

CASE NO._____

In The
Supreme Court of the United States

RONALD C. CHAMPNEY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**Petition for Writ of Certiorari to
the Court of Appeals for the Third Circuit.**

APPENDIX TO WRIT OF CERTIORARI

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September 24, 2024

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BLD-135

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 24-1363

UNITED STATES OF AMERICA

v.

RONALD CHAMPNEY, Appellant

(E.D. Pa. Crim. No. 2-98-cr-00131-003)

Present: BIBAS, MATEY, and CHUNG, Circuit Judges

Submitted are:

- (1) Appellee's motion for summary affirmance;
- (2) Appellant's motion for a certificate of appealability pursuant to 28 U.S.C. § 2253(c); and
- (3) Appellant's response to motion for summary affirmance,

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's motion for a certificate of appealability is denied. See 28 U.S.C. § 2253(c). Jurists of reason would not debate the District Court's denial of his motion pursuant to 28 U.S.C. § 2255. See United States v. Stevens, 70 F.4th 653, 663 (3d Cir. 2023) (holding that aiding and abetting a completed Hobbs Act robbery is a crime of violence under 18 U.S.C. § 924(c)); see also 3d Cir. I.O.P. 9.1. With regard to Appellant's appeal of the denial of his motion under Federal Rule of Criminal Procedure 36, Appellee's motion for summary affirmance is granted. For substantially the reasons stated by the District Court, its order denying relief under Rule 36 entered February 14, 2024, is summarily affirmed. See 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P 10.6; United States v. Bennett, 423 F.3d 271, 277-78 (3d Cir. 2005).

By the Court,

s/ Cindy K. Chung

Circuit Judge

Dated: June 26, 2024
Amr/cc: all counsel of record



A True Copy:

A handwritten signature in black ink that reads "Patricia S. Dodsweit".

Patricia S. Dodsweit, Clerk
Certified Order Issued in Lieu of Mandate

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
: CRIMINAL ACTION
v. :
: NO. 98-131-3
RONALD CHAMPNEY :
:

ORDER

AND NOW, this 21st day of March, 2024, upon consideration of the Order of the United States Court of Appeals for the Third Circuit that this Court either issue a certificate of appealability pursuant to Fed. R. App. P. 22(b) and 28 U.S.C. § 2253 or state reasons why a certificate of appealability should not issue (ECF No. 315) and Defendant's Motion for Certificate of Appealability ("COA Mot." ECF No. 316), it is **ORDERED** that no certificate of appealability shall issue under 28 U.S.C. § 2253(c) and Defendant's Motion is **DENIED**.¹

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. BARCLAY SURRICK, J.

¹ Defendant seeks a certificate of appealability in order to appeal this Court's denial of his Motion under 28 U.S.C. § 2255. "A certificate of appealability may issue [in a 28 U.S.C. § 2255 proceeding] . . . only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). In order to make such a "substantial showing," "[t]he petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). In his § 2255 Motion, Defendant argued that based on the logic of the Supreme Court's decision in *United States v. Taylor*, 596 U.S. 845 (2022), which held that attempted Hobbs Act robbery was not a crime of violence and therefore a defendant's conviction for that offense could not serve as a predicate for a conviction under 18 U.S.C. § 924(c)(1), *see id.* at 848, 851, aiding and abetting Hobbs Act robbery should also not be considered a crime of violence. (See 2255 Mot., ECF No. 301, at 10.) We denied Defendant's § 2255 Motion because the Third Circuit has explicitly held that "aiding and abetting a completed Hobbs Act robbery qualifies as a crime of violence under § 924(c)." (See Opinion, ECF No. 310, at 22, citing *United States v. Stevens*, 70 F.4th 653, 662 (3d Cir. 2023).) In his § 2255 Motion and now in his Motion seeking a certificate of appealability, Defendant argues that because the Third Circuit did not have the benefit of full briefing, the Third Circuit's holding in *Stevens* strayed from the logic of *Taylor* and should be reexamined. (See COA Mot. at 4–9; 2255 Mot. at 5–13.) If the Third Circuit believes *Stevens* should be given a second look, it

has the option to grant the certificate of appealability Defendant seeks here. *See* Fed. R. App. P. 22(b)(1) (“If the district judge has denied the certificate, the applicant may request a circuit judge to issue it.”) However, Defendant has not shown that “reasonable jurists would find [our] assessment” of his § 2255 Motion “debatable or wrong” in light of the Third Circuit’s binding precedent in *Stevens*. *See Slack*, 529 U.S. at 484.