

No.

Supreme Court of the United States

QUINETTA GRANT,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

APPENDIX

COMES NOW PETITIONER Quinetta Grant and submits the attached appendix
pursuant to Supreme Court Rules.



Quinetta Grant

Petitioner

16653-076

501 Capital Circle, NE

Tallahassee, FL 32301

Date: 6.14.19

APPENDIX A
ORDER & JUDGMENT OF THE COURT OF APPEALS
FOR THE FIFTH CIRCUIT
DATED 3-1-19

United States v. Grant

United States Court of Appeals for the Fifth Circuit

March 1, 2019, Filed

No. 18-30576 Summary Calendar

Reporter

755 Fed. Appx. 432 *; 2019 U.S. App. LEXIS 6396 **

UNITED STATES OF AMERICA, Plaintiff-
Appellee v. QUINETTA GRANT, Defendant-
Appellant

Notice: PLEASE REFER TO FEDERAL RULES
OF APPELLATE PROCEDURE RULE 32.1
GOVERNING THE CITATION TO
UNPUBLISHED OPINIONS.

Prior History: [**1] Appeal from the United
States District Court for the Western District of
Louisiana. USDC No. 3:16-CR-172-1.

United States v. Grant, 2016 U.S. Dist. LEXIS
149309 (W.D. La., Oct. 27, 2016)

Disposition: AFFIRMED.

Counsel: For UNITED STATES OF AMERICA,
Plaintiff - Appellee: Carol Mignonne Griffing,
Assistant U.S. Attorney, U.S. Attorney's Office,
Western District of Louisiana, Shreveport, LA.

For QUINETTA GRANT, Defendant - Appellant:
Robert L. Sirianni, Jr., Esq., Brownstone, P.A.,
Winter Park, FL.

Judges: Before DAVIS, HAYNES, and GRAVES,
Circuit Judges. HAYNES, Circuit Judge,
concurring.

Opinion

[*432] PER CURIAM:*

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Quinetta Grant pleaded guilty to a single count of mail fraud, and her advisory guidelines range of imprisonment was calculated at 168 to 210 months. Before her sentencing hearing, Grant filed written objections to several enhancements that were applied to her base offense level as being factually inaccurate, and the Government filed a motion for a reduced sentence under U.S.S.G. § 5K1.1. At a presentencing chambers conference, the district court discussed the issues raised in both filings with Grant's attorney and the attorney for the Government. The record indicates that the court granted the Government's motion and overruled Grant's objections based on discussions in the chambers conference. The district court sentenced [**2] Grant to 96 months of imprisonment and three years of supervised release and ordered her to pay \$300,112.80 in restitution and a \$100 special assessment.

Grant argues that by holding the presentencing conference without her presence, the district court violated her right to be present for a critical stage of her sentencing. As Grant acknowledges, she did not object on this ground in the district court, and we review for plain error. *United [*433] States v. Thomas*, 724 F.3d 632, 641-42 (5th Cir. 2013). Therefore, before we decide whether to exercise our discretion to correct an error, Grant must first demonstrate an error that is "clear or obvious" and that affected her "substantial rights." *Rosales-Mireles v. United States*, 138 S. Ct. 1897, 1904, 201 L. Ed. 2d 376 (2018).

Although Grant admits that she raises an issue of first impression in this circuit, she argues that her right to be present at the chambers conference is

confirmed by *United States v. Doe*, 964 F.2d 157 (2d Cir. 1992), and *United States v. Spears*, 197 F.3d 465 (10th Cir. 1999). The Government points to contrary authority finding no violation. See *United States v. Thomas*, 815 F.3d 344, 345-47 (7th Cir. 2016).

Given the foregoing, we cannot say that any error was clear or obvious. *United States v. McRae*, 702 F.3d 806, 833 (5th Cir. 2012); *United States v. Evans*, 587 F.3d 667, 671 (5th Cir. 2009). Moreover, Grant's conclusory assertion that her presence would have made a difference is insufficient to show that her substantial rights were affected by her not being present at the presentencing conference. See *Rosales-Mireles*, 138 S. Ct. at 1904-05.

AFFIRMED.

Concur by: HAYNES

Concur

HAYNES, Circuit [**3] Judge, concurring:

I concur in the judgment of the court. I write separately only to note that I conclude that the district court did err in excluding Grant from the pre-sentence conference in this case. However, I agree that such error was not plain.

End of Document

APPENDIX B
JUDGMENT OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
ENTERED 4-30-18

AO 245B

(Rev. 02/18 - WDLA) Judgment in a Criminal Case
Sheet 1RECEIVED
USDC, WESTERN DISTRICT OF LA
TONY R. MOORE, CLERKDATE 4/30/18
BY DM

UNITED STATES DISTRICT COURT

Western District of Louisiana

Monroe Division

UNITED STATES OF AMERICA

v.

QUINETTA GRANT

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:16-CR-00172-1

USM Number: 19882-035

Lavalle Bernard Salomon

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Information☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense
18:1341.F	Frauds and Swindles - Mail Fraud

Offense Ended	Count
06/30/2015	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution the defendant must notify the court and United States attorney of material changes in economic circumstances.

COPY: _____
DATE: 4/30/18
BY: DM
TO: USP-cert.

April 24, 2018
Date of Imposition of Judgment
S. Maurice Hicks, Jr.
Signature of Judge
S. MAURICE HICKS, JR., United States District Judge
Name of Judge Title of Judge
4/30/18
Date

Grant Appendix B1

DEFENDANT: QUINETTA GRANT
CASE NUMBER: 3:16-CR-00172-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 96 month(s) as to count 1

- ☒ The court makes the following recommendations to the Bureau of Prisons:
The Court recommends that the Bureau of Prisons designate defendant for participation in the RDAP.
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____
- ☐ as notified by the United States Marshal.
- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☒ before 2 p.m. on August 7, 2018
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

Grant Appendix B2

DEFENDANT: QUINETTA GRANT
CASE NUMBER: 3:16-CR-00172-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: three (3) years

MANDATORY CONDITIONS (MC)

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (*check if applicable*)
5. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (*check if applicable*)
6. ☒ You must cooperate in the collection of DNA as directed by the probation officer. (*check if applicable*)
7. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. (*check if applicable*)
8. ☐ You must participate in an approved program for domestic violence. (*check if applicable*)
9. ☐ The passport restriction imposed at the time of initial release is hereby suspended, and defendant's passport is ordered released to defendant's attorney. (*check if applicable*)
10. ☒ The passport restriction imposed at the time of initial release is continued, and defendant's passport is ordered transferred to the U. S. Department of State. (*check if applicable*)
11. You must comply with the standard conditions that have been adopted by this court as well as any other conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION (SC)

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U. S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: QUINETTA GRANT
CASE NUMBER: 3:16-CR-00172-1

SPECIAL CONDITIONS OF SUPERVISION (SP)

1. In the event the restitution is not paid immediately, the defendant shall make monthly payments at the rate of not less than 20% of her gross monthly income. Payments shall begin within 30 days of her release from imprisonment in this case. The defendant must also notify the Court of any changes in economic circumstances that might affect the ability to pay this financial penalty.
2. The defendant shall surrender her annual federal and state income tax refunds received during the period of supervision to be applied to any court ordered monetary obligation.
3. The defendant shall provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation officer may share financial information with the U.S. Attorney's Office.
4. The defendant shall not incur new credit charges or open additional lines of credit without prior approval of the U.S. Probation Office.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-30576

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

QUINETTA GRANT,

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Louisiana

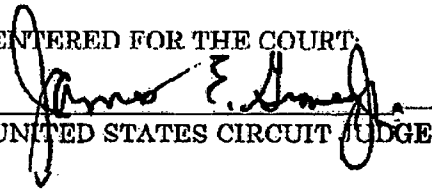
ON PETITION FOR REHEARING

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is DENIED

ENTERED FOR THE COURT


UNITED STATES CIRCUIT JUDGE

Grant Appendix C1

United States v. Grant

United States District Court for the Western District of Louisiana, Monroe Division

October 27, 2016, Decided; October 27, 2016, Filed

CRIMINAL ACTION NO. 16-00172

Reporter

2016 U.S. Dist. LEXIS 149309 *

UNITED STATES OF AMERICA VERSUS
QUINETTA GRANT

Subsequent History: Decision reached on appeal
by United States v. Grant, 2019 U.S. App. LEXIS
6396 (5th Cir. La., Mar. 1, 2019)

Prior History: United States v. Grant, 2016 U.S.
Dist. LEXIS 149218 (W.D. La., Oct. 25, 2016)

Counsel: [*1] For Quinetta Grant, Defendant:
Lavalle Bernard Salomon, LEAD ATTORNEY,
Monroe, LA.

For USA, Plaintiff: Earl M Campbell, LEAD
ATTORNEY, U S Attorneys Office (SHV),
Shreveport, LA.

Judges: S. MAURICE HICKS, JR., UNITED
STATES DISTRICT JUDGE. MAG. JUDGE
KAREN L. HAYES.

Opinion by: S. MAURICE HICKS, JR.

Opinion

THUS DONE AND SIGNED, in Chambers, at
Shreveport, Louisiana, this 27th day of October,
2016.

/s/ S. Maurice Hicks, Jr.

S. MAURICE HICKS, JR.

UNITED STATES DISTRICT JUDGE

End of Document

ORDER

The Report and Recommendation of the Magistrate
Judge having been considered, and the parties
having waived their objections thereto,

**IT IS HEREBY ORDERED, ADJUDGED, AND
DECREED** that the District Court accepts the
guilty plea of the defendant, Quinetta Grant, and
adjudges her guilty of the offense charged in Count
One of the Bill of Information against her.

Grant Appendix E1