

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JARRED ADAMS,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

APPENDIX TO
PETITION FOR WRIT OF CERTIORARI

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ENTERED

January 05, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Holding Session in Houston

UNITED STATES OF AMERICA

v.

JARRED ADAMS**AMENDED JUDGMENT IN A CRIMINAL CASE****CASE NUMBER: 4:21CR00355-001****USM NUMBER: 52639-509****Date of Original Judgment:** January 24, 2023

(Or Date of Last Amended Judgment)

Quentin Tate Williams

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1, 2, 3 and 4 on May 24, 2022.

pleaded nolo contendere to count(s) _____ which was accepted by the court.

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	Offense Ended	Count
18 U.S.C. §§ 1951(a)	Aiding and abetting interference with commerce by robbery and 2	04/13/2021	1
18 U.S.C. §§ 924(c)(1)(A)(ii), (iii), and 2	Aiding and abetting discharge of a firearm during and in relation to a crime of violence	04/13/2021	2
18 U.S.C. §§ 1951(a)	Aiding and abetting interference with commerce by robbery and 2	04/14/2021	3

See Additional Counts of Conviction.

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) _____ 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.

December 21, 2023

Date of Imposition of Judgment



Signature of Judge

**DAVID HITTNER
SENIOR UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

1/4/24

Date

DEFENDANT: **JARRED ADAMS**
CASE NUMBER: **4:21CR00355-001**

Judgment — Page 2 of 7**ADDITIONAL COUNTS OF CONVICTION**

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 924(c)(1)(A)(i), (ii), and 2	Aiding and abetting brandishing a firearm during and in relation to a crime of violence	04/14/2021	4

DEFENDANT: **JARRED ADAMS**
CASE NUMBER: **4:21CR00355-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: *275 months.

*This term consists of SEVENTY-ONE (71) MONTHS as to each of Counts 1 and 3, to be served concurrently to each other, followed by a consecutive term of ONE HUNDRED TWENTY (120) MONTHS as to Count 2, and a consecutive term of EIGHTY-FOUR (84) MONTHS as to Count 4, for a total term of TWO HUNDRED SEVENTY-FIVE (275) MONTHS.

- See Additional Imprisonment Terms.
- 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 _____ 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: **JARRED ADAMS**
CASE NUMBER: **4:21CR00355-001**

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: 3 years.
This term consists of THREE (3) YEARS as each of Counts 1, 2, 3, and 4, all such terms to run concurrently, for a total of THREE (3) YEARS.

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.

STANDARD CONDITIONS OF SUPERVISION

See Special 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.
14. If restitution is ordered, the defendant must make restitution as ordered by the Judge and in accordance with the applicable provisions of 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663A and/or 3664. The defendant must also pay the assessment imposed in accordance with 18 U.S.C. § 3013.
15. The defendant must notify the U.S. Probation Office of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

Sheet 3D – Supervised Release

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DEFENDANT: **JARRED ADAMS**
CASE NUMBER: **4:21CR00355-001**

SPECIAL CONDITIONS OF SUPERVISION

You must participate in a mental-health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program, including the provider, location, modality, duration, and intensity. You must pay the cost of the program, if financially able.

You must take all mental-health medications that are prescribed by your treating physician. You must pay the costs of the medication, if financially able.

You must participate in an educational services program to obtain your GED. You must pay the costs of the program if financially able.

You are required to participate in a vocational training program.

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

You must not incur new credit charges or open additional lines of credit without the approval of the probation officer.

DEFENDANT: **JARRED ADAMS**
CASE NUMBER: **4:21CR00355-001**

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment¹</u>	<u>JVTA Assessment²</u>
TOTALS	\$400	\$500.19	\$	\$	\$

A \$100 special assessment is ordered as to each of Counts 1, 2, 3, and 4, for a total of \$400.

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

<u>Name of Payee</u>	<u>Total Loss³</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Dollar Tree Store		\$350.00	
Dollar Tree Store		\$150.19	
<input type="checkbox"/> See Additional Restitution Payees.			
TOTALS		\$	\$500.19

See Additional Restitution Payees.

TOTALS **\$** **\$500.19**

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:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

¹ Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

² Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

³ 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: **JARRED ADAMS**
CASE NUMBER: **4:21CR00355-001****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 payment of \$ _____ due immediately, balance due
 not later than _____, or
 in accordance with 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 _____ installments of \$ _____ over a period of _____ to commence _____ after the date of this judgment; or

D Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ 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:

Payable to: Clerk, U.S. District Court, Attn: Finance, P.O. Box 61010, Houston, TX 77208

Any unpaid balance due in payments of the greater of \$25 per quarter or 50% of any wages earned while imprisoned. The defendant will receive credit for any payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. Any balance remaining after release from imprisonment shall be paid in monthly installments of \$50 to commence 60 days after release to a term of supervision.

The defendant's restitution obligation shall not be affected by any payments that may be made by other defendants in this case, except that no further payment shall be required after the sum of the amounts paid by all defendants has fully covered all the compensable losses.

The defendant's restitution obligation shall not be affected by any payments that may be made by other defendants in this case, except that no further payment shall be required after the sum of the amounts paid by all defendants has fully covered all the compensable losses.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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

Case Number**Defendant and Co-Defendant Names
(including defendant number)**

Jarred Adams 4:21CR00355-001
Charles Cox 4:21CR00355-002

	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
	\$500.19	\$500.19	
	\$500.19	\$500.19	

See Additional Defendants and Co-Defendants Held Joint and Several.
 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) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

United States Court of Appeals for the Fifth Circuit

No. 24-20028
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
February 19, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JARRED ADAMS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CR-355-1

Before HIGGINBOTHAM, JONES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Jarred Adams pleaded guilty to two counts of aiding and abetting interference with commerce by robbery, one count of aiding and abetting the discharge of a firearm during a crime of violence, and one count of aiding and abetting the brandishing of a firearm during a crime of violence. At Adams's original sentencing, the district court imposed a total sentence of 281 months

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

of imprisonment, which was the bottom of the aggregate guidelines range. On appeal, we vacated and remanded Adams's sentence because the district court erred by applying a six-level enhancement pursuant to U.S.S.G. § 2B3.1(b)(3)(C). *United States v. Cox*, Nos. 22-20636, 22-20658, 2023 WL 6162777 (5th Cir. Sept. 21, 2023) (unpublished). The district court resentenced Adams at the top of the recalculated aggregate guidelines range to a total of 275 months of imprisonment.

Adams now appeals from that sentence and argues that because his new sentence is more severe than his original sentence, a presumption of judicial vindictiveness should apply. Because he objected on this basis at sentencing, we review his challenge de novo. *See United States v. Resendez-Mendez*, 251 F.3d 514, 517 (5th Cir. 2001).

We apply a presumption of vindictiveness when a defendant receives a harsher sentence on resentencing by the same judge who imposed the original sentence. *Id.* (citing *North Carolina v. Pearce*, 395 U.S. 711 (1969), *overruled in part on other grounds by Alabama v. Smith*, 490 U.S. 794 (1989)). Where, as here, the defendant's sentence is based on multiple related counts, we use the aggregate package approach to "compare the total original sentence to the total sentence after resentencing." *United States v. Campbell*, 106 F.3d 64, 68 (5th Cir. 1997). Because Adams's aggregate sentence at resentencing was not greater than the aggregate original sentence, the *Pearce* presumption of vindictiveness is not applicable. *See id.* at 68-69.

AFFIRMED.