

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

JEROME SCOTT KING,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent

PETITION FOR A WRIT OF CERTIORARI

APPENDIX

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

No: 21-3363

United States of America

Plaintiff - Appellee

v.

Jerome Scott King

Defendant - Appellant

Appeal from U.S. District Court for the Western District of Arkansas - Hot Springs
(6:19-cr-60041-SOH-1)

JUDGMENT

Before LOKEN, KELLY, and GRASZ, Circuit Judges.

The motion of appellee for dismissal of this appeal is granted. The appeal is hereby dismissed. See [Eighth Circuit Rule](#) 47A(b).

February 09, 2022

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

/s/ Michael E. Gans

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
UNITED STATES OF AMERICA,
PLAINTIFF
VS. CASE NO. 6:19-cr-60041-001
JEROME SCOTT KING,
DEFENDANT
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SUSAN O. HICKEY
CHANGE OF PLEA HEARING
JANUARY 10, 2020
HOT SPRINGS, AR

FOR THE PLAINTIFF:

Mr. Bryan Achorn
U.S. Attorney's Office
Assistant U.S. Attorney
414 Parker Avenue
Fort Smith, AR 72901

FOR THE DEFENDANT:

Mr. Alex Wynn
Federal Public Defender
Peach Street
El Dorado, AR 71730

Proceedings recorded by mechanical stenography, transcript
produced by computer.

Felisha Burson
Federal Official Court Reporter
101 South Jackson, Suite 306
El Dorado AR, 71731-6133

P R O C E E D I N G S

[Proceedings commencing in open court at 10:59 a.m.]

THE COURT: Good morning ladies and gentlemen. We are in the United States District Court for the Western District of Arkansas, Hot Springs Division. We are here on criminal case number 6:19-cr-60041-001, the United States of America versus Jerome Scott King.

How are you today Mr. King?

THE DEFENDANT: I'm all right.

THE COURT: Mr. King, today is a very important day. You are here to change your plea, and I want you to understand everything that is going on. If you do not understand something please tell your attorney Mr. Wynn, we will stop, take a break, he will be able to explain things to you, then we will go back into session, okay?

THE DEFENDANT: All right.

THE COURT: Let the record reflect that the defendant Mr. Jerome Scott King is in court today along with his attorney, Mr. Alex Wynn. Appearing on behalf of the United States government is Assistant U.S. Attorney, Mr. Bryan Achorn.

Is the government ready to proceed?

MR. ACHORN: Yes, Your Honor.

THE COURT: Is the defense ready to proceed?

MR. WYNN: We are Your Honor.

THE COURT: Now, Mr. King the first thing that I'm

1 going to do is I'm going to go over the offense the lead is here
2 today if I misspeak please let me know and I will correct it

3 On October 4, 2019, a grand jury in and for the United
4 States District Court for the Western District of Arkansas Hot
5 Springs Division, filed a six count indictment against you. I am
6 only going to go over counts two and three of that indictment,
7 because it is my understanding that if you change your plea
8 today from not guilty to guilty, as to counts two and three, it
9 is the intention of the United States government to move to
10 dismiss counts one, four, five and six at the time of
11 sentencing.

12 Mr. Achorn is that correct?

13 MR. ACHORN: Yes, Your Honor.

14 THE COURT: Okay, so Mr. King what I'm going to do is
15 I'm going to go over counts two and three and I'm going to go
16 over the statutory penalty for those counts

17 Count two reads as follows: On or about June 7, 2018 in
18 the Western District of Arkansas Hot Springs Division, the
19 defendant, Jerome Scott King, and persons unknown to the grand
20 jury, aiding and abetting each other did knowingly by force and
21 violence and intimidation take and attempt to take from the
22 person of presence of another any material or compound
23 containing any quantity of a controlled substance belonging to
24 and in the case, custody, control and possession of CVS
25 Pharmacy, located at 3630 Central Avenue, Hot Springs Arkansas,

1 an entity registered with the Drug Enforcement Administration
2 under Title 21 United States Code Section 822 and the
3 replacement cost of the material or compound was not less than
4 \$500.00. All in violation of Title 18 United States Code
5 Section 2118(a) and (2).

