

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CIMEON DION WILLIAMS

v.

UNITED STATES OF AMERICA, RESPONDENT

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Whether a district court may deny a reduction for acceptance of responsibility under USSG § 3E1.1 based solely on uncorroborated allegations of post-plea misconduct, despite documented mental illness and substantial evidence of remorse, in violation of constitutional and guideline-based sentencing principles.

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OPINIONS BELOW

The unpublished decision of the Fifth Circuit Court of Appeals is attached as [App. A]. The Judgment of the District Court is attached as [App. B].

PARTIES TO THE PROCEEDING AND COMPLIANCE WITH RULE 14(B)

The parties concerned are included in the caption of this matter, and there are no corporate parties.

JURISDICTION

The jurisdiction of the Fifth Circuit Court of Appeals was invoked from the denial by the United States District Court for the Western District of Texas, under 28 U.S.C. § 1291 and 18 U.S.C. § 3742.

The decision of the Court of Appeals was entered on April 29, 2025 [App. A]. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

This case concerns the proper interpretation and application of the United States Sentencing Guidelines and the Due Process Clause of the Fifth Amendment in the context of sentencing enhancements and denials of reductions based on unreliable or insufficiently corroborated allegations. The relevant constitutional and statutory provisions are as follows.

The Fifth Amendment to the United States Constitution provides in relevant part: “No person shall be . . . deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.

This case also implicates provisions of the United States Sentencing Guidelines, including:

- U.S.S.G. § 3E1.1, which provides for a reduction in offense level if a defendant “clearly demonstrates acceptance of responsibility for his offense,” with consideration of factors such as truthful admission of conduct, voluntary surrender, and post-offense rehabilitation.
- U.S.S.G. § 2L1.1(b)(6), which imposes a two-level enhancement on a defendant guilty of “intentionally or recklessly creating a substantial risk of death or serious bodily injury to another person” during an alien smuggling offense.
- U.S.S.G. § 6A1.3(a), which permits courts at sentencing to consider any relevant information “provided that the information has sufficient indicia of reliability to support its probable accuracy.”

These provisions are central to this case. Petitioner challenges the denial of an acceptance-of-responsibility reduction and the imposition of a reckless-endangerment enhancement based on uncorroborated allegations and contested factual assertions, in violation of the standards for evidentiary reliability and the constitutional protections of due process under the Fifth Amendment.

STATEMENT OF THE CASE

On March 15, 2023, Mr. Williams was charged in a one-count federal indictment of conspiracy to transport illegal aliens, placing lives in jeopardy. On April 24, 2023, he pleaded guilty before a magistrate judge without the benefit of a plea agreement.

Sentencing occurred on July 23, 2024. The district court imposed a 60-month term of imprisonment, denying Mr. Williams a reduction for acceptance of responsibility. The court based this denial on an uncorroborated allegation that he pushed a correctional officer during pretrial detention. Although Mr. Williams was placed on mental-health observation following the incident, due to what jail staff described as “bizarre behavior,” the court treated the episode as misconduct rather than a manifestation of his documented mental illness and imposed a harsher sentence without mental-health mitigation. The court also applied a sentencing enhancement for reckless endangerment under U.S.S.G. § 2L1.1(b)(6), based on the government’s assertion that a minor was transported in the trunk of the vehicle Mr. Williams was driving.

Judgment was entered on July 29, 2024. Mr. Williams timely appealed. The United States Court of Appeals for the Fifth Circuit affirmed on April 29, 2025, applying plain-error review. This petition for a writ of certiorari follows.

REASONS FOR GRANTING THE WRIT

- I. **A district court may not deny a reduction for acceptance of responsibility under USSG § 3E1.1 based solely on uncorroborated allegations of post-plea misconduct, despite documented mental illness and substantial evidence of remorse, in violation of constitutional and guideline-based sentencing principles.**

- A. **Standard of review**

This Court reviews a district court's legal interpretation and application of the sentencing guidelines de novo and its factual findings for clear error. Because Mr. Williams's prior counsel failed to object to the reasonableness of the sentence or raise substantive objections at sentencing, the court of appeals reviewed his claims for plain error. See *United States v. Lowder*, 148 F.3d 548, 552 (5th Cir. 1998).

