

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Case No. 21-60662

UNITED STATES OF AMERICA
Plaintiff-Appellee

v.

BRENDA SENSING,
Defendant-Appellant

Consolidated with

No. 21-60691

UNITED STATES OF AMERICA,
Plaintiff - Appellee

v.

DENNIS SENSING,
Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
Cause No. 3:18-CR-154-SA-RP

**BRIEF FOR *AMICUS CURIAE* RODERICK & SOLANGE
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CERTIFICATE OF INTERESTED PERSONS

In addition to the persons and entities previously identified by the parties, undersigned counsel certifies that the following persons and entities have an interest in the outcome of this case:

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INTEREST OF *AMICUS CURIAE*¹

Amicus Curiae Roderick & Solange MacArthur Justice Center

(“MJC”) is a national legal services non-profit with a Mississippi office working for a justice system that is fair, accessible, and accountable to all. As part of the Mississippi community, MJC has a long history of pursuing and supporting litigation aimed at highlighting injustices experienced by Mississippians ensnared in our criminal punishment system. MJC is particularly interested in shedding light on the ways in which the system imposes cruel and often-debilitating economic burdens on those accused and convicted of crimes, which create barriers to people reentering society after conviction and disproportionately hurt the most vulnerable Mississippians. MJC has litigated numerous cases challenging the ways in which fines, fees, and restitution are imposed and collected in criminal cases. MJC urges this Court to reverse the orders at issue in this case.

¹ Pursuant to Federal Rule of Appellate Procedure 29, counsel for *amicus curiae* certify that no counsel for either party authored this brief in whole or in part and no one other than *amicus* made monetary contributions to its preparation or submission. All parties consent to the submission of this *amicus* brief.

SUMMARY OF ARGUMENT

This case concerns unprecedented hearings initiated *sua sponte* in the Northern District of Mississippi—but nowhere else in the nation. The appellants in this case, Brenda and Dennis Sensing, are just two of dozens of people subjected to this atypical practice. In each instance, Mississippians laboring under a restitution order in a criminal matter are instructed to report to a hearing in a miscellaneous matter opened at the direction of a district judge, erroneously described as a non-adversarial financial review.

Once before the court, these individuals are subjected to withering examination by the district judge, at the conclusion of which financially ruinous conditions are imposed under threat of criminal sanction. Because these are ostensibly civil proceedings, counsel is not provided. The court has even actively discouraged people from obtaining counsel for these hearings. *E.g.*, Transcript of Show Cause Hearing at 5, *In Re: Nathaniel Brown Restitution*, No. 4:21-mc-0001 (N.D. Miss. June 15, 2021), Dkt. No. 30. Without such assistance, these Mississippians are at the mercy of the court’s whim—they have been ordered to raise money toward their restitution by failing to pay rent, selling their homes,

liquidating retirement accounts—and sometimes even emptying their wallets right there in the courtroom. *See, e.g.*, Order, *In Re: Henry E. McCaslin, Jr. Restitution*, 4:20-mc-00007-SA (N.D. Miss. Oct. 7, 2020), Dkt. No. 3 (“The Defendant shall pay the money currently in his wallet (\$630.00) towards restitution immediately.”). For the dozens of Mississippians who have been hauled into court in this manner, the experience is destabilizing and financially ruinous, and impedes successful reentry. It is also unconstitutional.

The appellants in this case, Brenda and Dennis Sensing, were ordered to appear before the district court several times to answer questions about their outstanding restitution, even though they had never missed a payment. The court interrogated them without counsel present, and used their sworn testimony as evidence to revoke their supervised release.

Following these hearings, the Sensings were ordered to, among other conditions, close their credit cards, find new jobs, and sell their cars—even though they did not own the titles to the vehicles. The miscellaneous hearings, resulting orders, and revocation of supervised

release are illegal on multiple constitutional grounds. But, unfortunately, they are not unique in Northern Mississippi.

