

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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DION RAY WHEELER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

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/s/ Adam Nicholson

JASON HAWKINS  
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Northern District of Texas  
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Appendix B Judgment and Sentence of the United States District Court for the Northern District of Texas entered February 11, 2016.  
*United States v. Wheeler*, Dist. Court 1:15-CR-27-H-BU.

Appendix C Judgment of Revocation and Sentence of the United States District Court for the Northern District of Texas, entered October 8, 2019.  
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## APPENDIX A

# United States Court of Appeals for the Fifth Circuit

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No. 22-11209  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 9, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DION RAY WHEELER,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:15-CR-27-2

---

Before KING, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:\*

Dion Ray Wheeler was sentenced to 60 months of imprisonment and five years of supervised release following his 2016 conviction for possession with intent to distribute five grams or more of methamphetamine and aiding and abetting. His term of supervised release was revoked in both 2019 and 2022. For the first time on appeal, he challenges the constitutionality of 18

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 22-11209

U.S.C. § 3583(g), which mandates revocation of supervised release and a term of imprisonment for any offender who violates certain conditions of supervised release, including possessing a controlled substance.

Relying on *United States v. Haymond*, 139 S. Ct. 2369 (2019), Wheeler contends that § 3583(g) is unconstitutional because it requires revocation of a term of supervised release and imposition of a term of imprisonment without affording the defendant the constitutionally guaranteed right to a jury trial. He concedes that his challenge is foreclosed under *United States v. Garner*, 969 F.3d 550 (5th Cir. 2020), and raises the issue to preserve it for further review. The Government has filed an unopposed motion for summary affirmance and, alternatively, for an extension of time to file its brief.

In *Garner*, we rejected the argument that Wheeler has advanced and held that § 3583(g) is not unconstitutional under *Haymond*. *See Garner*, 969 F.3d at 551-53. Thus, Wheeler's sole argument on appeal is foreclosed. Accordingly, the Government's motion for summary affirmance is GRANTED, its alternative motion for extension of time is DENIED AS MOOT, and the judgment of the district court is AFFIRMED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

## APPENDIX B

**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF TEXAS ABILENE DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX.  
FILED

UNITED STATES OF AMERICA

§ **JUDGMENT IN A CRIMINAL CASE**  
§  
§  
§ 2016 FEB 16 AM 5:00

v.

DION RAY WHEELER

§ Case Number: **15-15-CR-00027-P-BL(2)**  
§ USM Number: **49595-177**  
§ **Jacob Austin Blizzard**  
§ Defendant's Attorney

**THE DEFENDANT:**

|                                     |   |   |
|-------------------------------------|---|---|
| <input type="checkbox"/>            | pleaded guilty to count(s)  |   |
| <input checked="" type="checkbox"/> | pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court. | <b>Plead guilty to Count 5s of the Superseding Indictment filed 8/12/15</b> |
| <input type="checkbox"/>            | pleaded nolo contendere to count(s) which was accepted by the court                         |   |
| <input type="checkbox"/>            | was found guilty on count(s) after a plea of not guilty                                     |   |

The defendant is adjudicated guilty of these offenses:

**Title & Section / Nature of Offense**

21:841(a)(1)M 841(b)(1)(b)(Viii) and 18:2 Possession With Intent To Distribute Five Grams Or More Of Methamphetamine and Aiding and Abetting

**Offense Ended**

02/05/2016

**Count**

5s


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 been found not guilty on count(s)  
☒ Count(s) 1s ☒ is ☐ are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**February 11, 2016**

Date of Imposition of Judgment

  
Signature of Judge

**Jorge A. Solis, United States District Judge**

Name and Title of Judge

*Feb. 12, 2016*  
Date

DEFENDANT: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-P-BL(2)

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: sixty (60) months as to count 5s. This case shall run consecutive to pending Case Nos. 2-1250-15 County Court at Law No. 2, and 11498-D, 350<sup>th</sup> District Court, Taylor County, Texas .

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

☒ 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: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-P-BL(2)

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **five (5) years.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. 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 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 the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

1. the defendant shall not leave the judicial district without the 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 responsibilities;
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;
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; and
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.

DEFENDANT: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-P-BL(2)

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall abstain from the use of alcohol and all other intoxicants during the term of supervision.

The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$25 per month.

DEFENDANT: DION RAY WHEELER  
 CASE NUMBER: 1:15-CR-00027-P-BL(2)

### CRIMINAL MONETARY PENALTIES

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

|               | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|---------------|-------------------|-------------|--------------------|
| <b>TOTALS</b> | \$100.00          | \$0.00      | \$0.00             |

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- |  |                               |  |
|--|-------------------------------|--|
| <input checked="" type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input checked="" type="checkbox"/> restitution              |
| <input type="checkbox"/> the interest requirement for the                      | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

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

DEFENDANT: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-P-BL(2)

### SCHEDULE OF PAYMENTS

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

- A ☐ Lump sum payments of \$ \_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal 20 (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:  
**It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 5s which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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

- ☐ Joint and Several  
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

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

**UNITED STATES DISTRICT COURT**  
for  
**NORTHERN DISTRICT OF TEXAS**

**Petition for Offender Under Supervision**

Name of Offender: Dion Ray Wheeler Case No.: 1:15-CR-027-C(02)  
Name of Sentencing Judge: Chief U.S. District Judge Jorge A. Solis (Case was reassigned to Senior U.S. District Judge Sam R. Cummings on November 1, 2017.)  
Date of Original Sentence: February 11, 2016  
Original Offense: Possession with Intent to Distribute Five Grams or More of Methamphetamine and Aiding and Abetting, 21 U.S.C. § 841(a)(1) & 841(b)(1)(B)(viii) and 18 U.S.C. § 2, a Class B felony  
Original Sentence: 60 months custody consecutive to pending Case Nos. 2-1250-15, County Court at Law No. 2, and 11498-D, 350th District Court, Taylor County, Texas, 5-year term of supervised release  
Revocations: None  
Detainers: None  
U.S. Marshals No.: 49595-177  
Type of Supervision: Supervised Release Date Supervision Commenced: October 10, 2018  
Assistant U.S. Attorney: Juanita Fielden Defense Attorney: Jacob Austin Blizzard  
(Court appointed)

**Petitioning the Court for Action for Cause as Follows:**

To issue a violator's warrant.

The probation officer believes that the offender violated the following conditions:

**I.**

**Violation of Mandatory Condition No. 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.

**Violation of Special Condition No. 1**

The defendant shall abstain from the use of alcohol and all other intoxicants during the term of supervision.

**Nature of Noncompliance**

Dion Wheeler (Wheeler) violated these conditions of supervised release by using and possessing methamphetamine, an illegal controlled substance, in or about April and May 2019. On April 30, 2019, and May 9, 2019, Wheeler submitted urine specimens to the U.S. Probation Office, Abilene, Texas, that

## APPENDIX C

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

ABILENE DIVISION

UNITED STATES OF AMERICA

## JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

v.

DION RAY WHEELER

Case Number: 1:15-CR-00027-H-BU(2)

USM Number: 49595-177

David E Sloan

Defendant's Attorney

## THE DEFENDANT:

|                                     |   |  |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | admitted guilt to violation of condition(s) | Standard Condition No. 7 and Special Condition No. 1 of the term of supervision. |
| <input type="checkbox"/>            | was found in violation of condition(s)      | after denial of guilt.   |

The defendant is adjudicated guilty of these violations:

Violation NumberNature of ViolationViolation EndedSee attached Petition  
for Offender Under  
Supervision.

A certified copy of the Judgment imposed on February 16, 2016, in the U.S. District Court, Northern District of Texas, Abilene Division, is attached.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) 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. 7439

Defendant's Year of Birth: 1982

City and State of Defendant's Residence:  
Abilene, Texas

October 8, 2019

Date of Imposition of Judgment

Signature of Judge

James Wesley Hendrix  
United States District Judge  
Name and Title of Judge

October 8, 2019

Date



DEFENDANT: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-H-BU(2)

## IMPRISONMENT

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

**Eleven (11) months.**

☒ The court makes the following recommendations to the Bureau of Prisons: Incarceration at FCI Butner, NC.

☒ 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: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-H-BU(2)

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **Thirty-seven (37) months.**

## 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 which 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 additional conditions on the attached page.

DEFENDANT: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-H-BU(2)

## 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. I understand additional information regarding these conditions is available at [www.txnp.uscourts.gov](http://www.txnp.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-H-BU(2)

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$20.00 per month.
2. The defendant shall abstain from the use of alcohol and all other intoxicants during the term of supervision.

## APPENDIX D

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF TEXAS**  
**ABILENE DIVISION**

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**  
**(For Revocation of Probation or Supervised Release)**

v.

**DION RAY WHEELER**Case Number: **1:15-CR-00027-H-BU(2)**USM Number: **49595-177****Kristen Ayers**

Defendant's Attorney

**THE DEFENDANT:**

|                                     |   |  |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | admitted guilt to violation of condition(s) | Two (2) mandatory conditions and one (1) special condition of the term of supervision. |
| <input type="checkbox"/>            | was found in violation of condition(s)      | after denial of guilt.   |

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) 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. 7439

Defendant's Year of Birth: 1982

City and State of Defendant's Residence:  
 Abilene, Texas

**December 8, 2022**

Date of Imposition of Judgment

Signature of Judge

James Wesley Hendrix  
 United States District Judge  
 Name and Title of Judge

**December 8, 2022**

Date

DEFENDANT: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-H-BU(2)

## IMPRISONMENT

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

Eighteen (18) months as to count 1. This sentence shall run consecutively to any sentence imposed in Case No. 17959-P pending in Taylor County District Court, Taylor County, Texas.

☐ The court makes the following recommendations to the Bureau of Prisons: FCI Butner.

☒ 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: DION RAY WHEELER  
CASE NUMBER: 1:15-CR-00027-H-BU(2)

**SUPERVISED RELEASE**

**No further term of Supervised Release imposed.**