

APPENDIX TABLE OF CONTENTS

Appendix A – Opinion (8th Cir.) (Feb. 1, 2021)	1a
Appendix B – Order Regarding Pretrial Motion Status Hearing and Trial Setting (E.D.Mo.) (Apr. 19, 2018)	9a
Appendix C – Amended Judgment (E.D.Mo.) (Aug. 1, 2019)	11a
Appendix D – Order Denying Rehearing and Rehearing En Banc (8th Cir.) (Mar. 22, 2021)	21a

United States Court of Appeals
For the Eighth Circuit

No. 19-2042

United States of America

Plaintiff - Appellee

v.

Jerris M. Blanks

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: December 17, 2020

Filed: February 1, 2021

Before SMITH, Chief Judge, WOLLMAN and LOKEN, Circuit Judges.

WOLLMAN, Circuit Judge.

Jerris Blanks was convicted of three counts related to the receipt and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(2), (a)(5)(B), (b)(1), and (b)(2) and was sentenced to 130 months' imprisonment. Blanks argues

that the district court¹ abused its discretion in denying him leave to re-file pretrial motions and in admitting certain evidence. We affirm.

I. Background

Law enforcement officers found more than 1,000 images of child pornography and child erotica and fourteen videos of child pornography on Blanks's devices and online accounts. The internet search history on Blanks's cellphone indicated that he had also accessed online images of child pornography and child erotica. Upon being charged, Blanks moved to dismiss the indictment. He also moved to suppress evidence seized from his online accounts and obtained pursuant to a search warrant.

Blanks and the Government reached a pre-ruling non-binding plea agreement, which required that Blanks withdraw all previously filed motions and waive his right to file any further pretrial motions. During a hearing before a magistrate judge,² Blanks confirmed that he wished to withdraw his motions and waive his right to file further motions. After rejecting the plea agreement, the district court, as set forth above, denied Blanks's motion to re-file pretrial motions.

Blanks stipulated at trial that the seized images contained child pornography and moved that the images not be shown to the jury because they were not probative and were also unfairly prejudicial. The government responded that it intended to show the jury only forty-two images. The court denied Blanks's motion to exclude the evidence, concluding that this percentage of images was less than that normally

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

²The Honorable Nannette A. Baker, United States Magistrate Judge for the Eastern District of Missouri.

shown in child pornography trials. Forty-two images were shown to the jury, but no videos were presented.

II. Discussion

We review for abuse of discretion the district court's denial of leave to file untimely pretrial motions, as well as its evidentiary rulings. United States v. Trancheff, 633 F.3d 696, 697–98 (8th Cir. 2011).

A. Pretrial Motions

Blanks first argues that the district court abused its discretion when it denied him leave to re-file his pretrial motions after rejecting his plea agreement. It is undisputed that the deadline for pretrial motions had already passed when Blanks withdrew his pretrial motions and waived his right to file further motions.

Federal Rule of Criminal Procedure 12(c)(1) permits the court to “set a deadline for the parties to make pretrial motions.” The court may extend or reset filing deadlines, but will not consider an untimely motion unless the party shows good cause for the delay. Id. 12(c)(2), (c)(3). Good cause “requires a showing of cause and prejudice.” United States v. Fry, 792 F.3d 884, 888 (8th Cir. 2015).

We conclude that the district court did not abuse its discretion in denying Blanks's motion for leave to file post-deadline pretrial motions in light of his knowing and voluntary waiver of his right to do so. See United States v. Bloate, 534 F.3d 893, 901 (8th Cir. 2008) (concluding that a party cannot show good cause exists when he knowingly and voluntarily waived his right to file), rev'd in part on other grounds, 559 U.S. 196 (2010). The magistrate judge expressly asked Blanks at the motions hearing, “And do you understand that if I accept your withdrawal of motions and waiver of motions that you will not have another opportunity to bring up pretrial

motions in this case?” See id. at 900 (describing the magistrate judge as having “expressly explained the nature and consequences of a waiver in detail”). Blanks responded, “I wasn’t quite sure about that because . . . if the next judge was to for some reason deny our [plea] agreement, then where would that put us?” The following dialogue ensued:

THE COURT: Well, if you waive your right to have pretrial motions and I accept your waiver of pretrial motions, your case will be going before a district judge for a change of plea or a trial. That would be the next step in the proceedings. . . .