Uncounseled miscellaneous hearings for people who owe restitution have become routine in the Northern District of Mississippi. *Amicus curiae* has identified at least 37 people who have been subjected to these hearings, some multiple times. *See Exhibit 1, Chart, N.D. MS. Show Cause Restitution Hearings.* Of these, 13 were tried criminally by a different judge than the judge conducting the civil hearings. *Id.*

Those subjected to these hearings are put under oath and peppered with questions about their personal, professional, and financial situations. The information collected then forms the basis of sweeping orders, commanding them to immediately scrape together more money for restitution through a variety of transactions ranging from canceling children's cell phone service and shutting off cable TV to selling their homes and emptying retirement accounts. The judge shows no regard to whether the person is up to date on their restitution payments or whether his or her family faces any other pressing financial strains. *Amicus curiae* has not been able to identify any other district in the country where such hearings are conducted.

MJC submits this brief to highlight the pervasiveness of the practice at issue in the Sensings' case, and its consequences. MJC learned from some of the individuals subjected to these hearings how their lives—and, especially, their reentry—have been impacted by the onerous conditions contained in orders issued following the hearings. This brief recounts several of those stories, and highlights the far-reaching implications of this case for the lives of Mississippians working to move past a criminal conviction in the Northern District of Mississippi. Financial, familial, and emotional stability promote successful reentry; as these stories illustrate, these hearings undermine the stability that is so crucial to adjusting to life after prison. *See* Adiah Price-Tucker, et al., *Success Reentry: A Community-Level Analysis*, The Harvard University Institute of Politics Criminal Justice Policy Group (December 2019). This Court's decision in this case will impact not just the Sensings' rights, but the rights of dozens who have already experienced these unlawful hearings and countless Mississippians who, absent action by this Court, would someday find themselves interrogated under oath and threat of imprisonment without counsel.

ARGUMENT

A. Max Miller: “Get twice that amount in pay,” or go to a “halfway house.”

Max Miller pleaded guilty in 2019 to aiding and abetting a scheme to defraud a bank. *See Judgment at 1, United States v. Miller, 1:18-cr-00093-DMB-DAS* (N.D. Miss. September 16, 2019), Dkt. No. 80. He was sentenced to eighteen months in prison and ordered to pay \$374,261 in restitution. *Id.* at 2, 7.

Following his release from prison, Mr. Miller was directed to appear at miscellaneous hearings to testify about his finances. *In Re: Max H. Miller Restitution, 1:21-mc-00004-SA* (N.D. Miss. April 12, 2021), Dkt. No. 1; *Miller, 1:21-mc-00004-SA* (N.D. Miss June 8, 2021), Dkt. No. 5. These hearings took place before a different judge than the judge who presided over his criminal trial. *Compare, Docket Report, Miller, 1:18-cr-00093-DMB-DAS with Miller, 1:21-mc-00004-SA*. Mr. Miller appeared without counsel. *See Miller, 1:21-mc-00004-SA* (N.D. Miss June 8, 2021). At the hearings, the judge told Mr. Miller he was not to pay any rent and was forbidden from repaying his debts. *Transcript of Show Cause Hearing at 15, 19-21, In Re: Max H. Miller Restitution, 1:21-mc-00004-SA* (N.D. Miss. April 22, 2021), Dkt. No. 11 (hereinafter “4/22/21

Transcript"); *see also* Order, *Miller*, 1:21-mc-00004-SA (N.D. Miss. May 3, 2021), Dkt. No. 4 (hereinafter "5/3/21 Order"); Order, *Miller*, 1:21-mc-00004-SA (N.D. Miss. July 6, 2021), Dkt. No. 7 (hereinafter "4/6/21 Order"). The judge commanded him, "[Y]ou cannot pay your son's cell phone bill and you cannot pay your sixth-grade daughter's cell phone bill." Transcript of Show Cause Hearing at 5, *In Re: Max H. Miller Restitution*, 1:21-mc-00004-SA, (N.D. Miss. June 15, 2021), Dkt. No. 10 (hereinafter "6/15/21 Transcript"). The court arbitrarily increased his restitution payments from \$100 to \$500. 4/22/21 Transcript at 29; 5/3/21 Order. And the judge took particular issue with Mr. Miller's low wages—\$7.25 per hour for lawn care—directing him to "find employment that earns substantially greater than that." 4/22/21 Transcript at 22-23. "I'm going to order you to get easily twice that amount in pay per hour," the judge told him. *Id.* He was given 30 days to double his pay. *Id.*