6 Now, the penalty for this charge is not more than 20 years
7 imprisonment not more than the \$250,000 fine or both. If you
8 are sentenced to a term of confinement, then a term of
9 supervised release may also be part of this sentence. If after
10 your release from confinement, if you violate a term of this
11 supervised release then an additional term of confinement can be
12 imposed upon you. There is also a \$100.00 special assessment
13 that will be owed to the government.

14 As to Count three, it reads: on or about June 7, 2018 in
15 the Western District of Arkansas, Hot Springs Division, and
16 elsewhere, the defendant, Jerome Scott King, and persons unknown
17 to the grand jury did knowingly and intentionally combine,
18 conspire, confederate and agree with each other and to
19 distribute Hydrocodone, Oxycodone, Oxycontin, Schedule II
20 controlled substances. All in violation of Title 21 United
21 States Code Section 841(a)(1) and 846.

22 Now the penalty for this charge is not more than 20 years
23 imprisonment, not more than a million dollar fine or both. If
24 you are sentenced to a term of confinement then a term of
25 supervised release may also be part of this sentence. If after

1 you are released from confinement, if you violate a term of that
2 supervised release, then an additional term of confinement can
3 be imposed upon you. Now, if you have a prior conviction for a
4 felony drug offense and the government files and information
5 prior to a guilty plea or a trial on this matter, this penalty
6 can increase. Again, there is a \$100.00 special assessment that
7 will go to the government.

8 Now, Mr. King do you understand count two and the statutory
9 penalty associated with that?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you also understand count three and the
12 penalty associated with that?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay.

15 On October 7, 2019 a warrant was issued for your arrest,
16 and on October 24, 2019 you were arrested on that warrant.

17 On October 30, 2019 you appeared before Magistrate Judge
18 Barry Bryant for arraignment and plea to the indictment. You
19 appeared without counsel and executed an affidavit that you
20 insufficient funds to hire an attorney. At that point time
21 Judge Bryant appointed Mr. Alex Wynn to represent you. Judge
22 Bryant informed you of your rights, the maximum possible penalty
23 and the payment of the special assessment. You waived the
24 reading of the indictment, however the substance of the charges
25 were related to you. You were informed that the charges against

1 you were felonies. You waived your right to a detention
2 hearing, but reserved the right to revisit the issue of
3 detention at a later date. You entered a plea of not guilty to
4 the charges, trial was scheduled for December 16, 2019 and you
5 were remanded to the custody of the United States Marshal
6 pending trial.

7 On December 11, 2019 you filed a motion to continue, that
8 motion was granted and trial was rescheduled for February 4,
9 2020.

10 You have now informed the Court that it is your desire to
11 change your plea. It is my understanding that were here today
12 for you to change or for you from not guilty to guilty as to
13 counts two and three of the indictment.

14 Is that correct Mr. King?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. Mr. King before you do that I want
17 to go over some things with you. I want you to understand that
18 if you change your plea today you will be sentenced according to
19 the United States Sentencing Guidelines of these guidelines were
20 created so we would have parity in sentencing across the
21 country. So in other words if you are found guilty, or plead
22 guilty in another district court someplace else in the country,
23 you would get a similar type of sentence as you will in this
24 Court. But, I want you to also understand that these guidelines
25 for advisory that means that if I do not believe that the

1 guideline range is an appropriate sentence I do not have to
2 follow it. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: I want you to also understand too that at
5 this point and I cannot tell you what your guideline range will
6 be. Mr. King, I don't know anything about you, and until I
7 received the pre-sentence report I'm not going to know anything
8 about you. Mr. Wynn may be able to give you an idea what he
9 believes the guideline range will be, but that is just an
10 educated guess. Until he receives the pre-sentence report, he's
11 not going to know for sure what your guideline range will be
12 either. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: I want you to also understand to you that
15 if you are sentenced to a term of confinement there is no parole
16 in the federal system. This is different than in state court
17 where you can parole out. In the federal system you will serve
18 the time that you get less what we call good time, which right
19 now is 54 days per year do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Now, Mr. King you may change your plea if
22 you would like to, but you do not have to. You have the right
23 to persist on you're not guilty plea. You have other
24 constitutional rights that I'm going to go over with you. You
25 have the presumption of innocence. That means that the

1 government would have to come into court and prove beyond a
2 reasonable doubt these charges against you. You have the right
3 to an attorney. Mr. Wynn has been appointed to represent you in
4 this matter. You have the right not to incriminate yourself, in
5 other words you don't have to say anything that could be used
6 against you in a court of law. You have the right to a jury
7 trial, and at that jury trial you have the right to confront the
8 government's witnesses against you, and you have the right to
9 have witnesses testify on your behalf. But if you change your
10 plea today, from not guilty to guilty, you are waving those
11 constitutional rights, you will be found guilty of these
12 offenses, there will be no further proceedings, and we will go
13 directly to sentencing. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Are you ready to proceed?

