

No. 25-6843

ORIGINAL

FILED
OCT 20 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Ron Kuntz — PETITIONER
(Your Name)

vs.

_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
The Third Circuit Court Of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ron Kuntz

(Your Name)

P.O. BOX 3725

(Address)

Adelanto, Ca. 92301

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1) Whether the District Court exclusion of an material witness testimony was reasonable especially being a member of the Court and then depending upon the testimony of an informant who has since committed additional crimes and offered testimony to obtain a lighter sentence since his previous allegations in the case at hand?
- 2) Whether the District Court erred by accepting an affidavit and making conclusionary assumptions rather than calling the affiant into an evidentiary hearing?
- 3) Whether the District Court and Circuit Court erred not having an evidentiary hearing and settling for assumptions rather than allowing witness available to come testify in open Court?

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

United States of America v. Ron Kuntz, United States District Court Of Virgin Island Judgment Entered 2-18-25

United States of America v. Ron Kutz, United States Court of Appeals For Third Circuit 8-18-25 Judgment Entered 8-18-25

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- reported at _____; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

- reported at _____; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- reported at _____; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- reported at _____; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 25th 2025.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: August 18th 2025, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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28 U.S.C. § 1254 (1)	2
18 U.S.C. § 924 (c)	4
28 U.S.C. § 2255	4
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STATEMENT OF THE CASE

Petitioner Ron Kuntz was an alleged accomplice in a robbery of a jewelry store in the Virgin Islands. Years after the robbery, petitioner was indicted on 5-18-17 for conspiracy to commit Hobbs Act Robbery and 924 (c). It is important to note that the date of the robbery, 9-16-13 a long time member of the court wrote an affidavit stating, he saw and spoke to petitioner a short time after hearing police sirens and learning a robbery occurred. The location where Kuntz was witnessed talking on his phone was a significant distance from that of the robbery location. More compelling, is the fact that Petitioner was seen on camera a day prior at a Walgreens which was compared to video surveillance video from the jewelry store robbed that did not show petitioner in [i]t. *See Appendix D, Affidavit of Investigator Joseph A. Gumbs.*

Petitioner's counsel violated petitioner's Sixth Amendment right to Compulsory process involving a material witness. This same witness was prevented by the District court from testifying due to the denial of an § 2255 evidentiary hearing request. Prejudice can be presumed because even the Circuit Court chose to speculate and assume what the affiant 'would have said' instead of scheduling a hearing directly from the source.

The fundamental process was flawed by choosing over a member of the court, the testimony of a robber whom was seen on camera at the incident who has committed additional crimes after this case at hand, and has a history of using his testimony each time he is caught to avoid stiff punishments for his habitual criminal actions. To consider an habitual criminal more reliable rather than a long time member of the court, petitioner contends was an abuse of discretion.

To conclude an habitual criminal is more credible than a member of the Court warrants some relief at the minimum having the affiant brought before the Court to be heard. Should the affiant intended a narrower meaning of their affidavit, they easily could have drafted language to that effect. Both the Government's and lower Court's interpretation of the member of the Court's affidavit depart from [i]t's aspect.

In conclusion assuming and asserting the affiant was not needed based upon the assumption petitioner was on the phone with an alleged co-conspirator could have and should have been rebutted and supported easily by obtaining phone records. Albeit the Government AUSA's nor the lower Court decision makers obtain such evidence. No where in the record can be pointed to for such a claim to have merits for speculation to conclude their assumption weighed more favorable than an available and willing material witness in which a writ ad testificandum for the affiant requested and denied. Rejection of alibi testimony was harmful to petitioner's defense.

Acting in pro se petitioner seeks that his petition be construed liberally and in this new day and age in regards to the jurisprudence system where even our current President was subjected to overreaching prosecutors, petitioner humbly requests Court Remand of this matter to the lower courts so that the affiant, member of the Court, alibi witness be heard or in the alternative instruct the lower court's to immediately release petitioner for time served since he has served over 80% of a sentence in which a material witness has never been heard.

REASONS FOR GRANTING THE PETITION

In determining whether a COA should issue where the petition was dismissed on procedural grounds has two components. Section 2253 mandates that both be shown. On 7-25-25 Circuit Judge NY GAARD denied a request for Certificate of Appealability without an evidentiary hearing. Albeit, the lower courts decision was reasoning explained by the circuit court to deny a request for an COA, that decision was based upon assertions of an affiant whom was never called before the court at any time. The relevance of this challenge of the denial is that the affiant is a sworn member of the court and would have testified if called upon and provided exculpatory evidence warranting relief, after an evidentiary hearing a reasonable jurist would conclude that if not for counsels neglect/ineffective assistance, a jury would not have determined a guilty verdict was possible, this constitutional claim is a substantial one. After a substantial showing petitioner is now seeking for the Supreme Court to vacate the court of appeal's denial of COA and "remand[ing] the case for further consideration whether petitioner is entitled to a COA. There has been a showing by clear and convincing evidence that the appeal court's factual determination was based on speculation of a well bodied member of the court who has never been heard. A denial of COA was based on merits even though our determination of a meritorious claim is shown by reviewing the record which reflects an affidavit which is in favor of Petitioners defense that sheds light on his innocence, this logically is something that warrants discussion. This preliminary showing has been ignored. The merits of Petitioners appeal justified an COA based on adjudication of the actual merits. The circuit court erred. It is a constitutional right to have witnesses called to testify on the behalf of the defendant. The affiant was in fact a witness and not just any witness but one that is a long time member of the court, Reasonable jurist would find the district court's assessment of the constitutional claims debatable or wrong.

By failing to limit its examination to a threshold inquiry the Third Circuit departed from the Limited COA inquiry without oral arguments or an evidentiary hearing to verify with a member of the court if their mindset was that which was asserted from conclusions by the District Court. Instead the circuit court opined on the merits of an appeal. Therefore, it is in essence deciding an appeal without jurisdiction. See *Buck v. Davis*, 580 U.S. 100, 115 (2017) (quoting *Miller-El*, 537 U.S., at 336-337.

Accordingly, the Third Circuit decision was "based on an unreasonable determination of the facts in light of the evidence presented in the District Court proceeding. "..., we make that determination largely for the reasons explained by the District Court. "That was a merits determination, and ' a COA ruling is not the occasion for a ruling on the merit of [a] petitioner's claim.' *Miller-El*, 537 U.S., at 331. The COA requirement erects an important but not insurmountable barrier to an appeal. Simply put, when a habeas petitioner makes a substantial showing that their constitutional rights were violated, a COA should issue. This especially true in this context, where the right to have witnesses called is denied when a chance for factual development is at stake. Here, reasonable claim is 'reasonably debatable.' *Buck*, 580 U.S., at 117. To nevertheless maintain that Petitioner should be denied a COA because no reasonable jurist could debate the District Court's denial of his habeas petition defies common sense. See *Buck* at 100, 115-117 (2017), [A] COA does not require a showing that the appeal will succeed. Any doubts as to whether a COA should issue are to be resolved in petitioners favor.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Don Huntz

Date: 1-5-2026