

No. _____

In the Supreme Court of the United States

JERRY WAYNE BEANE,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether the Sixth Amendment right to effective assistance of counsel is violated where defense counsel's performance fell below an objective standard of reasonableness and prejudiced the petitioner's defense, such that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the plea/proceeding would have been different?

PARTIES TO THE PROCEEDINGS

Petitioner, and defendant-appellant below is Jerry Wayne Beane.

Respondent, and plaintiff-appellee below is the United States of America.

RELATED PROCEEDINGS

United States District Court (WD Tn.):

United States of America v. Jerry Wayne Beane, No. 1:23-cr-10013-JDB (Jul. 29, 2024) (judgment issued)

United States Court of Appeals (CA6):

United States of America v. Jerry Wayne Beane, No. 24-5723 (Jan. 6, 2026) (district court affirmed)

TABLE OF CONTENTS

Questions Presented	i
Parties to the Proceedings	ii
Related Proceedings	ii
Table of Contents	iii
Table of Authorities.....	iv
Opinions Below.....	1
Jurisdiction.....	1
Constitutional Provisions Involved	1
Statement of the Case.....	1
Reason for Granting the Petition	3
The Sixth Circuit’s decision is wrong as the constitutional violations alleged meet the ineffective assistance of counsel standard.....	3
Conclusion	7
Appendix	
Appendix A	
Opinion, United States Court of Appeals for the Sixth Circuit, <i>United States of America v. Jerry Wayne Beane</i> , No. 24-5723 (Jan. 6, 2026)	App-1
Appendix B	
Order On Change Of Plea And Notice Of Set- ting, United States District Court for the West- ern District of Tennessee, Eastern Division, <i>United States of America v. Jerry Wayne Beane</i> , No. 1:23-cr-10013-JDB (Nov. 9, 2023)	App-4

Appendix C

Plea Agreement, United States District Court for the Western District of Tennessee, Eastern Division, <i>United States of America v. Jerry Wayne Beane</i> , No. 1:23-cr-10013-JDB (Nov. 9, 2023)	App-6
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Appendix D

Judgment In A Criminal Case, United States District Court for the Western District of Ten- nessee, <i>United States of America v. Jerry Wayne Beane</i> , No. 1:23-cr-10013-JDB (Jul. 29, 2024)	App-11
--	--------

Appendix E

Order Denying Without Prejudice Motion To Withdraw As Counsel, United States District Court for the Western District of Tennessee, Eastern Division, <i>United States of America v. Jerry Wayne Beane</i> , No. 1:23-cr-10013-JDB (Aug. 28, 2024)	App-28
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TABLE OF AUTHORITIES

Cases

<i>Brady v. United States</i> , 397 U. S. 742 (1970)	5
<i>Gerstein v. Pugh</i> , 420 U. S. 103 (1975)	5
<i>Hill v. Lockhart</i> , 474 U. S. 52 (1985)	5
<i>McMann v. Richardson</i> , 397 U. S. 759 (1970)	3

<i>Powell v. Alabama</i> , 287 U. S. 45 (1932)	5
<i>Roe v. Flores-Ortega</i> , 528 U. S. 470 (2000)	3
<i>Strickland v. Washington</i> , 466 U. S. 668 (1984)	3-4
<i>United States v. Ash</i> , 413 U. S. 300 (1973)	6
<i>United States v. Cronin</i> , 466 U. S. 648 (1984)	3-5
<i>United States v. Gouveia</i> , 467 U. S. 180 (1984)	6
<i>United States v. Morrison</i> , 449 U. S. 361 (1981)	3
<i>United States v. Webb</i> , 403 F. 3d 373 (CA6 2005)	5
Constitutional Provisions, Statutes, and Rules	
U. S. Const., Amdt. VI	1, 3–6
18 U. S. C. § 922(g)(1)	1
21 U. S. C. § 841(a)(1)	1
28 U. S. C. § 1254(1)	1

OPINIONS BELOW

The Sixth Circuit’s opinion is reproduced in the Appendix at App. 1–4. The district court’s decisions are reproduced in the Appendix at App. 5–29.

JURISDICTION

The Sixth Circuit’s decision was entered on January 6, 2026. This Court has jurisdiction under 28 U. S. C. § 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

The Sixth Amendment provides in relevant part: “In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense.” U. S. Const., Amdt. VI.

