

No.

IN THE
Supreme Court of the United States

MARQUIS MELTON,

PETITIONER,

v.

UNITED STATES OF AMERICA,

RESPONDENT.

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

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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CONTENTS

Appendix A: Opinion of the United States Court of Appeals for the Eighth Circuit affirming the judgment below,

United States v. Melton, No. 24-2096, (8th Cir. Jul. 24, 2025).....1a

Appendix B: Order of Justice Kavanaugh extending the time to file this petition,

Melton v. United States, No. 25A456 (U.S. Oct. 23, 2025)4a

Appendix C: Judgment of the United States District Court for the Eastern District of Missouri,

United States v. Melton, No. 4:23-cr-00194-JAR (E.D. Mo. May 15, 2024).....6a

Appendix D: Excerpted Transcript of Proceedings—Sentencing Hearing,

United States v. Melton, No. 4:23-cr-00194-JAR (E.D. Mo. May 15, 2024).....14a

APPENDIX A

United States Court of Appeals
For the Eighth Circuit

No. 24-2096

United States of America

Plaintiff - Appellee

v.

Marquis Melton

Defendant - Appellant

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

Submitted: April 15, 2025

Filed: July 24, 2025

[Unpublished]

Before ERICKSON, ARNOLD, and STRAS, Circuit Judges.

PER CURIAM.

Marquis Melton pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). In calculating Melton's advisory

Sentencing Guidelines range, the district court¹ applied the cross-reference under U.S.S.G. § 2K2.1(c)(1)(A) for attempted robbery of United States Postal Service (“USPS”) property and declined to give acceptance of responsibility under U.S.S.G. § 3E1.1(a). Melton appeals his 120-month sentence. We affirm.

On February 27, 2023, Melton approached a USPS carrier delivering mail in St. Louis and demanded a package at gunpoint. The package, addressed to Melton’s deceased grandmother, contained marijuana. According to the carrier, Melton got out of his car, accused the carrier of withholding the package, aimed a black and silver pistol at the carrier, and threatened to “blow [his] head off” unless he handed the package over. When the carrier fled, Melton pursued him to the post office where he again threatened to shoot postal workers. Melton left before the police arrived. The following day, Melton was arrested following a traffic stop.

The Presentence Investigation Report that was prepared following Melton’s guilty plea to possession of a firearm by a felon recommended applying the cross-reference under U.S.S.G. § 2K2.1(c)(1)(A) because the underlying conduct constituted attempted robbery of a postal carrier, in violation of 18 U.S.C. § 2114(a). Melton unsuccessfully objected, asserting he could not have robbed someone of property he believed he owned. Melton also sought a two-level reduction under U.S.S.G. § 3E1.1(a) for acceptance of responsibility, which the district court declined to apply. After calculating an advisory Sentencing Guidelines range of 97 to 121 months, the court sentenced Melton to 120 months’ imprisonment. This appeal followed.

Melton contends the district court erred in its Sentencing Guidelines calculation. However, the district court stated that, regardless of the applicable Guidelines range, it believed a 120-month sentence was appropriate based on the statutory sentencing factors found in 18 U.S.C. § 3553(a). In particular, the court

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

pointed to Melton's serious conduct that put people in danger when he pointed a gun at the carrier in an angry and threatening manner and then pursued the mail truck to the post office. The court also noted Melton's prior first-degree robbery conviction and the short time—20 months—between when this incident occurred and Melton's parole from the Missouri Department of Corrections. In light of the court's clear statement that resolution of the disputes regarding the Guidelines calculation did not affect its ultimate sentence determination combined with the court's stated reasons for imposing the sentence it did, we need not reach Melton's objections to the Sentencing Guidelines calculation because any error is harmless. See United States v. Goldsberry, 888 F.3d 941, 944 (8th Cir. 2018) (declining to address claim regarding Sentencing Guidelines calculation because the district court stated it would have imposed the same sentence even if a lower guideline range applied).

We affirm the judgment of the district court.

APPENDIX B

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 23, 2025

Mr. Mohammed Ahmed
Federal Public Defender's Office E.D. Mo.
1010 Market Street
Suite 200
St. Louis, MO 63101

Re: Marquis Melton
v. United States
Application No. 25A456

Dear Mr. Ahmed:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Kavanaugh, who on October 23, 2025, extended the time to and including December 21, 2025.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Angela Jimenez
Case Analyst

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

**Scott S. Harris
Clerk of the Court
(202) 479-3011**

NOTIFICATION LIST

**Mr. Mohammed Ahmed
Federal Public Defender's Office E.D. Mo.
1010 Market Street
Suite 200
St. Louis, MO 63101**

**Mr. D. John Sauer
Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001**

**Clerk
United States Court of Appeals for the Eighth Circuit
Thomas F. Eagleton Courthouse
111 S. 10th Street, Room 24.329
St. Louis, MO 63102-1125**

APPENDIX C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

v.

