

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

OSCAR GEOVANY CAMPOS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

/s/ Kevin Joel Page

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Appendix A Opinion of Fifth Circuit, CA No. 21-10627, dated February 21, 2022.
United States v. Campos, 2022 WL 509884 (5th Cir. Feb. 21, 2022)(unpublished).

Appendix B Judgment and Sentence of the United States District Court
for the Northern District of Texas, entered June 16, 2021.
United States v. Campos, Dist. Court 4:21-CR-00018-Y-1.

APPENDIX A

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 21, 2022

Lyle W. Cayce
Clerk

No. 21-10627
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

OSCAR GEOVANNY CAMPOS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:21-CR-18-1

Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Oscar Geovanny Campos appeals the 37-month prison term imposed upon his conviction for illegal reentry. He concedes that the district court provided adequate reasons to support the prison term but asserts that the court was further obligated under *Rita v. United States*, 551 U.S. 338 (2007),

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 21-10627

to specifically address his nonfrivolous arguments for a sentence of 30 months. We review this forfeited objection for plain error. *See United States v. Coto-Mendoza*, 986 F.3d 583, 585-86 (5th Cir.), *cert. denied*, 142 S. Ct. 207 (2021).

The record as a whole reflects that the district court considered Campos's arguments concerning his reasons for returning to the United States and his plan to remain in El Salvador and work in construction upon his release from prison. The court's stated explanation for the within-guidelines sentence provided a reasoned basis for it. Accordingly, the court did not err by failing to reference each of Campos's arguments. *See Rita*, 551 U.S. at 343-45, 356, 358-59; *Coto-Mendoza*, 986 F.3d at 584, 586-87 & nn.4-6; *United States v. Becerril-Pena*, 714 F.3d 347, 351-52 (5th Cir. 2013). The judgment of the district court is AFFIRMED.

The Government's motion for summary affirmance is DENIED as MOOT. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). In the interest of judicial economy, the alternative motion for an extension of time to file a brief on the merits is DENIED as MOOT.

APPENDIX B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number: 4:21-CR-018-Y(1)

M. Levi Thomas, assistant U.S. attorney

OSCAR GEOVANNY CAMPOS

George H. Lancaster Jr., attorney for the defendant

On February 3, 2021, the defendant, Oscar Geovanny Campos, entered a plea of guilty to count one of the one-count information. Accordingly, the defendant is adjudged guilty of such count, which involves the following offense:

<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE CONCLUDED</u>	<u>COUNT</u>
8 U.S.C. § 1326(a) and (b)(2)	Illegal Reentry After Deportation	December 5, 2020	1

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

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

The defendant shall notify the United States attorney for this district within thirty days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Sentence imposed June 15, 2021.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

Signed June 16, 2021.

Judgment in a Criminal Case

Defendant: Oscar Geovanny Campos

Case Number: 4:21-CR-018-Y(1)

Judgment -- Page 2 of 3

IMPRISONMENT

The defendant, Oscar Geovanny Campos, is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of 37 months on count one of the one-count information.

The Court recommends that the defendant be incarcerated at a facility where he can receive training as an electrician and education toward passing a GED exam.

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

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years on count one of the one-count information.

Under 18 U.S.C. § 3583(d), as a condition of supervised release upon the completion of the sentence of imprisonment, the defendant shall be surrendered by the Federal Bureau of Prisons to a duly authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq. As a condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

In the event the defendant is not deported immediately upon release from imprisonment, or should the defendant ever be within the United States during any portion of the term of supervised release, the defendant shall also comply with the standard conditions recommended by the U.S. Sentencing Commission at §5D1.3(c) of the United States Sentencing Commission Guidelines Manual, and shall:

not commit another federal, state, or local crime;

not possess illegal controlled substances;

not possess a firearm, destructive device, or other dangerous weapons;

cooperate in the collection of DNA as directed by the U.S. Probation Officer, as authorized by the Justice for All Act of 2004;

report in person to the probation office in the district to which the defendant is released from the custody of the Federal Bureau of Prisons, or in which the defendant makes entry into the United States, within 72 hours of release or entry; and

not illegally reenter the United States if deported or allowed voluntary departure.

FINE/RESTITUTION

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

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

RETURN

I have executed this judgment as follows:

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

United States marshal

BY _____
deputy marshal