

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DEANDRE BLACKMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

JARROD J. BECK

Law Office of Jarrod J. Beck, PLLC
101 West Short Street
Lexington, Kentucky 40507

859.948.5535

jarrod.beck@gmail.com

COUNSEL FOR PETITIONER

QUESTIONS PRESENTED FOR REVIEW

The supervised-release statute, 18 U.S.C. § 3583(e), lists factors from 18 U.S.C. § 3553(a) for a court to consider when sentencing a person for violating a supervised-release condition. In that list, Congress omitted the factors set forth in § 3553(a)(2)(A)—the need for the sentence to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense. As a result, this Court recently held that courts cannot rely on those § 3553(a)(2)(A) factors when revoking supervised release. *See Esteras v. United States*, 145 S.Ct. 2031 (June 20, 2025).

The question presented in this case is closely related:

Whether courts may rely on the 18 U.S.C. § 3553(a)(2)(A) factors when determining the length and conditions of additional supervision following a supervised release revocation?

LIST OF ALL PARTIES TO THE PROCEEDINGS

Petitioner/Appellant/Defendant – Deandre Blackman

Respondent/Appellee/Plaintiff – United States of America

TABLE OF CONTENTS

| | |
|---|-----|
| Questions Presented for Review | i |
| List of All Parties to the Proceedings | ii |
| Table of Contents | iii |
| Index to Appendices | iv |
| Table of Authorities | v |
| Opinions Below | 1 |
| Jurisdiction | 1 |
| Constitutional and Statutory Provisions Involved..... | 2 |
| Statement of the Case | 5 |
| Reasons for Granting Writ | 10 |
| I. The principles outlined by this Court in <i>Esteras</i> clearly apply | 10 |
| II. The question presented raises an important and recurring issue fundamental to federal supervised-release-revocation law..... | 13 |
| III. The decisions below are wrong | 14 |
| Conclusion..... | 18 |
| Certificate of Service..... | 19 |

INDEX TO APPENDICES

Appendix A

Revocation Judgment from the Eastern District of Kentucky in *United States v. Deandre Blackman*, 5:13-CR-81-DCR, filed on May 15, 2024.

Appendix B

Unpublished Opinion of the United States Court of Appeals for the Sixth Circuit in *United States v. Deandre Blackman*, No. 24-5517, filed on May 1, 2025.

TABLE OF AUTHORITIES

| I. Cases | Page No. |
|---|---------------------|
| <i>Concepcion v. United States</i> , 597 U.S. 481 (2022) | 12 |
| <i>Esteras v. United States</i> , 145 S.Ct. 2031 (June 20, 2025) | i, 5, 9, 11, 17, 18 |
| <i>Johnson v. United States</i> , 529 U.S. 694 (2000) | 16 |
| <i>Tapia v. United States</i> , 564 U.S. 319 (2011) | 12 |
| <i>United States v. Blackman</i> , 625 Fed.Appx. 231 (6 th Cir.2015) | 5 |
| <i>United States v. Booker</i> , 63 F.4 th 1254 (10 th Cir.2023) | 11 |
| <i>United States v. Clay</i> , 752 F.3d 1106 (7 th Cir.2014) | 10 |
| <i>United States v. Crudup</i> , 461 F.3d 433 (4 th Cir.2006) | 10, 11 |
| <i>United States v. Granderson</i> , 511 U.S. 39 (1994) | 12 |
| <i>United States v. Johnson</i> , 529 U.S. 53 (2000) | 12 |
| <i>United States v. Lewis</i> , 498 F.3d 393 (6 th Cir.2007) | 9, 10 |
| <i>United States v. Miller</i> , 634 F.3d 841 (5 th Cir.2011) | 11 |

| | |
|--|----|
| <i>United States v. Mibel</i> , 444 F.3d 1173 (9 th Cir.2006) | 11 |
| <i>United States v. Olano</i> , 507 U.S. 725 (1993) | 18 |
| <i>United States v. Vargas-Davila</i> , 649 F.3d 129 (1 st Cir.2011) | 10 |
| <i>United States v. Williams</i> , 443 F.3d 35 (2d Cir.2006) | 10 |
| <i>United States v. Young</i> , 634 F.3d 233 (3d Cir.2011) | 10 |

