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IN THE SUPREME COURT OF THE UNITED STATES

UNITED STATES,

Respondent,

v.

SAMUEL CAISON,

Petitioner

**ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

**PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

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May 5, 2023

QUESTION PRESENTED

Whether imposing a period of incarceration that is within the Sentencing Guidelines range can be considered cruel and unusual punishment when the offender's personal characteristics, including mental health status, and the nature of the crime are not properly accounted for by the sentencing court.

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review the decision of the United States Court of Appeals for the First Circuit in *United States v. Caison*, No. 20-1759 (1st Cir. Feb. 9, 2023).

OPINIONS BELOW

The unreported Judgment of the United States Court of Appeals for the First Circuit, attached as Appendix A. The judgment of the United States District Court for the District of Maine is Appendix B.

JURISDICTION

The judgment of the court of appeals was entered on February 9, 2023. The jurisdiction of the court is invoked under 28 U.S.C. 1254(1).

CONSTITUTIONAL PROVISION INVOLVED

The Eighth Amendment to the United States Constitution provides: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

STATEMENT

Petitioner Samuel Caison pled guilty to a single-count indictment charging him with Possession of a Firearm by a Felon in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The United States District Court for the District of Maine sentenced defendant to a term of imprisonment of 105 months followed by three years of supervised release. Mr. Caison appealed his sentence and the Court of Appeals for the First Circuit granted the government's motion for summary disposition and affirmed the district court's judgment.

The circumstances leading to the arrest and indictment of Mr. Caison began with Winthrop Police Detective Struck's observation of an individual on Court Street in Augusta, Maine carrying what appeared to be a rifle or shot gun wrapped in material. Detective Struck witnessed the person place this object in the trunk of a vehicle, called in the vehicle plate number, and learned that the vehicle's owner was a convicted felon. This information was forwarded to the Augusta Police Department who then located the vehicle and conducted a traffic stop. Mr. Caison cooperated during the stop, indicating that a .22 caliber firearm would be found in the trunk and that he had carried it earlier that day. Subsequent investigation revealed that the firearm had been stolen by the individual who sold it to Mr. Caison.

Sentencing occurred on July 30, 2020 before the Honorable Lance E. Walker. The court calculated the United States Sentencing Guideline range

and sentenced Mr. Caison to the upper end of the range not appropriately considering Mr. Caison's many mitigating personal factors.

Mr. Caison suffers from multiple mental health diagnoses. He is bipolar and his ability to think clearly is impaired without appropriate medication. During Mr. Caison's numerous periods of incarceration in other cases, including a term of solitary confinement for 10 months, he has had minimal treatment and opportunity for rehabilitation. Referring to the difficulties he experienced during pretrial detention, Mr. Caison's mother, Kimberly McKenna, stated, "And as far as what happened in the jail, Sam was being medicated with Methadone, and they took him off his 180 milligrams cold turkey. He never had any - - he never had his Adderall to be able to slow his brain down." He was raised in a dysfunctional family that lacked positive adult support since both parents were substance abusers.

The Caison family disintegrated early on, and custody of Mr. Caison shifted regularly between his parents and grandparents. Victimization, violence, and sexual abuse perpetrated by family members were constant occurrences during his formative years. Much of Mr. Caison's adolescent life was spent in juvenile custody.

Mr. Caison was hospitalized multiple times due to his significant mental health problems and has been diagnosed with numerous disorders. He recognizes his difficulties, which often lead to suicide attempts, and has engaged in counseling and medication treatment. The presentence report

acknowledged the profound trauma that Mr. Caison endured during previous periods of incarceration and noted that he was the subject of a *Public Broadcasting Service, Frontline* documentary revealing the deleterious effects of solitary confinement. Rather than receiving treatment and rehabilitation, his illness was further exacerbated by confinement in prison.

