

No. _____

In the
Supreme Court of the United States

Ilmane Campas Strong,

Petitioner,

v.

United States of America,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

PETITION FOR A WRIT OF CERTIORARI

PETITIONER'S APPENDIX

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United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 14, 2021

No. 20-10461
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ILMANE CHARONE CAMPAS STRONG,

Defendant—Appellant,

CONSOLIDATED WITH

No. 20-10462

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ILMANE CHARONE STRONG,

Defendant—Appellant.

No. 20-10461
c/w No. 20-10462

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CR-325-1
USDC No. 4:10-CR-126-1

Before KING, SMITH, and WILSON, *Circuit Judges*.

PER CURIAM:*

Ilmane Charone Strong appeals his conviction and sentence for possessing a firearm after felony conviction in violation of 18 U.S.C. § 922(g)(1). Strong also appeals his sentence following the revocation of his supervised release for a prior bank robbery conviction. For the reasons that follow, we AFFIRM.

Strong contends that the district court plainly erred in accepting his guilty plea to possessing a firearm after felony conviction because the statute of conviction, 18 U.S.C. § 922(g), is facially unconstitutional. He also argues that the district court violated his right to a jury trial by applying the mandatory revocation provision of 18 U.S.C. § 3583(g). As Strong readily admits, these claims are foreclosed by this court’s precedent. *See United States v. Garner*, 969 F.3d 550, 551-53 (5th Cir. 2020), *as revised* (Aug. 14, 2020); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). Strong brings these claims only to preserve them for further review.

In addition, Strong argues that his above-policy-statement-range revocation sentence was substantively unreasonable. He asserts that the district court gave little justification for its selected sentence and did not address the mitigating factors he presented.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10461
c/w No. 20-10462

A revocation sentence is reviewed to determine whether it is “plainly unreasonable.” *United States v. Miller*, 634 F.3d 841, 843 (5th Cir. 2011). This standard is “more deferential” than the general standard for reviewing the reasonableness of criminal sentences. *Id.* (cleaned up). A revocation sentence is substantively unreasonable where the district court did not account for a sentencing factor that should have received significant weight, gave significant weight to an irrelevant or improper factor, or made a clear error in judgment when balancing the sentencing factors. *United States v. Warren*, 720 F.3d 321, 332 (5th Cir. 2013).

Although Strong complains that the district court provided insufficient justification for imposing its chosen sentence and did not address mitigating factors, he does not show that the district court failed to account for a sentencing factor that should have received significant weight. He likewise failed to show that the district court gave significant weight to an irrelevant or improper factor. Strong also does not indicate how the district court made a clear error in judgment when balancing the sentencing factors. *See Warren*, 720 F.3d at 332. And, he certainly does not show how any such error was obvious under existing law. *See Miller*, 634 F.3d at 843. Accordingly, he fails to demonstrate that his sentence was substantively unreasonable.

AFFIRMED.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

ILMANE CHARONE CAMPAS
STRONG, a/k/a Abdul Wali Yaqeen

Case Number: 4:19-CR-325-Y(1)

J. Stevenson Weimer, assistant U.S. attorney
George H. Lancaster Jr., attorney for the defendant

On November 13, 2019, the defendant, Ilmane Charone Campas Strong, a/k/a Abdul Wali Yaqeen, entered a plea of guilty to count one of the one-count information. Accordingly, the defendant is adjudged guilty of such count, which involves the following offense:

| <u>TITLE & SECTION</u> | <u>NATURE OF OFFENSE</u> | <u>OFFENSE CONCLUDED</u> | <u>COUNT</u> |
|-----------------------------------|------------------------------------|---------------------------------|---------------------|
| 18 U.S.C. § 922(g)(1) | Prohibited Possession of a Firearm | October 8, 2019 | 1 |

The defendant is sentenced as provided in pages two through three of this judgment. The sentence is imposed under Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission under Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$100.00 for count one of the one-count information.

The defendant shall notify the United States attorney for this district within thirty 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.

Sentence imposed May 5, 2020.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

Signed May 8, 2020.

Judgment in a Criminal Case

Defendant: Ilmane Charone Campas Strong, a/k/a Abdul Wali Yaqeen

Case Number: 4:19-CR-325-Y(1)

Judgment -- Page 2 of 3

IMPRISONMENT

The defendant, Ilmane Charone Campas Strong, a/k/a Abdul Wali Yaqeen, is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of 90 months on count one of the one-count information. This sentence shall run consecutively to any future sentence that may be imposed in case no. 4:10-CR-126-Y(1) in the U.S. District Court for the Northern District of Texas, Fort Worth division, and case no. 1550822D in the 372nd Judicial District Court, Tarrant County, Texas.

The Court recommends that the defendant be incarcerated in a facility that can provide mental-health treatment.

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

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years on count one of the one-count information.

While on supervised release, the defendant shall comply with the standard conditions of supervision adopted by the United States Sentencing Commission at §5D1.3(c) of the sentencing guidelines, and shall:

- (1) not leave the judicial district without the permission of the Court or probation officer;
- (2) report to the probation officer in a manner and frequency directed by the Court or probation officer;
- (3) answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- (4) support the defendant's dependents and meet other family responsibilities;
- (5) work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- (6) notify the probation officer within seventy-two (72) hours of any change in residence or employment;
- (7) refrain from excessive use of alcohol and not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- (8) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- (9) not associate with any persons engaged in criminal activity and not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- (10) permit a probation officer to visit the defendant at any time at home or elsewhere and permit confiscation of any contraband observed in plain view by the probation officer;
- (11) notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
- (12) not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court;
- (13) notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement, as directed by the probation officer;
- (14) not commit another federal, state, or local crime;
- (15) not unlawfully possess illegal controlled substances;
- (16) shall not possess a firearm, destructive device, or other dangerous weapon;
- (17) cooperate in the collection of DNA as directed by the probation officer as directed by the probation officer, as authorized by the Justice for All Act of 2004;
- (18) report in person to the U.S. Probation Office in the district to which the defendant is released within 72 hours of release from the custody of the Federal Bureau of Prisons;

- (19) must refrain from any unlawful use of a controlled substance. The defendant 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;
- (20) participate in a program approved by the probation officer for treatment of narcotic or drug or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month; and
- (21) participate in mental health treatment services as directed by the probation officer until successfully discharged, which services may include prescribed medications by a licensed physician, with the defendant contributing to the costs of services rendered (copayment) at a rate of at least \$25 per month

FINE/RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

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 marshal

United States District Court

Northern District of Texas
Fort Worth Division

UNITED STATES OF AMERICA

v.

ILMANE CHARONE CAMPAS STRONG

JUDGMENT IN A CRIMINAL CASE for revocation of supervised release

Case number: 4:10-CR-126-Y (1)

J. Stevenson Weimer, assistant U.S. attorney

George H. Lancaster Jr., attorney for the defendant

On May 5, 2020, a hearing was held, at which time the Court determined that the defendant, Ilmane Charone Campas Strong, had violated his conditions of supervised release. Accordingly, the defendant is adjudged guilty of such violations, which involve the following conditions:

| CONDITION | NATURE OF VIOLATION | VIOLATION CONCLUDED |
|--------------------------|--|---|
| Standard condition no. 1 | Leaving the Northern District of Texas without permission | November 2017 |
| Additional condition | Failing to submit to substance-abuse testing at HOPE, Fort Worth, Texas, as directed | January, February, April, and June 2018 |
| Additional condition | Committing another federal, state, or local crime | October 2019 |
| Additional condition | Possessing a firearm | October 2019 |
| Additional condition | Failing to pay remaining balance of restitution | May 2020 |

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

The defendant shall notify the United States attorney for this district within thirty (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.

Sentence imposed May 5, 2020.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

Signed May 7, 2020.

Defendant: Ilmane Charone Campas Strong

Case Number: 4:10-CR-126-Y (1)

IMPRISONMENT

The defendant, Ilmane Charone Campas Strong, is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of 18 months, pursuant to USSG § 7B1.4(a), p.s. This sentence shall run consecutively to the term of imprisonment imposed in case no. 4:19-CR-325-Y (1) in the U. S. District Court for the Northern District of Texas and to any sentence imposed in case no. 1550822D in the 372nd Judicial District Court, Tarrant County, Texas.

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

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall not be placed on any further term of supervised release.

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 marshal