STATEMENT OF THE CASE

On February 13, 2023, Beane was indicted on the following six counts pursuant to 18 U. S. C. § 922(g)(1) and 21 U. S. C. § 841(a)(1) with Counts 1–5 stating that on or about December 20, 2022, in the Western District of Kentucky, Beane knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess firearms which had been shipped and transported in interstate commerce. Count six of the indictment alleges that on or about December 20, 2022, in the Western District of Tennessee, Beane did knowingly and intentionally possess with the intent to distribute fifty (50) grams or more of actual methamphetamine a controlled substance in violation of 21 U. S. C. § 841(a)(1).

On November 9, 2023, a hearing was conducted with Beane changing his plea to guilty on count six (6) of the indictment and subsequently an Order was entered with Beane withdrawing his not guilty plea to count six of the indictment and pleading guilty. App. 4–5. That same day, Beane entered into a plea agreement pleading to the above referenced count and the Government moved to dismiss the remaining counts of the indictment with the Appellant agreeing to pay \$100.00 special assessment in the case following sentencing. App. 6–10. That same day during a conversation with then counsel, Jennifer Free, Beane was informed by her that if he took the plea offer, he would be sentenced to five years as she would work out a deal with her “buddy” United States Attorney Josh Morrow. Beane then told Free that he wished to fire her and obtain new counsel, but she again assured Beane that he would be sentenced to five years and convinced him to keep her as his counsel.

Relying on this advice of his counsel, Beane reluctantly moved forward under the promise of a five-year deal. A sentencing hearing was held on July 25, 2024, with Beane sentenced to 188 months of custody and five years of supervised release and subsequently judgment was entered on July 29, 2024. App. 11–27. At the hearing Free refused and did not call Beane’s primary character witness Mayor Brent Grier. This was also the first time Beane had learned of his career offender status as Free had not told him as such let alone properly advised him that he was being assessed in this manner.

On August 7, 2024, Beane filed a notice of appeal. On August 27, 2024, then counsel Jennifer Free filed a motion to withdraw and subsequently, the district

court entered an order denying her request to withdraw the following day. App. 28.

On April 10, 2025, Jennifer Free’s motion to withdraw as counsel was granted and then on June 9, 2025, a notice of Attorney of Appointment was entered for Beane. On appeal, Beane argued ineffective assistance of counsel and sought to withdraw his plea, acquit him of the charges, and/or in the alternative, remand this case for a new trial, or for sentencing due to advice received and being misinformed, and counsel not adequately calling witnesses to which the Sixth Circuit denied. App. 1–3.

REASON FOR GRANTING THE PETITION

The Sixth Circuit’s decision is wrong as the constitutional violations alleged meet the ineffective assistance of counsel standard

The Sixth Amendment to the United States Constitution provides that “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense.” “It has long been recognized that the right to counsel is the right to the effective assistance of counsel.” *McMann v. Richardson*, 397 U. S. 759, 771 n. 14 (1970). Most ineffective-assistance-of-counsel claims are governed by *Strickland v. Washington*, 466 U. S. 668, 687 (1984), which requires a defendant to show prejudice in addition to deficient performance by counsel. But this Court has held that in limited circumstances counsel’s adversarial failure is so obviously harmful that prejudice can be presumed. *United States v. Cronin*, 466 U. S. 648, 658 (1984); see, e.g., *Roe v. Flores-Ortega*, 528 U. S. 470, 481 (2000); *United States v. Morrison*, 449 U. S. 361, 364 (1981).

With the aid of effective counsel, a defendant can put the prosecution's case through the "crucible of meaningful adversarial testing," ensuring that the trial is a fair match between the state and the defense. *Cronic*, 466 U. S. at 656. Without effective counsel, the adversarial process is undermined at its core. See *id.* at 656–57 (emphasizing that the assistance of effective counsel "underlies and gives meaning to the Sixth Amendment").

To succeed on ineffective assistance of counsel claim, a defendant must demonstrate both that his counsel's performance was deficient and that such performance caused prejudice. See *Strickland*, 466 U. S. at 687. As to the performance prong, a defendant bears the burden of "showing that counsel's representation fell below an objective standard of reasonableness." *Id.* at 688. Additionally, a defendant must satisfy the prejudice prong by "showing that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694.

Counsel's performance is considered deficient when "counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." *Strickland*, 466 U. S. at 687. Deficient performance is prejudicial when "counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable." *Ibid.* To establish prejudice, a petitioner must show "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694.

