GRANTING THE PETITION

Mr. Bond pleaded guilty to two counts of brandishing a firearm during and in relation to a crime of violence and was subjected to § 924(c) stacking. After sentencing and while his case was on appeal to the Fourth Circuit Court of Appeals, Congress amended the law to eliminate the stacking provision.

Fourth Circuit case law is that “§ 403 of the First Step Act does not apply retroactively to cases pending on direct appeal when it was enacted ...” *United States v. Jordan*, __ F.3d __, __, No. 17-4751, 2020 WL 1022420, at * 8 (4th Cir. Mar. 3, 2020). The appeal of Mr. Bond was not successful and the sentence affirmed.

Mr. Bond continued his fight to receive equal treatment under the law because as a person sentenced before the elimination of the stacking provision he felt he had been wronged by the system. He took advantage of the First Step Act of 2018 to do just that. He argued that he was deserving of a sentence that a person sentenced after the change in the law would receive.

However, the district court did not view it the same way and denied Mr. Bond's motion because it did not want “to disturb the parties' carefully negotiated agreement” and “defendant negotiated a favorable plea agreement in which he avoided prosecution on two additional § 924(c) counts...” App. A9. The analysis of the district court focused on the plea agreement terms and the months Mr. Bond avoided by having entered into the agreement with the government.

To let these decisions stand is contrary to the First Step Act of 2018. Mr. Bond argued that the district court had erred in finding that the plea agreement took precedence over a later amended statute, 18 USC § 924(c). The decision issued from the circuit court treats the district court's reliance on the plea agreement as “respect for the law” and agreed that the new requested sentence, “so far below the initial Guidelines range,” would not be a fair punishment for Mr. Bond's crimes. App. A7.

The problem is that although the district court order addressed the fact the law had changed against the stacking of § 924(c) counts to justify its finding that the mandatory sentence change constituted an extraordinary and compelling reason for release (App. A14) , it did not address how the plea agreement weighed against a grant of compassionate release when the laws had changed.

Likewise, the appellate decision issued in this case did not consider how the later changed facts, not known when the plea agreement was entered into by the parties, justify the weight given to it to allow it to take precedence over later changed law.

Mr. Bond is being denied equal protection under the law because the plea agreement he entered into with the government was used as the primary basis to deny his § 924(c) stacking motion for compassionate release when a defendant who would have pleaded guilty without a plea agreement would not have had that basis as the reason to deny his motion.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Jorgelina E. Araneda

Jorgelina E. Araneda

Araneda Law Firm

5400 Glenwood Ave., Ste. 200

Raleigh, NC 27612

Tel: (919) 788-9225

jea@aranedalaw.com

Counsel of Record for Petitioner

April 27, 2023