Mr. Caison acknowledged his compromised mental health status and expressed a clear desire to participate in future mental health treatment. The sentencing court imposed a term of imprisonment of 105 months (the top of the guideline range), followed by three years of supervised release. The sentence is close to the maximum allowed by law (120 months) for conduct that can be viewed as moderate with respect to how the offense was committed.

Although the court summarily recognized the substantial mitigating factors relating to Mr. Caison, it did not take these factors into account when arriving at a sentence. The sentencing court stated, “I have seen some terrible renditions of personal history, which are a wash and sad and tragic stories of physical, sexual, mental, emotional abuse, substance use disorder and a revolving interaction with the criminal justice system. I’ve seen some bad, bad stuff in short. And yours rates very near, if not at the top, of the pile in terms of the type of tragic personal histories that I have had to review and consider”.

REASON FOR GRANTING THE PETITION

This case provides the court with an opportunity to extend the proportionality analysis developed in *Solem v. Helm*, 463 U.S. 277, 103 S.Ct. 3001, 77 L.Ed.2d 637 (1983). Unfortunately, the court has limited its review of cases alleging a violation of the Eighth Amendment's Cruel and Unusual Punishments Clause. The instant matter provides the court with a vehicle to broaden Eighth Amendment jurisprudence.

The sentence imposed in the instant case is disproportionate with the offense committed. "Punishment for crime should be graduated and proportioned to the offense." *Weems v. United States*, 217 U.S. 349, 367, 30 S.Ct. 544, 54 L.Ed. 793 (1910). In *Graham v. Florida*, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010), the 16-year-old defendant had violated the terms of his probation by committing new crimes and was sentenced to a term of life imprisonment without the possibility of parole. The defendant's probation was based on an armed burglary charge although guilt had not been adjudicated. The Florida First District Court of Appeal affirmed. This court overturned the sentence recognizing that certain overly harsh sentencing practices applied to particular types of offenders may be considered cruel and unusual punishment.

A case-by-case review is also necessary to determine whether gross disproportionality exists between the punishment and the nature of the offender. This analysis has been applied in death penalty cases. *Id.* at 2022.

Although *Harmelin v. Michigan*, 501 U.S. 957, 111 S.Ct. 2680, 115 L.Ed.2d 836 (1991) may discount particularized review of defendant and his crime, *Miller v. Alabama*, 567 U.S. 460, 480, 132 S. Ct. 2455, 2470, 183 L. Ed. 2d 407 (2012) has limited *Harmelin* and provided a means to move the court's jurisprudence in a humane direction. The record in this case highlights a sentencing court focused primarily on defendant's criminal history rather than balancing the various sentencing factors, including defendant's personal characteristics.

Mr. Caison's significant criminal history was sufficiently accounted for in the United States Sentencing Guidelines calculations. However, the Sentencing Guidelines did not account for defendant's tortured past and mental health diagnoses. Mechanically imposing a sentence at the uppermost point of the Sentencing Guidelines range based on offender's criminal history while failing to adequately consider the nature of the crime and defendant's substantial mitigating circumstances resulted in a sentence of incarceration that violates of the Eighth Amendment to the United States Constitution.

CONCLUSION

For the reasons set forth above, this Petition for Certiorari should be granted.

Dated: May 5, 2023

Respectfully Submitted,

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PROOF OF SERVICE

I, Jeffrey W. Langholtz, Esq., Counsel of Record for the Petitioner, do swear and declare that on this date, May 5, 2023, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them, and with first class postage prepaid.

The names and addresses of those served are as follows:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2023.

May 5, 2023

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed.R.App.P 32(a)(7)(C), I, Jeffrey W. Langholtz, certify that the word processing system in my law firm states that this document (excluding the table of contents, the table of authorities, the certificate of compliance, and the certificate of service) contains 1,246 words produced in Century Schoolbook 12 monospaced.

May 5, 2023

Jeffrey W. Langholtz, Esq.
Attorney for Samuel Caison, Appellant