INDEX TO APPENDICES

APPENDIX-A

A

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

July 25, 2025

Natasha Baker, Esq.
Office of United States Attorney
5500 Veterans Drive
United States Courthouse, Suite 260
St. Thomas, VI 00802

Kimberly L. Cole, Esq.
Office of United States Attorney
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Ron Delano Kuntz
Victorville FCI Medium I
P.O. Box 3725
Adelanto, CA 92301

RE: USA v. Ron Kuntz
Case Number: 25-1721
District Court Case Number: 3:17-cr-00026-003

ENTRY OF JUDGMENT

Today, **July 25, 2025,** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:
14 days after entry of judgment.
45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:
3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).
15 pages if hand or type written.

Attachments:
A copy of the panel's opinion and judgment only.
Certificate of service.
Certificate of compliance if petition is produced by a computer.
No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. A party seeking both forms of rehearing must file the petitions as a single document. Fed. R. App. P. 40(a).

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/Alicia
Case Manager
267-299-4948

Cc: Glenda L. Lake

DLD-188

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **25-1721**

UNITED STATES OF AMERICA

VS.

RON DELANO KUNTZ, Appellant

(D.V.I. Crim. No. 3:17-cr-00026-003)

Present: RESTREPO, FREEMAN, and NYGAARD, Circuit Judges

Submitted are:

(1) Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and

(2) Appellant's letter docketed July 1, 2025, which may be construed as a document in support of his request for a certificate of appealability

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's request for a certificate is denied because jurists of reason would not debate the denial of his claims under 28 U.S.C. § 2255. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). Having carefully reviewed the record, we make that determination largely for the reasons explained by the District Court.

We add that jurists of reason also would not debate the merits of the three claims that appellant sought to raise but that the Magistrate Judge or the District Court deemed untimely. First, appellant sought to raise (but later withdrew) a claim that his counsel should have challenged the use of the Hobbs Act conspiracy charge as the predicate

UNITED STATES OF AMERICA
VS.
RON DELANO KUNTZ, Appellant
C.A. No. **25-1721**
Page 2
Continued

"crime of violence" for the charge under 18 U.S.C. § 924(c). But the predicate for that charge was completed Hobbs Act robbery, not Hobbs Act conspiracy (ECF No. 595-5 at 176-78), and we later held that completed Hobbs Act robbery is a § 924(c) crime of violence even when it is based on a theory of aiding-and-abetting or liability under Pinkerton v. United States, 328 U.S. 640 (1946). See United States v. Stevens, 70 F.4th 653, 661-63 (3d Cir. 2023).

Second, appellant sought to raise (but later withdrew) a claim that his counsel should have challenged the sufficiency of the evidence. We already rejected appellant's challenge to the sufficiency of the evidence in his direct appeal, see United States v. Kuntz, No. 18-2695, 2022 WL 216973, at *2 (3d Cir. Jan. 25, 2022), and appellant has raised nothing suggesting that his counsel should have argued the issue differently.

Third, appellant sought to raise a claim that his counsel provided ineffective assistance by telling the jury that "I put up no defense." Appellant appears to be referring to counsel's statement during closing argument that "[t]he defense, on behalf of Mr. Kuntz, didn't present any evidence in favor of him." (ECF No. 595-5 at 201.) But counsel made that statement by way of arguing that he did not have to present evidence because the jury already had appellant's statement and the Government did not meet its burden of disproving appellant's account. Appellant has not raised any arguable basis for a claim of ineffective assistance under these circumstances.

By the Court,

s/Richard L. Nygaard
Circuit Judge

Dated: July 25, 2025
Amr/cc: All counsel of record

A True Copy:

Patricia A. Dodszuweit

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

APPENDIX-B

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	**Case No. 3:17-cr-0026**
RON DELANO KUNTZ,	)	
Defendant.	)	

ORDER

BEFORE THE COURT is Ron Delano Kuntz's ("Kuntz") *pro se* motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2255. (ECF No. 551.) The United States of America ("the Government") opposed the motion. (ECF No. 595). Kuntz filed his reply. (ECF No. 598.)[1] For the following reasons, the Court will deny the motion.