To establish prejudice in the context of a guilty plea, a defendant must establish that "counsel's

constitutionally ineffective performance affected the outcome of the plea process.” *Hill v. Lockhart*, 474 U. S. 52, 59 (1985). Specifically, he “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Ibid.*

A guilty plea is valid if it is entered knowingly, voluntarily, and intelligently by the defendant.” *United States v. Webb*, 403 F. 3d 373, 378 (CA6 2005). We determine whether a defendant entered a plea knowingly, voluntarily, and intelligently “by considering all of the relevant circumstances surrounding” the plea. *Brady v. United States*, 397 U. S. 742, 749 (1970). Our inquiry includes determining whether “the defendant understands his or her applicable constitutional rights, the nature of the crime charged, the consequences of the guilty plea, and the factual basis for concluding that the defendant committed the crime charged.” *Webb*, 403 F. 3d at 378–79.

This Court has long recognized that the pre-trial period is “perhaps the most critical period of the proceedings ... when consultation, thorough-going investigation and preparation [are] vitally important.” *Powell v. Alabama*, 287 U. S. 45, 57 (1932). “[C]ritical stages” include any “pretrial procedures that would impair [the] defense on the merits if the accused is required to proceed without counsel.” *Gerstein v. Pugh*, 420 U. S. 103, 122 (1975). And the trial itself is, of course, a critical stage. *Cronic*, 466 U. S. at 659. “[T]he ‘core purpose’ of the Sixth Amendment’s guarantee of counsel is to assure aid at trial, ‘when the accused [is] confronted with both the intricacies of the law and the advocacy of the public prosecutor.’” *United States v.*

Gouveia, 467 U. S. 180, 188–89 (1984) (quoting *United States v. Ash*, 413 U. S. 300, 309 (1973))

Here, Beane was never fully advised at critical stages of the proceedings amounting to ineffective assistance of counsel. Indeed, Beane only entered into a plea deal because counsel informed him that he would only be sentenced to five years. Without such assurances, Beane never would have entered into such a plea agreement and would have insisted on going to trial. Beane relied on such assurances of his counsel that he could just appeal his sentencing if he was unhappy and doing so would be a simple task. It is clear that such advice was deficient and misleading, prejudicing Beane.

Furthermore, the claims raised also amount to ineffective assistance from counsel due to Beane’s counsel not fully investigating the case and pursuing defenses. At his sentencing hearing Beane pleaded and requested that his attorney call his “key” character witness in hopes of obtaining a more favorable sentencing. Despite his pleas counsel refused and never called the witness for Beane’s support clearly prejudicing him. Lastly, it should not be ignored that Beane’s counsel tried to withdraw from his case back in August 2024 clearly highlighting some difficulty in Beane’s representation leading to ineffective assistance of counsel.

In sum, Beane suffered an all-encompassing failure by counsel that throughout critical stages in the proceedings because he was not fully informed, was given misleading advice of being sentenced to five years, and such advice was deficient and prejudiced.

CONCLUSION

Wherefore, this Court should grant certiorari.

Respectfully submitted,

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JUNE 2026

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App-1

Appendix A

[Filed: Jan. 6, 2026]

NOT RECOMMENDED FOR PUBLICATION

File Name: 26a0006n.06

No. 24-5723

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF	)	ON APPEAL FROM
AMERICA,	)	THE UNITED
Plaintiff-Appellee,	)	STATES DISTRICT
	)	COURT FOR THE
v.	)	WESTERN
	)	DISTRICT OF
	)	TENNESSEE
JERRY WAYNE BEANE,	)	
Defendant-Appellant.	)	OPINION

Before: GIBBONS, LARSEN, and MURPHY, Circuit Judges.

MURPHY, Circuit Judge. Jerry Beane pleaded guilty to a drug offense. He now argues that his attorney provided constitutionally ineffective assistance of counsel. But we typically leave ineffective-assistance claims for post-conviction proceedings under 28 U.S.C. § 2255. This case should be no different. We thus affirm.

In December 2022, a confidential informant told the police that Beane had been packaging methamphetamine for resale at his home in Paris, Tennessee. This

App-2

information led the police to obtain a warrant to search Beane's home. They uncovered over 57 grams of methamphetamine, jars of marijuana, digital scales, and \$17,860 in cash. They also found dozens of firearms.

The prosecution charged Beane with six drug and firearm offenses. The parties reached a plea agreement. In exchange for the dismissal of the firearm charges, Beane agreed to plead guilty to possessing with the intent to distribute at least 50 grams of methamphetamine. The district court sentenced him to 188 months' imprisonment.