Although plain-error review typically imposes a higher burden, the errors in this case implicate fundamental constitutional rights, including the right to be sentenced based on reliable, corroborated facts and the right to due process under the Fifth Amendment. This Court has long held that due-process protections apply at sentencing, particularly where unproven allegations are used to increase punishment. Where fundamental rights are at stake, de novo review may be more appropriate, or at the very least, plain-error scrutiny must be applied with heightened care.

Here, the district court denied a reduction for acceptance of responsibility based on an uncorroborated incident involving post-plea behavior which occurred in the context of documented mental illness. The court also imposed a reckless-endangerment enhancement without reliable proof of knowing risk. These errors are both clear and substantial, and they resulted in a significantly more severe sentence. This Court should exercise its supervisory power to correct the injustice and clarify the constitutional limits on sentencing based on speculative conduct.

B. The denial of the acceptance-of-responsibility reduction violated the Constitution and the sentencing guidelines.

The decision to deny Mr. Williams a reduction under USSG § 3E1.1 rests on a single, uncorroborated post-plea allegation that occurred months after his guilty plea. That denial disregarded overwhelming evidence of remorse, cooperation, and mental illness, evidence which, under both constitutional law and the sentencing guidelines, required meaningful consideration. The sentencing court's failure to do so contravenes this Court's decisions in *Eddings v. Oklahoma*, *Porter*, and *Booker*, and exposes a recurring problem in federal sentencing: the unchecked denial of acceptance-of-responsibility reductions based on unreliable claims and incomplete understandings of mental illness.¹

¹ *Eddings v. Oklahoma*, 455 U.S. 104 (1982), *Porter v. McCollum*, 558 U.S. 30 (2009), *United States v. Booker*, 543 U.S. 220 (2005).

II. The Constitution requires sentencing courts to consider mental illness as a mitigating factor.

This Court has long held that defendants are entitled to individualized sentencing that accounts for their mental and emotional impairments. In *Eddings*, the Court made clear that a sentencer “may determine the weight to be given relevant mitigating evidence, but may not give it no weight by excluding such evidence from their consideration.”² Similarly, in *Porter*, the Court held that the failure to consider a defendant’s PTSD and long-undiagnosed mental illness undermined the reliability of the sentencing process.³

Here, the district court gave no weight to documented evidence that Mr. Williams was suffering from a mental-health episode. The presentence report (PSR) acknowledged that he was placed on “mental-health observation” following the alleged post-plea incident due to “bizarre behavior.” There is no dispute that detention-facility staff took formal action consistent with an emergent mental-health episode. The court, however, failed to consider meaningfully whether that behavior reflected culpable post-offense conduct or the manifestation of untreated mental illness, an omission squarely at odds with the principles of *Eddings*, *Porter*, and *Lockett*.⁴

² *Eddings*, 455 U.S. 104 at 114–15.

³ *Porter v. McCollum*, 558 U.S. 30 (2009).

Eddings, 455 U.S. 104, *Porter*, 558 U.S. 30, *Lockett*, 438 U.S. 586.

Regardless of whether Mr. Williams received a formal diagnosis, his observable behavior was constitutionally relevant and warranted individualized analysis. Sentencing courts may not ignore such evidence solely because the mental illness was undocumented or undeveloped by defense counsel.⁵

III. The sentencing court improperly relied on uncorroborated allegations that lacked sufficient indicia of reliability.

The denial of the § 3E1.1 reduction was based on a brief jailhouse incident in which Mr. Williams allegedly pushed a correctional officer. However, this allegation was never corroborated. The PSR relied almost exclusively on a vague and conclusory account from facility staff, which omitted even the name of the officer involved. Under Fifth Circuit precedent and USSG § 6A1.3(a), courts may rely only on sentencing evidence that bears “sufficient indicia of reliability.”⁶ Allegations that lack specificity, corroboration, or internal consistency fail that standard. The PSR here falls short of those minimum requirements, and yet the district court adopted its conclusions wholesale.