Statutes, Rules, and Guidelines

| | |
|---------------------------------|-------|
| 18 U.S.C. § 3553(a)..... | 3, 4 |
| 18 U.S.C. § 3553(a)(2)(A) | i, 17 |
| 18 U.S.C. § 3583(d)(1)-(2)..... | 16 |
| 18 U.S.C. § 3583(e)..... | 2, 3 |
| 28 U.S.C. § 1254(1) | 1 |

OPINIONS BELOW

Mr. Blackman's appeal to the Sixth Circuit was taken from the judgment entered following his May 15, 2024 supervised release revocation. *See* Appendix A. On May 1, 2025, the Sixth Circuit issued an unpublished opinion affirming Mr. Blackman's statutory maximum revocation sentence and seven-year supervised release term with mandatory electronic monitoring. *See* Appendix B. This petition for a writ of certiorari now follows.

JURISDICTION

The Sixth Circuit issued an unpublished opinion affirming Mr. Blackman's revocation sentence and additional supervised release term and conditions on May 1, 2025. *See* Appendix B. Mr. Blackman invokes this Court's jurisdiction pursuant to 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

Section 3583(e) of Title 18, United States Code, provides:

MODIFICATION OF CONDITIONS OR REVOCATION.—The court may, after considering the factors set for section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)—

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice;

(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on post-release supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if the offense is a class C or D felony, or more than one year in any other case; or

(4) order the defendant to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an

order under this paragraph may be imposed only as an alternative to incarceration.

18 U.S.C. § 3583(e).

Section 3553(a) of Title 18, United States Code, provides:

FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the kind of sentence and the sentencing range established for—

(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be

incorporated by the Sentencing Commission into amendments under section 994(p) of title 28); and

(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code, taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28);

(5) any pertinent policy statement—

(A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.

(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(7) the need to provide restitution to any victims of the offense.

18 U.S.C. § 3553(a).

STATEMENT OF THE CASE

Deandre Blackman presents a question for this Court's review that is closely connected to an issue it just considered: whether a district court may rely on the 18 U.S.C. § 3553(a)(2)(A) factors in determining the length and conditions of an additional period of supervised release following supervised release revocation. *See Esteras*, 145 S.Ct. at 2031. Given the Court's ruling in *Esteras*, this question is ripe for review.

In 2013, Mr. Blackman was charged with and convicted of a federal drug offense in the Eastern District of Kentucky over which the district court had jurisdiction under 18 U.S.C. § 3231. After completing his 43-month custodial sentence, Mr. Blackman began a three-year period of supervised release on July 12, 2016.¹

More than two years later, the district court revoked Mr. Blackman's supervised release on November 19, 2018 and sentenced him to six months of incarceration after he was arrested for possession of marijuana. The court imposed a new two-year supervised release period and added another special condition of supervision requiring Mr. Blackman to participate in substance abuse treatment

¹ The district court originally imposed a sentence of 50 months, but Mr. Blackman's case was remanded after the Sixth Circuit determined the sentence was procedurally unreasonable. *See United States v. Blackman*, 625 Fed.Appx. 231 (6th Cir.2015).

and to submit to periodic drug and alcohol testing at the direction of the United States Probation Office (USPO).

Prior to his self-surrender date, the district court again revoked Mr. Blackman's supervised release and imposed an additional one-month sentence because he submitted a diluted urine sample on the date of his previous final revocation hearing. The court also increased Mr. Blackman's future supervision period to three years and imposed another special condition requiring that he complete 200 hours of community service while on supervised release.

Mr. Blackman completed his combined revocation sentence and was released on June 24, 2019 to be supervised in the Eastern District of Michigan, his home district. However, the district court again revoked Mr. Blackman's supervised release for leaving that district without permission and failing to report contact with law enforcement. The court imposed an eight-month sentence to be followed by three years of supervised release. In addition, the court added a location monitoring requirement for the full duration of Mr. Blackman's term of supervision. Mr. Blackman completed his sentence on February 17, 2021 and was again released to the Eastern District of Michigan.

