

No. **26-5884** **ORIGINAL**

Supreme Court, U.S.
FILED

SEP 28 2026

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

THEODORE JOHN SARTORI, SR. — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THEODORE JOHN SARTORI, SR.
(Your Name)
FCI - MEMPHIS
P.O. Box 34550
(Address)

MEMPHIS, TN 38184
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

① Is, AFTER GRANTING A 3 LEVEL DECREASE FOR "ACCEPTANCE OF RESPONSIBILITY," INCREASING THE SENTENCE 49 MONTHS BECAUSE DEFENSE COUNSEL FILED 11 objections to PSR CONDITIONS, WHERE ALL BUT 2 WERE REMOVED, AN "IMPROPER FACTOR" IN SENTENCING?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

UNITED STATES

RELATED CASES

NONE

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S. v THEODORE JOHN SANTORI, JR.

1-6

STATUTES AND RULES

FIFTH AMENDMENT

OTHER

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 No. 24-3366

☐ 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☒ is unpublished.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 _____ to the petition and is

☐ reported at N/A; 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☐ is unpublished.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☐ is unpublished.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 01, 2026 "MANDATE" see Appendix B

☐ 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: _____, 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. § 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

FIFTH AMENDMENT TO THE CONSTITUTION

STATEMENT OF THE CASE

The district court relied on an improper factor in sentencing Sartori to an upward variance of 49 months above the high end of the guidelines range. The improper factor was that the court remarked that it did not believe that Sartori accepted responsibility for his offense, because through his filings, he objected to conditions that would be appropriate in a case of this type, and said he failed to do anything but justify his behavior. This was improper because it was inappropriate for the district court to punish Sartori for something defense counsel said. In addition, the probation department agreed with the overwhelming majority of defense counsel's objections and removed most of the conditions that he objected to. Because the court relied on an improper factor, Sartori is entitled to be resentenced.

In the final PSR, the probation department responded to the defense's eleven objections by removing almost all of the conditions to which the defense objected except two. While the government also asked for a guidelines sentence, see Sentencing Tr. at 27, the district court varied upward 39 months from the top of the advisory guidelines range and imposed a prison sentence of 120 months.

the court also accused Sartori of not accepting responsibility for his offense due to his filings and suggested he justified his bad behavior.

REASONS FOR GRANTING THE PETITION

PETITIONER WAS IMPROPERLY SENTENCED BECAUSE THE SENTENCING JUDGE RELIED ON AN IMPROPER FACTOR. IT IS IMPERATIVE THAT THE SUPREME COURT CLARIFY, BY GRANTING THIS WRIT, THAT COURTS NEED TO MAINTAIN IMPARTIALITY, AND NOT PUNISH DEFENDANTS FOR EXERCISING THEIR CONSTITUTIONAL RIGHTS.

Here, SARTORI'S COUNSEL OBJECTED TO 11 PROBATION CONDITIONS IN THE PSR, ONLY 2 WERE DENIED. YET, THE COURT INCREASED THE SENTENCE 49 MONTHS. WHY? BECAUSE SARTORI EXERCISED HIS 5TH AMENDMENT RIGHT.

THIS COURT NEEDS TO ADDRESS THE "PENALTY" IMPOSED FOR EXERCISING A CONSTITUTIONAL RIGHT. GRANT THIS PETITION.

CONCLUSION

The petition for a writ of certiorari should be granted.

Petitioner ASKS AN ATTORNEY BE ASSIGNED FOR THIS PETITION

Respectfully submitted,

x Theodore J. Fantori

Date: September 22, 2020