MARQUIS MELTON

JUDGMENT IN A CRIMINAL CASE

§
 §
 §
 § Case Number: 4:23-CR-00194-JAR(1)
 § USM Number: 67934-510
 § **Mohammed Ghulam Ahmed**
 § Defendant's Attorney

THE DEFENDANT:

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	1 of a single-count Indictment on January 24, 2024.
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense
 18 U.S.C. § 922(g)(1), 18 U.S.C. § 924(a)(8) Felon In Possession Of A Firearm

Offense Ended
 02/28/2023

Count
 1r

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s)
 Count(s) is are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 15, 2024

Date of Imposition of Judgment

Signature of Judge

JOHN A. ROSS
SENIOR UNITED STATES DISTRICT JUDGE

Name and Title of Judge

May 15, 2024

Date

DEFENDANT: MARQUIS MELTON
CASE NUMBER: 4:23-CR-00194-JAR(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

120 months.

MARSHALS RETURN MADE ON SEPARATE PAGE

DEFENDANT: MARQUIS MELTON
CASE NUMBER: 4:23-CR-00194-JAR(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **three (3) years.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: MARQUIS MELTON
 CASE NUMBER: 4:23-CR-00194-JAR(1)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: MARQUIS MELTON
CASE NUMBER: 4:23-CR-00194-JAR(1)

SPECIAL CONDITIONS OF SUPERVISION

While on supervision, the defendant shall comply with the standard conditions that have been adopted by this Court and shall comply with the following additional conditions. If it is determined there are costs associated with any services provided, the defendant shall pay those costs based on a co-payment fee established by the probation office.

You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation and other classes designed to improve your proficiency in skills such as reading, writing, mathematics, or computer use.

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a physical or electronic search conducted by a United States probation officer. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation.

DEFENDANT: MARQUIS MELTON
 CASE NUMBER: 4:23-CR-00194-JAR(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	\$100.00	\$0.00	\$0.00		

The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
 The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution amount ordered pursuant to plea agreement \$
 The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the schedule of payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
 The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 the interest requirement is waived for the fine restitution
 the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MARQUIS MELTON
 CASE NUMBER: 4:23-CR-00194-JAR(1)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payments of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal 20 (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 1r, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

 - Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
 - The defendant shall pay the cost of prosecution.
 - The defendant shall pay the following court cost(s):
 - The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

DEFENDANT: MARQUIS MELTON
CASE NUMBER: 4:23-CR-00194-JAR(1)
USM Number: 67934-510

**UNITED STATES MARSHAL
RETURN OF JUDGMENT IN A CRIMINAL CASE**

I have executed this judgment as follows:

Date defendant was delivered with certified copy of this judgment: _____

Name and location of facility: _____

Defendant was sentenced to Time Served and was released on: _____

Defendant was sentenced to _____ months/years of Probation and was released on: _____

Defendant was sentenced to _____ months/years of Supervised Release and was released on: _____

NAME OF US MARSHAL/WARDEN

By: NAME OF DEPUTY US MARSHAL/CSO

APPENDIX D

1 that his life might end at any second there.

2 If somebody points a gun, they may very well pull
3 the trigger; and so again, his description of what occurred,
4 it really is, it is compelling. It is chilling. It is
5 frightening. And although it may have just been an angry
6 stupid act that you committed, it is a very very serious and
7 angry stupid act, and it put people in danger.

8 And then you were involved in pursuing the mail
9 truck to the post office and put other people in danger as
10 well. So regardless of how I would have handled the
11 objections or done the guideline calculations, regardless of
12 that, a very significant sentence is necessary and
13 appropriate. You unfortunately have the prior convictions
14 for robbery in the first degree, and related counts, and I
15 know that you spent a long time in the Missouri Department of
16 Corrections. You were paroled in June of 2021. This occurs
17 in February of 2023.

18 In any event, based on all of the 3553(a) factors,
19 the serious significant circumstances of this offense, the
20 Court does believe that a sentence of 120 months is the
21 appropriate sentence in the case. It is sufficient but not
22 greater than necessary to meet the statutory sentencing
23 objectives.

24 Mr. Ahmed, I know you don't agree with the
25 sentence, but do you know of any legal objection to the Court