On appeal, Beane asserts that his counsel provided ineffective assistance in violation of his Sixth Amendment right to counsel. *See Strickland v. Washington*, 466 U.S. 668, 685–87 (1984). But this claim faces a procedural obstacle. We generally do not consider ineffective-assistance claims on direct appeal because we lack the evidence required to assess the claims. *See United States v. Ellis*, 115 F.4th 497, 503 (6th Cir. 2024); *United States v. Sypher*, 684 F.3d 622, 626 (6th Cir. 2012); *see also Massaro v. United States*, 538 U.S. 500, 504–05 (2003). What did defense counsel tell the defendant? Was anything mistaken about counsel's advice? Did the defendant plead guilty based on it? The record typically does not contain answers to these questions because these privileged communications will have occurred in private. *See Sypher*, 684 F.3d at 626. In that situation, we will refrain from addressing the ineffective-assistance claim and instruct the defendant to raise it in a timely filed motion under § 2255. *See id.* We will consider an ineffective-assistance claim on direct appeal only in the “rare” case that contains an adequate record—say, because the

App-3

district court held an evidentiary hearing on the claim before entering a final judgment. *Id.* (citation omitted); see *United States v. Carson*, 32 F.4th 615, 621 (6th Cir. 2022).

The general rule (not the rare exception) applies here. Beane’s appellate brief asserts that his counsel “promised” him that the district court would sentence him to only 5 years (not the 188 months he received). Appellant’s Br. 7. It also asserts that his counsel “assured” him that he could appeal any sentence above that term. *Id.* But his brief simply makes these allegations—without supporting them with *admissible evidence*. See *United States v. Gardner*, 417 F.3d 541, 545 (6th Cir. 2005). Yet when Beane pleaded guilty, the district court told him that he faced a mandatory minimum of “not less than 10 years imprisonment” for his offense. Plea Tr., R.49, PageID 161. Beane answered “Yes” to the question whether he understood the potential “penalties” for the crime. *Id.*, PageID 162. The court next warned Beane that he would generally “be giving up [his] right to appeal [his] conviction,” and Beane again said he understood. *Id.*, PageID 170. So the *only* evidence on these issues cuts sharply against his ineffective-assistance claim. And Beane’s appellate counsel has taken a “big risk” by raising this claim now. *United States v. Manzano*, 793 F. App’x 360, 367 (6th Cir. 2019). After all, preclusion principles might bar his relitigation of the claim in a § 2255 proceeding—when he can submit an affidavit about his attorney’s communications—if we prematurely rejected the claim on the merits at this time. See *id.* Rather than take that approach, we will save this claim for post-conviction proceedings under § 2255.

We affirm.

App-4

Appendix B

[Filed: Nov. 9, 2023]

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE
EASTERN DIVISION**

UNITED STATES
OF AMERICA,
Plaintiff,

VS.

CR. NO. 1:23-10013-JDB

JERRY WAYNE
BEANE,
Defendant.

**ORDER ON CHANGE OF PLEA
AND NOTICE OF SETTING**

This cause came to be heard on November 9, 2023, Assistant United States Attorney, Josh Morrow, appearing for the Government and the defendant, Jerry Beane, appearing in person, and with counsel, Jennifer Free.

With leave of the Court, the defendant withdrew the not guilty plea heretofore entered and entered a plea of guilty to Count 6 of the Indictment.

A basis in fact having been established, the Court accepted the guilty plea.

App-5

SENTENCING in this case is **SET** for **WEDNESDAY, FEBRUARY 14, 2024 at 10:00 A.M., before Judge J. Daniel Breen.**

Defendant is remanded to the custody of the United States Marshals.

ENTERED this the 9th day of November, 2023.

s/ J. Daniel Breen
DISTRICT JUDGE,
U. S. DISTRICT COURT

App-6

Appendix C

[Filed Nov. 9, 2023]

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF	)	
AMERICA,	)	
Plaintiff,	)	
v.	)	Cr. No.: <u>23-10013-JDB</u>
JERRY WAYNE	)	
BEANE,	)	
Defendant.	)	

PLEA AGREEMENT

COME NOW the parties herein, the defendant, JERRY WAYNE BEANE, being represented by his counsel, JENNIFER D. FREE, and the United States of America, being represented by WILLIAM JOSHUA MORROW, Assistant United States Attorney for the Western District of Tennessee, and hereby agree as follows:

1. The following plea agreement constitutes the entire agreement between the parties, and the parties agree that any issues not specifically addressed by this plea agreement shall be resolved by the Court in accordance with the applicable statutes, guidelines, rules, and case law.
2. The defendant agrees to plead guilty to Count 6 of the Indictment in this case because he is in fact guilty of the charge contained in that count

App-7

(Possession with the Intent to Distribute 50 grams or more of Actual Methamphetamine, in violation of 21 U.S.C. § 841(a)(1)). If the Court accepts this plea agreement, at the time of sentencing, the Government will move to dismiss the remaining counts of the Indictment against the defendant (Counts 1-5). The defendant also agrees to pay a \$100.00 special assessment in this case following sentencing.

3. The defendant also agrees to abandon any claim that he has filed in any civil or administrative forfeiture proceeding as a result of the conduct to which he is pleading guilty to under this plea agreement, and he also agrees to forfeit his interest in any and all property seized from him upon his arrest and during search of his residence located at 175 Beane Lane, Paris, Tennessee on or about December 20, 2022, including the firearms listed in Counts 1-5 of the Indictment and \$17,860.00 in U.S. currency.

**ADDITIONAL CONCESSIONS BY THE
GOVERNMENT**

4. The parties agree that the Government will recommend that the defendant receive a full reduction for acceptance of responsibility under Section 3E1.1 of the United States Sentencing Guidelines, provided the defendant does not commit any new criminal offenses and continues to demonstrate an affirmative acceptance of responsibility in this case, including acknowledging his guilt in open court to the allegations set forth in Count 6 of the Indictment, and agreeing with the facts in support of the defendant's guilty plea to be read into the record by government counsel during the defendant's change-of-plea hearing. However, the defendant understands that the issue of whether

credit for acceptance of responsibility is awarded will be determined by the District Court, and that any failure of the District Court to award him acceptance of responsibility credit would not be a basis for him to withdraw his guilty plea or to appeal his sentence.

**BREACH OF PLEA AGREEMENT BY THE
DEFENDANT**

5. Should it be judged by the Government that the defendant has committed or attempted to commit any additional crimes, if he engages in any conduct constituting obstruction of justice within the meaning of Section 3C1.1 of the United States Sentencing Guidelines, if he does not truthfully admit the conduct comprising the offenses of conviction in this case, if he fails to truthfully admit or falsely denies any additional relevant conduct for which he is accountable under Section 1B1.3 of the United States Sentencing Guidelines, if he fails to make any court appearances in this case from the date of his signing of this plea agreement to the date of his sentencing hearing, or if he attempts to withdraw his guilty plea, the Government will be released from its obligations set forth in this plea agreement, including its agreement to move to dismiss Counts 1-5 of the Indictment at sentencing as set forth in Paragraph 2 above, and would also be free to argue for any sentence within the statutory limits. Such a breach by the defendant would not release him from his guilty plea.

WAIVER OF APPEAL AND § 2255 ACTIONS

6. The defendant is aware that 18 U.S.C. § 3742 affords him the absolute right to appeal the sentence imposed in this case. Acknowledging this, and in

App-9

exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by § 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence is imposed, unless the sentence in this case exceeds the statutory maximum or is the result of an upward departure from the guideline range that the Court establishes at sentencing. The defendant further understands that nothing in this plea agreement shall affect the Government's right and/or duty to appeal as set forth in 18 U.S.C. § 3742(b). However, if the United States appeals the defendant's sentence pursuant to § 3742(b), the defendant shall be released from the above waiver of his appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this plea agreement with his attorney. The defendant further agrees, together with the Government, to request that the Court enter a specific finding that his waiver of his right to appeal the sentence to be imposed in this case is knowing and voluntary.

7. The defendant further understands that 28 U.S.C. § 2255 provides an additional method by which to challenge his conviction and/or the sentence imposed by the Court in this case. Acknowledging this, and in exchange for the undertakings made by the Government in this plea agreement, the defendant knowingly and voluntarily waives his right to challenge his conviction and sentence under § 2255, except concerning claims relating to prosecutorial misconduct or ineffective assistance of counsel.

App-10

**PLEA AGREEMENT CONSTITUTES THE
ENTIRE AGREEMENT**

8. There are no other agreements between or among the parties to this plea agreement. The defendant is satisfied that all acts and/or any omissions of his counsel have been the result of reasonable professional judgment and that he has been provided adequate legal representation in this case. The defendant enters this agreement freely, knowingly, and voluntarily, and upon the advice of his counsel.