On October 8, 2021, Mr. Blackman moved to modify the conditions of his supervised release to remove the electronic monitoring requirement and to permit interstate travel. Mr. Blackman explained that he had employment opportunities

that were impacted by the monitoring and travel conditions, and those restrictions also impacted his ability to see his child. *See* [R. 476: Motion to Amend, Page ID # 2365-69]. He also noted the “mounting pressure” resulting from the restrictions and his family obligations had begun to take a “toll on his mental health.” *Id.* at Page ID # 2367. The district court denied Mr. Blackman’s request based on his “history of supervised release violations and the underlying offense conduct.” [R. 479: Memorandum Opinion and Order, Page ID # 2398-2403].

Approximately one year later, the district court again revoked Mr. Blackman’s supervised release based on his commission of a state crime. The court imposed a ten-month sentence to be followed by three additional years of supervision. The court also added a special condition entirely prohibiting Mr. Blackman from residing “in the Eastern District of Michigan during the period of supervised release.” [R. 498: Revocation Judgment, Page ID # 2456]. Mr. Blackman completed his sentence and was released to the Eastern District of Kentucky on June 16, 2023.

On June 22, 2023, Mr. Blackman wrote to the district court asking for permission “to travel overnight for work” and “to visit” his “family back home in Michigan.” [R. 503: Pro Se Letter, Page ID # 2464]. Mr. Blackman wanted to be allowed “to go back to Michigan...to see [his] mother and pick up some of [his] belongings.” *Id.* The court denied Mr. Blackman’s request, insisting that his

“arguments that he needs to visit Michigan ‘to see [his] mother’ and ‘for work,’ even if legitimate, are substantially outweighed by the [§] 3553(a) factors that counsel against permitting him to leave the Eastern District of Kentucky.” [R. 502: Memorandum Order, Page ID # 2462].

On July 20, 2023, Mr. Blackman again wrote to the district court asking for permission to travel outside the Eastern District of Kentucky for work. [R. 506: Pro Se Letter, Page ID # 2472]. As before, the court denied Mr. Blackman’s request, noting that he had made “no attempt to demonstrate why granting his request is proper under [§] 3553(a)’s factors.” [R. 505: Order, Page ID # 2471].

On May 15, 2024, the district court conducted another revocation hearing based on allegations that Mr. Blackman violated his supervised release conditions by committing a federal, state, or local crime and by living at a location not previously approved by USPO. The district court ultimately concluded Mr. Blackman committed both violations. The court determined the most serious allegation constituted a Grade A violation, and given Mr. Blackman’s criminal history category of I, the applicable guideline range was 12-18 months.

During allocution, defense counsel requested a sentence within the guideline range and termination of supervision. Mr. Blackman also spoke to the court and reiterated the request for termination of supervision. Instead, the district court imposed an above-guidelines sentence of 24 months, the statutory maximum. In

doing so, the court said Mr. Blackman “is saved by the statutory maximum because his conduct here really justifies a greater sentence[.]” [R. 528: Transcript, Final Revocation Hearing, Page ID # 2578]. The court also indicated additional supervision was necessary because it was unclear if Mr. Blackman would be prosecuted in state court for the violation conduct and “because of the defendant’s past history and his current conduct[.]” *Id.* at Page ID # 2568-69.

In addition, the district court reimposed “supervision for seven years” and said it would “require electronic monitoring” for the full term. *Id.* at Page ID # 2579, Lines 4-5. The court indicated Mr. Blackman would “have an ankle monitor while he’s under supervision because he’s demonstrated that he can’t be trusted to comply with the law and to follow his conditions of supervision[.]” *Id.*

Mr. Blackman appealed, arguing that the district court violated 18 U.S.C. § 3583(e) by imposing the statutory maximum sentence and seven-year supervised release period with mandatory electronic monitoring in order to punish him. On May 1, 2025, the Sixth Circuit issued an unpublished opinion denying Mr. Blackman’s arguments. *See* Appendix B. The Court began by “noting that current precedent forecloses his argument.” *Id.* at Page 4 (citing *Esteras*, 88 F.4th 1163, 1169 (6th Cir.2023) (*overruled by Esteras*, 145 S.Ct at 2031)); *United States v.*

Lewis, 498 F.3d 393, 398 (6th Cir.2007).² The Court also incorrectly concluded the district court’s sentencing determinations were not intended to punish. *Id.* at Pages 5-6. In particular, the Sixth Circuit said the district court imposed seven additional years of supervision with mandatory location monitoring “after considering the relevant § 3553(a) factors[.]” *Id.* at Page 7.

