

NO. _____
SUPREME COURT OF THE UNITED STATES

ZACHARY TAYLOR BUSH)
)
 Petitioner)
)
 - VS. -)
)
UNITED STATES OF AMERICA)
)
 Respondent.)

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

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QUESTION PRESENTED FOR REVIEW

Question I- Was Zach Bush's Sentence Was Procedurally Unreasonable and Violative of Due Process Where the Presentence Report Offense Level Calculation

- 1) Erroneously Added Four (4) Points for Its Use In Connection with Another Felony Offense Even Though He Was Not Indicted for Such Conduct Nor Did He Admit to Such Conduct When Entering His Plea of Guilty and denied having a firearm at his Sentencing and
- 2) Erroneously added Two (2) Points for the Use of a Stolen Firearm Even Though He Was Not Indicted for Such Conduct Nor Did He Admit to Such Conduct When Entering His Plea of Guilty and there was only a statement on this in the Report even though Bush denied he had a firearm at his Sentencing?

Question II- Was Zachary Bush's mental condition fully and justly considered in his sentencing and were his efforts at good conduct while incarcerated considered in his sentencing, or was clear evidence of mental health issues on Bush's part ignored such that a request for consideration of that in sentencing as a variance or downward departure was improvidently denied without a ruling on downward departure as to create a procedural and substantive error in his sentence where the trial court significantly departed upward focused on deterrence and punishment?

LIST OF ALL PARTIES TO THE PROCEEDING IN THE COURT
WHOSE JUDGMENT IS SOUGHT TO BE REVIEWED

Zachary Taylor Bush, Appellant, Petitioner

United States of America, Appellee, Respondent

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OPINIONS AND ORDERS BELOW

The opinion below of the United States Court of Appeals for the Sixth Circuit was rendered in *United States v. Zachary Taylor Bush*, Case No. 25-15921 as File No 26a0123n.06 That opinion affirmed the judgment of the United States District Court for the Western District of Michigan in *United States v. Zachary Taylor Bush*, case number 1:24-cr-00009-JMB, where the original sentence committed Bush to the custody of the Bureau of Prisons to a total term of 84 months imprisonment

JURISDICTION

- i. The opinion of the United States Court of Appeals for the Sixth Circuit affirming was entered on 10 March 2026; pursuant to Rule 13.1 of the rules of this Court, the Petition is timely filed.
- ii. A petition for a rehearing *en banc* was not filed; no extension of time within which to file a petition for a writ of certiorari has been made.
- iii. This is not a cross-Petition pursuant to Rule 12.5.
- iv. The statutory provision conferring jurisdiction upon this Court to review upon a writ of certiorari the judgment or order in question is 28 U.S.C. §1254.

Constitutional Provisions And Other Authorities Involved In This Case

US Constitutional Amendment V

18 U.S.C 3231

STATEMENT OF THE CASE

Jurisdiction in the First Instance

Subject matter jurisdiction vested in the U.S. District Court for the Western District of Michigan pursuant to 18 U.S.C. §3231; Bush was indicted for offenses against the laws of the United States and was convicted upon a plea of guilty within that district; he was sentenced to a total term of imprisonment of 84 months.

Appellate jurisdiction vested in the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. §1291 and 28 U.S.C. §1294.

Presentation of Issues in the Courts Below and Facts

Zachary Taylor Bush was arrested and charged with the offense of felon in possession of a firearm, in that knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed firearms and ammunition that were in and affecting commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8).

Subsequent to the filing of the Forensic Evaluation on Zachary Taylor Bush a hearing was held on his competency. With no objection to the findings in the forensic evaluation, Bush was found competent to stand trial.)

