No. 26-_____

SUPREME COURT OF THE UNITED STATES

Franchot Barnes,

Petitioner,

vs.

United States of America,

Respondent

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Sixth Circuit

CORRECTED PETITION FOR A WRIT OF CERTIORARI

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Question Presented

Whether a district court satisfies the procedural reasonableness requirement of 18 USC §3553(a) and *Gall v United States*, 552 US 38 (2007), when it interrupts defense counsel during oral presentation of a non-frivolous co-defendant sentencing disparity argument before that argument is completed, and then dismisses the argument with a conclusory statement that the co-defendant "had different factors going on" without identifying what those factors were or how they justified a sentence 114 months greater than that of a co-defendant responsible for four times the drug quantity.

Parties to the Proceeding

Per Rule 14.1(b), the parties to the proceeding are:

The United States of America, represented by the US Attorneys' Office for the Western District of Michigan.

Franchot Barnes, represented by counsel James Amberg.

Related Proceedings

United States District Court (WDMI)

United States v Franchot Barnes, No 1:23-cr-98-003

United States Court of Appeals (6th Cir)

United States v Franchot Barnes, No 25-1076

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I. Petition for Writ of Certiorari

Franchot Barnes petitions this Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

II. Opinions Below

The Sixth Circuit's unpublished opinion affirming the district court's judgment is attached as Appendix A.

III. Jurisdiction

The Sixth Circuit entered judgment on January 15, 2026. *See* Appendix A This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 USC §1254(1).

VI. Statutory Provision Involved

18 USC 3553(a) states that in determining the particular sentence to be imposed, it shall consider- "(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct."

V. Statement of the Case

A. Introduction

This petition arises from the Sixth Circuit's decision affirming the district court's sentence of Franchot Barnes. Mr. Barnes was sentenced to 324 months in prison in response to his guilty plea to conspiracy to distribute cocaine and

attempted distribution of cocaine. Both in his sentencing memorandum and at sentencing, Mr. Barnes argued that he should receive a sentence similar to that of a co-defendant, Jomo Grady, who had been sentenced to 210 months. Mr. Barnes argued that both he and Mr. Grady were substantially similar for numerous reasons. Mr. Barnes contends that the trial court failed to adequately address the sentencing disparity in any meaningful way, leading to the inability of Mr. Barnes to challenge the trial court's sentencing decision.

B. Factual Background

Mr. Barnes was accused of conspiring with his co-defendants to distribute narcotics in the Western District of Michigan. Ultimately, Mr. Barnes pled guilty to the allegations via an open plea. At his sentence, co-defendant Grady was found to have had a 3 point leadership role, he was on federal supervised release at the time of his crimes, his converted drug weight was four times higher than Mr. Barnes, his dealing of methamphetamine was worse than Mr. Barnes' dealing of cocaine, and his base offense level was a 38, versus a level 32 for Mr. Barnes. Grady received a 210 month sentence.

C. Procedural History

Mr. Barnes argued in his sentencing memorandum that the trial court should consider Grady's sentence in determining his own, considering the pair's uncanny similarities. At sentencing, Mr. Barnes reiterated this, only to be interrupted by the

trial court, whose response to this argument was brief, stating "You know what? I'm going to stop you. I know these -- I've sentenced Mr. Grady. I know their PSRs. I know their offense levels. They're different. I want you to talk about your client." The only other mention of the disparity by the trial court was "[c]onsider Grady sentence. I did at 210. He had different factors going on."

Mr. Barnes argued to the Sixth Circuit that his sentence was procedurally unreasonable because the trial court erred in not adequately explaining the disparity in sentences between himself and Grady, considering the uncanny similarities between the two. The Sixth Circuit disagreed, finding that the trial court's record "while brief," was sufficient to show that it had considered Mr. Barnes' disparity argument. (Appendix A) This Writ now follows.

VI. Reasons for Granting the Writ

A. The Sixth Circuit's Decision Conflicts with This Court's Precedents on the Sufficiency of the Trial Court's Record

This Court has instructed that "[t]he sentencing judge should set forth enough to satisfy the appellate court that he has considered the parties' arguments and has a reasoned basis for exercising his own legal decisionmaking authority. *Rita v United States*, 551 US 338, 359 (2007) As such, "[w]here the defendant or prosecutor presents nonfrivolous reasons for imposing a different sentence, however, the judge will normally go further and explain why he has rejected those arguments." *Id* at 357 Consequently, "[b]y articulating reasons, even if brief, the

sentencing judge not only assures reviewing courts (and the public) that the sentencing process is a reasoned process but also helps that process evolve." *Id*

A review of the trial court's record shows that it failed to provide any sort of explanative framework to justify why Mr. Barnes deserved a sentence 114 months higher than that of Grady. The Sixth Circuit made no attempt to contrast the similarities between Grady and Mr. Barnes and the nearly ten-year sentencing disparity. Instead, the Sixth Circuit indicated that although the judge might have said more, where the record makes clear that the sentencing judge considered the evidence and arguments, the law does not require the judge to write or speak more extensively. But the reality is that the trial court failed to address this issue in any meaningful way, which it was obligated to do as Mr. Barnes extensively briefed the issue in his sentencing memorandum and was attempting to argue his non-frivolous argument when the trial court cut his counsel off.

VII. Conclusion

The Sixth Circuit's decision to uphold the trial court's tepid denial of Mr. Barnes disparity argument was a gross miscarriage of justice. There is no justification in the record in this case that justifies a near ten-year disparity in sentences for two co-defendants that were extremely similar. In fact, viewing the case as a whole, it appeared that Grady was likely more culpable, yet he received a sentence eye-raisingly lower than that of Mr. Barnes.

For these reasons, this Court should grant certiorari to review the Sixth Circuit's judgment and reverse and remand to the District Court for a more detailed explanation of why Mr. Barnes deserved such a harsh sentence in light of Grady's.

Respectfully submitted,

/s/ James Amberg

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