The judge backed up this command with a threat: In the event Mr. Miller failed to double his pay within 30 days, he would be forced to move into a halfway house—and leave behind his wife and eleven-year-old daughter, Lily. *See* 4/22/21 Transcript at 22-23, 25-26, 13-14. "Now, one of the options that the Court has is to hold you at Dismas Charities, which

is a halfway house, in order to get your restitution paid,” the judge said. *Id.* at 22-23. The judge explained that, while at the halfway house, “you pay a small pro rata share for shelter, food, and you work. And that work money goes toward restitution.” *Id.* at 25-26. “I’ll assure you the pay is much better than \$7.25 an hour,” the judge added. *Id.* at 22-23. *Amicus curiae* has not identified a case anywhere in the country, in all of U.S. history, where a judge ordered someone to move out of their home and into a halfway house to speed up the pace of restitution payment.

In response to the threat that he could be forced to leave his wife and young daughter, Mr. Miller told the judge that his failure to find a higher-paying job was not for lack of effort. “I am trying, ma’am,” he pleaded. *Id.* at 22-23. He went on: “I have filled out employment. I have updated my resume. I have—First Family, I have applied for a job there. They said they have none. I have went on Indeed.² I have tried to find employment. I’m not sitting around, so to speak. I am trying. But it’s

² Indeed.com is searchable website that compiles job listings, whose “mission is to help people get jobs.” <https://www.indeed.com/about>. It describes itself as “the #1 job site in the world,” giving jobseekers “free access to search for jobs, post resumes, and research companies.” *Id.*

going to take me some time.” *Id.* at 25-26. “Well, you don’t have much time,” the judge responded. *Id.*

Some of the conditions imposed were unlikely to raise much money toward restitution. For example, the judge ordered Mr. Miller to sell a 1986 Jeep his late father had left him—which did not run, and to which Mr. Miller could not locate the deed. *Id.* at 30; 5/3/21 Order; *see also* 6/15/21 Transcript at 14. Upon learning that Mr. Miller could not locate the title to the Jeep, the judge acknowledged that that “makes it worthless.” 4/22/21 Transcript at 30. But, the judge added, “I need it to be disposed of.” *Id.* Mr. Miller dutifully complied, updating the judge at a subsequent hearing: “I sold it for \$50. And I’ve got a—I went to Tupelo Auto Sales’ auction, and I let them look at it. . . and that’s what they said that it’s worth under the conditions it is.” 6/15/21 Transcript at 15. The judge replied, “So \$50 can’t be a sufficient sum. It just can’t be. Scrap metal would be worth more than \$50.” *Id.* at 16. “Well, for me to get it hauled down there to scrap metal, it will cost me \$200,” Mr. Miller explained. *Id.* “And it will cost me about \$200 for me to get it moved because it’s sitting on flats. It won’t crank. The engine—I don’t know what’s—it was a gift to me from my dad when he died, and I just took it.”

Id. “On the driver’s side door, there’s a wasp nest in there,” he added. “It’s in really bad shape.” *Id.* at 20. The judge forbade him from selling the Jeep for the amount offered. *Id.* at 18.

These conditions reach into every facet of Mr. Miller’s life. Some, like the order regarding the “worthless” Jeep, are financially counterproductive. And some, like the threat about sending him to a halfway house, would upend his family life and destabilize him as he struggles to adjust to reentry.