This Court in *Booker* made clear that sentencing must be guided by proven facts and procedural safeguards.⁷ When a key sentencing determination, such as the

⁵ See *Porter*, 558 U.S. at 39–40 (holding that counsel's failure to investigate mental illness deprived the court of essential mitigating information).

⁶ See *United States v. Trujillo*, 502 F.3d 353, 357 (5th Cir. 2007); *United States v. Malone*, 828 F.3d 331, 337 (5th Cir. 2016).

⁷ *Booker*, 543 U.S. 220 (2005),

denial of a § 3E1.1 reduction, is grounded in unverified, hearsay-based speculation rather than reliable evidence, due-process concerns are directly implicated.

IV. Mr. Williams clearly demonstrated acceptance of responsibility consistent with the purpose of § 3E1.1.

On multiple occasions and in multiple ways, Mr. Williams accepted responsibility for his actions. He pleaded guilty early, saving judicial resources. He made full admissions in his post-arrest interview, stating, “I am so sorry and take full responsibility. . . . I am very sorry for smuggling the others. I will not do this again.” He also expressed remorse during his interview with probation and did not dispute the factual basis of the plea. These facts are textbook indicators of acceptance of responsibility under § 3E1.1(a).

The guideline’s commentary reinforces that conduct related to mental health, particularly post-plea conduct not involving further criminal activity, does not automatically disqualify a defendant from the reduction.⁸ The guidelines recognize the importance of context and individual circumstances, especially where the alleged conduct contradicts otherwise consistent and credible remorse. To deny Mr. Williams this reduction based solely on an isolated, poorly documented incident, especially in

⁸ See USSG § 3E1.1, comment. (n.1(G)) (“post-offense rehabilitative efforts, e.g., counseling or drug treatment, may be considered”).

light of his mental-health watch and lack of further misconduct, is to undermine the purpose of the guideline and the principle of just sentencing.

V. The issue is nationally recurring and ripe for review.

This case raises a recurring and unresolved question at the intersection of mental health and federal sentencing: Can a district court deny § 3E1.1 credit based on thin, post-plea allegations that bear signs of mental illness, even when the defendant has otherwise met the standard for acceptance? Lower courts have struggled with how to apply § 3E1.1 where mental illness blurs the line between criminal intent and psychiatric impulse. The guidelines offer no definitive answer, and appellate courts differ in how rigorously they require corroboration for post-plea incidents. This uncertainty harms defendants with mental illness, who are particularly vulnerable to mischaracterization and evidentiary shortcuts.

This petition presents an ideal vehicle to clarify these issues: the record is well developed, the issue was preserved, and the facts illustrate the precise concern animating *Eddings*, *Porter*, and *Booker*: a sentencing process that gave no meaningful weight to mental illness and relied on unsubstantiated evidence to impose a harsher penalty.⁹

⁹ *Eddings*, 455 U.S. 104, *Porter*, 558 U.S. 30, and *Booker*, 543 U.S. 220.

VI. This case presents an opportunity for amicus participation on mental illness and sentencing fairness.

This case also presents an ideal vehicle for amici curiae concerned with mental health and sentencing fairness to weigh in on an urgent and recurring issue. Organizations such as the American Psychiatric Association, the National Association of Criminal Defense Lawyers, and the Sentencing Resource Counsel Project have long expressed concern over the use of vague or uncorroborated allegations to justify sentence enhancements or denial of reductions, especially in cases involving untreated or undiagnosed mental illness. Defendants suffering from psychiatric instability are particularly vulnerable to misinterpretation and evidentiary shortcuts. The sentencing process must not penalize mental illness under the guise of assessing post-plea conduct. This Court's review would allow for needed constitutional guidance and the benefit of informed institutional perspective from those regularly involved in these complex, high-stakes decisions.