But treatment for Bush was “**highly recommended**”. (emphasis added) The Evaluation detailed this:

PROGNOSIS:

Clinically, Mr. Bush is diagnosed with Other Specified Trauma- and Stressor-Related Disorder and Other specified Attention-Deficit Hyperactivity Disorder (*by history*). Due to his reported history of trauma, treatment is highly recommended. It appears his presentation of hypervigilance, which may present as paranoia, may be due to his trauma-related diagnosis; therefore, by providing trauma-informed treatment his hypervigilance may decrease. Mr. Bush's treatment should focus on identifying stressors and triggers and increasing his coping mechanisms. Group therapy is also recommended being that a group atmosphere can be therapeutic, foster social support, and normalize symptoms. Specifically, Mr. Bush can benefit from trauma-informed individual and group therapy. Mr. Bush reported receiving a prescription of marijuana for his trauma related symptoms; however, due to his inability to use marijuana while incarcerated, he may benefit from psychotropic interventions. Of note, per

records from Arbor Circle and PSR, Mr. Bush has been diagnosed with Cannabis Use Disorder and has tested positive for methamphetamines and cocaine.

Zachary Taylor Bush entered a plea of guilty to Count 1 of the Indictment against him.

With the filing of the Presentence Report, Bush submitted his sentencing memorandum, with letters of support from his grandfather Mark Bush, his mother Brenda Bush, Sara Madison, mother of his youngest child, and Molly Wisdom, a friend from church, and his motion for a downward departure. A Letter from Community Mental Health re Zachary Taylor Bush was filed in support of Mr. Bush noting Bush had been attending sessions with counselor Gregory Hayes and had been engaged in those sessions.

Bush was sentenced without the benefit of a downward departure nor variance to, *inter alia*, 84 months imprisonment.

Mr. Bush timely filed his Notice of Appeal. The Court of Appeals affirmed his judgment and sentence. It rejected all of Bush's arguments, finding, *inter alia*, that "Neither the application of the in-connection-with-a-felony enhancement nor the stolen-firearm enhancement was an error." and that the district court adequately addressed Bush's mental health issues, noting the need to protect the public.

This Petition for a Writ of Certiorari follows.

REASONS FOR GRANTING THE WRIT

Question I- Was Zach Bush's Sentence Was Procedurally Unreasonable and Violative of Due Process Where the Presentence Report Offense Level Calculation

- 3) Erroneously Added Four (4) Points for Its Use In Connection with Another Felony Offense Even Though He Was Not Indicted for Such Conduct Nor Did He Admit to Such Conduct When Entering His Plea of Guilty and denied having a firearm at his Sentencing and
- 4) Erroneously added Two (2) Points for the Use of a Stolen Firearm Even Though He Was Not Indicted for Such Conduct Nor Did He Admit to Such Conduct When Entering His Plea of Guilty and there was only a statement on this in the Report even though Bush denied he had a firearm at his Sentencing?

- 1) Bush did not possess a firearm in connection with another qualifying felony and should not have been punished for that.

Bush did not possess a firearm in connection with another felony and it was error to increase his offense level four levels for that, thus increasing his sentencing range. The claimed Specific Offense Characteristics used increase his offense level was "Since the defendant used or possessed any firearm or ammunition in connection with another felony offense, to wit: Aggravated Assault, four levels are added" although neither were included in the Indictment against him nor admitted during his change of plea colloquy admitting guilt to the indicted offense nor in the prosecutor's recitation of facts. It was procedurally unreasonable and a violation of the fairness of Due Process under Amendment V to the US Constitution to do so. U.S.S.G. § 2K2.1(b)(6)(B) applies "[i]f the defendant . . . used or possessed any firearm or ammunition in connection with another felony offense." The firearm must have "facilitated, or had the potential of facilitating, another felony offense." (emphasis added) Id. § 2K2.1 cmt. n.14(A). U.S.S.G. § 2K2.1(b)(6)(B). "Another felony offense" is any "federal, state, or local offense" that is "punishable by imprisonment for a term exceeding one year, regardless of whether a criminal charge was brought, or a conviction obtained." Id. § 2K2.1 cmt. n.14(C)

The Presentence Report, without any indication of reliable sourcing nor admission by Bush of the alleged felony, increased Bush's offense level by four (4) points and his minimum Guidelines sentencing range by 27 months for:

25 Specific Offense Characteristics: Since the defendant used or possessed any firearm or ammunition in connection with another felony offense, to wit: Aggravated Assault, four levels are added. USSG §2K2.1(b)(6)(B). +4

But Bush did not commit felony Aggravated Assault as alleged, though not proven, in the Presentencing Report.