16 THE DEFENDANT: Yes.

17 THE COURT: I am going to need to stand please, and
18 Ms. Gray will give you the oath.

19 [Sworn.]

20 THE COURT: Mr. King you may be seated.

21 Mr. Achorn, has a plea agreement been entered into with the
22 defendant?

23 MR. ACHORN: Yes, Your Honor.

24 THE COURT: Would you go over it for me please?

25 MR. ACHORN: Yes, Your Honor.

1 In looking at the plea agreement Your Honor on page one
2 paragraph one and two it does outline the government's agreement
3 to move to dismiss counts one, four, five and six of upon a
4 finding of guilt and sentencing on counts two and three.

5 Paragraph three outlines the factual basis which I will
6 return to momentarily, Your Honor.

7 Moving forward through the plea agreement to page nine,
8 Your Honor. Paragraph 10, it does have, what I commonly refer
9 to as the standard waiver of appellate and post conviction
10 rights.

11 Looking at paragraph 11 on page nine regarding count two,
12 it does outline the maximum penalty as explained by the Court to
13 the defendant this morning, and on page 10 it does outline the
14 maximum penalties for count three as explained to the defendant
15 in court this morning.

16 Moving forward Your Honor, to page 11, paragraph 13, this
17 concerns the agreement regarding restitution and payment of
18 same. Paragraph 14, on page 12, under the category or heading
19 restitution does outline that what the parties have agreed,
20 that the defendant owes the amount of \$22,421.87.00 to the
21 listed victim, CVS Pharmacy, as restitution in this matter.

22 Paragraph 15, does indicate the defendant has agreed to
23 provide the necessary financial information in an effort to make
24 sure that is paid or otherwise collected.

25 Moving forward, Your Honor, to page 15, paragraph 25 again

1 reiterates the government's intention to move to dismiss counts
2 one, four, five and six upon a finding of guilt on counts two
3 and three, and the sentencing being imposed by the government -
4 excuse me ma'am, strike that, by the Court.

5 Moving back to page two paragraph three, Your Honor, the
6 parties have agreed that the following facts -- and I apologize
7 this one is long and it's going to take me a few minutes to read
8 this on.

9 THE COURT: That's fine.

10 MR. ACHORN: The parties have agreed that the
11 following facts are true and undisputed: That, at all times
12 relevant herein, the CVS Pharmacy located at or around 3630
13 Central Avenue, Hot Springs, Garland County, Arkansas, was and
14 is an entity registered with the United States Drug Enforcement
15 Agency under Title 21, United States Code Section 822. All
16 references herein to the CVS Pharmacy are specifically referring
17 to the business located at or near the stated residence.
18 Further, at all times relevant herein both J.S. and J.M. were
19 employees of the CVS Pharmacy and acting in their respective
20 capacities as employees of said business; That on or about June
21 7, 2018, at around 6:50 a.m., the defendant, Jerome Scott King,
22 along with two other unknown and otherwise unidentified males,
23 entered the CVS Pharmacy. The defendant, Jerome Scott King,
24 while being aided and abetted by the two other unknown and
25 otherwise unidentified males, proceeded to the pharmacy area

1 located at the rear of the store where he encountered J.S., an
2 employee of the CVS Pharmacy. The two unknown and otherwise
3 unidentified male subjects remained at or near the front of the
4 store in the vicinity of J.M., also an employee of the CVS
5 Pharmacy, in order to monitor J.M.'s actions and prevent him
6 from notifying law enforcement authorities, and to observe
7 anyone else entering the store during the commission of the
8 robbery;

