

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BRITTANY SHANICE WILLIAMS,

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

APPENDIX

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APPENDIX A

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

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2020

Lyle W. Cayce
Clerk

No. 19-11251
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BRITTANY SHANICE WILLIAMS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:15-CR-239-5

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Brittany Shanice Williams appeals the revocation of her supervised release and the 10-month sentence of imprisonment imposed upon revocation. Her supervised release was revoked in accord with 18 U.S.C. § 3583(g), which requires the mandatory revocation of supervised release and imposition of a term of imprisonment for defendants found to have committed certain offenses, including possession of a controlled substance.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-11251

Williams argues that § 3583(g) is unconstitutional in light of *United States v. Haymond*, 139 S. Ct. 2369, 2380 (2019), because it does not require a jury determination of guilt beyond a reasonable doubt. As she concedes, review of this unpreserved issue is for plain error. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). Accordingly, she must show (1) a forfeited error, (2) that is “clear or obvious, rather than subject to reasonable dispute,” and (3) that affected her substantial rights. *Id.* If she does that, this court has the discretion to correct the error and should do so “only if the error seriously affects the fairness, integrity or public reputation of judicial proceedings.” *Id.* (internal quotation marks, citation, and alteration omitted).

The Supreme Court’s decision in *Haymond* addressed the constitutionality of § 3583(k), and the plurality opinion specifically declined to “express a view on the mandatory revocation provision for certain drug and gun violations in § 3583(g).” *Haymond*, 139 S. Ct at 2382 n.7 (plurality opinion). The application of § 3583(g) was not plain error. *See United States v. Badgett*, 957 F.3d 536 (5th Cir. 2020).

AFFIRMED.

APPENDIX B

FILED

NOV 14 2019

CLERK, U.S. DISTRICT COURT

By _____

Deputy

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

§

VS.

§

NO. 4:15-CR-239-A

BRITTANY SHANICE WILLIAMS

§

§

§

JUDGMENT OF REVOCATION AND SENTENCE

Came on to be heard, as contemplated by Fed. R. Crim. P. 32.1, the motion of United States of America to revoke the term of supervised release imposed on defendant, **BRITTANY SHANICE WILLIAMS**. After having considered the grounds of the government's motion, defendant's admissions, statements of and on behalf of defendant, the court has determined that the term of supervised release imposed on defendant should be revoked and that defendant should be sentenced to a term of imprisonment of 10 months and to serve a 24-month term of supervised release upon discharge from prison.

The court finds and concludes that:

- (a) Defendant was given, in a timely manner, written notice of her alleged violations of the term of supervised release upon which the motion to revoke is based;
- (b) The motion to revoke the term of supervised release was served on defendant in a timely manner prior to the hearing;

(c) There was a disclosure to defendant, and her attorney, of the evidence against defendant; and

(d) The hearing was held within a reasonable time.

Other findings and conclusions of the court were stated by the court into the record at the hearing. The court adopts all such findings and conclusions as part of this judgment.

In reaching the conclusions and making the determinations and rulings announced at the hearing, and as stated in this judgment, the court considered all relevant factors set forth in 18 U.S.C. § 3553(a) that are proper for consideration in a revocation context.

The court ORDERS, ADJUDGES, and DECREES that the term of supervised release, as provided by the judgment in a criminal case imposed and signed on January 6, 2017, (the "underlying judgment") be, and is hereby, revoked; and

The court further ORDERS, ADJUDGES, and DECREES that defendant, **Brittany Shanice Williams**, be, and is hereby, committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 10 months, to be followed by a term of supervised release of 24 months.

The court further ORDERS, ADJUDGES, and DECREES that, while on supervised release, defendant shall comply with the same conditions as set forth in the underlying judgment, except that

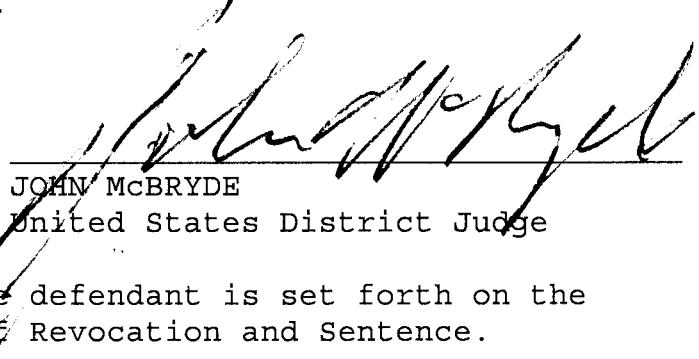
condition of supervised release number 6, requiring the payment of the \$1,000 fine is omitted, the fine having been paid.

The court hereby directs the probation officer to provide defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, as contemplated and required by Title 18 United States Code section 3583(f).

The defendant is remanded to the custody of the United States Marshal.

The date of imposition of the sentence provided by this judgment is November 14, 2019.

SIGNED November 14, 2019.


JOHN McBRYDE
United States District Judge

Personal information about the defendant is set forth on the attachment to this Judgment of Revocation and Sentence.