The details in the colloquy by the prosecutor detailing the case did not set out the facts establishing felony assault under Michigan law. And even the statements in the Presentence Report did not establish felony assault in relation to his possession of a firearm.

As noted in *People v Musser*, 259 Mich. App. 214 2003:

While the penalty and constituent elements of aggravated assaults are codified, the definition of assault is left to the common law. Michigan has defined the term "assault" *as either an attempt to commit a battery or an unlawful act which places another in reasonable apprehension of receiving an immediate battery.* (emphasis added) while the penalty and constituent elements of aggravated assaults are codified, "the definition of assault is left to the common law." (Emphasis added.) (citation omitted).

MCL 750.82 Felonious Assault details by statute the elements needed to establish felony assault in Michigan:

750.82 Felonious assault; violation of subsection (1) in weapon free school zone; assault of health professional or medical volunteer; enhanced penalties; definitions.
Sec. 82.

(1) Except as otherwise provided in this subsection or subsection (2), a person who assaults another person with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or to inflict great bodily harm less than murder is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$4,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim

People v. Reeves, 458 Mich 236 (1998) establishes mere words are not sufficient but must be accompanied by an act to establish assault.

This was procedurally unreasonable to erroneously increase Mr. Bush's Sentencing Range by 27 months up to 84 months imprisonment under the Guidelines.

Neither the Indictment nor the proffer of facts to be proven by the United States made any reference to this issue.

The prosecutor simply stated in his proffer that "Your Honor, on December 28th of 2023 in Grand Rapids the authorities responded to a report that an individual had brandished a gun and was in a blue hatchback"

The Presentence Report stated in its Details of the Investigation that

14. At 12:58 a.m. on December 28, 2023, GRPD officers were dispatched to the Tin Can at 206 Cesar Chavez Ave. SW, Grand Rapids, in reference to a felonious assault involving a firearm. The victim reported he had a handgun with a green laser sight pulled on him approximately 7 minutes prior to him calling 911. The victim advised the suspect fled in a blue sedan hatchback style vehicle, possibly a Honda Civic, and the suspect had face tattoos and gold teeth. During a subsequent interview, the victim reported he and the suspect were both at the Tin Can bar; however, they did not have any contact while at the bar, and the victim had never seen the suspect prior to that night. After leaving the bar, the victim was waiting at an intersection in his vehicle for the light to change when the blue car with two individuals pulled up next to him and started yelling at him. The victim asked the driver of the blue car what their problem was, to which the driver pointed a black handgun for approximately 10 seconds and stated he does not talk but likes to play tag. The victim reported he could see a green dot on his chest. The victim then drove away and was able to lose the blue vehicle after a brief pursuit.

Yet there is no detail as to the provenance and reliability of this information, which most likely came from a review of the police report of Mr. Bush's arrest. And these statements do not describe a felony Aggravated Assault

These were statements that were also hearsay within hearsay and inherently unreliable, and were contradicted by Bush's passenger, Jonathan Huff and Bush himself.

The passenger in Bush's vehicle, Jonathan Huff, denied he saw a gun in Bush's hand pointed at the other individual:

17...Mr. Bush leaned out his window, but Mr. Huff denied ever seeing the gun pointed at the other individual. However, Mr. Huff advised he could not see Mr. Bush's hands the entire time he was driving and yelling so he could not positively state a gun was not pointed at the other individual.

Yet on this basis Bush's minimum punishment level was increased by 27 months.

Under the US Sentencing Guidelines aggravated assault is defined as

"Aggravated assault" means a felonious assault that involved (A) a dangerous weapon with intent to cause bodily injury (*i.e.*, not merely to frighten) with that weapon; (B) serious bodily injury; (C) strangling, suffocating, or attempting to strangle or suffocate; or (D) an intent to commit another felony.

USSG §2A2.2. Aggravated Assault, Application Note 1.

There is further discussion in the Background to Application Notes:

Background: This guideline covers felonious assaults that are more serious than other assaults because of the presence of an aggravating factor, *i.e.*, serious bodily injury; the involvement of a dangerous weapon with intent to cause bodily injury; strangling, suffocating, or attempting to strangle or suffocate; or the intent to commit another felony.

Thus Mr. Bush's conduct was not felony Aggravated Assault.

USSG §2A2.3. Assault states that:

(a) Base Offense Level:

(1) 7, if the offense involved physical contact, or if a dangerous weapon (including a firearm) was possessed and its use was threatened; ...

But this simply sets a penalty range and does not define what qualifies as a felony assault.

Further the underlying felony offense must be separate from that which led to the felon-in-possession offense. See *United States v. Kilgore*, File Name: 14a0073p.06, (6th Cir. 2014) Here that underlying offense was congruent with the conduct leading to the felon-in-possession charge, so another, separate felony not s

It was error to punish him for conduct neither charged in the Indictment nor admitted by him nor proven at sentencing. His sentence should be vacated and this matter remanded for resentencing to a lesser sentence per corrected Sentencing Guideline calculations. See *Alleyne v. United States*, 133 S. Ct. 2151 (2013). *United States v. Cotton*, 535 U.S. 625 (2002), *Washington v. Recuenco*, 548

U.S. 212 (2006), *Blakely v. Washington*, 542 U.S. 296 (2004)

2. It was error to increase Bush's offense level by 2 points as the pistol was allegedly stolen

It was error to increase Bush's offense level by 2 points, thus increasing his punishment range, as the Taurus pistol was stolen in that there was no Indictment nor showing nor admission that the gun was stolen nor that Bush knew it was stolen as required by U.S.S.G. §2K2.1

The need for fundamental fairness is required by Due Process should negate

Application Note 8 B requirements which state:

B) Defendant's State of Mind. —Subsection (b)(4)(A) or (B)(i) applies regardless of whether the defendant knew or had reason to believe that the firearm was stolen ...

Interpreting this as Relevant Conduct is informed by USSG §1B1.3, which details the requirement of knowledge generally to hold a defendant to punishment under it:

Chapters Two (Offense Conduct) and Three (Adjustments).—Unless otherwise specified, (i) the base offense level where the guideline specifies more than one base offense level, (ii) specific offense characteristics and (iii) cross references in Chapter Two, and (iv) adjustments in Chapter Three, shall be determined on the basis of the following:

- (1) (A) all acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, or willfully caused by the defendant; (emphasis added) and
- (B) in the case of a jointly undertaken criminal activity (a criminal plan, scheme, endeavor, or enterprise undertaken by the defendant in concert with others, whether or not charged as a conspiracy), all acts and omissions of others that were—
 - (i) within the scope of the jointly undertaken criminal activity,
 - (ii) in furtherance of that criminal activity, and
 - (iii) reasonably foreseeable in connection with that criminal activity;that occurred during the commission of the offense of conviction, in preparation for that offense, or in the course of attempting to avoid detection or responsibility for that offense;

This requires the specific offense characteristics must have been known, or reasonably should have been known, by the defendant, as the collateral issue of the firearm being stolen is most equivalent to being an Accessory After the Fact or Misprision of the theft; see Application Note 9 of the Commentary to §1B1.3 (Relevant Conduct), which states:

Solicitation, Misprision, or Accessory After the Fact.—In the case of solicitation, misprision, or accessory after the fact, the conduct for which the defendant is accountable includes all conduct relevant to determining the offense level for the underlying offense that was

known, or reasonably should have been known, by the defendant.

Thus USSG §2K2.1 Application Note 8B is directly in conflict with both the directives of USSG §1B1.3 and other application notes

It was not shown Bush knew nor that he could have reasonably known the gun he allegedly had was stolen.

It was error to punish him for conduct neither charged in the Indictment or admitted by him nor proven at sentencing. His sentencing range was increased because of this erroneous calculation and this increased his punishment. His sentence should be vacated and this matter remanded for resentencing to a lesser sentence per corrected Sentencing Guideline calculations.

Question II. Was Zachary Bush’s mental condition fully considered in his sentencing and were his efforts at good conduct while incarcerated considered in his sentencing, or was clear evidence of mental health issues on Bush’s part such that a request for consideration of that in sentencing as a variance or downward departure was improvidently denied without a ruling on downward departure as to create a procedural and substantive error in his sentence where the trial court significantly departed upward focused on deterrence and punishment.

Mr. Bush moved for a downward variance and/or departure in his sentencing as further detailed in his sentencing memorandum. That memorandum noted the recommended Sentencing range “grossly over represent[s] the necessary sentence as Bush admitted his wrongdoing, his compliant and cooperative behavior while in detention and under forensic evaluation and the family and friends letters in support of Bush, noting that he wishes to do well and improve himself. The authority for this was 18 USC §355a and USSG §5K2.13 Diminished Capacity supported by:

A downward departure may be warranted if (1) the defendant committed the offense while suffering from a significantly reduced mental capacity; and (2) the significantly reduced mental capacity contributed substantially to the commission of the offense. Similarly, if a departure is warranted under this policy statement, the extent of the departure should reflect the extent to which the reduced mental capacity contributed to the commission of the offense.

Undersigned submits that Mr. Bush’s underlying and untreated mental illness has played a significant and contributory role in the commission of the underlying offense in this case. The imposition of a sentence within the guideline range grossly over represents the need to punish Mr. Bush. Mr. Bush, with effective mental health treatment and professionally supervised and implemented medications, is entirely capable of being a productive and functioning member of society. (Id, PageID 241)

Downward departures are permitted for mental health conditions. USSG §5H1.3.

5K2.13 provides for a downward departure for diminished capacity if: “(1) the defendant committed the offense while suffering from a significantly reduced mental capacity; and (2) the significantly reduced mental capacity contributed substantially to the commission of the offense. Application Note 7 to §5C1.1 provides for downward departures in limited cases where departure would serve a treatment purpose as where the defendant suffers from a significant mental illness and the defendant’s criminality is related to the treatment problem to be addressed.

Variations are more flexible though they first require consideration of the departure grounds.

Here Mr. Bush asked for a variance or a downward departure due to his mental health issues as documented in his Forensic Evaluation.

The District Court denied a variance in his sentence but did not formally rule on the departure request. Although cognizant of Mr. Bush's mental health issues, the District Court did not show the analysis of this as to justify or not justify a downward departure or a downward variance in punishment for Bush.

Despite being found competent to stand trial, that Forensic Evaluation did state that Mr. Bush did present with a Mental Disease of Other Specified Trauma-and Stressor-Related Disorder and a Mental Defect and of an Other Specified Attention-Deficit Hyperactivity Disorder. Treatment for these was "highly recommended" ". "Given Mr. Bush's current level of insight regarding his mental health related difficulties and demonstrated willingness in pursuing psychotherapeutic treatment for his trauma related symptoms, his prognosis is good."

Given the detailed discussion in his Forensic Evaluation as detailed in the record of Bush' mental problems and his good conduct while in pretrial detention, the District Court should have fully considered the impact of this on the 18 USC §3553 factors, his responsibility, its deterrent impact and his rehabilitative potential and given him the lesser sentence as requested by his counsel.

U.S.S.G. §5H1.3 *Pepper v. United States*, 562 U.S. 476 (2011)

The District Court noted:

THE COURT: My advice to you, and I understand that you would like your sentence to be less or you would like probation

THE DEFENDANT: Yes, ma'am.

THE COURT: My advice to you is, for example, the very event that we're dealing with and we're here for, you went after someone who had no association with you at all so --

THE DEFENDANT: That was --

THE COURT: I know you've got these persecutory ideations, paranoid delusions, other specified trauma and stressor related disorder. You did not fill all the criteria for PTSD. I'm familiar with your situation. I want you to

focus on getting help. If you have mental health issues that puts others in danger, I need to make a decision based on that, and so where you really want to focus from here on in is getting the help that you need. That's all for the record.

This and the overall discussion by the District Court still did not sufficiently detail why his mental illness did not impact the District Court's ruling and mitigate its sentencing of Bush, even as the District Court acknowledged his mental illness.