9 Upon arriving at the pharmacy area, the defendant, Jerome
10 Scott King, jumped over the counter and entered into the
11 employee only pharmacy area. The defendant, Jerome Scott King,
12 confronted J.S., stating in an aggressive and violent manner
13 that he wanted "all the 'roxies' and oxycodone pills from the
14 safe," while also removing multiple zip-ties from his pocket,
15 displaying same, and threatening to restrain J.S. with the
16 zip-ties. J.S., while under extreme fear and duress as a result
17 of the threatened force and violence, in addition to the
18 Defendant's direct acts of both physical and verbal
19 intimidation, agreed to cooperate with the defendant, Jerome
20 Scott King. At this time, both the defendant, Jerome Scott King,
21 and J.S. went to the front of the store to take possession of
22 multiple plastic bags.

23 The defendant, Jerome Scott King, and J.S. then returned to
24 the employee only pharmacy area of the store. J.S., while still
25 under the extreme fear and duress caused by the defendant's,

1 Jerome Scott King's, threatened use of force and violence and
2 direct acts of physical and verbal intimidation, did open the
3 narcotics safe. The defendant, Jerome Scott King, then, by
4 force, violence, and intimidation, while being aided and abetted
5 by the two unknown and otherwise unidentified male subjects,
6 took possession of and did steal from the CVS Pharmacy, the
7 following Schedule II controlled substances: Meperidine, 50 mg,
8 31 units; Hydrocodone-Acetaminophen, 5-325 mg, 432 units;
9 Hydrocodone-Acetaminophen, 7.5-325 mg, 7 units;
10 Hydrocodone-Acetaminophen, 10-325 mg, 2,847 units;
11 Hydrocodone-Ibuprofen, 7.5-200 mg, 318 units;
12 Hydrocodone-Ibuprofen, 10-200 mg, 190 units;
13 Oxycodone-Acetaminophen, 5-325 mg, 491 units;
14 Oxycodone-Acetaminophen, 7.5-325 mg, 70 units;
15 Oxycodone-Acetaminophen, 10-325 mg, 421 units; Oxycontin, 10 mg,
16 56 units; Oxycontin, 15 mg, 94 units; Oxycontin, 20 mg, 52
17 units; Oxycontin, 30 mg, 140 units; Oxycontin, 40 mg, 150 units;
18 Oxycontin, 60 mg, 180 units; Oxycontin, 80 mg, 153 units;
19 Oxycontin-HCL, 5 mg, 202 units; Oxycontin-HCL, 10 mg, 358 units;
20 Oxycontin-HCL, 15 mg, 413 units; Oxycontin-HCL, 20 mg, 480
21 units; Oxycontin-HCL, 30 mg, 602 units; Promethazine-Codeine
22 Syrup, 1558 units; and Promethazine VC - Codeine Syrup, 473
23 units.

24 After stealing the listed Schedule II controlled substances
25 from the narcotics safe, the defendant, Jerome Scott King, and

1 J.S. went to the front of the CVS Pharmacy store. It was at this
2 point that one of the unknown and otherwise unidentified male
3 subjects, while aiding and abetting the defendant, Jerome Scott
4 King, removed a concealed handgun from his person and held J.M.
5 at gun point. This unknown and otherwise unidentified male
6 demanded that J.M. open the cash registers. This act of holding
7 J.M. at gun point was intended to, and, in fact, did, prevent
8 J.M. from immediately contacting law enforcement authorities
9 upon J.M.'s discovery of the robbery when the defendant, Jerome
10 Scott King, returned to the front of the CVS Pharmacy with
11 multiple plastic bags laden with stolen narcotics. Further, this
12 act was also intended to, and, in fact, did, cover their escape
13 from the CVS Pharmacy. Ultimately, other individuals entered the
14 CVS Pharmacy and all three individuals fled the CVS Pharmacy
15 with the listed stolen Schedule II controlled substances. The
16 defendant, Jerome Scott King, hereby stipulates and does not
17 otherwise dispute that the primary purpose of the robbery of CVS
18 Pharmacy was to obtain Schedule II controlled substances for the
19 purpose of illegal redistribution the defendant Jerome Scott
20 King and the two unknown and otherwise unidentified male
21 subjects conspired with each other by planning and subsequently
22 executing the robbery of the CVS Pharmacy, stealing
23 approximately 3,000 hydrocodone pills of varying strengths,
24 3,037 oxycodone pills of varying strengths and 825 Oxycontin
25 pills of varying strengths.

