

APPENDIX 1

UNITED STATES DISTRICT COURT
Southern District of MississippiUNITED STATES OF AMERICA
v.

CHASITY REANNE ORELLANA

Judgment in a Criminal Case
(For Revocation of Probation or Supervised Release)Case No. 3:19cr227-DPJ-FKB-001
USM No. 20620-043

Michael L. Scott, AFPD

Defendant's Attorney

THE DEFENDANT:

admitted guilt to violation of condition(s) 1) MC, 3) StC, 4) StC, and 5) StC of the term of supervision.
 was found in violation of condition(s) count(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1) Mandatory Condition	On January 25, 2019, the defendant was arrested by the Mississippi Highway Safety Patrol and charged with the following: 1) No Driver's License; 2) No Insurance; and 3) DUI 1st Offense. The defendant pled guilty in Winston County Justice Court and was sentenced to two (2) days jail (suspended) and fined \$838.00. The defendant failed to report the contact with law enforcement to her probation officer.	01/25/2019

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) 2) St C and is discharged as to such violation(s) condition.

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.

Last Four Digits of Defendant's Soc. Sec. No.: 8859

03/09/2022

Date of Imposition of Judgment

Defendant's Year of Birth: 1989

Signature of Judge

City and State of Defendant's Residence:
Louiseville, MS (Winston County)

The Honorable Daniel P. Jordan III

Chief U.S. District Judge

Name and Title of Judge

3-15-22

Date

DEFENDANT: CHASITY REANNE ORELLANA
CASE NUMBER: 3:19cr227-DPJ-FKB-001

ADDITIONAL VIOLATIONS

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Concluded</u>
3) Standard Condition	On January 25, 2019, the defendant was documented to have left the district without permission of the court or probation officer.	01/25/2019
4) Standard Condition	On June 7, 2019, the defendant was the victim of a Domestic Battery while living with Mr. Eddie Scott Dixon, Sr. During the incident, Mr. Dixon was found to be in possession of a firearm at the residence. The defendant failed to notify this officer that she was living with Mr. Dixon, nor the contact with law enforcement.	06/07/2019
5) Standard Condition	The defendant failed to report to her probation officer as instructed on 12/18/2019 and 01/22/2020.	01/22/2020

DEFENDANT: CHASITY REANNE ORELLANA
CASE NUMBER: 3:19cr227-DPJ-FKB-001

IMPRISONMENT

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

six (6) months to run consecutively to the sentence imposed in 3:19cr226-DPJ-LGI-001

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

The Court recommends the defendant serve her sentence of incarceration at the Federal Correctional Institution in Aliceville, AL.

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: CHASITY REANNE ORELLANA

CASE NUMBER: 3:19cr227-DPJ-FKB-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

twelve (12) months to run concurrently to the sentence imposed in 3:19cr226-DPJ-LGI-001

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: CHASITY REANNE ORELLANA
CASE NUMBER: 3:19cr227-DPJ-FKB-001

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: CHASITY REANNE ORELLANA
CASE NUMBER: 3:19cr227-DPJ-FKB-001

SPECIAL CONDITIONS OF SUPERVISION

(A) You must participate in an alcohol/drug abuse treatment program and follow the rules and regulations of the program. The probation officer will supervise your participation in the program. You shall contribute to the cost of any substance abuse treatment program to the best of your ability. You must complete an inpatient treatment program upon your release from Bureau of Prisons. The program should last a minimum of 30 days with additional days required at the recommendation of the program provider and approval of the Court.

(B) You must submit to substance abuse testing to determine if you have used prohibited substances. You must not attempt to obstruct or tamper with the testing methods.

(C) You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

(D) You must submit your person, property, house, residence, vehicle, papers, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. 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. Any search must be conducted at a reasonable time and in a reasonable manner.

(E) You must not possess or use alcohol.

APPENDIX 2

UNITED STATES DISTRICT COURT
Southern District of MississippiUNITED STATES OF AMERICA
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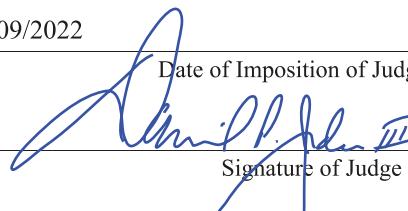
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Signature of Judge

The Honorable Daniel P. Jordan III

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Name and Title of Judge

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Defendant's Signature _____ Date _____

DEFENDANT: CHASITY ORELLANA

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(C) You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

(D) You must submit your person, property, house, residence, vehicle, papers, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. 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. Any search must be conducted at a reasonable time and in a reasonable manner.

(E) You must not possess or use alcohol.

APPENDIX 3-A

United States Court of Appeals
for the Fifth Circuit

No. 22-60162
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 29, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHASITY REANNE ORELLANA,

Defendant—Appellant,

CONSOLIDATED WITH

No. 22-60163

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHASITY ORELLANA,

Defendant—Appellant.

Appeals from the United States District Court
for the Southern District of Mississippi
USDC Nos. 3:19-CR-227-1, 3:19-CR-226-1

No. 22-60162
c/w No. 22-60163

Before HIGGINBOTHAM, GRAVES, and Ho, *Circuit Judges*.

PER CURIAM:*

Chasity Reanne Orellana began a three-year term of supervised release on October 10, 2018. On March 27, 2020, her probation officer filed a petition for an arrest warrant alleging that Orellana had violated the conditions of her supervision by, among other things, committing the new crimes of driving without a license, without insurance, and under the influence. At the revocation hearing, Orellana admitted to those violations and others. The district court found that she had committed the violations to which she admitted, revoked her supervised release, and sentenced her within the advisory range to a total of 12 months of imprisonment and 12 months of supervised release.

On appeal, Orellana does not challenge the reasonableness or length of her revocation sentence, but only the revocation decision itself. She argues that the district court erroneously revoked her supervision based on two arrests that occurred after her term of supervised release expired. Orellana made no objection to the district court's alleged reliance on her post-supervision conduct, which means she must now demonstrate plain error. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). To show plain error, Orellana must show a forfeited error that is clear or obvious and that affects her substantial rights. *Id.* If she makes such a showing, this court has the discretion to correct the error but only if it seriously affects the fairness, integrity, or public reputation of judicial proceedings. *Id.*

Revocation of supervised release is proper if the district court finds, by a preponderance of the evidence, that the defendant violated any condition of her release. § 3583(e)(3); *see U.S.S.G. § 7B1.3(a)(2), p.s.* All that is required "is enough evidence to satisfy the district judge that the conduct of the petitioner has not met the conditions" of supervised release.

* 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. 22-60162
c/w No. 22-60163

United States v. McCormick, 54 F.3d 214, 219 n.3 (5th Cir. 1995) (quotation and citation omitted). Only one violation need be proved to support revocation. *See* § 3583(e)(3) (providing that release may be revoked if the court finds that “the defendant violated *a* condition of supervised release”) (emphasis added).

Here, Orellana admitted to committing a series of violations during her term of supervision. The district court had clear statutory authority to revoke her supervised release based on those admissions alone. *See* § 3583(e)(3); *United States v. Hinson*, 429 F.3d 114, 119 (5th Cir. 2005). The evidence does not support Orellana’s claim that the district court considered her post-supervision arrests in rendering its decision.

AFFIRMED.

APPENDIX 3-B

United States Court of Appeals
for the Fifth Circuit

No. 22-60162
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 29, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHASITY REANNE ORELLANA,

Defendant—Appellant,

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:19-CR-227-1

Before HIGGINBOTHAM, GRAVES, and Ho, *Circuit Judges.*

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

APPENDIX 3-C

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 29, 2022

No. 22-60163
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHASITY ORELLANA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:19-CR-226-1

Before HIGGINBOTHAM, GRAVES, and Ho, *Circuit Judges.*

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.