Respectfully Submitted,

KEVIN G. RITZ

United States Attorney

/s/ Jennifer D. Free

JENNIFER D. FREE

Counsel for the Defendant

/s/ William Joshua Morrow

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/s/ Jerry Wayne Beane

JERRY WAYNE BEANE
Defendant

November 9, 2023

Date

App-11

Appendix D

[Filed: Jul. 29, 2024]

UNITED STATES DISTRICT COURT
Western District of Tennessee

UNITED STATES OF	)	JUDGMENT IN A
AMERICA	)	CRIMINAL CASE
	)	
v.	)	Case Number:
JERRY WAYNE	)	1:23-cr-10013-JDB
BEANE	)	USM Number:
	)	24642-076
	)	<u>Jennifer D. Free</u>
	)	Defendant's Attorney

THE DEFENDANT:

☒ Pled guilty to count(s) Six (6) of the Indict-
ment on 11/9/2023

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

☐ was found guilty on count(s) _____
after a plea of not guilty.

App-12

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 841(a)(1) and (b)(1)(A)	Possession with the Intent to Distribute More Than 50 Grams of Actual Meth- amphetamine	12/20/2022	6

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on counts(s) _____

☒ Count(s) One-Five (1-5) ☐ 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.

App-13

7/25/2024

Date of Imposition of
Judgment

/s/ J. DANIEL BREEN

Signature of Judge

J. Daniel Breen

U.S. District Judge

Name and Title of Judge

7/29/2024

Date

IMPRISONMENT

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

188 months. The sentence shall run consecutive to any sentence imposed in Stewart County Criminal Court No. 2022CR02, Benton County Circuit Court, Camden, TN No. 2020CR92, Sumner County Circuit Court, Gallatin, TN No. 2020CR453, and Williamson County, Circuit Court, Franklin, TN No. B-CR210103.

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

1. The defendant be allowed to participate in the 500-hour Residential Drug Abuse Program (RDAP), if eligible or any other drug treatment program as qualified.

App-14

2. The defendant be housed in a facility as close to Memphis as possible

☒ 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 of Pretrial Services Office.

App-15

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

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Five (5) 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 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)*

App-17

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

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.

App-18

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

App-19

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. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____ Date _____

ADDITIONAL SUPERVISED RELEASE TERMS

1. The defendant shall participate in drug and alcohol testing and treatment as deemed necessary by the probation office.
2. The defendant shall participate in Moral Recognition Therapy (MRT) or another similar and approved cognitive behavioral therapy program as directed by the probation officer.
3. The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and

App-21

that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

CRIMINAL MONETARY PENALTIES

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

	<u>Assess- ment</u>	<u>Resti tution</u>	<u>Fine</u>	<u>AVAA Assess- ment</u>	<u>JVTA Assess- ment</u>
TO-					
TALS:	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00

- ☐ The determination of restitution is deferred until _____ *An Amended Judgment in a Criminal Case (AO 245C)* 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, 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.

App-23

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Resti- tution Ordered</u>	<u>Priority or Percent- age</u>
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TOTALS \$__ 0.00 \$__ 0.00

- ☐ 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:

* 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.

*** 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.

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, ☐ 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 _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period of _____ (*e.g., months or years*), to commence _____

App-25

(*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 with _____ (*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:

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.

App-26

☐ Joint and Several

Case Number Defendant And Co- Defendant Names <i>(including defendant number)</i>	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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☐ 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: The defendant agrees to abandon any claim that he has filed in any civil or administrative forfeiture proceeding as a result of the conduct to which he is pleading guilty to, and to any interest in any and all property seized from him upon his arrest and during the search of his residence located at 175 Beane Lane, Paris, Tennessee, on or about December 20, 2022, including all firearms listed in Counts 1-5 and \$17,860.00 in U.S. currency.

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) JVT

App-27

assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

App-28

Appendix E

[Filed: Aug. 28, 2024]

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF	)	
AMERICA,	)	
Plaintiff,	)	
v.	)	Case No.
	)	1:23-cr-10013-JDB-1
JERRY WAYNE	)	
BEANE,	)	
Defendant.	)	

ORDER DENYING WITHOUT PREJUDICE
MOTION TO WITHDRAW AS COUNSEL

Before the Court is the motion of Jennifer D. Free to withdraw as counsel for Defendant. (Docket Entry 47.) Pursuant to Sixth Circuit Rule 12(c)(1), “[t]rial counsel in criminal cases must continue representation of the defendant on appeal unless relieved by the court.” Accordingly, this Court cannot grant the relief sought and Ms. Free’s motion is DENIED without prejudice.

IT IS SO ORDERED this 28th day of August 2024.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE