

## APPENDIX A

United States Court of Appeals  
for the Fifth Circuit

---

No. 24-50599  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

April 29, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

CIMEON DION WILLIAMS,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:23-CR-701-1

---

Before JONES, DENNIS, and DUNCAN, *Circuit Judges*.

PER CURIAM:\*

Cimeon Dion Williams pleaded guilty to a single count of conspiracy to transport illegal aliens, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I) and (B)(iii). The district court found that an upward variance from the guidelines imprisonment range was warranted and sentenced Williams to 60 months in prison. Williams appeals his sentence.

---

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

No. 24-50599

Williams argues that the district court wrongly denied him a reduction for acceptance of responsibility under U.S.S.G. § 3E1.1 based on the finding that he did not voluntarily terminate or withdraw from criminal conduct after his arrest. Because he did not preserve this issue by asserting it in the district court, our review is for plain error. *See United States v. Medina-Anicacio*, 325 F.3d 638, 647 (5th Cir. 2003).

The district court did not plainly err in finding that Williams's assault of a correctional officer prior to sentencing was a proper basis to deny him a § 3E1.1 reduction. *See* § 3E1.1, comment. (n.1(B)) and (n.3). While he argues that his conduct was attributable to an unspecified mental health issue, he has not shown or pointed to record evidence that establishes that he had a mental health issue that caused him to engage in conduct that was inconsistent with the acceptance of responsibility or that contributed to his behavior during the incident. Nor has he identified authority that allows, much less requires, a court to consider a defendant's mental health issues when deciding whether to grant a reduction under § 3E1.1. The district court otherwise did not err in finding that no reduction was warranted based on the factual recitation of the incident in the presentence report (PSR). That recitation bore sufficient indicia of reliability, and Williams did not offer rebuttal evidence that showed that the recitation was untrue, inaccurate, or unreliable. *See United States v. Peterson*, 977 F.3d 381, 396-97 (5th Cir. 2020); *United States v. Trujillo*, 502 F.3d 353, 357 (5th Cir. 2007).

Williams also argues that the district court wrongly applied an adjustment under U.S.S.G. § 2L1.1(b)(6) based on the finding that the offense involved intentionally or recklessly creating a substantial risk of death or serious bodily injury to another person. We review his unpreserved claim for plain error. *See United States v. Ramirez*, 37 F.4th 233, 235 (5th Cir. 2022).

No. 24-50599

The record evidence reflects that one of the illegal aliens that Williams conspired to transport was moved in the trunk of a car. This behavior is listed in the commentary to § 2L1.1(b)(6) as the type of conduct contemplated by the Sentencing Commission in drafting the guideline provision; thus, the district court properly could apply the adjustment on that basis. § 2L1.1, comment. (n.3); *see United States v. Mateo Garza*, 541 F.3d 290, 293-94 (5th Cir. 2008). His claim that there was no credible evidence that he knew that there was an alien in the trunk is belied by his un rebutted and unchallenged post-detention admissions, which are described in the factual basis and PSR. Furthermore, his assertion that his alleged mental health issue may have affected his ability to recognize the risk of harm to the alien is baseless and speculative, and it is immaterial that the alien was not actually harmed. *See United States v. Ruiz-Hernandez*, 890 F.3d 202, 212 (5th Cir. 2018). While Williams contends that the district court should have used its discretion to not apply § 2L1.1(b)(6), the district court correctly used the Sentencing Guidelines as a starting point to find the guidelines range and did not express a lack of appreciation for its ability to vary if it determined that § 2L1.1(b)(6) lacked a sound basis in policy or empirical support. *See Kimbrough v. United States*, 552 U.S. 85, 101 (2007); *United States v. Duarte*, 569 F.3d 528, 530-31 (5th Cir. 2009).

The judgment of the district court is AFFIRMED.

## **APPENDIX B**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION

UNITED STATES OF AMERICA

v.

Case Number: DR:23-CR-00701(1)-DC

USM Number: 44669-510

(1) CIMEON DION WILLIAMS

Defendant

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, (1) CIMEON DION WILLIAMS , was represented by Thomas Fritz Hille.

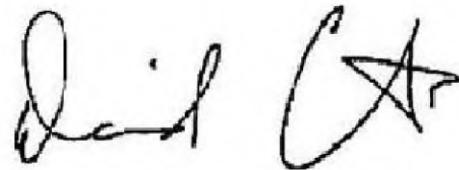
The defendant pled guilty to Count One of the Indictment on April 24, 2023. Accordingly, the defendant is adjudged guilty of such Count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. § 1324	Conspiracy to Transport Illegal Aliens Placing Lives in Jeopardy	February 15, 2023	One

As pronounced on July 23, 2024, 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.