I. BACKGROUND

On May 18, 2017, a grand jury Indictment charged Kuntz and others with conspiracy to commit Hobbs Act robbery (Count One), Hobbs Act robbery (Count Two), and brandishing a firearm during a federal crime of violence (Count Three). (ECF No. 54.) The government, thereafter, filed two superseding indictments on June 7, 2017, and November 16, 2017, respectively, charging Kuntz and his co-defendants with the same offenses as in the original indictment. (ECF Nos. 74 and 155.)

On January 16, 2018, Kuntz signed a plea agreement with the Government in which he agreed to plead guilty to Count One of the Indictment and acknowledged that the Government can prove the elements of the conspiracy to commit Hobbs Act robbery under 18 U.S.C. § 1951, and the underlying facts in support of the charge beyond a reasonable

[1] On March 14, 2024, the Magistrate Judge permitted Kuntz to clarify and amplify the grounds for relief he asserted in his initial, timely motion, namely, "counsel's errors during plea negotiations, and counsel's failure to request a continuance to subpoena two witnesses for trial," which concerned counsel's performance before trial and, to the extent that Kuntz sought to assert new grounds for ineffective assistance of counsel, found that those claims do not relate back to the claims asserted in the original motion. (ECF No. 567.) Accordingly, the Court will not consider Kuntz's argument in reply that counsel's "admission in open court to the jury 'I put up no defense' was the essence of his representation of Kuntz" and could not have been a strategic decision. (ECF No. 598.)

doubt. (ECF No. 248.) At the January 19, 2018 change of plea hearing, the court asked Kuntz: "My question is, what did you do that causes you to want to change your plea to guilty to Count I today? What conduct did you engage in with respect to the conduct that's allege d in Count I of the superseding indictment?" Change of Plea Hearing Tr. (ECF No. 594) at 15:9-13..) Kuntz responded: "I mean, well my reason - - my reason for pleading is because I mean, I have somebody in a case going to be lying at me and I don't feel like --." *Id.* at 15:14-17. In light of Kuntz's statement, the court determined that it was not in position to accept the plea and allowed Kuntz to consult with his attorney. (*Id.* at 15:18– 17:12.) After a recess, Kuntz's attorney informed the court that Kuntz was going to exercise his right to trial. (*Id.* at 18.) On January 21, 2018, one day before the trial was to commence, Kuntz requested a change of plea hearing. (ECF No. 265.) On January 22, 2018, the court denied Kuntz's request. Trial Tr. 1 (ECF No. 347 at 7:11-25.)

At trial, the Government presented ten witnesses, including testimony from Kishore Kanusing ("Kanusing"), the owner of the jewelry store that was robbed, Virgin Islands Police Department Detective Nigel James ("Detective James") and cooperating witness Robert Brown ("Brown"). Kanusing testified that his jewelry store was robbed on September 16, 2013. Surveillance video from the jewelry store was admitted into evidence showing four males entering the store wearing straw hats, two brandishing firearms, and proceeding to commit the robbery. Detective James testified that he reviewed the surveillance videos from both the jewelry store and Walgreens, and he conducted Kuntz's interview, during which Kuntz admitted that he drove a blue Jeep Wrangler to Walgreens in September 2013. Kuntz stated that he picked up four males arriving from St. Croix and one of them said they were going to a beach party the next day and needed sunglasses and straw hats, so Kuntz took them to Walgreens. Kuntz stated that he gave them money for the hats and then dropped them off at Bunker Hill Guest House. Walgreens surveillance video was admitted into evidence showing Kuntz arriving at Walgreens the night before the robbery driving a blue Jeep Wrangler. Still shots from the Walgreens surveillance video showed Kuntz and a co-conspirator entering Walgreens and the group purchasing hats at the register. Detective James testified that he did not ask Kuntz about his involvement in the robbery.

Brown testified to his involvement and Kuntz's role in the robbery. Brown identified Kuntz and co-conspirators in the still shots from the Walgreens surveillance video. Brown stated that, on the morning of September 16, 2013, he and co-conspirators took a Jeep Wrangler to a housing community to meet with Davon and Wassie. The group then checked the jewelry store and the house where they were to meet after the robbery. Brown received a three-way call from Davon and Kuntz during which Kuntz relayed where they were, stating he was on the scene, and that everything was clear in the area. Brown then heard the sirens, saw police, and left for the house in Solberg to meet with his co-conspirators, including Kuntz, to separate the stolen jewelry. Brown was cross-examined by Kuntz' counsel about his cooperation agreement, criminal history, inconsistent statements to law enforcement and his identification of Wassie as Kuntz. Evidence was admitted showing that a blue Jeep Wrangler was used in the robbery, that co-conspirator Jermaine Ayala was listed as an additional driver on a rental agreement for a blue Jeep Wrangler, and that the Jeep Wrangler was found abandoned by the Virgin Islands Police.