B. Nathaniel Brown: “Losing this home will be . . . the end of [my] marriage.”

Dr. Nathaniel Brown pleaded guilty to conspiracy to commit Medicare fraud in 2017. Judgment at 1, *United States v. Brown*, 4:16-cr-00074-NBB-JMV (N.D. Miss. Aug. 16, 2017), Dkt. No. 35; Indictment at 1-5, *Brown*, 4:16-cr-00074-NBB-JMV, Dkt. No. 1. He was sentenced to 39 months in prison and ordered to pay \$1,941,254 in restitution. *See* Judgment at 2, 6, *Brown*, No. 4:16-cr-00074-NBB-JMV, Dkt. No. 35.

Soon after his release, Dr. Brown was ordered to appear in the first of a series of miscellaneous hearings, before a different judge than the judge who had presided over his criminal case. *Compare*, Docket Report, *Brown*, 4:16-cr-00074-NBB-JMV with *In Re: Nathaniel Brown*

Restitution, 4:21-mc-00001-SA (N.D. Miss. Feb. 5, 2021). Over the course of at least five hearings, the judge ordered him to sell his family's home, liquidate his bank accounts, stop making payments toward his credit cards, and divert money from his Public Employment Retirement Account toward restitution—in addition to continuing his monthly payments. Order at 1-2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 3; Order at 1-2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 9; Order at 1-2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 25. The judge also demanded to know the details of his life insurance policy and how much money he had in his 401K. Order at 2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 3; Order at 2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 9; Order at 2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 25. At one point, the court arbitrarily increased his monthly payments from \$650 to \$950. Order at 2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 3; Order at 2, *Brown*, 4:21-mc-00001-SA, Dkt. No. 9.

Two months after the first hearing, Dr. Brown hired counsel to assist with the hearings using “the last of his wife’s savings.” 6/15/21 Transcript at 5, *Brown*, 4:21-mc-00001-SA, Dkt. No. 30. At a subsequent hearing, the judge took issue with the fact that he had obtained counsel. The judge noted that his legal fees totaled \$7,500 “that could have gone

toward restitution.” 6/15/21 Transcript at 5, *Brown*, 4:21-mc-00001-SA, Dkt. No. 30. The judge continued: “So you do as you please, but that is something that even I will take a look at in the future. One of the things that I might consider is, if he has the funds available to pay counsel in a civil proceeding, then that money would be better spent toward restitution for the victim.” *Id.*

His attorney had previously notified the court that Dr. Brown’s wife refused to sign anything regarding the selling or refinancing of the marital home. Response to Order to Show Cause at 1, *Brown*, 4:21-mc-00001-SA, Dkt. No. 7. The judge was undeterred. “I need your wife’s cooperation,” the judge told him. 06/15/2021 Transcript at 12, *Brown*, 4:21-mc-00001-SA, Dkt. No. 30. “Losing this home will be, Dr. Brown has informed me, candidly, the end of his marriage,” Dr. Brown’s attorney told the judge. *Id.* at 5. “These things happen,” the judge said. *Id.*

Upon learning that Dr. Brown’s salary of \$45,000 was too low for him to qualify for a refinance, the judge agreed that he was “not likely going to get refinancing.” *Id.* at 11. So, the judge ordered him to sell his family home, and to drop the price as low as he needed to in order to attract a buyer quickly. *Id.* at 11-13. The court’s order even went so far

as to dictate the list price for the home. Order at 1, *Brown*, 4:21-mc-00001-SA, Dkt. No. 25.

These conditions harmed Dr. Brown's family life, his reentry, and his ability to move forward—and represent judicial overreach.

C. Tracy Smith: “Worse than prison.”

In 2018, Tracy Smith admitted to filing fraudulent tax returns. She pleaded guilty to one count of Theft of Government Funds, 18 U.S.C. § 641. *See Judgment at 1, United States v. Smith*, 3:17-cr-00129-SA-RP (N.D. Miss. Oct. 24, 2018), Dkt. No. 36; Indictment at 4, *Smith*, 3:17-cr-00129-SA-RP, Dkt. No. 1. She was sentenced to 21 months in prison and ordered to pay \$224,678 in restitution. *See Judgment at 2, 7, Smith*, 3:17-cr-00129-SA-RP, Dkt. No. 36.