VII. This case merits summary reversal or plenary review.

Whether resolved through summary reversal or full briefing, this case warrants this Court's intervention. A defendant with mental-health challenges who pleaded guilty, expressed remorse, and committed no further crime was nonetheless penalized based on an unproven allegation arising from an incident that even jail staff attributed to psychological instability. The denial of § 3E1.1 credit under these

circumstances contravenes both the spirit and letter of the sentencing guidelines and violates fundamental principles of individualized justice under the Constitution.

VIII. Lower-court approaches to post-plea misconduct and mental illness are inconsistent.

Although there is no formal circuit split, courts across the country have adopted inconsistent standards in evaluating whether post-plea conduct justifies denial of a § 3E1.1 reduction, particularly where the alleged conduct stems from or overlaps with mental illness. Some circuits require concrete evidence of willful post-plea obstruction or criminal behavior before denying credit, emphasizing corroboration and clear findings. Others, including the Fifth Circuit, have allowed sentencing courts broad discretion to deny acceptance-of-responsibility credit based on thin allegations or ambiguous incidents, even where the conduct arguably reflects symptoms of mental illness rather than defiance or recidivism. This uneven treatment of mentally-ill defendants creates substantial sentencing disparities and undermines the guidelines' core goal of national consistency. Certiorari is warranted to clarify the constitutional limits on using uncorroborated or medically unexplored conduct as a basis to impose harsher sentences.

IX. The reckless-endangerment enhancement reinforces the broader due-process violations.

In addition to the denial of a reduction for acceptance of responsibility, the district court also imposed an enhancement for reckless endangerment under § 2L1.1(b)(6). The enhancement was based on the allegation that a minor was transported in the trunk of the vehicle used in the offense. Mr. Williams did not dispute that a minor was present, but he consistently denied having any knowledge that she had been placed in the trunk. The PSR offered limited direct evidence regarding Mr. Williams's knowledge of the minor's placement in the trunk, and the record does not clearly establish that he acted knowingly or recklessly in creating the risk. At worst, he acted negligently. While the government asserted that Mr. Williams admitted awareness, he disputed that claim, and the facts reflect ambiguity on the issue as to when Mr. Williams had knowledge of the minor's presence.

Under § 2L1.1(b)(6), an enhancement requires that the defendant "intentionally or recklessly" created a substantial risk of death or serious bodily injury. The record in this case fails to demonstrate with sufficient indicia of reliability that Mr. Williams had the requisite mental state to support the enhancement. The district court nonetheless adopted the PSR's conclusion without further inquiry or corroboration.

While this petition does not raise the reckless-endangerment enhancement as a separate question presented, the issue reinforces the broader due-process concerns

underlying this case. Both the enhancement and the denial of § 3E1.1 credit rest on speculative or uncorroborated claims that resulted in significant increases to Mr. Williams's sentence. This pattern underscores the need for the Court's review to clarify the constitutional limits on sentencing determinations based on disputed allegations and questionable inferences. This Court should grant certiorari to resolve this and the above pressing and recurring question.

CONCLUSION

This case presents an opportunity for this Court to clarify the proper application of U.S.S.G. § 3E1.1 where post-plea conduct is alleged but uncorroborated, and where the record contains evidence of mental illness. It further invites the Court to reinforce the constitutional requirement that sentencing courts consider observable signs of psychological impairment as mitigating, even in the absence of a formal diagnosis. Without such guidance, defendants suffering from mental illness will continue to face harsher penalties based on speculative allegations, contrary to the principles of individualized sentencing and procedural fairness. FOR THESE REASONS, Petitioner Cimeon Dion Williams requests of this Court that his Petition for Writ of Certiorari be GRANTED.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph Ostini". The signature is written in a cursive, flowing style.

/s/ Joseph Ostini

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