The jury convicted Kuntz and his co-defendants on all counts. Kuntz was sentenced to 78 months imprisonment on Counts One and Two to be served concurrently and 84 months imprisonment on Count Three to run consecutive to the terms of imprisonment for Counts One and Two. Kuntz was also sentenced to three years of supervised release on Counts One and Two and five years of supervised release on Count Three, to be served concurrently. (ECF No. 452.) The Third Circuit Court of Appeals affirmed Kuntz's conviction and sentence. *United States v. Kuntz,* No. 18-2695, 2022 WL 216973, at *1 (3d Cir. Jan. 25, 2022), *cert. denied,* 143 S. Ct. 158, 214 L. Ed. 2d 52 (2022).

II. LEGAL STANDARD

A prisoner in federal custody claiming that his conviction or sentence violates the Constitution or laws of the United States or that the sentence is otherwise subject to collateral attack "may move the court which imposed the sentence to vacate, set aside or correct the sentence." 28 U.S.C. § 2255 (a). To prevail on an ineffective assistance of counsel claim, the movant "must show that his counsel's performance was deficient, *i.e.*, that it fell below an 'objective standard of reasonableness,' and that he was prejudiced by that

deficiency." *Baker v. United States*, 109 F.4th 187, 195 (3d Cir. 2024) (quoting *Strickland v. Washington*, 466 U.S. 668, 688–92 (1984)). Prejudice is established by showing that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694.

III. DISCUSSION

A. Plea Negotiations

Kuntz asserts that counsel "brought me a plea to sign for something that I didn't do, which was securing the Jeep Wrangler the night before the robbery," despite Kuntz showing his attorney Brown's statement that "Ayala brought the Jeep Wrangler or used it in the robbery" (ECF No. 551 at 11) and "did nothing to weaken the Government's case let alone mention an Alford plea in negotiations, which would've allowed the defendant to protect his innocence while not providing a factual basis." (ECF No. 559 at 11.) The Government contends there is no constitutional right to a plea bargain and Kuntz cannot show prejudice "when he independently decided not to provide a factual basis for his criminal conduct and exercised his right to be tried by a jury." (ECF No. 595 at 10.)

The Sixth Amendment right to effective counsel "extends to the plea-bargaining stage of a criminal prosecution." *Baker*, 109 F.4th at 195. "When addressing a guilty plea, counsel is required to give a defendant enough information to make a reasonably informed decision whether to accept a plea offer." *United States v. Bui*, 795 F.3d 363, 367 (3d Cir. 2015) (citation and internal quotation marks omitted).

Kuntz's assertion that his plea agreement stated something he did not do, namely, "that he was securing the Jeep Wrangler the night before the robbery," is erroneous. Kuntz's plea agreement stated: "On September 15, 2013, a day before the robbery, Defendant Kuntz's co-conspirator, secured the vehicle used during the robbery, specifically Jeep Wrangler with license plate TEL-225." (ECF No. 248.) Accordingly, counsel could not have provided deficient performance on this ground because the plea agreement did not state anywhere that Kuntz secured the Jeep Wrangler the night before the robbery, and Kuntz does not assert that he did not perform the conduct attributed to him in the plea agreement. Consequently,

counsel could not be deficient for failing to "mention an Alford plea in negotiations" because, contrary to Kuntz's assertion, an *Alford* plea requires a factual basis for the finding of guilt. *United States v. Mackins*, 218 F.3d 263, 268 (3d Cir. 2000) (explaining that "an *Alford* plea is simply a guilty plea, with evidence in the record of guilt, typically accompanied by the defendant's protestation of innocence and his or her unequivocal desire to enter the plea" and "there must always exist some factual basis for a conclusion of guilt before a court can accept an *Alford* plea").

Kuntz also asserts that his counsel knew that Kuntz did not want to go to trial and "a defendant who is not prepared to admit guilt but wants the benefits of a plea bargain can plead nolo contendere." (ECF No. 559 at 11.) However, the Government represents that "Assistant United States Attorneys are instructed to oppose the entry of nolo contendere and *Alford* pleas 'except in the most unusual circumstances and only after a recommendation for doing so has been approved by the Assistant Attorney General responsible for the subject matter or by the Associate Attorney General, Deputy Attorney General, or the Attorney General." (ECF No. 595 at 10 n.9.) In light of the U.S. Attorney's policy, the fact that "there is no constitutional right to plea bargain," *Weatherford v. Bursey*, 429 U.S. 545, 561, 97 S. Ct. 837, 846, 51 L. Ed. 2d 30 (1977), and the requirement of Rule 11(a)(3) of the Federal Rules of Criminal Procedure ("Before accepting a plea of nolo contendere, the court must consider the parties' views and the public interest in the effective administration of justice."), the Court is not convinced that counsel's failure to negotiate a nolo contendere plea in the circumstance of this case fell below an objective standard of reasonableness or that Kuntz could demonstrate prejudice from such failure.

B. Failure to Request a Continuance to Subpoena Two Witnesses

Kuntz asserts that counsel failed to request a continuance to subpoena investigators, Joseph Gumbs ("Gumbs") and David Jackson ("Jackson"), whose testimony would have proven that "I never rode in the Jeep Wrangler the morning of the robbery and I wasn't at the crime scene during the time of the robbery." (ECF No. 551 at 17-18.) The Government contends that his attorney's decision not to call Jackson as an alibi witness was not objectively unreasonable "because Brown testified that he was dropped off before the

robbery, and never placed [Kuntz] in the jewelry store," and "counsel more than likely knew the government's theory relied on conspiracy, aid and abet, and *Pinkerton* liability which made an alibi witness irrelevant." (ECF No. 595 at 13-14.)

Under *Strickland,* "a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action might be considered sound trial strategy." *Thomas v. Varner*, 428 F.3d 491, 499 (3d Cir. 2005) (quoting *Strickland*, 466 U.S. at 689)). In reviewing ineffective assistance of counsel claims based on strategic errors, courts "accord counsel's strategic trial decisions great deference." *Hess v. Mazurkiewicz*, 135 F.3d 905, 908 (3d Cir. 1998).

To rebut the presumption of counsel's reasonable professional assistance, Kuntz relies on: (1) Jackson's October 17, 2023 affidavit in which Jackson stated that, on September 16, 2013, he saw Kuntz "talking on his cell phone" shortly after hearing the police sirens and learning that the robbery occurred, called out "Yeah, Ron Kuntz, long time no see!" and Kuntz responded "Yeah, Jackson, I am good!" (ECF No. 559-1 at 1); and (2) Gumbs' report of his interview of Jackson, on July 13, 2017, during which Jackson told Gumbs that he observed Kuntz "speaking on a cell phone at round 0950 hours" in the area of Palms Court Harborview Hotel, called out to him and Kuntz "acknowledged him with a sign," shortly before learning of the robbery (ECF No. 559-2 at 1). Given that Jackson's affidavit and Gumbs' report are contradictory as to whether Jackson saw Kuntz shortly before or shortly after the robbery, and that Brown testified to being on the phone with Kuntz at the time of the robbery, there is no reasonable basis why counsel would call Jackson as an alibi witness whose testimony would only tend to corroborate Brown's testimony that Kuntz was on the phone with co-conspirators around the time of the robbery, especially when counsel's strategy was to challenge Brown's credibility through his criminal history. *See Hess v. Mazurkiewicz*, 135 F.3d 905, 908–09 (3d Cir. 1998) (explaining that counsel "reasonably could have believed that the prejudicial effect of this information outweighed any benefit to be gained from Trivelpiece's testimony. We will not find counsel ineffective for adopting a litigation strategy based upon this reasonable professional judgment."). The Court finds that Kuntz failed to rebut the

presumption that counsel's decision not to request continuance to subpoena Jackson and Gumbs was a sound strategy and that he suffered any prejudice from counsel's decision.

IV. CONCLUSION

Accordingly, it is hereby

ORDERED that Kuntz's motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2255, ECF No. 551, is **DENIED**; it is further

ORDERED that a copy of this Order shall be filed in the matter styled *Kuntz v. United States*, Case No. 3:23-cv-0043, and the Clerk of Court shall **CLOSE** that case; it is further

ORDERED that the Clerk of Court **SHALL** mail a copy of this Order to Kuntz via certified mail, return receipt.

Date: February 18, 2025

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 3:17-cr-0026-3**
	)	
RON DELANO KUNTZ,	)	
	)	
Defendant.	)	
	)	

ORDER

THIS MATTER is before the Court upon remand from the United States Court of Appeals for the Third Circuit "for the sole purpose of either issuing a certificate of appealability or stating reasons why a certificate of appealability should not issue." Order (Doc. No. 5), Case No. 25-1721 (3d Cir.), entered April 17, 2025.

Section 2253 of Title 28 of the United States Code governs appeals in Section 2255 proceedings. Subparagraph (c) of the statute provides:

> (1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—
>
> (A) the final order in a habeas corpus proceeding in which the detention complained of arises out of proceed issued by a State court; or
>
> (B) the final order in a proceeding under section 2255.
>
> (2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.
>
> (3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c).

Defendant Ron Delano Kuntz ("Defendant" or "Kuntz") grounded his Section 2255 motion upon claims of ineffective assistance of counsel, in violation of the Sixth Amendment. To prevail upon his claims, Defendant was required to show that "his counsel's performance was deficient, *i.e.*, that it fell below an 'objective standard of reasonableness,' and that he was prejudiced by that deficiency." *Baker v. United States*, 109 F.4th 187, 195 (3d Cir. 2024)

(quoting *Strickland v. Washington*, 466 U.S. 668, 688–92 (1984)). Prejudice is established by showing that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694.

As the Court states in its order denying his motion, based upon the facts of the case and the Government's resistance to offer *Alford* or nolo contendere pleas, "the Court is not convinced that counsel's alleged failure to negotiate either an Alford plea or nolo contendere plea fell below an objective standard of reasonableness or that Kuntz could demonstrate prejudice from such failure." Order (ECF No. 611), entered February 18, 2025, at 4-5. The Court further found that "Kuntz failed to rebut the presumption that counsel's decision not to request continuance to subpoena Jackson and Gumbs was a sound strategy and that he suffered any prejudice from counsel's decision." *Id.* at 6-7.

Based upon the foregoing, the Court finds that Petitioner has not made a "substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2) and, thus, is not entitled to a certificate of appealability. Accordingly, it is hereby

ORDERED that the Court declines to issue Defendant Ron Delano Kuntz a certificate of appealability; it is further

ORDERED that the Clerk of Court **SHALL** mail a copy of this Order to Defendant and transmit a copy of this Order to the Third Circuit Court of Appeals.

Date: April 17, 2025

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1721

USA v. Ron Kuntz
(U.S. District Court No.: 3:17-cr-00026-003)

ORDER

It appearing that the District Court has not issued a certificate of appealability or stated reasons why a certificate of appealability should not issue pursuant to Fed. R. App. P. 22(b) and 28 U.S.C. Section 2253 and that under 3rd Cir. L.A.R. 22.2, the District Court is required to make a determination as to whether a certificate of appealability should issue at the time a final order is issued; it is hereby

ORDERED that the matter is remanded to the District Court for the sole purpose of either issuing a certificate of appealability or stating reasons why a certificate of appealability should not issue.

The appeal is stayed pending determination by the District Court. The parties are directed to file a status report on or before **May 19, 2025**, and every 30 days thereafter, until a determination is made by the District Court.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Date: April 17, 2025

Amr/cc: All counsel of record

APPENDIX-C

C

United States Court Of Appeals For The Third Circuit

Case # No. 25-1721

United States of America

vs.

Ron Delano Kuntz, Appellant

Reconsideration of the denial of an COA is in order, due to the fact, real life evidence of the video, showed the robbers of the jewelry store. [I]t is clear, appellant did not participate in the robbery and could only be as he asserts wrongly convicted of count one. The clear error of the members of the court cannot be overlooked. See Chief Judge Robert A. Molly order 2/18/25, DKT 611 pp 2 of 7 2¶. The record reflects, appellant was not in the jewelry store during the robbery. It is clear that a [Conspiracy] as a matter of law is different than actual involvement in a robbery based on participation no debate on issue that appellant did not go in the store and participate in the robbery. Counsel was ineffective for not making clear for the record this fact. If the jury had knowledge of this material fact along with testimony from the investigator, Count Two would not have survived during deliberation, and the trial judge would have been forced to acquit appellant on Count Two as he was with Count Three.

The Framers intent was for due process to be fair, which is why plain and clear errors are able to be considered without being raised. Appellant, is ignorant to the law and depends on the Sixth Amendment of the U.S. Constitution. Therefore, the denial of effective assistance of counsel thru the fundamental fairness process leading to a miscarrige of justice, is a ground warranting relief especially after years of the sentence being carried out.

For the panel to recognize in the first part of their order mentioning of the Hobbs Act conspiracy charge and aiding - and - abetting theory, a chrage that appellant was convicted of is very telling, Count Two is contrary to the conduct of appellant which he seeks reconsideration to have relief granted.

Second, Appellant did infact raise a different perspective of sufficiency of evidence claim and [i]t is interrelated with the panels third reasoning for denial. A question of how is it, a member of the Court vouching for a defendant's alibi, at least innocence to one Count in an indictment be reasonable to ignore, and replaced with a dammning comment "I put up no defense" to a jury be effective assistance of counsel, in regards to the Framers intent? The lower court as well as panel would be supporting a miscarrige of justice by articulating counsels intent, as appose of having an evidentiary hearing involving the affiant to testify as he was for a fair due process proceeding. See Circuit Judge Order, page 2 3rd¶ line 4, speculation by decision maker would not be in spirit of the Framers especially when one whom statements are construed is able to speak for themself at a evidentiary heraing. Contrary to speculation no evidence was necessary to be presented, the outcome of the case proves otherwise.

August 5th 2025

Ron Delano Kuntz In Pro Se

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1721

USA

v.

Ron Kuntz,
Appellant

(D.V.I. No. 3:17-cr-00026-003)

Present: RESTREPO, FREEMAN and NYGAARD, Circuit Judges

1. MOTION filed by Appellant Ron Delano Kuntz to Reconsider Order dated 07/25/2025.

Respectfully,
Clerk/amr

ORDER

The foregoing Motion filed by Appellant Ron Delano Kuntz to Reconsider Order dated 07/25/2025 is denied.

By the Court,

s/Richard L. Nygaard
Circuit Judge

Dated: August 18, 2025
Amr/cc: All counsel of record

APPENDIX-D

D

INVESTIGATOR REPORT

Submitted by Shadow Investigations LLC

Privileged and Confidential

July 16, 2017

To: Attorney Edgar Sanchez Mercado

From: Investigator Joseph A. Gumbs

Subject: Interview with Territorial Public Defender Investigator, David Jackson

SUMMARY OF CASE

On July 13, 2017, at approximately 1015 hours, I spoke with Investigator David Jackson regarding his knowledge of the whereabouts of our client, Mr. Ron Kuntz, on September 16, 2013 (*day Gold Corner Jewelry Store - located on Veterans Drive was robbed*).

According to Investigator Jackson, on September 16, 2013, he was traveling on Hill Street and before making the left turn in the area of Palms Court Harborview Hotel, he heard Police sirens. After making the turn, he observed Mr. Kuntz standing by a tree and speaking on a cell phone at around 0950 hours. Investigator Jackson stated that he called out to Mr. Kuntz and he acknowledged him with a hand sign. Shortly after passing Mr. Kuntz, Investigator Jackson said he received a phone call advising him that Gold Corner Jewelry Store was robbed. Subsequently, he found out that Mr. Kuntz was a suspect in the robbery and was arrested.

Investigator Jackson said he does not understand how Mr. Kuntz was named as a suspect in the robbery and moments prior to the phone call that he received (notifying him of the robbery), he saw Mr. Kuntz in the vicinity of Palms Court Harborview Hotel.

I inquired from Mr. Jackson how he knew Mr. Kuntz. Investigator Jackson stated that the Territorial Public Defender Office represented Mr. Kuntz in a case that took place

approximately seven (7) years ago and he was the Investigator assigned to the case. Since the case, he sees Mr. Kuntz from time to time on the street.