

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

October 2023 Term

RONALD D. HOUSTON

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

On Petition for a Writ of Certiorari
To the Eighth Circuit Court of Appeals

APPENDIX TO

PETITION FOR A WRIT OF CERTIORARI

1. *United States v. Ronald D. Houston*, No. 22-2663
Slip Opinion (8th Cir., April 10, 2023) 1-2
2. *United States v. Robert D. Houston*, No. 22-2663,
Order denying rehearing (8th Cir., Sept. 20, 2023). 3
3. *Ronald D. Houston v. United States*, No. 23A516, Order granting
application to file Petition by Feb. 17, 2024) 4

United States Court of Appeals
For the Eighth Circuit

No. 22-2663

United States of America

Plaintiff - Appellee

v.

Ronald D. Houston, also known as Hassan Blue, also known as Ron Reezy, also
known as Ron Ron

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: April 10, 2023

Filed: July 20, 2023

[Unpublished]

Before GRUENDER, WOLLMAN, and STRAS, Circuit Judges.

PER CURIAM.

Ronald Houston received a 120-month prison sentence after he pleaded guilty to possessing a firearm as a felon. *See* 18 U.S.C. § 922(g)(1). Although he claims his prior conviction does not count as a “crime of violence,” U.S.S.G. § 2K2.1(a)(3),

we affirm because the district court¹ explained that it would have imposed the same sentence anyway.

The legal question that Houston wants us to address is whether the felony version of resisting arrest by force, *see* Mo. Rev. Stat. § 575.150.1, is a “crime of violence,” U.S.S.G. § 4B1.2(a). The answer does not matter, however, because any error was harmless. *See* Fed. R. Crim. P. 52(a); *see also United States v. Kemp*, 908 F.3d 1138, 1140–41 (8th Cir. 2018).

The district court made clear at sentencing that, “regardless of how” it “calculated the [G]uideline[s] range,” Houston would receive the same 120-month sentence. *See United States v. Marin*, 31 F.4th 1049, 1056 (8th Cir. 2022) (“Incorrect application of the Guidelines is harmless error where the district court specifies the resolution of a particular issue did not affect the ultimate determination of a sentence.” (citation omitted)). It also gave reasons, including the fact that Houston created a “risk of harm to others” and had resisted arrest before. *See* 18 U.S.C. § 3553(a) (explaining that the district court “shall consider . . . the nature and circumstances of the offense and the history and characteristics of the defendant”). In light of this “alternatively imposed” sentence, *United States v. White*, 863 F.3d 1016, 1020 (8th Cir. 2017) (citation omitted), we need not decide the crime-of-violence question. *See United States v. Grimes*, 888 F.3d 1012, 1017 (8th Cir. 2018).

We accordingly affirm the judgment of the district court.

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-2663

United States of America

Appellee

v.

Ronald D. Houston, also known as Hassan Blue, also known as Ron Reezzy, also known as Ron
Ron

Appellant

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:21-cr-00080-JAR-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is
also denied.

September 20, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans



Search documents in this case:

Search

No. 23A516

Title: Ronald D. Houston, aka Hassan Blue, aka Ron Reezy, Applicant
v.
United States

Docketed: December 7, 2023

Lower Ct: United States Court of Appeals for the Eighth Circuit

Case Numbers: (22-2663)

DATE	PROCEEDINGS AND ORDERS
Dec 05 2023	Application (23A516) to extend the time to file a petition for a writ of certiorari from December 19, 2023 to February 17, 2024, submitted to Justice Kavanaugh. Main Document Proof of Service
Dec 07 2023	Application (23A516) granted by Justice Kavanaugh extending the time to file until February 17, 2024.

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