Ms. Smith was released to a halfway house after 13 months in prison. Telephone Interview with Tracy Smith, January 21, 2022 (hereinafter “1/21/22 Smith Interview”). She focused on finding work and staying off drugs, as she had been addicted to methamphetamines before her conviction. Telephone Interview with Tracy Smith, February 18, 2021 (hereinafter “2/18/22 Smith Interview”). She refers to her time as an

addict as a “mid-life crisis from hell”—one she hopes to never repeat.

2/18/22 Smith Interview.

Ms. Smith found work almost immediately after her release.

1/21/22 Smith Interview. She initially accepted a low-paying factory job, but soon secured a higher-paying job on an assembly line at the Toyota factory, where she installs passenger visors, lights, and hoods. 1/21/22 Smith Interview; 2/18/22 Smith Interview. She calls her current job “the best job [she] has ever had.” 1/21/22 Smith Interview. Ms. Smith has also overcome her drug addiction; today, she is sober and devoted to being a productive member of society. 2/18/22 Smith Interview.

Ms. Smith pays \$800 per month toward her restitution, and she has never missed a payment. 1/21/22 Smith Interview. Nonetheless, after she gave her son \$1,000 to buy a car, she found herself in a miscellaneous hearing about her finances. *Id.*

Ms. Smith has been ordered to take back money given to her son; sell her pickup truck; and recoup \$340.49 that she spent on a trip to Alabama. *See Order, In Re: Tracy Smith Restitution*, 3:21-mc-00007-SA (N.D. Miss. Mar. 8, 2021), Dkt. No. 3. The judge considered forcing her to sell her home, but abandoned the idea because there were two other

people on the deed. 1/21/22 Smith Interview. Ms. Smith also said that the judge forbade her from going out to eat. *Id.*

Given her perfect payment record and the fact that she has “finally gotten [her] life together,” Ms. Smith finds it confusing that she has been targeted for miscellaneous hearings. 2/18/22 Smith Interview. Ms. Smith has worked hard to overcome her drug problems, find a good job, and stay current on her restitution payments, but the looming threat of continued judicial interrogation is “extremely stressful”—worse than the 13 months she spent in prison. *Id.*; 1/21/22 Smith Interview. The hearings make her feel very discouraged, as though no amount of effort will be enough to secure successful reentry. *See* 1/21/22 Smith Interview; 2/18/22 Smith Interview. She describes the hearings as “a weight that’s always there.” 1/21/22 Smith Interview. Above all, Ms. Smith is afraid that “the pressure” from these hearings “will screw things up for [her],” causing her to spiral further into drug use, lose her job, and end up back in prison. *Id.*

D. Veronica Rice: “[The judge] did her best to put me in prison.”

Veronica Rice was sentenced to 41 months behind bars for defrauding businesses that bought advertising space in a guidebook she

never published. *See* Indictment at 1-3, *United States v. Rice*, 1:14-cr-00093-SA-DAS (N.D. Miss. Aug. 19, 2014), Dkt. No. 1; Judgment at 2, *Rice*, 1:14-cr-00093-SA-DAS, Dkt. No. 33. She spent 18 months in prison and was released in July 2017. Telephone Interview with Veronica Rice, August 23, 2021 (hereinafter “8/23/21 Rice Interview”). She was also ordered to pay \$164,135 in restitution. *See* Judgment at 5, *Rice*, 1:14-cr-00093-SA-DAS, Dkt. No. 33.

Upon her release, Ms. Rice bounced between halfway houses and homelessness. 8/23/21 Rice Interview. Because of numerous physical and mental disabilities—which include bipolar disorder, neuropathy, and others—she struggled to find a job. Telephone Interview with Veronica Rice, February 17, 2022 (hereinafter “2/17/22 Rice Interview”). She eventually began receiving a disability check that totaled \$783 per month, and received \$16 dollars per month in food assistance. 8/23/21 Rice Interview; 2/17/22 Rice Interview. She found housing that cost \$600 for rent, electricity, and water. 2/17/22 Rice Interview. Despite these challenges, she never missed her \$200-per-month restitution payments. 2/17/22 Rice Interview.