REASONS FOR GRANTING THE WRIT

I. The principles outlined by this Court in *Esteras* clearly apply.

Prior to this Court’s decision in *Esteras*, there was a well-established circuit split over how to interpret 18 U.S.C. § 3583(e). The Sixth Circuit regularly relied on its prior published decision in *Lewis*, 498 F.3d at 393, to hold that a court may consider the § 3553(a)(2)(A) factors when revoking supervised release. Four other federal courts—the First, Second, Third, and Seventh Circuits—agreed. *United States v. Vargas-Davila*, 649 F.3d 129, 132 (1st Cir.2011); *United States v. Williams*, 443 F.3d 35, 47 (2d Cir.2006); *United States v. Young*, 634 F.3d 233, 239 (3d Cir.2011); *United States v. Clay*, 752 F.3d 1106, 1108 (7th Cir.2014).

On the other side, the Fourth, Fifth, Ninth, and Tenth Circuits had held that a court may not consider the § 3553(a)(2)(A) factors in the supervised release revocation context. *See United States v. Crudup*, 461 F.3d 433, 439 (4th Cir.2006) (“According to § 3553(e),

² Mr. Blackman’s appeal was decided on May 1, 2025, approximately seven weeks before this Court published its opinion overruling the Sixth Circuit’s prior decisions in *Esteras* and related cases on June 20, 2025.

in devising a revocation sentence the district court is not authorized to consider whether the revocation sentence “reflect[s] the seriousness of the offense, ... promote[s] respect for the law, and ... provide[s] just punishment for the offense,” § 3553(a)(2)(A), or whether there are other ‘kinds of sentences available,’ § 3553(a)(3).”); *United States v. Miller*, 634 F.3d 841, 844 (5th Cir.2011); *United States v. Miqbel*, 444 F.3d 1173, 1182 (9th Cir.2006); *United States v. Booker*, 63 F.4th 1254, 1261 (10th Cir.2023) (“[T]he omission of § 3553(a)(2)(A) from the sentencing factors enumerated in § 3583(e) means that a district court may not consider the need for a revocation sentence to (1) ‘reflect the seriousness of the offense,’ (2) ‘promote respect for the law,’ and (3) ‘provide just punishment for the offense’ when modifying or revoking a term of supervised release.”).

This Court’s decision in *Esteras* resolved the split. The Court agreed with the Fourth, Fifth, Ninth, and Tenth Circuits that “[d]istrict courts cannot consider § 3553(a)(2)(A) when revoking supervised release” because Congress’s exclusion of § 3553(a)(2)(A) from Section 3583(e) confirms it “did not intend for courts to consider” it in the revocation context. *Esteras*, 145 S.Ct. at 2040. The Court also explained that “Congress’s decision to exclude retribution” from the supervised release revocation “calculus also comports with the role of supervised release in our current criminal justice scheme.” *Id.* at 2041. “Fines, probation, and imprisonment are a court’s primary tools for ensuring that a criminal defendant receives just deserts for the original offense.” *Id.* “Supervised release, by contrast, ‘is not a punishment in lieu of incarceration.’” *Id.*

(citing *United States v. Granderson*, 511 U.S. 39, 50 (1994)). Rather, it “fulfills rehabilitative ends” and “provides individuals with postconfinement assistance.” *Id.* (citing *United States v. Johnson*, 529 U.S. 53, 59-60 (2000)).

This Court noted that its decision in *Esteras* “is consistent” with its prior precedent. In *Tapia v. United States*, 564 U.S. 319 (2011), the Court stated that, “when imposing a term of supervised release...a court may *not* take account of retribution (the first purpose of § 3553(a)(2)).” *Id.* (citing *Tapia*, 564 U.S. at 326). Likewise, the Court in *Concepcion v. United States*, 597 U.S. 481 (2022), said that “in determining whether to include a term of supervised release, and the length of any such term, Congress has expressly precluded district courts from considering the need for retribution.” *Id.* (citing *Concepcion*, 597 U.S. at 494).

As the Court indicated, “*Tapia* and *Concepcion* both deal with the imposition of supervised release under § 3583(c), [but] the same reasoning applies to the revocation of supervised release under § 3583(e): The omission of § 3553(a)(2)(A) from the list of factors means that courts may not consider it.” *Id.* That same principle from *Esteras* applies in the context of the closely-related question presented in this case: whether a district court may rely on the 18 U.S.C. § 3553(a)(2)(A) factors in determining the length and conditions of an additional period of supervised release following supervised release revocation under 18 U.S.C. § 3583(e).

II. The question presented raises an important and recurring issue fundamental to federal supervised-release-revocation law.

The question presented is fundamental to every revocation of supervised release: what factors the court may consider when deciding on the length and conditions of additional supervision following revocation? It affects thousands of federal cases each year. There were over 108,000 federal supervised release violations from fiscal year 2013 through fiscal year 2017. *See* United States Sentencing Commission, *Federal Probation and Supervised Release Violations*, 13, 34 (2020).³ Of those who had their supervision revoked, the vast majority were serving terms of supervised release, not probation or other supervision. *See* United States Courts, Judicial Business 2023, Table E-2 (of 122,824 persons under post-conviction supervision as of September 30, 2023, over 110,000 were serving terms of supervised release).⁴ Courts routinely impose a new period of supervised release to follow service of any revocation sentence when permitted by statute.

This Court's intervention is warranted given that the same principle from *Esteras* applies in the post-revocation context.

³ Available at: https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2020/20200728_Violations.pdf.

⁴ Available at: <https://www.uscourts.gov/statistics/table/e-2/judicial-business/2023/09/30>.

III. The decisions below are wrong.

This Court's decision in *Esteras* confirms the statutory text, prior precedent, legislative history, and background constitutional principles all establish that courts may not consider § 3553(a)(2)(A) factors when determining the length and conditions of additional supervision following supervised release revocation.

In contrast, the district court in this case confirmed it intended to punish Mr. Blackman for his violation conduct. The court explicitly suggested it would have imposed a lengthier revocation sentence if permitted by statute given the seriousness of the offense. *See* [R. 528: Transcript, Final Revocation Hearing, Page ID # 2578, Lines 20-22) (court noting Mr. Blackman was “saved by the statutory maximum because his conduct here really justifies a greater sentence[.]”). The court also emphasized its belief that a related state prosecution may not result in sufficient punishment for Mr. Blackman's violations. *See, e.g., id.* at Page ID # 2571, Lines 14-16] (“[I]f he's going to be prosecuted through the state system, we really don't know what the outcome would be in that matter.”); *id.* at Lines 20-23 (“[E]ven if it is taken to trial and there is a conviction after the drug results come back, we still don't know what the outcome of any penalty would be, do we?”); *id.* at Page ID # 2572, Lines 22-24 (“I think it's fair to [say] there would be more certainty if the case were prosecuted in a federal proceeding as opposed to a state

proceeding.”); *id.* at Page ID # 2578, Lines 19-23 (“perhaps state authorities may certainly consider [additional punishment] if there is a conviction”).

To be clear, the district court went to great lengths to emphasize that it wanted to punish Mr. Blackman more harshly for his revocation conduct, but it could not do so because the statutory maximum sentence was 24 months. Instead, the court imposed the maximum sentence and also added a lengthy period of additional supervision as punishment in the event state prosecutors did not pursue other charges against Mr. Blackman. *See id.* at Page ID # 2578-79, Lines 20-25, 1-3] (“The defendant, quite frankly, is saved by the statutory maximum because his conduct here really justifies a greater sentence, and perhaps state authorities may certainly consider that, if it’s likely to happen. And because there is an uncertainty and because of the defendant’s past history and his current conduct of continuing to engage in drug trafficking, additional supervision is necessary in this particular matter.”).

The district court provided little explanation about why it believed more than doubling Mr. Blackman’s prior term of supervision was needed to rehabilitate him or to assist with his transition into the community because that was not its purpose. This is significant because the seven-year term represents a significant departure from the court’s prior determinations about the appropriate length of Mr. Blackman’s supervision.

