

Case No. 23-7492

IN THE SUPREME COURT OF THE UNITED STATES

TREZITH SMART

vs.

UNITED STATES

On petition for Writ of Ceertiorari to the United States Court of Appeals for the Fourth Circuit.

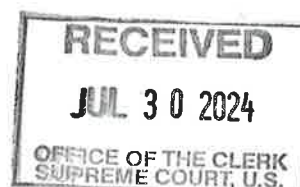
PETITION FOR REHEARING

Appellant presents its petition for a rehearing of the above entitled cause, and in support of it, respectfully shows:

Whether the District Court violated the petitioners Fifth Amendment right to Due Process in accord with Federal Rules of Criminal Procedure, Rule 32(i).

GROUND'S FOR REHEARING

To undo and revise a sentence under the plain error standard, a court must not only(1) discern an error, that error must(2) be plain(3) affect the defendant's substantial rights, and(4) implicate the fairness, integrity, or public reputation of judicial proceedings. United States v. Olano, 507 U.S. 725,732,113 S. Ct. 1770,123 L. Ed.2d 508(1993)



Federal Rules of Criminal Procedures, Rule 32(i) states at sentencing the court must verify that the defendant and the defendant's attorney have read and discussed the presentence report and any addendum to the report. Rule 32(i)(1)(C) states that the court must allow the parties' attorneys to comment on the probation officer's determinations and other matters relating to an appropriate sentence. Rule 32(i)(3)(B) states the court must for any disputed portion of the presentence report or other controverted matter, rule on the dispute or determine that a ruling is unnecessary either because the matter will not affect sentencing or because the court will not consider the matter in sentencing. Rule 32(j)(1)(B) states that after sentencing regardless of the defendant's plea the court must advise the defendant of any right to appeal the sentence. Rule 32(i)(4)(A)(ii) the court must address the defendant personally in order to permit the defendant to speak or present any information to mitigate the sentence. Rule 52(b) states a plain error that affects substantial rights may be considered even though it was not brought to the court's attention.

On March 30, 2022 the Court sentenced petitioner to 360 months in prison. Before sentencing petitioner made 26 objections to the Presentence Report. All objections were made within the 14 days to file objections. At the sentencing hearing the Court did not address any of the petitioners objections. Nor did the Court allow petitioner to present any evidence to mitigate their sentence. Most importantly DEA 6 reports that would have substantially lowered the drug weight attributed to the petitioner. The petitioner wasnt allow

to present no evidence at including grand jury transcripts, trial transcripts, lab reports, and pictures. This was clearly an error on behalf of the court because this evidence would have reduced the petitioners sentence. There would be no disputing the crediblity or reliability of this evidence because it all comes from the police and DEA. Since most of the petitioners time came from a unrecorded, unwritten, and unsigned confession, disclosing the DEA's on report was the differance between 360 months to 180 months.

CONCLUSION

For the reason just stated, Trezith Smart urges that this petition for a rehearing be granted, and that on further consideration, remand back to the Fourth Circuit Court to correct the error.

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I, Trezith Smart, certify that this Petition for Rehearing is presented in good faith and not for delay and that it is restricted to the grounds specified in Supreme Court Rule 44 of the Rules of this Court.



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

Executed on July 22, 2024