

APPENDIX 1

AO 245D (Rev. 11/16) Judgment in a Criminal Case for Revocations
Sheet 1

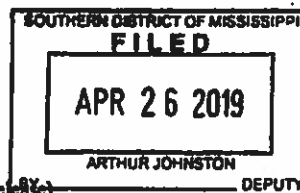
JN/o

UNITED STATES DISTRICT COURT

Southern District of Mississippi

UNITED STATES OF AMERICA
v.

George Maurice Steele

Judgment in a Criminal Case
(For Revocation of Probation or Supervised Release)

Case No. 3:02cr120TSL-LRA-001

USM No. 06747-043

Attorney Abby Brumley
Defendant's Attorney

THE DEFENDANT:

- ☐ admitted guilt to violation of condition(s) _____ of the term of supervision.
- ☒ was found in violation of condition(s) count(s) Mandatory Conditions after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
Mandatory Condition	The defendant shall not commit another federal, state or local crime.	12/12/2018

On 12/12/2018 the Jackson Police Department arrested the

(Continue on Page 2)

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 not violated condition(s) _____ and is discharged as to such violation(s) condition.

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.

Last Four Digits of Defendant's Soc. Sec. No.: 155304/18/2019

Date of Imposition of Judgment

Defendant's Year of Birth: 1983

Signature of Judge

City and State of Defendant's Residence:
Jackson, Mississippi

The Honorable Tom S. Lee Senior U.S. District Judge

Name and Title of Judge

4/26/19

Date

AO 245D (Rev. 11/16) Judgment in a Criminal Case for Revocations
Sheet 1A

Judgment—Page 2 of 6

DEFENDANT: George Maurice Steele
CASE NUMBER: 3:02cr120TSL-LRA-001

ADDITIONAL VIOLATIONS

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Concluded</u>
	defendant for Domestic Aggravated Assault and shooting into an Occupied Dwelling.	
Mandatory Condition	The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. On 12/12/2016 the defendant was in possession of a firearm prior to his arrest for Domestic Aggravated Assault and Shooting into an Occupied Dwelling	12/12/2018

AO 245D (Rev. 11/16) Judgment in a Criminal Case for Revocations
Sheet 2— Imprisonment

Judgment — Page 3 of 6

DEFENDANT: George Maurice Steele
CASE NUMBER: 3:02cr120TSL-LRA-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of :

30 Months as to Count 1, 18 Months as to Count 2, 30 Months as to Count 3, and 30 Months as to Count 4 to run consecutively, for a total of 108 Months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ 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 _____ .

☐ 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

AO 245D (Rev. 11/16) Judgment in a Criminal Case for Revocations
Sheet 3 — Supervised Release

Judgment—Page 4 of 6

DEFENDANT: George Maurice Steele
CASE NUMBER: 3:02cr120TSL-LRA-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of : 5-year term of supervised release as to Count 1 and an 18-month term of supervised release as to Counts 2, 3, and 4 to run concurrently.

MANDATORY CONDITIONS

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.
 - ☐ 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)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: George Maurice Steele
CASE NUMBER: 3:02cr120TSL-LRA-001

STANDARD CONDITIONS OF SUPERVISION

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 _____

AO 245D (Rev. 11/16) Judgment in a Criminal Case for Revocations
Sheet 3D — Supervised Release

Judgment—Page 6 of 6

DEFENDANT: George Maurice Steele
CASE NUMBER: 3:02cr120TSL-LRA-001

SPECIAL CONDITIONS OF SUPERVISION

(A) You must submit to substance abuse testing to determine if you have used prohibited substances. You must not attempt to obstruct or tamper with the testing methods.

(B) You must participate in a substance abuse treatment program and follow the rules and regulations of the program. The probation officer will supervise your participation in the program. You shall contribute to the cost of any substance abuse treatment program to the best of your ability.

(C) You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer, or prescribed by a licensed medical practitioner.

(D) You must submit your person, property, house, residence, vehicle, papers, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

(E) You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program.

APPENDIX 2

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-60288
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
October 31, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

GEORGE MAURICE STEELE,

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:02-CR-120-1

Before BARKSDALE, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

In challenging the revocation of his term of supervised release and the sentence imposed following that revocation, George Maurice Steele asserts: the district court committed reversible error by permitting certain hearsay statements at his revocation hearing; and his revocation sentence is unreasonable because the court imposed consecutive terms of imprisonment for each of the four underlying counts of conviction.

* 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.

No. 19-60288

Steele commenced a term of supervised release in February 2016. In December 2018, his probation officer filed a petition for an arrest warrant, alleging Steele violated two mandatory conditions of his supervised-release term: being arrested for domestic-aggravated assault and shooting into an occupied dwelling; and being in possession of a firearm prior to this arrest.

During Steele's revocation hearing, the court heard testimony from two residents of the occupied dwelling into which it was alleged Steele fired. Both residents testified to seeing him in possession of a firearm; they also testified their neighbor (the victim's young child) stated his mother had been shot by Steele.

Steele contends the court erred by overruling his objection and allowing the residents' testimony regarding the young child's statement. He claims this violated his right to confront the witness.