The 43-month sentence Mr. Blackman received from the district court after his case was remanded by the Sixth Circuit included a three-year period of supervised release. His first revocation occurred after he had successfully completed more than two years of supervision. At that time, the court reimposed supervision for two years, then increased the supervised release term to three years after Mr. Blackman violated again prior to his self-report date. The court again imposed the same three-year supervised release term following Mr. Blackman's June 19, 2022 revocation. After completing more than a year of supervision without issue, Mr. Blackman was revoked again on September 19, 2022, with the court reimposing the same three-year term.

While the district court added a location monitoring requirement following a prior revocation, extending that obligation for a period of seven years bears no reasonable relationship to the recognized purposes of supervised release. Supervised release is intended to "improve the odds of a successful transition from prison to liberty." *Johnson v. United States*, 529 U.S. 694, 708-09 (2000). Supervised release is "essentially rehabilitative, and is not intended for punishment." *Id.* at 709. Like the seven-year term itself, the mandatory location monitoring requirement for the full time period represents a "greater deprivation of liberty than is reasonably necessary" to serve the statutory goals of supervision. 18 U.S.C. § 3583(d)(1)-(2). Both were intended to inflict additional punishment.

Mr. Blackman completed his original 43-month sentence in July 12, 2016. As currently sentenced, he will remain on supervision with location monitoring until 2032. This would be more than 16 years after he completed his underlying sentence. He was 23 years old at that time. Mr. Blackman now faces the possibility that he may be subject to stringent, potentially costly conditions of supervision until he is nearly 40.

The seven-year period of supervision and location monitoring imposed by the district court were intended to serve as further punishment for Mr. Blackman's revocation conduct. The Sixth Circuit's conclusion that the court made its decision based on "the 3553(a) factors" ignores this Court's prohibition on considering the factors listed in 18 U.S.C. § 3553(a)(2)(A) in the context of supervised release revocation. *See* Appendix B, Page 7; *Esteras*, 145 S.Ct. at 2040. Moreover, the Sixth Circuit's suggestion that Mr. Blackman's revocation sentence and punitive additional period of supervision and location monitoring were intended to address his "breach" of the district court's "trust" is just another way of saying the court improperly based its decision on the need to "promote respect for the law[,] " which is one of the factors explicitly excluded from consideration in the context of supervised release revocation. *See id.* at Pages 5-6; 18 U.S.C. § 3553(a)(2)(A) (courts shall consider "the need for the sentence imposed...to reflect the

seriousness of the offense, *to promote respect for the law*, and to provide just punishment for the offense[.]”).

Mr. Blackman’s case fits squarely within the framework this Court provided in *Esteras*. Given full consideration of the context in which the district court made its determinations, it is “clear” and “obvious” that the “court actually relied on § 3553(a)(2)(A)—because it did so either expressly or by unmistakable implication.” *Esteras*, 145 S.Ct. at 2045 (citing *United States v. Olano*, 507 U.S. 725, 734 (1993)). With the Court’s recent attention to this issue in mind, Mr. Blackman’s case presents an ideal vehicle for the Court to confirm the same principles outlined in *Esteras* also apply when a district court is determining the length and conditions of additional supervision following a supervised release revocation.

CONCLUSION

This Court should grant the petition.

Respectfully submitted,

JARROD J. BECK
LAW OFFICE OF JARROD J. BECK, PLLC
101 WEST SHORT STREET
LEXINGTON, KENTUCKY 40507

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I, Jarrod J. Beck, counsel for Petitioner Deandre Blackman., do hereby certify that the original and ten copies of this Petition for Writ of Certiorari were mailed to the Office of the Clerk, Supreme Court of the United States, Washington, DC 20543. I also certify that a true copy of the Petition was served by mail with first-class postage prepaid upon Charles P. Wisdom, Jr., Assistant United States Attorney, United States Attorney's Office, Eastern District of Kentucky, 260 West Vine Street, Suite 300, Lexington, Kentucky 40507-1612.

This 29th day of July, 2025.

JARROD J. BECK

COUNSEL FOR PETITIONER