

In the Supreme Court of the United States

TONY R. HEWITT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

COREY DEYON DUFFEY & JARVIS DUPREE DROSS,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

**PETITIONERS' JOINT MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX**

Pursuant to Rule 26.8 of the Rules of this Court, petitioners Tony R. Hewitt, Corey Deyon Duffey, and Jarvis Dupree Dross jointly move for leave to dispense with the requirement of a joint appendix in this case. Both the government and the *amicus curiae* appointed to defend the judgment below agree that a joint appendix is not necessary.

This criminal case presents the question whether the sentencing reforms in section 403(a) of the First Step Act of 2018 apply to defendants whose pre-enactment sentences have been vacated and who must be resentenced post-enactment. The appendices to the petitions for certiorari includes the opinion of the court of appeals and the relevant statutory provisions. The parties do not believe that any other portion of the record merits

the kind of special attention that would warrant the preparation and expense of a joint appendix. Nor do they believe that a separate joint appendix would materially assist the Court's consideration of the case.

The Solicitor General and the *amicus curiae* appointed to defend the judgment below agree with this motion.

Dated: September 5, 2024

By: /s/ Neal Kumar Katyal
NEAL KUMAR KATYAL
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004
(202) 637-5600
neal.katyal@hoganlovells.com

Counsel for petitioners
in No. 23-1150

By: /s/ Michael B. Kimberly
MICHAEL B. KIMBERLY
McDermott Will & Emery LLP
500 North Capitol Street NW
Washington, DC 20001
(202) 756-8000
mkimberly@mwe.com

Counsel for petitioner
in No. 23-1002