1 It is hereby specifically stipulated and agreed that the
2 value of the narcotics stolen by the defendant Jerome Scott King
3 and the two other unknown and otherwise unidentified males while
4 aiding and abetting each other had a wholesale monetary value in
5 excess of \$500.00, specifically \$22,441.87.

6 Based on the above outlined evidence the United States can
7 prove beyond a reasonable doubt that on or about June 7, 2018
8 the defendant Jerome Scott King, in concert with two unknown and
9 otherwise unidentified males, aiding and abetting each other did
10 knowingly by force and violence and intimidation steal Schedule
11 II controlled substances from the CVS Pharmacy. That the CVS
12 Pharmacy was properly registered with the DEA pursuant to the
13 applicable code at the time of the subject robbery and that the
14 value of the Schedule II controlled substances was more than
15 \$500.00.

16 Based on the above outline evidence the United States could
17 prove beyond a reasonable doubt that on or before June 7, 2018
18 the defendant Jerome Scott King, and two unknown and otherwise
19 unidentified males did knowingly and intentionally combine,
20 conspire, confederate and agree with each other to distribute
21 hydrocodone Oxycontin -- Oxycodone, excuse me ma'am. Oxycodone
22 and Oxycontin, all Scheduled II controlled substances, and all
23 the above factual events and actions of the defendant, Jerome
24 Scott King, occurred in Hot Springs, Garland, County Arkansas,
25 which is located in the Western District of Arkansas Hot Springs

1 Division.

2 Outside of the specific paragraphs and provisions that I
3 have referenced this morning in court, Your Honor, I would
4 assert that the remaining ones are the standard provisions that
5 appear in most, if not all plea agreements before this Court.

6 THE COURT: Mr. Wynn, is this an accurate statement of
7 the plea agreement your client has entered into?

8 MR. WYNN: Yes, Your Honor.

9 THE COURT: Now, Mr. King Mr. Achorn went over certain
10 provisions of that plea agreement. Do you have any questions on
11 anything he said that the plea agreement contained, anything
12 that Mr. Achorn said. Do you have any questions about that?

13 THE DEFENDANT: No.

14 THE COURT: Do you have any questions about the plea
15 agreement at all?

16 THE DEFENDANT: No.

17 THE COURT: Did you read this plea agreement Mr. King
18 -- did you read this plea agreement, and go over it with your
19 client -- I mean with your attorney?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. And, did you understand what is
22 said?

23 THE DEFENDANT: Yes.

24 THE COURT: Now, Mr. King I am going to go back over
25 paragraph number 10. In this paragraph you are giving up

1 certain constitutional rights. You are giving up the right to
2 directly appeal both the sentence conviction you receive in this
3 case. You are also giving up the right to collaterally attack
4 the sentence and conviction, except under certain circumstances,
5 and you are giving up the right to object to the determination
6 of the amount of restitution.

7 Now these are constitutional rights that you have and you
8 are giving them up in this document. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: And are you willing to give up these
11 rights?

12 THE DEFENDANT: Yes.

13 THE COURT: Now, Mr. King I have received a - I've
14 been handed an executed plea agreement and it appears to have
15 your signature, did you sign this plea agreement Mr. King?

16 THE DEFENDANT: Yes.

17 THE COURT: Was this signature voluntary and of your
18 own free will?

19 THE DEFENDANT: Yes.

20 THE COURT: Did anyone force or threaten you to get
21 you to sign it?

22 THE DEFENDANT: No.

23 THE COURT: Did anyone make you any promises other
24 than those that are contained within the agreement to get you to
25 sign it?

1 THE DEFENDANT: No.

2 THE COURT: Did anyone put any pressure on you?

3 THE DEFENDANT: No.

4 THE COURT: Have you had any alcohol to drink today?

5 THE DEFENDANT: No.

6 THE COURT: Have you had any drugs, prescription or
7 otherwise, that would anyway and influence you or impede your
8 ability to make a free and voluntary decision?