Nonetheless, Ms. Rice was ordered *sua sponte* to appear in court without counsel and questioned about her finances. *See Minute Entry, In Re: Veronica Rice Restitution*, No. 1:20-mc-00002-SA (N.D. Miss. Jan. 23, 2020), Dkt. No. 2. This happened at least six times over the next couple years.³ *See Minute Entry, Rice*, 1:14-cr-00093-SA-DAS, Dkt. Nos. 36 & 38; *Minute Entry, Rice*, 1:20-mc-00002-SA, Dkt. Nos. 1, 3, 6, & 9; 8/23/21 Rice Interview. In addition to continuing her monthly payments, Ms. Rice was ordered to put up to two-thirds of her Social Security back pay toward restitution and terminate her cable—for which her son was paying. *See Order, Rice*, 1:20-mc-00002-SA, Dkt. No. 4.

Because of the excessive restitution amounts she was ordered to pay, Ms. Rice frequently went without groceries, or was forced to ask her mother or uncle to buy food for her. 8/23/21 Rice Interview; 2/17/22 Rice Interview. She had no money for clothes, gas, phone, or other necessities. 2/17/22 Rice Interview. A local church donated clothing to her after she showed up to church on Sunday in the only outfit she had: a pair of shorts

³ Like other people we interviewed, Ms. Rice reported attending many more hearings than reflected in the docket. 8/23/21 Rice Interview. By her recollection, the hearings took place every month. *Id.* She usually found out about the hearings from her probation officer about one day before she was expected in court. *Id.*

and t-shirt. *Id.* She could not afford to buy furniture, so her furnishings amounted to nothing more than a cot to sleep on and a bench. *Id.* The district judge made her feel that she “deserved nothing.” *Id.*

Ms. Rice felt that the judge did her “best to put [her] in prison.” 8/23/21 Rice Interview. Ms. Rice recalled that, at one appearance, the judge even went so far as to explicitly threaten her with prison time. *Id.* Because of the stress from these hearings, there were days where she could not manage to do anything but cry. *Id.* She describes this period as the worst of her life—worse than her time in prison. 2/17/22 Rice Interview.

CONCLUSION

These are just four of dozens of Mississippians who have been dragged into court for one-of-a-kind “show cause” hearings initiated and prosecuted entirely by the district court in proceedings docketed as “miscellaneous” matters and conducted in the presence of lawyers for the United States, who do not request and are not invited to participate in the inquiry. Orders are issued requiring financial transactions and payment terms different from those initially imposed by sentencing courts. These orders are issued with express threats of criminal

sanctions, but the hearings at which evidence is gathered are labeled civil proceedings. They are atypical and inappropriate—and unconstitutional.

Amicus curiae urges this Court to reverse the district court's orders.

Respectfully submitted,

s/J. Cliff Johnson II
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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2022 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system.

All counsel of record are registered CM/ECF users, and will be served by the appellate CM/ECF system.

Date: March 16, 2022

s/ J. Cliff Johnson II
J. Cliff Johnson II

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a) and 5th Cir. R. 32.3, I certify that:

1. This brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) and 32(a)(7) because this brief contains 3,722 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and 5th Cir. R. 32.1 and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2019 in 14-point Century Schoolhouse typeface.

Dated: March 16, 2022

s/J. Cliff Johnson II
J. Cliff Johnson II

Name	Criminal Case Number	Presiding Judge	Restitution Case Number	Presiding Judge
Cynthia H. Carter	<u>1:12-cv-00069-SA-DAS</u>	Sharion Aycock	<u>1:20-mc-00001-SA</u>	Sharion Aycock
Veronica Rice	<u>1:14-cr-00093-SA-DAS</u>	Sharion Aycock	<u>1:20-mc-00002-SA</u>	Sharion Aycock
Eric Lashun Smith	<u>1:10-cr-00039-SA-DAS</u>	Sharion Aycock	<u>1:20-mc-00003-SA</u>	Sharion Aycock
Jessica Arnold	<u>1:17-cr-00057-MPM-DAS</u>	Michael P. Mills	<u>1:20-mc-00009-SA</u>	Sharion Aycock
James R. Nichols	<u>1:18-cr-00093-DMB-DAS</u>	Debra M. Brown	<u>1:20-mc-00010-SA</u>	Sharion Aycock
Whitney McCarter	<u>1:14-cr-00111-SA-DAS</u>	Sharion Aycock	<u>1:20-mc-00011-SA</u>	Sharion Aycock
Ryan Dandre Hearn	<u>1:12-cr-00002-MPM-DAS</u>	Michael P. Mills	<u>1:20-mc-00012-SA</u>	Sharion Aycock
Melinda Jean Chaffin	<u>1:16-cr-00118-DMB-DAS</u>	Debra M. Brown	<u>1:20-mc-00014-SA</u>	Sharion Aycock
Russell Wayne Haynie	<u>1:18-cr-00032-NBB-DAS</u>	Neal B. Biggers	<u>1:20-mc-00015-SA</u>	Sharion Aycock
Tonia Moyler	<u>1:15-cr-00120-SA-DAS</u>	Sharion Aycock	<u>1:21-mc-00001-SA</u>	Sharion Aycock
Max H. Miller	<u>1:18-cr-00093-DMB-DAS</u>	Debra M. Brown	<u>1:21-mc-00004-SA</u>	Sharion Aycock
Dennis Sensing	<u>3:19-cr-00040-SA-RP</u>	Sharion Aycock	<u>3:20-mc-00004-SA</u>	Sharion Aycock
Brenda Sensing	<u>3:18-cr-00154-SA-RP</u>	Sharion Aycock	<u>3:20-mc-00006-SA</u>	Sharion Aycock
Perry Pounders	<u>3:14-cr-00062-SA-SAA</u>	Sharion Aycock	<u>3:20-mc-00007-SA</u>	Sharion Aycock
James M. Harris, Jr.	<u>3:13-cr-00018-SA-RP</u>	Sharion Aycock	<u>3:20-mc-00008-SA</u>	Sharion Aycock
Robert Graham	<u>3:16-cr-00031-DMB-RP</u>	Debra M. Brown	<u>3:20-mc-00014-SA</u>	Sharion Aycock
Shundra R. Gray	<u>3:13-cr-00126-GHD-RP</u>	Glen H. Davidson	<u>3:20-mc-00015-SA</u>	Sharion Aycock
James Beasley	<u>3:18-cr-00095-SA-RP</u>	Sharion Aycock	<u>3:20-mc-00016-SA</u>	Sharion Aycock
Tracy Smith	<u>3:17-cr-00129-SA-RP</u>	Sharion Aycock	<u>3:21-mc-00007-SA</u>	Sharion Aycock
Veronica Lloyd	<u>3:17-cr-00045-GHD-RP</u>	Glen H. Davidson	<u>3:21-mc-00008-SA</u>	Sharion Aycock
Jairus Lee	<u>3:20-cr-00032-SA-RP</u>	Sharion Aycock	<u>3:21-mc-00009-SA</u>	Sharion Aycock
Sandra E. Livingston	<u>3:15-cr-00007-SA-SAA</u>	Sharion Aycock	<u>3:21-mc-00013-SA</u>	Sharion Aycock
Bobbie Louis Sandford	<u>2:12-cr-00063-LG-JMV</u>	Louis Guirola, Jr	<u>3:21-mc-00014-SA</u>	Sharion Aycock
William Joseph Pullen	<u>3:15-cr-00114-DMB-SAA</u>	Debra M. Brown	<u>3:21-mc-00015-SA</u>	Sharion Aycock
Jeffrey Morris	<u>4:16-cr-00025-GHD-JMV</u>	Glen H. Davidson	<u>4:20-mc-00002-SA</u>	Sharion Aycock
Detrick Doyle	<u>4:15-cr-00151-SA-JMV</u>	Sharion Aycock	<u>4:20-mc-00003-SA</u>	Sharion Aycock
Johnny Dewayne Brown	<u>4:13-cr-00139-SA-JMV</u>	Sharion Aycock	<u>4:20-mc-00004-SA</u>	Sharion Aycock
Shantel McClung	<u>4:13-cr-00106-SA-JMV</u>	Sharion Aycock	<u>4:20-mc-00005-SA</u>	Sharion Aycock

