

NO. _____

In the Supreme Court of the United States

P'ERRE JONES,

Petitioner,

VERSUS

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

CHAD PHILLIP VAN CLEAVE
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Criminal Justice Act Appointment

Questions Presented for Review

Whether a circuit split should be resolved regarding whether a condition of supervised release requiring submission to polygraph testing violates a Defendant's Constitutional right against self-incrimination.

Parties to the Proceeding Compliance with Rule 14(b)

The parties concerned are included in the caption of this matter, and there are no corporate parties.

Opinions Below

The Fifth Circuit Court of Appeals unpublished decision is attached as [App. A].

Jurisdiction

The Fifth Circuit Court of Appeals' jurisdiction was invoked from the denial by the United States District Court for the Western District of Texas, under 28 U.S.C. § 1291 and 18 U.S.C. § 3742.

The Court of Appeals' decision was entered on February 17, 2022 [App. A]. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Constitutional and Statutory Provisions

This case concerns the Fifth Amendment right against self-incrimination.

Statement of the Case

Mr. Jones was convicted of possessing child pornography, in violation of 18 U.S.C. § 2252(a)(4), and sentenced to 78 months confinement in the Federal Bureau of Prisons on September 11, 2014. (ROA.21-50314.42). After serving that sentence, he began to serve his ten-year term of Supervised Release, which supervised release was revoked on January 30, 2020, whereon he received an additional sentence of 9 months to be served in the Federal Bureau of Prisons, followed by ten years of Supervised Release. (ROA.21-50314.67-68).

He was released a second time to serve his supervised release on November 14, 2020. (ROA.21-50314.85). Among the terms of Mr. Jones' supervised release was a requirement that he submit to polygraph testing. (ROA.21-50314.43, 114).

Mr. Jones was ordered to submit to a polygraph test on March 5, 2021. When he appeared for the polygraph test administration, he signed the required consent forms, indicating that his signature was under duress. (ROA.21-50314.85-86). Because of that, the polygraph administrator refused to administer the test, and Mr. Jones was promptly taken back into custody and a second Motion to Revoke his supervised release was filed. (ROA.21-50314.85-87).

On March 31, 2021, Mr. Jones' supervised release was revoked, and he was sentenced to an additional 18 months confinement in the Bureau of Prisons, followed by an additional ten years of Supervised Release. (ROA.21-50314.99). The written Judgment was entered on April 1, 2021. (ROA.21-50314.99).

Mr. Jones timely filed his notice of appeal of that Order on April 9, 2021. (ROA.21-50314.103-104).

The Fifth Circuit Court of Appeals decided the case on February 17, 2022. In that decision, the Court held that Mr. Jones was not entitled to the relief he sought, and asserted that Mr. Jones is free to invoke his Fifth Amendment right not to incriminate himself any time he likes.

What follows is this timely Petition for Writ of Certiorari.

Reasons for Granting the Writ

A circuit split exists as to whether the polygraph requirements in Mr. Jones' situation violates a defendant's Fifth Amendment right against self-incrimination.

When faced with the situation in which he sought to invoke his right against self-incrimination, Mr. Jones chose to do so by consenting to be polygraphed, but to sign his consent to that testing “under duress”. The result was having his supervised release revoked for doing so.

The Court of Appeals' ruling that Mr. Jones is free to invoke his Fifth Amendment Rights any time is simply illusory, because, when he did so, he was sent back to prison. This is no solution.

That ruling is in opposition to the holding of the Tenth Circuit, as discussed below, and is contrary to the holdings of this Court, as discussed below.

The Fifth Amendment guarantees that “[n]o person shall be compelled in any criminal case to be a witness against himself.” Fifth Amendment to the U.S. Constitution. Mr. Jones retains this right even after a conviction. *Minnesota v. Murphy*, 465 U.S. 420, 426, 104 S.Ct. 1136, 79 L.Ed.2d 409 (1984). The Fifth

Amendment's privilege against self-incrimination applies not only to persons who refuse to testify against themselves at a criminal trial in which they are the defendant, "but also `privileges [them] not to answer official questions put to [them] in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate [them] in future criminal proceedings." *Minnesota v. Murphy*, 465 U.S. 420, 426, 104 S.Ct. 1136, 79 L.Ed.2d 409 (1984) (quoting *Lefkowitz v. Turley*, 414 U.S. 70, 77, 94 S.Ct. 316, 38 L.Ed.2d 274 (1973)).

One other circuit has addressed the issue of this type of polygraph provision most squarely.

The Tenth Circuit held in *Von Behren*, nearly identically analogous, that a supervised release condition like the one imposed in this case - one which carries with it an authentic risk of self-incrimination - violates a defendant's right against self-incrimination. *United States v. Von Behren*, 822 F.3d 1139 (10th Cir. 2016).

As in *Von Behren*, the polygraph requirement that Mr. Jones was under, and continues to be under when he resumes Supervised Release, amounts to compelled self-incrimination against which the Fifth Amendment protects him. Among the conditions of supervised release in this case, one is that "[T]he defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to the polygraph testing, to determine if

he/she is in compliance with the conditions of release.” (ROA.21-50314.43, 114).

And, as in *Von Behren*, the requirement to answer questions by a polygraph administrator about compliance with conditions of release amounts to Government compulsion. And by being compelled to answer questions about compliance with conditions of supervised release, there is an authentic risk of self-incrimination.

Given the purpose of the requirement, namely to ensure compliance with the terms of supervised release, there is no question concerning compliance or lack of compliance that could possibly be asked that would not have the real risk of self-incrimination.

This requirement violates Mr. Jones’ right against self-incrimination guaranteed by the Fifth Amendment. And the ruling in this case by the Fifth Circuit is in clear opposition to the ruling in *Von Behren* in the Tenth Circuit.

Consequently, Mr. Jones's conviction for violation of his conditions of supervised release and the sentence rendered thereon should be reversed.

Conclusion

This case presents an opportunity for this Court to settle a circuit split regarding polygraph requirements and their implications on Fifth Amendment rights of all under the Constitution.

FOR THESE REASONS, Petitioner P'erre Jones, requests of this Court that his Petition for Writ of Certiorari be GRANTED.

Respectfully submitted,

By: /s/ Chad Van Cleave

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A.	Decision of the Fifth Circuit Court of Appeals	App. A
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App. A

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 17, 2022

Lyle W. Cayce
Clerk

No. 21-50314
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

PERRE JONES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:14-CR-120-1

Before KING, COSTA, and HO, *Circuit Judges*.

PER CURIAM:*

Perre Jones appeals his revocation sentence, namely the imposition of a condition of supervised release requiring him to participate in a sex offender treatment program and abide by the program rules, “including submission to the polygraph testing, to determine if he/she is in compliance with the

* 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. 21-50314

conditions of release.” According to Jones, this special condition violates his Fifth Amendment rights against self-incrimination.

The Government has filed a motion for summary affirmance or, in the alternative, an extension of time in which to file a brief. Jones, relying on an out-of-circuit case, does not concede that his issue is foreclosed. We therefore deny the Government’s motion for summary affirmance. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). However, because Jones is not entitled to the relief he seeks, as discussed below, we dispense with further briefing and affirm.

Requiring probationers to undergo polygraph examinations as a condition of their supervised release does not violate the Fifth Amendment. *Minnesota v. Murphy*, 465 U.S. 420, 427-29, 435-36 (1984); *United States v. Locke*, 482 F.3d 764, 767 (5th Cir. 2007). The obligation to undergo a polygraph test—and to answer questions truthfully—does not displace the constitutional right against self-incrimination. If, in the course of a polygraph test, Jones is asked questions posing “a realistic threat of self-incrimination,” he may assert the Fifth Amendment and refuse to answer. *Murphy*, 465 U.S. at 427–29 (quote at 427). If, however, Jones is asked questions simply pertaining to whether he has violated the terms of his probation, the Fifth Amendment is not implicated. *Locke*, 482 F.3d at 767. “A probationer may only invoke the Fifth Amendment privilege if a truthful answer would incriminate the probationer by exposing him to prosecution for a different crime.” *Id.* Finally, a Fifth Amendment-based refusal to answer questions may not be treated as a violation of his probation conditions. *Murphy*, 465 U.S. at 435; *Locke*, 482 F.3d at 767.

At bottom, our inquiry is whether Jones’s supervised release condition “merely required him to appear and give testimony about matters relevant to his [supervision] status or whether [it] went farther and required

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him to choose between making incriminating statements and jeopardizing his conditional liberty by remaining silent.” *Murphy*, 465 U.S. at 436. On its face, Jones’s sex offender treatment condition requiring polygraph examination does “not attempt to take the extra, impermissible step” and, therefore, does not violate the Fifth Amendment. *Id.* Jones remains free to assert the Fifth Amendment should ever the need arise.

The Government’s motion for summary affirmance or an extension of time is DENIED, and the judgment of the district court is AFFIRMED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

February 17, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 21-50314 USA v. Jones
USDC No. 7:14-CR-120-1

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and 5th Cir. R. 35, 39, and 41 govern costs, rehearings, and mandates. **5th Cir. R. 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 and 5th Cir. R. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. 5th Cir. R. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk

Charles Whitney

By: _____
Charles B. Whitney, Deputy Clerk

Enclosure(s)

Ms. Mara Asya Blatt
Mr. Joseph H. Gay Jr.
Mr. Chad Phillip Van Cleave

App. B

FILED

SEP 12 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MS
DEPUTY CLERKUNITED STATES DISTRICT COURT
Western District of Texas
MIDLAND DIVISION

UNITED STATES OF AMERICA

v.

Case Number 7:14-CR-120-01 RAJ
USM Number 37116-380

PERRE JONES TN: P'ERRE JONES

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

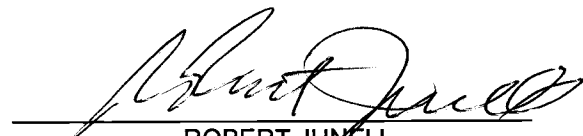
The defendant, PERRE JONES TN: P'ERRE JONES, was represented by Lee Stringham.

The defendant pled guilty to Count(s) 1 of the Indictment on June 25, 2014. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count (s)</u>
18 U.S.C. § 2252(a)(4)	Possession of Child Pornography	December 31, 2013	1

As pronounced on September 11, 2014, 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.

It is further ordered that the defendant shall 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 shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 12 day of September, 2014.

 ROBERT JUMELL
 United States District Judge

Defendant: PERRE JONES TN: P'ERRE JONES
Case Number: 7:14-CR-120-01 RAJ

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 78 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant serve this sentence at F. C. I., Butner, NC.

That the defendant participate in the Bureau of Prisons' Inmate Education Program while incarcerated.

That the defendant participate in the Bureau of Prisons' Inmate Job Training Program while incarcerated.

That the defendant participate in a mental health/sex offenders treatment program while incarcerated.

The defendant shall remain in custody pending service of sentence.

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

Defendant: PERRE JONES TN: P'ERRE JONES
Case Number: 7:14-CR-120-01 RAJ

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of Ten (10) years.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court, and shall comply with the following additional conditions:

- X The defendant shall not be permitted to reside in anyplace where firearms are possessed or stored.
- X The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision.
- X The defendant shall attend and participate in a mental health treatment program and/or sex offender treatment program by a Licensed Sex Offender Treatment Provider (LSOTP) and/or other sex offender treatment program approved and directed by the probation officer. The defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to the polygraph testing, to determine if he/she is in compliance with the conditions of release. The defendant may be required to contribute to the cost of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- X The defendant shall follow all other lifestyle restrictions or treatment requirements imposed by the therapist, and continue those restrictions as they pertain to avoiding risk situations throughout the course of supervision. This includes not residing or going places where a minor or minors are known to frequent without prior approval of the probation officer.
- X The defendant shall not associate with any child or children under the age of 18, except in the presence and supervision of an adult specifically designated in writing by the probation officer. The probation officer will notify the designated adult of risks occasioned by the defendant's criminal record or personal history or characteristics. The defendant shall permit the probation officer to make such notifications.
- X The defendant shall not reside within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, university or playground or a housing authority owned by a public housing authority or within 100 feet of a public or private youth center, public swimming pool or video arcade facility, without prior approval of the probation officer.
- X The defendant shall reside in a residence approved, in advance, by the probation officer. Any changes in the residence must be pre-approved by the probation officer.
- X The defendant shall refrain from purchasing, possessing, or using any sexually stimulating or sexually oriented materials, including but not limited to: pornographic books, magazines, photographs, films, videos, DVDs, computer programs, or any other media for portrayal of the same.
- X The defendant shall not use any computer at any location (whether or not at his place of employment, residence, or elsewhere) without the prior written permission of his probation officer. The defendant shall not possess or use a phone or any other electronic device that allows access to the internet without prior written permission of the probation officer.
- X The defendant will not access the internet in any manner using any electronic device (computer, cellular telephone, etc.) at any location, (including employment) without the prior written approval of the probation officer. This includes subscribing to an Internet Service Provider, bulletin board system, or using any other public or private computer network.
- X The defendant shall have no contact with the victim in this case whether by phone, fax, email, letter, or through third party without prior written approval of the probation officer.

Defendant: PERRE JONES TN: P'ERRE JONES

Case Number: 7:14-CR-120-01 RAJ

CONDITIONS OF SUPERVISION**Mandatory Conditions:**

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not unlawfully possess a controlled substance.
- 3) The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
- 4) In supervised release cases only, the defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.
- 5) If convicted of a felony, the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- 6) The defendant shall cooperate in the collection of DNA as directed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
- 7) If convicted of a sexual offense and required to register under the Sex Offender and Registration Act, that the defendant comply with the requirements of the Act.
- 8) If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- 9) If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.

Standard Conditions:

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer.
- 2) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family obligations, and shall comply with the terms of any court order or order of an administrative process requiring payments by the defendant for the support and maintenance of a child or of a child and the parent with whom the child is living.
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time, at home or elsewhere, and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

Defendant: PERRE JONES TN: P'ERRE JONES

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- 12) The defendant shall 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) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications, and to confirm the defendant's compliance with such notification requirement.
- 14) If convicted of a sex offense as described in the Sex Offender Registration and Notification Act or has a prior conviction of a State or local offense that would have been an offense as described in the Sex Offender Registration and Notification Act if a circumstance giving rise to federal jurisdiction had existed, the defendant shall participate in a sex offender treatment program approved by the probation officer. The defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to polygraph testing, to determine if the defendant is in compliance with the conditions of release. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- 15) The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 16) The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 17) The defendant shall participate in a cognitive behavioral treatment program as directed by the probation officer, and if deemed necessary by the probation officer. Such program may include group sessions led by a counselor or participation in a program administered by the probation office. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 18) The defendant shall participate in workforce development programs and services as directed by the probation officer, and if deemed necessary by the probation officer, which include occupational/career development, including but not limited to assessment and testing, education, instruction, training classes, career guidance, job search and retention services until successfully discharged from the program. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 19) If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally reenter the United States. If the defendant lawfully reenters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.
- 20) If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- 21) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- 22) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.

Defendant: PERRE JONES TN: P'ERRE JONES
Case Number: 7:14-CR-120-01 RAJ

The Court further adopts such of the following special conditions applied to the supervised person by the judge at the time of sentencing:

- 1) **Community Confinement:** The defendant shall reside in a Community Corrections Center for a period of ____ months to commence on _____. Further, once employed, the defendant shall pay 25% of his/her weekly gross income for his/her subsistence as long as that amount does not exceed the daily contract rate.

Location Monitoring Program:

- 2) **Radio Frequency Monitoring:** The defendant shall participate in the Location Monitoring Program with Radio Frequency Monitoring for a period of ____ days/months. You shall abide by the rules and regulations of the Participant Agreement Form. During this time, you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "caller ID," "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period as directed by the probation officer. You will wear an electronic monitoring device and follow location monitoring procedures specified by your probation officer. You shall pay all or part of the costs of the program based on the ability to pay as directed by the probation officer.
- 3) **Global Positioning Satellite (GPS):** The defendant shall participate in the Location Monitoring Program for a term not to exceed ____ days/months, which will include remote location monitoring using ____Active ____Passive Global Positioning Satellite (GPS) tracking. You shall abide by the rules and regulations of the Participant Agreement Form. During this time, you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "caller ID," "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period as directed by the probation officer. At the direction of the probation officer, you shall wear a transmitter and be required to carry a tracking device. You shall pay all or part of the costs of the program based on the ability to pay as directed by the probation officer.
- 4) **Community Service:** The defendant shall perform ____ hours of community service work without pay, at a location approved by the probation officer, at a minimum rate of four hours per week, to be completed during the first ____ months of supervision.
- 5) **Sex Offender Search & Seizure Condition:** If required to register under the Sex Offender Registration and Notification Act, the defendant shall submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

Defendant: PERRE JONES TN: P'ERRE JONES
Case Number: 7:14-CR-120-01 RAJ

CRIMINAL MONETARY PENALTIES/ SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 200 E. Wall, Room 222, Midland, Texas 79701.

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL:	\$100.00	\$0	\$0

Special Assessment

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00. Payment of this sum shall begin immediately.

Fine

The fine is waived because of the defendant's inability to pay.

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 above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

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

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.

App. C

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

UNITED STATES OF AMERICA
Plaintiff

VS

(1) P'ERRE JONES
Defendant

§
§
§
§
§
§
§

Case No. MO-14-CR-00120-DC

**ORDER REVOKING SUPERVISED RELEASE and
RESENTENCING OF DEFENDANT**

On this the March 31, 2021, came on to be heard the Government's Motion for Revocation of Supervised Release granted by virtue of Judgment entered on January 30, 2020, in the above numbered and styled cause.

Defendant appeared in person and was represented by attorney of record, Piper Morgan. The United States was represented by Assistant United States Attorney, Glenn Harwood.

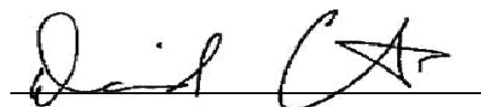
After reviewing the motion and the records in this case as well as hearing testimony and arguments of counsel, the Court is of the opinion that said Defendant has violated the provisions of his Supervised Release and that the ends of justice and the best interests of the public and of the Defendant will not be subserved by continuing said Defendant on Supervised Release. Further, the Court is of the opinion that the Motion for Revocation of Supervised Release should be, and it is hereby **GRANTED**.

IT IS THEREFORE ORDERED that the term of Supervised Release of Defendant named above granted by the Judgment entered on January 30, 2020, and it is hereby **REVOKED** and **SET ASIDE** and the Defendant is resentenced as follows:

The Defendant, P'ERRE JONES, is hereby committed to the custody of the United States Bureau of Prisons for a term of Eighteen (18) months. A term of Ten (10) years Supervised Release is imposed with all Mandatory and Standard Conditions approved for the Western District of Texas and all conditions previously imposed and not yet completed, in addition to the following special conditions:

The Clerk will provide the United States Marshal Service with a copy of this Order and a copy of the Judgment entered on January 30, 2020, to serve as the commitment of the Defendant.

SIGNED this 1st day of April, 2021.



David Counts
United States District Judge