“The Guidelines explicitly allow the district court to take into consideration a defendant's mental and emotional state at the time of sentencing. U.S.S.G. §5H1.3.” *United States v. Du*, File Name: 14a0458n.06 (unpublished) A lesser sentence would have been a substantively reasonable sentence.

Both the factors listed in 18 USC §3553 and the sentencing guidelines provision of U.S.S.G. §5H1.3. Mental and Emotional Conditions indicate that consideration of a lesser sentence in order to permit the reintegration of the defendant into the community and access community mental health resources should be given by the sentencing court.

The punishment and deterrence factors of 18 USC 3553 are different for those with mental illness than those with full rational capabilities. A contrary view reflects the lack of proper study of this relationship and clarity as to what, precisely, sentencing is meant to accomplish for those with mental illness.¹

The District Court noted its discretion in determining an appropriate sentence and the various aspects of the offense and Bush's history and characteristics, including problems with narcotics, the nature of his offense and compliance with court orders; it recommended mental health treatment to the Bureau of Prisons during his 84 months incarceration and subsequent supervised release. But this was not keyed to the District Court's denial of a downward departure or of a downward variance.

¹ Mirko Baric, A Rational (Unapologetically Pragmatic) Approach to Dealing with the Irrational-The Sentencing of Offenders with Mental Disorders, Harvard Human Rights Journal, <https://journals.law.harvard.edu/hrj/wp-content/uploads/sites/83/2016/09/Bararic-Sentencing-Offenders-with-Mental-Disorders.pdf> (accessed 9-26-2025), detailing

Further, there is a diminished role of “specific deterrence” in cases of mental illness and the important factor of rehabilitation² and the role of mental illness in offending, sentencing and the application of the factors of 3553 and the Sentencing Guidelines. Mental illness is a compelling case for consideration in the sentencing calculus so as not to perpetuate the criminalization of mental illness and offer real rehabilitation of the offender.³

If procedurally sound the Court reviews the substantive reasonableness of the sentence under an abuse of discretion standard. See *Rita v. United States* 127 S.Ct. 2456, 2465 (2007).

As established by the introductory language to §3553 quoted above, Congress has embedded in the federal sentencing legislation the over-riding moral command to impose on any convicted person the least suffering that is demanded by the general welfare.

This is within the context that each person is an individual who must be so adjudged in her or her sentencing:

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.

Gall v. United States, 128 S. Ct. 586, 598 (2007), quoting *Koon v. United States*, 518 U.S. 81, 113 (1996).

But this was not done here.

As such, Bush’s was a punitive sentence and not one that was sufficient but no more than necessary as required by 18 U.S.C. § 3553(a). And neither was it one to support rehabilitation when it was evident Bush tried hard to improve his conduct while incarcerated.

² *Pepper v. United States*, 562 U.S. 476 (2011) held that a defendant’s post conviction rehabilitation can be considered in setting a sentence on remand

³ Georgia L. Sims, *The Criminalization of Mental Illness: How Theoretical Failures Create Real Problems in the Criminal Justice System*, 62 *Vanderbilt Law Review* 1053 (2019) “This Note argues that the policies and practices of the U.S. criminal justice system fail to achieve any articulated purpose of punishment when they provide inadequate mental health resources to incarcerated persons suffering from mental disorders. This Note ultimately demonstrates that, despite some drawbacks, emphasizing a rehabilitative approach that uses insights from the juvenile justice system is the best way to serve all people with mental disorders in the adult criminal justice system.”

Bush's sentence was procedurally and substantively unreasonable and should be vacated and this matter remanded for a new sentencing for a downward departure or variance in his sentence of imprisonment.

CONCLUSION

This Petition for Writ of Certiorari should be granted and Mr. Bush given the relief he has argued for herein.

Respectfully submitted,

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Certification of Word Count and Petition Length

The undersigned certifies that this Petition for a Writ of Certiorari does not exceed 6000 words nor 25 pages, not counting the appendix materials, and is in compliance with the length rules of Supreme Court Rule 33.

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Certificate of Service

A copy of the foregoing Petition for a Writ of Certiorari has been served this day by U.S. Postal Mail or via a private expedited service on Hon. D. John Sauer, Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D. C. 20530-0001

This day of March 2026

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