

06-5754 RITA V. UNITED STATES

DECISION BELOW:2006 WL 1144508

LOWER COURT CASE NUMBER: 05-4674

QUESTIONS PRESENTED:

Whether the Fourth Circuit Court of Appeals appellate review for “unreasonableness” has preserved de facto mandatory Guidelines, contrary this Court’s ruling in *United States v. Booker*, 125 S. Ct. 738 (2005), by discouraging district courts from sentencing outside of the recommended guidelines ranges?

CERT. GRANTED 11/3/2006

LIMITED TO THE FOLLOWING QUESTIONS:

1) WAS THE DISTRICT COURT’S CHOICE OF WITHIN-GUIDELINES SENTENCE REASONABLE? 2) IN MAKING THAT DETERMINATION, IS IT CONSISTENT WITH *UNITED STATES V. BOOKER*, 543 U.S. 220 (2005), TO ACCORD A PRESUMPTION OF REASONABLENESS TO WITHIN-GUIDELINES SENTENCES? 3) IF SO, CAN THAT PRESUMPTION JUSTIFY A SENTENCE IMPOSED WITHOUT AN EXPLICIT ANALYSIS BY THE DISTRICT COURT OF THE 18 U.S.C. §3553(a) FACTORS AND ANY OTHER FACTORS THAT MIGHT JUSTIFY A LESSER SENTENCE?