

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

IN THE SUPREME COURT OF THE UNITED STATES

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BRANDON DESMOND MEDFORD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

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/s/ Kevin Joel Page

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Appendix A Opinion of Fifth Circuit, CA No. 24-10685, 2021, *United States v. Medford*, 2025 WL 1442702 (5th Cir. May 20, 2025)(unpublished).

Appendix B Judgment for Revocation of Supervised Release of the United States District Court for the Northern District of Texas, entered July 29, 2024.*United States v. Medford*, Dist. Court 3:08-CR-095.

## APPENDIX A

# United States Court of Appeals for the Fifth Circuit

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No. 24-10685  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 20, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

BRANDON DESMOND MEDFORD,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:08-CR-95-1

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Before BARKSDALE, HAYNES, and WILSON, *Circuit Judges*.

PER CURIAM:\*

Brandon Desmond Medford contests his within-Guidelines sentence of 24-months' imprisonment (the statutory maximum), imposed following the revocation of his term of supervised release. He challenges the substantive reasonableness of his sentence, contending the district court improperly balanced the relevant sentencing factors.

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

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We assume, without deciding, that Medford’s substantive-reasonableness challenge was preserved. *See United States v. Sanchez*, 900 F.3d 678, 682 (5th Cir. 2018). Our court reviews a preserved objection to a revocation sentence under a two-step “plainly unreasonable” standard. *E.g., United States v. Cano*, 981 F.3d 422, 425 (5th Cir. 2020).

First, we review the sentence for significant procedural error. *See id.* If no such error is present (as is not claimed here), the next step is to consider whether the sentence was substantively reasonable (the issue at hand). *Id.* A properly preserved substantive-reasonableness challenge is reviewed for abuse of discretion. *Id.*

A revocation sentence is substantively unreasonable “if it (1) does not account for a factor that should have received significant weight, (2) gives significant weight to an irrelevant or improper factor, or (3) represents a clear error of judgment in balancing the sentencing factors”. *Id.* at 427 (citation omitted). Review of a sentence’s substantive reasonableness is understandably “highly deferential” to the district court. *Id.* (citation omitted). For the following reasons, there was no abuse of discretion.

The sentence imposed was presumptively reasonable, and Medford has not rebutted that presumption. *E.g., United States v. Badgett*, 957 F.3d 536, 541 (5th Cir. 2020); *United States v. Cooks*, 589 F.3d 173, 186 (5th Cir. 2009) (noting our “court applies a rebuttable presumption of reasonableness to a properly calculated, within-[G]uidelines sentence”). The court properly considered the 18 U.S.C. § 3553(a) sentencing factors and considered Medford’s contentions and evidence in mitigation. Ultimately, the court concluded that a 24-month sentence was warranted to satisfy relevant sentencing goals, such as deterrence and protection of the public.

Although Medford may disagree with how the relevant considerations were balanced, we will not independently reweigh the § 3553(a) sentencing

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factors or substitute our judgment for that of the district court. *E.g.*, *United States v. Hernandez*, 876 F.3d 161, 167 (5th Cir. 2017); *United States v. Warren*, 720 F.3d 321, 332 (5th Cir. 2013) (“The fact that the appellate court might reasonably have concluded that a different sentence was appropriate is insufficient to justify reversal of the district court.”) (citation omitted).

Finally, although Medford contends he was entitled to consideration for acceptance of responsibility because he pleaded true to all of the violations, the district court did not err by declining to consider what amounts to a disagreement with the policy of the Sentencing Guidelines. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 367 (5th Cir. 2009).

AFFIRMED.

## APPENDIX B

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

UNITED STATES OF AMERICA

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

v.

**BRANDON DESMOND MEDFORD**Case Number: **3:08-CR-00095-B(1)**USM Number: **37482-177****Maria Esther Torres Chin**

Defendant's Attorney

**THE DEFENDANT:**

<input checked="" type="checkbox"/>	admitted guilt to violation of condition(s)	Two (2) Mandatory Conditions, one (1) Special Condition, and Standard Conditions Nos. 2 and 7 of the term of supervision.
<input type="checkbox"/>	was found in violation of condition(s)	after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
Roman Numeral I	Defendant possessed an illegal controlled substance.	4/18/2019
Roman Numeral II	Defendant failed to report to U.S. Probation as directed.	4/24/2019
Roman Numeral III	Defendant failed to report his April 18, 2019 arrest to U.S. Probation as required.	4/18/2019
Roman Numeral IV	Defendant possessed an illegal controlled substance.	4/8/2019
Roman Numeral V	Defendant failed to appear for a random drug test.	2/26/2019
Roman Numeral VI	Defendant failed to make payments toward his restitution obligation.	7/25/2024
Roman Numeral VII	Defendant possessed an illegal controlled substance.	11/28/2019
Roman Numeral VIII	Defendant committed a new state offense.	11/28/2019

The defendant is sentenced as provided on page 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) and is discharged as to such violation(s) condition.

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

**July 25, 2024**

Date of Imposition of Judgment

Signature of Judge

**JANE J. BOYLE, UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

**July 29, 2024**

Date

24-10685.111

DEFENDANT: BRANDON DESMOND MEDFORD  
CASE NUMBER: 3:08-CR-00095-B(1)

## IMPRISONMENT

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

24 months. No term of supervised release imposed.

- ☒ The court makes the following recommendations to the Bureau of Prisons:  
that the defendant be allowed to serve his sentence at a BOP facility in the North Texas region, if eligible.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at ☐ a.m. ☐ p.m. on
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By  
DEPUTY UNITED STATES MARSHAL