Nathaniel Brown	<u>4:16-cr-00074-NBB-JMV</u>	Neal B. Biggers	<u>4:21-mc-00001-SA</u>	Sharion Aycock
Tommie McClung	<u>4:13-cr-00106-SA-JMV</u>	Sharion Aycock	<u>4:21-mc-00002-SA</u>	Sharion Aycock
McDowell, Joseph	<u>1:19-cr-00087-SA-DAS</u>	Sharion Aycock	<u>1:21-mc-00005-SA</u>	Sharion Aycock
Wesley, Mary	<u>4:09-cr-00049-SA-DAS</u>	Sharion Aycock	<u>4:21-mc-00003-SA</u>	Sharion Aycock
McClung, Gregory	<u>4:13-cr-00106-SA-JMV</u>	Sharion Aycock	<u>4:21-mc-00004-SA</u>	Sharion Aycock
Palasini, Tammi Henderson	<u>3:15-cr-0008-SA-SAA</u>	Sharion Aycock	<u>3:21-mc-00022-SA</u>	Sharion Aycock

United States Court of Appeals
FIFTH CIRCUIT
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March 07, 2022

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No. 21-60662 USA v. Sensing
USDC No. 3:18-CR-154-1
USDC No. 3:19-CR-40-1

Dear Mr. Greenfield and Mr. Johnson,

The following pertains to your amicus curiae brief electronically filed on March 2, 2022.

We filed your brief. However, you must make the following corrections within the next 14 days.

You need to correct or add:

The Certificate of Interested Persons, Table of Contents, Certificate of Service and Certificate of Compliance needs to be listed on the Table of contents with page references is required, see FED. R. APP. P. 28(a) (2).

Table of authorities must list cases (alphabetically arranged), statutes, and other authorities, with references to the pages of the brief where they are cited, see **FED. R. APP. P. 28(a) (3)**.

The brief content is out of order and must be rearranged. Specifically, the Certificate of Service must be moved to appear before the Certificate of Compliance, see **5TH CIR. R. 28.3**.

You must electronically file a "Form for Appearance of Counsel" within 14 days from this date. You must name each party you represent, see **FED. R. APP. P. 12(b)** and **5TH CIR. R. 12 & 46.3**. The form is available from the Fifth Circuit's website,

www.ca5.uscourts.gov. If you fail to electronically file the form, the brief will be stricken and returned unfiled.

Note: Once you have prepared your sufficient brief, you must electronically file your 'Proposed Sufficient Brief' by selecting from the Briefs category the event, Proposed Sufficient Brief, via the electronic filing system. Please do not send paper copies of the brief until requested to do so by the clerk's office. The brief is not sufficient until final review by the clerk's office. If the brief is in compliance, paper copies will be requested and you will receive a notice of docket activity advising you that the sufficient brief filing has been accepted and no further corrections are necessary. The certificate of service/proof of service on your proposed sufficient brief **MUST** be dated on the actual date that service is being made. Also, if your brief is sealed, this event automatically seals/restricts any attached documents, therefore you may still use this event to submit a sufficient brief.

Sincerely,

LYLE W. CAYCE, Clerk

Mary Stewart

By:

Mary C. Stewart, Deputy Clerk
504-310-7694

CC:

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Mr. Robert Henry Norman
Ms. Victoria Valencia Washington