

No. 06-5754

Title: Victor A. Rita, Petitioner
v.
United States

Docketed: August 9, 2006

Lower Ct: United States Court of Appeals for the Fourth Circuit

Case Nos.: (05-4674)

Decision Date: May 1, 2006

Questions Presented

~~~Date~~~ ~~~~~Proceedings and Orders~~~~~

Jul 28 2006 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed.  
(Response due September 8, 2006)

Aug 17 2006 Memorandum of respondent United States filed.

Aug 31 2006 DISTRIBUTED for Conference of September 25, 2006.

Sep 1 2006 Reply of petitioner Victor A. Rita filed. (Distributed)

Sep 18 2006 DISTRIBUTED for Conference of September 25, 2006.

Oct 11 2006 DISTRIBUTED for Conference of October 27, 2006.

Oct 30 2006 DISTRIBUTED for Conference of November 3, 2006.

Nov 3 2006 Motion to proceed in forma pauperis and petition for a writ of certiorari GRANTED 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. Sec. 3553(a) factors and any other factors that might justify a lesser sentence?.

~~~Name~~~ ~~~~~Address~~~~~ ~~~Phone~~~

Attorneys for Petitioner:

| | | |
|-------------------|--|----------------|
| Thomas N. Cochran | Assistant Federal Public Defender
101 South Elm Street
Suite 210
Greensboro, NC 27401 | (336) 333-5455 |
|-------------------|--|----------------|

Party name: Victor A. Rita

Attorneys for Respondent:

| | | |
|-----------------|---|----------------|
| Paul D. Clement | Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Room 5614
Washington, DC 20530-0001 | (202) 514-2217 |
|-----------------|---|----------------|

Party name: United States

(ORDER LIST: 549 U.S.)

FRIDAY, NOVEMBER 3, 2006

CERTIORARI GRANTED

06-5618 CLAIBORNE, MARIO V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted limited to the following Questions: 1) Was the district court's choice of below-Guidelines sentence reasonable? 2) In making that determination, is it consistent with *United States v. Booker*, 543 U.S. 220 (2005), to require that a sentence which constitutes a substantial variance from the Guidelines be justified by extraordinary circumstances?

06-5754 RITA, VICTOR A. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted 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?