"A district court may revoke a defendant's supervised release if it finds by a preponderance of the evidence that a condition of release has been violated." *United States v. McCormick*, 54 F.3d 214, 219 (5th Cir. 1995) (citing 18 U.S.C. § 3583(e)(3)). Although a decision to revoke supervised release is reviewed for abuse of discretion, *McCormick*, 54 F.3d at 219 (citation omitted), whether the court violated the constitutional right to confrontation in a revocation proceeding is reviewed *de novo*, subject to harmless-error analysis. *United States v. Minnitt*, 617 F.3d 327, 332 (5th Cir. 2010) (citation omitted).

Had revocation been based solely on the residents' testimony regarding their observations of Steele in possession of a firearm, the court would not have abused its discretion in finding, by a preponderance of the evidence, that Steele possessed a firearm as provided in the second allegation of the revocation petition. This finding required the mandatory revocation of Steele's term of supervised release, pursuant to 18 U.S.C. § 3583(g)(2). Therefore, any error in

No. 19-60288

the admission of separate hearsay evidence was harmless. *See, e.g., United States v. Kindred*, 918 F.2d 485, 487–88 (5th Cir. 1990) (holding any error in revoking supervised release based on improper grounds was harmless because § 3583(g) mandated revocation).

For the challenge to consecutive, rather than concurrent, sentences being imposed for each underlying count of conviction, sentences imposed upon revocation of supervised release are reviewed under 18 U.S.C. § 3742(a)(4)’s “plainly unreasonable” standard, which is more deferential than the reasonableness standard applicable to sentences imposed upon conviction. *United States v. Warren*, 720 F.3d 321, 326, 329 (5th Cir. 2013) (citations omitted). Pursuant to this standard, we “first ensure that the district court committed no significant procedural error”. *United States v. Kippers*, 685 F.3d 491, 497 (5th Cir. 2012) (internal quotation marks and citation omitted). Next, we consider the “substantive reasonableness of the sentence imposed”. *Id.* (citation omitted). A presumption of reasonableness applies to within-Guidelines revocation sentences. *United States v. Lopez-Velasquez*, 526 F.3d 804, 809 (5th Cir. 2008). If we conclude the revocation sentence is unreasonable, we may reverse only if “the error was obvious under existing law”. *United States v. Miller*, 634 F.3d 841, 843 (5th Cir. 2011) (citation omitted).

Conceding the district court properly calculated the revocation sentencing range for each of the four underlying counts of conviction and imposed a within-Guidelines sentence, Steele acknowledges the presumptive reasonableness of the sentence. In imposing the sentence, the court explained it addressed the need “to afford adequate deterrence to criminal conduct while on supervised release and to protect the public from further crimes committed by [Steele]”. *See* 18 U.S.C. § 3553(a)(2)(B), (C).

No. 19-60288

As stated in his brief: “One reason for [challenging his sentence’s length] on appeal is to preserve the issue in case there is a change of law before the appeal is final”. Other than this reason, Steele claims only that “[i]mposing a revocation sentence that is sixty percent of the very lengthy 180-month sentence served on the underlying conviction is unreasonable”. Steele has shown neither procedural error or substantive unreasonableness, let alone an obvious error in the application of existing law.

AFFIRMED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-60288
Summary Calendar

D.C. Docket No. 3:02-CR-120-1

United States Court of Appeals
Fifth Circuit

FILED

October 31, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

GEORGE MAURICE STEELE,

Defendant - Appellant

Appeal from the United States District Court for the
Southern District of Mississippi

Before BARKSDALE, ELROD, and DUNCAN, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the judgment of the District Court is affirmed.

APPENDIX 3

783 Fed.Appx. 423 (Mem)

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 5th Cir. Rules 28.7 and 47.5. United States Court of Appeals, Fifth Circuit.

UNITED STATES of America, Plaintiff - Appellee
v.
George Maurice STEELE, Defendant - Appellant

No.

19

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60288

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Summary Calendar

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FILED October 31, 2019

Appeal from the United States District Court for the Southern District of Mississippi, USDC No. 3:02-CR-120-1

Attorneys and Law Firms

Gregory Layne Kennedy, Esq., Assistant U.S. Attorney, Carla J. Clark, Assistant U.S. Attorney, U.S. Attorney's Office, Southern District of Mississippi, Jackson, MS, for Plaintiff - Appellee

Abby Webber Brumley, Esq., Assistant Federal Public Defender, Thomas Creagher Turner, Jr., Esq., Federal Public Defender's Office, Southern District of Mississippi, Jackson, MS, for Defendant - Appellant

Before BARKSDALE, ELROD, and DUNCAN, Circuit Judges.

Opinion

PER CURIAM: *

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Steele contends the court erred by overruling his objection and allowing the residents' testimony regarding the young child's statement. He claims this violated his right to confront the witness.

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As stated in his brief: "One reason for [challenging his sentence's length] on appeal is to preserve the issue in case there is a change of law before the appeal is final". Other than this reason, Steele claims only that "[i]mposing a revocation sentence that is sixty percent of the very lengthy 180-month sentence served on the *425 underlying conviction is unreasonable". Steele has shown neither procedural error or substantive unreasonableness, let alone an obvious error in the application of existing law.

AFFIRMED.

All Citations

783 Fed.Appx. 423 (Mem)