9 THE DEFENDANT: No.

10 THE COURT: Are you satisfied with your attorney Mr.
11 Wynn?

12 THE DEFENDANT: Yes.

13 THE COURT: Now, Mr. Achorn, if this matter went to
14 trial, would the government be able to prove everything in that
15 stipulation of facts contained in the plea agreement beyond a
16 reasonable doubt?

17 MR. ACHORN: Yes, Your Honor.

18 THE COURT: Mr. King you have any questions on
19 anything we've done this far this morning, any questions at all?

20 THE DEFENDANT: No.

21 THE COURT: Okay. I want you to understand that if you
22 change your plea today, I am going to order a pre-sentence
23 report. This report is going to help me determine an
24 appropriate sentence. After that report has been completed,
25 your attorney will get a copy, the government will get a copy,

1 and I will get a copy. Your attorney will go over that pre-
2 sentence report with you. He cannot give you a copy of the
3 report, but he's going to go over it with you. If there's
4 anything contained in the report that you do not agree with, you
5 have the right to object. I will resolve all objections whether
6 they are coming from you or they come from the government at the
7 time of your sentencing.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. Are you ready to proceed?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. I am going to need you to stand up
13 one more time, Mr. King, and we will take this plea.

14 Jerome Scott King, how do you plead to count two of the
15 indictment, guilty or not guilty?

16 THE DEFENDANT: Guilty.

17 THE COURT: How do you plea to count three of the
18 indictment guilty or not guilty?

19 THE DEFENDANT: Guilty.

20 THE COURT: You may be seated.

21 Now, Mr. King, Mr. Achorn went over what he believes the
22 government would be able to prove if this matter went to trial.
23 Do you in fact believe that this matter did go to trial, the
24 government would be able to prove everything in that stipulation
25 of facts contained in the plea agreement beyond a reasonable

1 doubt?

2 THE DEFENDANT: Yes.

3 THE COURT: So in other words they could prove both
4 these charges against you is that correct?

5 THE DEFENDANT: Yes.

6 THE COURT: Mr. Achorn, is there any reason from the
7 government that the Court should not accept the defendant's
8 guilty pleas?

9 MR. ACHORN: None know at this time.

10 THE COURT: Mr. Wynn, any reason from the defense?

11 MR. WYNN: No, Your Honor.

12 THE COURT: Mr. King, it is the finding of this Court
13 in the case of the United States of America versus Jerome Scott
14 King, that you are fully competent and capable of entering an
15 informed plea. That your pleas of guilty are both knowing and
16 voluntary, and they are supported by an independent basis of
17 fact relative to the essential elements of the offenses,
18 therefore I am accepting your guilty plea as to count two and
19 three of the indictment, and find you guilty of these charges.
20 I'm ordering a pre-sentence report. As I said this report is
21 going to help me determine an appropriate sentence. You and Mr.
22 Wynn will have a chance to have input into that report. I would
23 suggest that you set up the appointment with Ms. Jordan who will
24 be my probation officer on this -- in this case. The quicker
25 you have your interview with her the quicker that report can be

1 done. It usually takes about three months to complete. After
2 which time we will be back in court and you will be sentenced

3 Anything further from the government?

4 MR. ACHORN: No, Your Honor.

5 THE COURT: Anything further from the defense?

6 MR. WYNN: No, Your Honor.

7 THE COURT: Mr. King I am going to remand you to the
8 custody of the United States Marshal pending sentencing, which
9 will probably be in about four to six months. We will be back
10 in court in that time and you will be sentenced. Nothing
11 further court is adjourned.

12 [Proceedings adjourning at 11:25 a.m.]

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CERTIFICATE

1
2 I, Felisha Burson, an Official Court Reporter for the
3 United States District Court, Western District of Arkansas, do
4 hereby certify that the foregoing is a transcript of proceedings
5 which occurred at the time and place herein designated,
6 consisting of pages 2 through 20 which was recorded by a court-
7 approved electronic sound recording means and then transcribed
8 via a computer personally by me or under my supervision, and
9 this transcript is a true, correct and complete transcript of
10 said proceedings as reflected herein to the best of my ability
11 after listening and transcribing said sound recording.

12 Signed this 24th day of October, 2021, in the City of El
13 Dorado, County of Union, State of Arkansas.

14
15 /S/ Felisha Burson

16 Felisha Burson, CCR
17 Official Court Reporter
18 U.S. District Courts
19 Western District of Arkansas
20
21
22
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UNITED STATES DISTRICT COURT

Western District of Arkansas

UNITED STATES OF AMERICA

v.

JEROME SCOTT KING

JUDGMENT IN A CRIMINAL CASE

Case Number: 6:19CR60041-001

USM Number: 33396-045

Alex Wynn

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) Two (2) and Three (3) of the Indictment on January 10, 2020.☐ 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:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 2118(a) and 2	Robberies Involving Controlled Substances (Aiding and Abetting)	06/07/2018	2
21 U.S.C. §§ 841(a)(1) and 846	Conspiracy and Possession with Intent to Distribute – Schedule II Controlled Substances	06/07/2018	3

The defendant is sentenced as provided in pages 2 through 7 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) One (1), Four (4), Five (5), and Six (6) of the Indictment ☐ 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.

October 6, 2021

Date of Imposition of Judgment

/s/ Susan O. Hickey

Signature of Judge

Honorable Susan O. Hickey, Chief United States District Judge

Name and Title of Judge

October 8, 2021

Date

DEFENDANT: JEROME SCOTT KING
CASE NUMBER: 6:19CR60041-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a
total term of: **108 months on Counts Two and Three, to run concurrently with each other, and to run consecutively to the defendant's undischarged term of imprisonment in the Western District of Missouri, Docket No.: 2:18-04087-01-CR-C-RK, pursuant to USSG § 5G1.3(d).**

☒ The court makes the following recommendations to the Bureau of Prisons:
That the defendant be a candidate for the Intensive Drug Treatment Program.
That the defendant participate in any mental health counseling and vocational programs available to him.
That the defendant be housed at a facility as close to Dallas, Texas, as possible so that he may be close to family.

☒ 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

DEFENDANT: JEROME SCOTT KING

CASE NUMBER: 6:19CR60041-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: **three (3) years on both counts, to run concurrently with each other.**

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 (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 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: JEROME SCOTT KING
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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: JEROME SCOTT KING
CASE NUMBER: 6:19CR60041-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit his person, residence and/or vehicle(s) to searches which may be conducted at the request of the U.S. Probation Officer at a reasonable time and in a reasonable manner based upon reasonable suspicion of a violation of any conditions of release. Failure to submit to a search may be grounds for revocation.
2. The defendant shall submit to inpatient or outpatient substance abuse evaluation, counseling, testing, and/or treatment as deemed necessary and directed by the U.S. Probation Officer.
3. The defendant shall not purchase, possess, use, distribute, or administer marijuana or obtain or possess a medical marijuana card or prescription. If the defendant is currently in possession of a medical marijuana card, he will turn it over immediately to the probation office.
4. The defendant shall submit to inpatient or outpatient mental health testing, evaluation, counseling, and/or treatment, as deemed necessary and as directed by the U.S. Probation Office.

DEFENDANT: JEROME SCOTT KING
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CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200.00	\$ 22,421.87	\$ -0-	\$ -0-	\$ -0-

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such 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 proportioned 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>
CVS Pharmacy 3630 Central Avenue Hot Springs, AR 71913	\$22,421.87	\$22,421.87	

TOTALS	\$ <u>22,421.87</u>	\$ <u>22,421.87</u>
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☐ 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 ☐ fine ☒ restitution.

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

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

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

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JEROME SCOTT KING
CASE NUMBER: 6:19CR60041-001

SCHEDULE OF PAYMENTS

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

- A** ☒ Lump sum payment of \$ 22,621.87 due, as follows:
- ☐ not later than _____, or
☒ in accordance with ☐ C ☐ D, ☐ E, or ☒ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., 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., 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 ordered that the defendant pay restitution of \$22,421.87, with interest waived. If not paid immediately, any unpaid financial penalty shall be paid by the defendant during his term of imprisonment at a rate of up to 50% of the defendant's available funds, in accordance with the Inmate Financial Responsibility Program. During residential reentry placement, payments will be 10% of the defendant's gross monthly income. The payment of any remaining balance shall be a condition of probation and may be paid in monthly installments of not less than \$100 or 15% of the defendant's net monthly earnings, whichever is greater.

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 penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- ☐ 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) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.