It is further ordered that the defendant shall 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 shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this 29th day of July, 2024.

  
\_\_\_\_\_  
DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

Arresting Agency: EP Border Patrol

24-50599.79

AO245B (Rev. TXW 11/16) Judgment in a Criminal Case

Judgment -- Page 2 of 6

DEFENDANT: (1) CIMEON DION WILLIAMS  
CASE NUMBER: DR:23-CR-00701(1)-DC

**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of **SIXTY (60) MONTHS** with credit for time served , pursuant to 18 U.S.C. 3584(a).

The Court makes the following recommendation to the Bureau of Prisons:

That the defendant be incarcerated in a federal facility as close to Houston, Texas as possible.

The defendant shall remain in custody pending service of sentence.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment

United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

24-50599.80

DEFENDANT: (1) CIMEON DION WILLIAMS  
CASE NUMBER: DR:23-CR-00701(1)-DC

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THREE (3) YEARS**.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court.

- X The defendant shall abstain from the use of alcohol and any and all intoxicants.
- X The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program shall include testing and examination to determine if the defendant has reverted to the use of drugs and alcohol. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able.
- X The defendant shall not use or possess any controlled substances without a valid prescription. If a valid prescription exists, the defendant must disclose the prescription information to the probation officer and follow the instructions on the prescription.
- X The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.
- X The defendant shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, mushrooms etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.
- X The defendant shall 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, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able.
- X The defendant shall take all mental health medications that are prescribed by the treating physician, as prescribed.
- X The defendant shall 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.



DEFENDANT: (1) CIMEON DION WILLIAMS

CASE NUMBER: DR:23-CR-00701(1)-DC

**MANDATORY CONDITIONS**

1. The defendant shall not commit another federal, state or local crime during the term of supervision.
2. The defendant shall not unlawfully possess a controlled substance.
3. 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 on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
4. The defendant shall cooperate in the collection of DNA as instructed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
5. If applicable, the defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et. seq.*) as instructed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.
6. If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
7. If this judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.
8. The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. The defendant shall notify the court of any material change in defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

DEFENDANT: (1) CIMEON DION WILLIAMS  
CASE NUMBER: DR:23-CR-00701(1)-DC

**STANDARD CONDITIONS OF SUPERVISED RELEASE**

1. The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the Court or probation officer instructs the defendant to report to a different probation office or within a different time frame. The defendant shall not leave the judicial district without permission of the court or probation officer.
2. After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court.
4. The defendant shall answer truthfully the questions asked by the probation officer.
5. The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that are observed in plain view.
7. The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, he or she shall try to find full-time employment, unless excused from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or job responsibilities), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the Court.
9. If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.
10. The defendant shall 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. The defendant shall 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 the defendant poses a risk to another person (including an organization), the Court may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
13. The defendant shall follow the instructions of the probation officer related to the conditions of supervision.
14. If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
15. If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is the condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
16. If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.
17. If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office, or as ordered by the Court.

DEFENDANT: (1) CIMEON DION WILLIAMS  
CASE NUMBER: DR:23-CR-00701(1)-DC

### **CRIMINAL MONETARY PENALTIES / SCHEDULE**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, Attn: Mail Log, 111 E. Broadway Ste. 100, Del Rio, Texas 78840, or online by Debit (credit cards not accepted) or ACH payment (direct from Checking or Savings Account) through pay.gov (link accessible on the landing page of the [U.S. District Court's Website](#)). **Your mail-in or online payment must include your case number in the exact format of DTXW[223CR000701-001] to ensure proper application to your criminal monetary penalty.**

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

	<b><u>Assessment</u></b>	<b><u>Fine</u></b>	<b><u>Restitution</u></b>	<b><u>AVAA Assessment *</u></b>	<b><u>JVTA Assessment **</u></b>
TOTAL:	\$100.00	\$1500.00	\$0.00	\$0.00	\$0.00

### **Special Assessment**

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00. The debt is incurred immediately.

### **Fine**

The defendant shall pay a fine of \$1500.00 Fine. The Court finds the defendant has the present and future ability to pay a reduced fine.

### **Schedule of Payments**

Fine is due immediately or within the three-year term of supervised release. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible.

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 above. However, pursuant to 18 U.S.C. § 3664(l), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

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.

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.

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

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