[THE GOVERNMENT]: I just want to make sure the record is clear is [sic] that we had negotiations—our negotiations are a non-binding plea agreement, and so the judge is free to either accept the recommendation or reject it.

THE COURT: Okay. So that’s the situation. So if you are going forward to the district judge, . . . I’m not involved in that part of the case. What I would be involved in is whether or not you wish to file pretrial motions or have an evidentiary hearing on those motions. But if I’m accepting your withdrawal of motions and waiver of motions then you would not be able to come back before this court and bring up pretrial motions again. Do you understand that?

[BLANKS]: Yes.

THE COURT: Is that something that you wish to do?

[BLANKS]: Yes.

The record is unambiguous. The magistrate judge warned Blanks that the district court might reject the plea agreement and that, in those circumstances, Blanks would not be permitted to re-file his pretrial motions. See id. at 901 (“[The

defendant's] waiver was knowing and voluntary, due to the magistrate judge's explanation of the right and its consequences."'). Blanks acknowledged that he understood that risk and decided to withdraw his motions and waive his right to re-file. On this record, it is clear that Blanks "voluntarily and knowingly agreed to withdraw his pretrial motions with prejudice, and the court made it clear that [he] would not be able to raise the motions again if he did proceed to trial." See United States v. Garrido, 995 F.2d 808, 815 (8th Cir. 1993).

We reject Blanks's argument that "good cause exists whenever the defendant's failure to file the motion on time or [his] withdrawal of the timely-filed motion was due to some circumstance beyond his control and the Government would not be prejudiced." Blanks accepted the plea agreement rejection as a known risk at the time he executed the waiver. Any argument that his counsel ineffectively advised him regarding the risks of withdrawing his pretrial motions and waiving his right to file further pretrial motions is more properly raised in a habeas petition. See United States v. Pherigo, 327 F.3d 690, 696 (8th Cir. 2003) ("[C]laims of ineffective assistance of counsel are best evaluated on facts developed outside of the record on direct appeal and are properly raised in a post-conviction motion under 28 U.S.C. § 2255 and not on direct appeal."). Further, "[t]he possibility that other parties and the court could accommodate a late-filed motion does not mandate that the court grant an exception to the deadline where the movant fails to make an adequate showing of good cause." United States v. Trobee, 551 F.3d 835, 838 (8th Cir. 2009). The fact that the district court's rejection of the plea agreement was beyond Blanks's control does not alone create good cause in light of his acceptance of that risk at the time of the waiver.³

³The out-of-circuit cases that Blanks cites likewise lend him no aid. See, e.g., United States v. Mohammed, 501 F. App'x 431, 437–38 (6th Cir. 2012) (dismissal of untimely pretrial motion was abuse of discretion when a superseding indictment added a new charge after the motions deadline and therefore failure to raise timely motion was "based on its legal irrelevance to the pending charges"); United States v.

B. Admission of Child Pornography Images

Blanks next argues that the district court abused its discretion in admitting child pornography images at trial despite his willingness to stipulate that they contained child pornography. He argues (1) that the district court failed to view the images before deciding to admit them and (2) that the images were unfairly prejudicial and needlessly cumulative. He argues further that the government should have been permitted to show only six images—one from each location at which child pornography was discovered—rather than the forty-two ultimately shown to the jury.

Relevant evidence may be excluded “if its probative value is substantially outweighed by a danger of . . . unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” Fed. R. Evid. 403. “Unfairly prejudicial evidence is so inflammatory on its face as to divert the jury’s attention from the material issues in the trial,” United States v. Fechner, 952 F.3d 954, 958 (8th Cir. 2020) (internal citation omitted), and thereby “tends to suggest decision on an improper basis,” United States v. Pruneda, 518 F.3d 597, 605 (8th Cir. 2008) (quoting United States v. Myers, 503 F.3d 676, 682 (8th Cir. 2007)).

Although it might well have been a better practice to examine the images in question, the district court did not abuse its discretion by making its Rule 403 decision without having done so. The government indicated that it would show only a small representative sample of the images, which would be drawn from each of the devices and accounts on which child pornography was discovered. See United States v. Worthey, 716 F.3d 1107, 1114 (8th Cir. 2013) (child pornography video clips

Salahuddin, 509 F.3d 858, 860–63 (7th Cir. 2007) (district court clearly erred when it denied review of a pretrial motion that was untimely filed as a result of the parties’ mutual mistake of law regarding the applicability of a prior offense).

properly admitted when government “had chosen clips as a representative sample . . . without including the worst of the videos” (internal quotation marks omitted)). The court explained that “ordinarily all the images are—all the videos are shown” and expressed its surprise that the government intended to show such a small percentage of the images, describing this decision as “a substantial withdrawal of what would ordinarily be shown.” Thus, even without viewing the images, the court did not abuse its discretion in deciding that Blanks would not be unfairly prejudiced by the jury’s viewing a small percentage of the images. See id. (“Given the parties’ stated positions, we presume that the district court weighed this evidence pursuant to Rule 403 and concluded that the government should be permitted to play the video clips.” (internal quotation marks, brackets, and citation omitted)).

We likewise disagree with Blanks’s contention that the images were unfairly prejudicial and needlessly cumulative. The images helped the government prove that Blanks had knowingly received and possessed child pornography on a variety of different devices and mediums, including his computer and cellphone, a CD, and the internet. Although Blanks “conceded and stipulated” that the pictures were child pornography, “[s]tipulation to an element of the offense . . . does not generally constitute an evidentiary alternative having equal or greater probative value.” United States v. Sewell, 457 F.3d 841, 844 (8th Cir. 2006). Rather, “‘the prosecution is entitled to prove its case by evidence of its own choice,’ and ‘a criminal defendant may not stipulate or admit his way out of the full evidentiary force of the case as the Government chooses to present it.’” Id. (quoting Old Chief v. United States, 519 U.S. 172, 186–87 (1997)).

Indeed, the government and court took steps to limit the images’ prejudicial effect. Counsel warned prospective jurors during voir dire about the nature of the images. The government struck for cause prospective jurors who expressed concern about being able to view the images objectively, as well as many prospective jurors who worked with children, who knew victims of sexual assault, or who were

themselves victims. The government did not seek to admit any of the videos and introduced only forty-two of the more than 1,000 images received or possessed by Blanks. See generally United States v. Becht, 267 F.3d 767, 774 (8th Cir. 2001) (concluding that thirty-nine still photos of child pornography had limited prejudicial effect when counsel warned prospective jurors, the “court excused for cause three jurors who stated they would not be able to view such images without prejudicing the defendant,” and the thirty-nine images were only a fraction of the hundreds of images that had been discovered).

Conclusion

The judgment is affirmed.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CR-271-ERW
)	
JERRIS M. BLANKS,)	
)	
Defendant.)	

**ORDER REGARDING PRETRIAL MOTION STATUS HEARING
AND TRIAL SETTING**

The above matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b). Defendant was arraigned on July 11, 2016, and requested additional time to file pretrial motions. The undersigned found that, in the interest of justice, the request should be granted and extended the deadline for filing motions to August 11, 2016. Upon Defendant's motion, the undersigned granted additional extensions, in the interest of justice, until August 22, 2017. Defendant filed pretrial motions on May 1, 2017 and additional pretrial motions on August 22, 2017. The motions being briefed, the undersigned set the matter for a hearing. On April 18, 2018, this matter came before the undersigned for an evidentiary hearing. At the hearing, Defendant orally moved to withdraw his previously-filed pretrial motions and stated his intention to not file any additional pretrial motions. Defendant appeared with counsel and acknowledged on the record his understanding of his right to file pretrial motions; his understanding that the time for filing pretrial motions has passed; and his agreement with the decision of counsel to withdraw the previously filed pretrial motions. The Assistant United States Attorney appeared on behalf of the United States and acknowledged on the record that there are no outstanding pretrial matters on behalf of the United States. Based on the record made in open court at the time of the pretrial

motion status hearing, there are no outstanding pretrial matters pending in this case. As such, no report and recommendation will be forthcoming.

Accordingly,

Defendant's oral motion to withdraw the previously filed pretrial motions [Doc. #58, Doc. #59, Doc. #88, Doc. #89, Doc. #90] is **GRANTED**.

Finally, the trial of this matter will be set at a later date by the Honorable E. Richard Webber, United States District Judge. Defendant may request a plea hearing with Judge Webber prior to the forthcoming trial date.

NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 19th day of April, 2018.

United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA
v.
JERRIS M. BLANKS

AMENDED JUDGMENT IN A CRIMINAL CASE
CASE NUMBER: SI-4:16CR271 ERW

USM Number: 45953-044

Jeffrey Goldfarb

Defendant's Attorney

Date of Original Judgment: May 15, 2019

(Or date of last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. §§ 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant to ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
☒ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.
☒ was found guilty on count(s) one, two and three of the superseding indictment on January 16, 2019. after a plea of not guilty

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252A(b)(1)	Receipt of Child Pornography	b/n January 1, 2011 and August 18, 2011	1s
18 U.S.C. § 2252A(a)(5)(B) and 18 U.S.C. § 2252A(b)(2)	Possession of Child Pornography	b/n January 1, 2011 and August 18, 2011	2s
18 U.S.C. § 2252A(a)(5)(B) and 18 U.S.C. § 2252A(b)(2)	Possession of Child Pornography	b/n May 1, 2015 and June 26, 2015	3s

The defendant is sentenced as provided in pages 2 through 9 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) _____ 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.

August 1, 2019 (Original Judgment Date May 15, 2019)

Date of Imposition of Judgment

E. Richard Webber

Signature of Judge

E, Richard Webber

Senior United States District Judge

Name & Title of Judge

August 1, 2019

11a Date signed

DEFENDANT: JERRIS M. BLANKSCASE NUMBER: S1-4:16CR271 ERWDistrict: Eastern District of Missouri**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of 130 months.

This term consists of a term of 130 months on each of counts one, two, and three, all such terms to be served concurrently.

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

While in the custody of the Bureau of Prisons, it is recommended the defendant be evaluated for participation in a mental health treatment program, and the Sex Offender Management Program. It is also recommended the defendant be evaluated for participation in an Occupational/Educational program, specifically, in heating, ventilation, air conditioning and electrical. It is further recommended that the defendant participate in the Bureau of Prisons Financial Responsibility Program while incarcerated. Such recommendations are made to the extent they are consistent with the Bureau of Prisons policies.

☒ 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./pm 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

MARSHALS RETURN MADE ON SEPARATE PAGE

DEFENDANT: JERRIS M. BLANKS
 CASE NUMBER: S1-4:16CR271 ERW
 District: Eastern District of Missouri

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 15 years.

This term consists of a term of 15 years on each of counts one, two, and three, all such terms 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 make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 20901, 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)*
7. ☐ 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: _____
CASE NUMBER: _____
District: Eastern District of Missouri

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 _____

DEFENDANT: JERRIS M. BLANKS
CASE NUMBER: SI-4:16CR271 ERW
District: Eastern District of Missouri

ADDITIONAL SUPERVISED RELEASE TERMS

While on supervision, the defendant shall comply with the standard conditions that have been adopted by this Court and shall comply with the following additional conditions. If it is determined there are costs associated with any services provided, the defendant shall pay those costs based on a co-payment fee established by the probation office.

1. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.
2. You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.)
3. 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 (provider, location, modality, duration, intensity, etc.).
4. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. 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.
5. You must not possess and/or use computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media without approval of the probation office.
6. You must advise the probation office of all computer, electronic equipment, and web enabled equipment, including cell phones, to which you possess or have access to within 24 hours of obtaining same.
7. You must not access the Internet except for reasons approved in advance by the probation officer.
8. You must allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) you use.
9. To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation; and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.
10. You must not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256).

DEFENDANT: JERRIS M. BLANKS
 CASE NUMBER: S1-4:16CR271 ERW
 District: Eastern District of Missouri

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

11. You must not have direct contact with any child you know or reasonably should know to be under the age of 18, without the permission of the probation officer. If you do have any direct contact with any child you know or reasonably should know to be under the age of 18, without the permission of the probation officer, you must report this contact to the probation officer within 24 hours. Direct contact includes written communication, in-person communication, or physical contact. Direct contact does not include incidental contact during ordinary daily activities in public places.
12. You are prohibited from engaging in any occupation, business, profession, or volunteer work where you have access to children under the age of 18 without prior written approval from the probation office. You must not go to, or remain at, any place where you know children under the age of 18 are likely to be, including parks, schools, playgrounds, and childcare facilities. You must not go to, or remain at, a place for the primary purpose of observing or contacting children under the age of 18.
13. You must participate in a sex offense-specific treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
14. You must submit to periodic polygraph testing at the discretion of the probation officer as a means to ensure that you are in compliance with the requirements of your supervision or treatment program.
15. You must pay the financial penalty in accordance with the Schedule of Payments sheet of this judgment. You must also notify the court of any changes in economic circumstances that might affect the ability to pay this financial penalty.
16. You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.
17. You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
18. You must apply all monies received from any anticipated and/or unexpected financial gains, including any income tax refunds, inheritances, or judgments, to the outstanding Court-ordered financial obligation. You must immediately notify the probation office of the receipt of any indicated monies.

DEFENDANT: JERRIS M. BLANKS
CASE NUMBER: S1-4:16CR271 ERW
District: Eastern District of Missouri

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on sheet 6

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$300.00			\$5,000.00

☒ The determination of restitution is deferred until within 70 days. *An Amended Judgment in a Criminal Case (AO 245C)* will be entered after such a determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Deborah A. Bianco in trust for "Henley"		\$5,000.00	
14535 Bellevue-Redmond Road, Suite 201,			
Bellevue, WA 98807			

Totals: \$5,000.00

☐ Restitution amount ordered pursuant to plea agreement _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived for the. ☐ fine ☒ restitution.

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 1709A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: JERRIS M. BLANKS
CASE NUMBER: S1-4:16CR271 ERW
District: Eastern District of Missouri

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. § 3663A, the defendant shall make restitution in the total amount of \$5,000 to:

Deborah A. Bianco in trust for "Henley"
14535 Bellevue-Redmond Road
Suite 201
Bellevue, WA 98807

Payments of restitution shall be made to the Clerk of the Court for transfer to the victims. The interest requirement for the restitution is waived.

All criminal monetary penalties are due in full immediately. The defendant shall pay all criminal monetary penalties through the Clerk of Court. If the defendant cannot pay in full immediately, then the defendant shall make payments under the following minimum payment schedule: During incarceration, it is recommended that the defendant pay criminal monetary penalties through an installment plan in accordance with the Bureau of Prisons' Inmate Financial Responsibility Program at the rate of 50% of the funds available to the defendant. If the defendant owes any criminal monetary penalties when released from incarceration, then the defendant shall make payments in monthly installments of at least \$100, or no less than 10% of the defendant's gross earnings, whichever is greater, with payments to commence no later than 30 days after release from imprisonment. Until all criminal monetary penalties are paid in full, the defendant shall notify the Court and this district's United States Attorney's Office, Financial Litigation Unit, of any material changes in the defendant's economic circumstances that might affect the defendant's ability to pay criminal monetary penalties. The defendant shall notify this district's United States Attorney's Office, Financial Litigation Unit, of any change of mailing or residence address that occurs while any portion of the criminal monetary penalties remains unpaid.

DEFENDANT: JERRIS M. BLANKS
 CASE NUMBER: S1-4:16CR271 ERW
 District: Eastern District of Missouri

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$5,300.00 due immediately, balance due
 ☐ not later than _____, or
 ☒ in accordance with ☐ C, ☐ D, or ☐ E below; or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below; or ☐ F below; or
- C ☐ Payment in equal _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after Release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time: or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

IT IS FURTHER ORDERED that the defendant shall pay to the United States a special assessment of \$100 on each of counts one, two, and three, for a total of \$300, which shall be due immediately. See pages 7 and 8 regarding restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are made to the clerk of the court.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several
 Defendant and Co-defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment; (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest (6) community restitution.(7) penalties, and (8) costs, including cost of prosecution and court costs.



DEFENDANT: JERRIS M. BLANKS

CASE NUMBER: S1-4:16CR271 ERW

USM Number: 45953-044

UNITED STATES MARSHAL
RETURN OF JUDGMENT IN A CRIMINAL CASE

I have executed this judgment as follows:

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

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

- ☐ The Defendant was released on _____ to _____ Probation
- ☐ The Defendant was released on _____ to _____ Supervised Release
- ☐ and a Fine of _____ ☐ and Restitution in the amount of _____

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

I certify and Return that on _____, I took custody of _____
at _____ and delivered same to _____
on _____ F.F.T. _____

U.S. MARSHAL E/MO

20a By DUSM _____

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-2042

United States of America

Appellee

v.

Jerris M. Blanks

Appellant

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:16-cr-00271-ERW-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Gruender did not participate in the consideration or decision of this matter.

March 22, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans