

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

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IN THE UNITED STATES SUPREME COURT

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HOMBRA WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

ON PETITION FOR WRIT OF *CERTIORARI* TO THE UNITED STATES  
COURT OF APPEALS FOR THE 8<sup>TH</sup> CIRCUIT

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PETITION FOR *CERTIORARI*

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### **QUESTION PRESENTED FOR REVIEW**

1. Whether, in light of this Court's decision in *Esteras v. United States*, 145 S. Ct. 2031 (2025) and in order to maintain uniform application of this Court's precedent, the Court should grant, vacate, and remand, because the district court considered, contrary to *Esteras*, the retributive factors under 18 U.S.C. § 3553(a)(2)(A)—such as promoting respect for the law—when revoking or modifying a term of supervised release under 18 U.S.C. § 3583(e)?

## **PARTIES**

Hombra Williams is the Petitioner; he was the Defendant-Appellant below before the 8<sup>th</sup> Circuit. The United States of America is the Respondent and was the Plaintiff-Appellee below.

## TABLE OF CONTENTS

Citations to Official and Unofficial Opinions Below.....	1
Jurisdiction.....	1
Timeliness.....	2
Guideline Provisions Involved.....	2
Statement of the Case.....	3
Reasons for Granting the Petition.....	5
I. The Eighth Circuit's Decision Conflicts with <i>Esteras v. United States</i> , Warranting Summary Disposition Through Grant, Vacatur, and Remand....	6
II. The Question Presented Is of Exceptional Importance, as It Involves the Uniform Application of <i>Esteras</i> to Prevent Impermissible Retributive Sentencing in Supervised Release Proceedings.....	8
Conclusion.....	9
Certificate of Service.....	9
Certificate of Word Count.....	10

## TABLE OF AUTHORITIES

### Cases

<i>Esteras v. United States</i> , 145 S. Ct. 2031 (2025).....	4, 5, 6, 7, 8
<i>Gall v. United States</i> , 552 U.S. 38 (2007).....	9
<i>Rita v. United States</i> , 551 U.S. 338 (2007).....	9
<i>United States v. Benson</i> , 888 F.3d 1017 (8th Cir. 2018).....	9
<i>United States v. Booker</i> , 543 U.S. 220 (2005).....	8

<i>United States v. Henson</i> , 550 F.3d 739 (8th Cir. 2008).....	9
<i>United States v. Johnson</i> , 529 U.S. 53 (2000).....	7
<i>United States v. Lewis</i> , 498 F.3d 393 (8th Cir. 2007).....	6, 8

## **Statutes**

18 U.S.C. § 3231.....	1
18 U.S.C. § 3553(a).....	4
18 U.S.C. § 3553(a)(2)(A).....	4, 5, 6
18 U.S.C. § 3583(e).....	1, 3, 6
18 U.S.C. § 3583(e)(3).....	3
18 U.S.C. § 3584(a).....	9
28 U.S.C. § 1291.....	1
28 U.S.C. § 1254(1).....	2

## **Guidelines**

U.S.S.G. § 2D1.1(b)(5).....	2
U.S.S.G. § 7B1.3(f).....	4, 9

## **Rules**

Fed. R. App. P. 4(b)(1)(A)(i).....	1
Fed. R. Crim. P. 52(b).....	6
Sup. Ct. R. 10(c).....	8
Sup. Ct. R. 13(1).....	2

Sup. Ct. R. 29.2.....	2
Sup. Ct. R. 33.1.....	9
Sup. Ct. R. 33.2.....	9

## **TABLE OF AUTHORITIES**

### **Cases**

<i>Esteras v. United States</i> , 145 S. Ct. 2031 (2025).....	4, 5, 6, 7, 8
<i>Gall v. United States</i> , 552 U.S. 38 (2007).....	9
<i>Rita v. United States</i> , 551 U.S. 338 (2007).....	9
<i>United States v. Benson</i> , 888 F.3d 1017 (8th Cir. 2018) .....	9
<i>United States v. Booker</i> , 543 U.S. 220 (2005).....	8
<i>United States v. Henson</i> , 550 F.3d 739 (8th Cir. 2008).....	9
<i>United States v. Johnson</i> , 529 U.S. 53 (2000).....	7
<i>United States v. Lewis</i> , 498 F.3d 393 (8th Cir. 2007).....	6, 8

### **Statutes**

18 U.S.C. § 3231.....	1
18 U.S.C. § 3553(a).....	4
18 U.S.C. § 3553(a)(2)(A).....	4, 5, 6
18 U.S.C. § 3583(e).....	1, 3, 6
18 U.S.C. § 3583(e)(3).....	3
18 U.S.C. § 3584(a).....	9

28 U.S.C. § 1291.....	1
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28 U.S.C. § 1254(1).....	2
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## **Guidelines**

U.S.S.G. § 2D1.1(b)(5).....	2
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U.S.S.G. § 7B1.3(f).....	4, 9
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Fed. R. App. P. 4(b)(1)(A)(i).....	1
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Fed. R. Crim. P. 52(b).....	6
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Sup. Ct. R. 10(c).....	8
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Sup. Ct. R. 13(1).....	2
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Sup. Ct. R. 29.2.....	2
-----------------------	---

Sup. Ct. R. 33.1.....	9
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Sup. Ct. R. 33.2.....	9
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## **CITATIONS TO OFFICIAL AND UNOFFICIAL OPINIONS BELOW**

### **8th Circuit Proceedings – Docket No. 24-1770**

Appendix A – Order Denying En Banc Review and Rehearing (Aug. 15, 2025)

Appendix B – Order Granting Extension of Time to July (July 10, 2025)

Appendix C – Judgment of 8th Circuit Panel Decision (June 26, 2025)

Appendix D – Panel Decision Affirming (June 26, 2025)

Appendix E – Order Appointing CJA Counsel (Apr. 12, 2024)

### **Northern District of Iowa – Docket No. 2:17-CR-1006**

Appendix F – Notice of Appeal (Apr. 12, 2024)

Appendix G – Judgment (Apr. 9, 2024)

Appendix H – 18 U.S.C. § 3583(e)

## **JURISDICTION**

This is an appeal from a federal criminal judgment arising from a Petition to Revoke Supervised Release in the Northern District of Iowa. On April 9, 2024, the Petitioner-Appellant, Hombra Williams, received a 23 month sentence. Judgment, App. G. On April 12 2024, Mr. Williams’ counsel filed a timely notice of appeal. Notice of Appeal, App. F. See Fed. R. App. Proc. 4 (b) (1) (A) (i) (appeals must be filed within 14 days of final judgment).

The District Court had jurisdiction pursuant to 18 U.S.C. § 3231.

The 8<sup>th</sup> Circuit had jurisdiction over all federal criminal judgments and sentences. See 28 U.S.C. § 1291.

The jurisdiction of this Court is invoked under § 28 U.S.C. §1254(1).



## **TIMELINESS**

The 8<sup>th</sup> Circuit denied *en banc* review on August 15, 2025. Judgment and Order Denying En Banc; Appx. A. This Petition is filed within 90 days of that date. See US Supreme Court Rule 13 (1) (“A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after entry of the order denying discretionary review.”). The 90<sup>th</sup> day falls on November 13, 2025.

A document is considered timely filed if it were delivered on “if it is sent to the Clerk through the United States Postal Service by first-class mail (including express or priority mail), postage prepaid, and bears a postmark, other than a commercial postage meter label, showing that the document was mailed on or before the last day for filing, or if it is delivered on or before the last day for filing to a third-party commercial carrier for delivery to the Clerk within 3 calendar days.” Supreme Court Rule 29.2. This document was mailed via United States Postal Service on August 19, 2025 and post marked for delivery on that date. Thus, it is timely filed.

## **GUIDELINE PROVISIONS INVOLVED**

U.S.S.G. § 2D1.1 (b) (5) set forth verbatim in Appendix H.

## STATEMENT OF THE CASE

Petitioner Hombra Lavail Williams was serving a term of supervised release following a 72-month sentence for possession of a firearm by a prohibited person, imposed by the United States District Court for the Northern District of Iowa. Panel Decision, App. D, p. 2. On April 1, 2022, Mr. Williams began his supervised release. *Id.* After admitting to violations including failure to comply with drug and alcohol testing, alcohol use, and arrests for operating while intoxicated (OWI, second and third offenses), the district court modified his conditions to include residential reentry and remote alcohol testing. *Id.* Subsequent violations, including additional testing failures and a third OWI arrest, led to a revocation hearing on April 9, 2024. App. D, p. 2. Mr. Williams admitted to all eight violation categories. *Id.* The advisory Guidelines range was 21-24 months, based on a Grade B violation and Criminal History Category VI. *Id.* The district court imposed a 23-month revocation sentence, to run consecutively to any state sentence for the OWI offenses, noting it would have imposed 36-48 months but for the 24-month statutory maximum under 18 U.S.C. § 3583(e)(3). Appx. D, pp. 2-3. The court reduced the sentence by one month to account for acceptance of responsibility. *Id.* Critically, the district court also imposed an additional one-year term of supervised release following the prison term.

In explaining this decision, the court stated it was necessary, among other reasons, to "ensure respect for the law." Rev. Tr. 16 (cited in Pet. for Reh'g at 3; App. 7). The court highlighted Mr. Williams's "terrible" criminal history, multiple OWI convictions, and inability to follow conditions, expressing concern that he had made a career of "committing new crimes and putting the public at danger." App. 2.

Mr. Williams appealed to the Eighth Circuit, arguing procedural error in the district court's treatment of U.S.S.G. § 7B1.3(f) as presumptively reasonable for consecutive sentences and abuse of discretion in imposing the additional supervised release term. Appx. D, pp. 3-4. In a per curiam opinion filed June 26, 2025, the Eighth Circuit affirmed, concluding the district court considered permissible factors under 18 U.S.C. § 3553(a), applied a presumption of reasonableness to the within-Guidelines sentence, and adequately explained its reasons. *Id.*

The opinion did not address the district court's reliance on "respect for the law" in extending supervised release. On July 10, 2025, Mr. Williams filed a timely petition for rehearing or rehearing en banc, arguing that the panel's decision conflicted with this Court's then-recent decision in *Esteras v. United States*, 145 S. Ct. 2031 (2025), which held that courts may not consider § 3553(a)(2)(A) retributive factors—such as promoting respect for the law—when modifying or

revoking supervised release under § 3583(e). The petition emphasized that *Esteras* abrogated prior Eighth Circuit precedent allowing such considerations and that the district court's explicit reference to "respect for the law" constituted plain error. *Id.* The Eighth Circuit denied rehearing on August 15, 2025. Appx. A. This petition followed.

### **REASONS FOR GRANTING THE PETITION**

This Court should grant certiorari, vacate the judgment below, and remand for further consideration in light of *Esteras v. United States*, 145 S. Ct. 2031 (2025). The Eighth Circuit's affirmance conflicts with *Esteras*, which resolved a circuit split by holding that district courts may not rely on retributive factors under 18 U.S.C. § 3553(a)(2)(A) when revoking or modifying supervised release. The district court here explicitly invoked one such factor—"respect for the law"—in imposing an additional year of supervised release, and the panel failed to address this error despite its clear presence in the record.

This case presents a textbook example for summary disposition via grant, vacate, and remand (GVR), as the lower court's decision predates or overlooks *Esteras*'s controlling rule. The issue is of exceptional importance, affecting thousands of supervised release proceedings nationwide and ensuring uniform application of *Esteras*'s rehabilitative focus.

#### **I. The Eighth Circuit's Decision Conflicts with *Esteras v. United States*,**

### **Warranting Summary Disposition Through Grant, Vacatur, and Remand.**

In *Esteras*, this Court held that when revoking or modifying supervised release under 18 U.S.C. § 3583(e), district courts may not consider the retributive factors in § 3553(a)(2)(A): reflecting the seriousness of the offense, promoting respect for the law, or providing just punishment. 145 S. Ct. at 2038-46. The statute's text explicitly omits § 3553(a)(2)(A) from the factors courts "may" consider, emphasizing supervised release's rehabilitative purpose over punishment for the original offense. *Id.* at 2040-41. *Esteras* resolved a longstanding circuit split, expressly abrogating Eighth Circuit precedent like *United States v. Lewis*, 498 F.3d 393 (8th Cir. 2007), which had permitted reliance on these factors. *Id.* at 2037. Where a court impermissibly considers retributive factors and the error is not harmless, vacatur and remand are required. *Id.* at 2046; see also Fed. R. Crim. P. 52(b).

The district court here committed precisely the error prohibited by *Esteras*. In imposing an additional one-year term of supervised release, the court stated it was necessary to "ensure respect for the law," directly invoking a § 3553(a)(2)(A) factor. Rev. Tr. 16; Pet. for Reh'g at 3. This was not a mere prefatory remark but a stated basis for the extension, tied to the court's concerns about Mr. Williams's criminal history and public safety risks. *Id.* The error was not harmless: absent this impermissible consideration, the court might have terminated supervision entirely,

given the substantial 23-month prison term already imposed near the statutory maximum. *See Esteras*, 145 S. Ct. at 2046 (remand required where retributive factors influenced the outcome).

The Eighth Circuit affirmed without addressing this error, concluding the district court relied on "permissible sentencing factors" and adequately explained its sentence. Appx. D. The panel's opinion, filed shortly after *Esteras*, makes no mention of the decision, despite its abrogation of circuit precedent and direct relevance to the supervised release extension. This oversight creates a clear conflict: the affirmance effectively endorses a sentence tainted by retributive considerations that *Esteras* deems impermissible.

**Summary disposition via GVR is the appropriate remedy.**

This Court routinely employs GVR where a lower court decision conflicts with an intervening precedent, allowing the court below to reconsider in light of the new rule. See, e.g., *United States v. Johnson*, 529 U.S. 53, 59-60 (2000) (GVR for failure to apply intervening decision). Here, the Eighth Circuit's denial of rehearing—despite the petition's explicit invocation of *Esteras*—confirms the need for this Court's intervention to ensure compliance. Without GVR, the decision below will perpetuate the very error *Esteras* sought to correct, undermining the statute's rehabilitative intent.

**II. The Question Presented Is of Exceptional Importance, as It Involves**

**the Uniform Application of *Esteras* to Prevent Impermissible  
Retributive Sentencing in Supervised Release Proceedings.**

Certiorari should be granted because the panel decision conflicts with *Esteras*. Accordingly, review should be granted under Rule 10 (c), allowing review where a “United States court of appeals ... has decided an important federal question in a way that conflicts with relevant decisions of this Court.”

Beyond the direct conflict, certiorari is warranted because the question presented implicates the nationwide uniformity of supervised release sentencing post-*Esteras*. Supervised release affects over 100,000 individuals annually, and *Esteras* establishes a bright-line rule to prevent punitive overreach in revocation proceedings. 145 S. Ct. at 2041-42. By failing to address the district court's reliance on "respect for the law," the Eighth Circuit's decision risks inconsistent application, allowing abrogated precedent to linger in the circuit where *Esteras* expressly targeted it. *Id.* at 2037 (abrogating *Lewis*). This case exemplifies the need for clarity: the revocation stemmed from alcohol-related violations tied to Mr. Williams's OWI offenses, yet the court extended supervision punitively rather than rehabilitatively. Appx. D.


Permitting such errors erodes the post-*Booker* framework of individualized, non-punitive sentencing. See *United States v. Booker*, 543 U.S. 220, 245 (2005). While Mr. Williams also raised procedural issues regarding consecutive sentences

under U.S.S.G. § 7B1.3(f) and 18 U.S.C. § 3584(a), see *Rita v. United States*, 551 U.S. 338, 351 (2007); *Gall v. United States*, 552 U.S. 38, 51 (2007); *United States v. Henson*, 550 F.3d 739, 740 (8th Cir. 2008); *United States v. Benson*, 888 F.3d 1017, 1019 (8th Cir. 2018), the Esteras violation is dispositive and warrants priority. Granting certiorari and issuing a GVR will promote uniformity, correct the lower court's oversight, and reaffirm Esteras's mandate.

### **CONCLUSION**

For the above reasons, Petitioner requests, grant, vacatur, and remand for further proceedings in light of Esteras.

RESPECTFULLY SUBMITTED,



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### **CERTIFICATE OF SERVICE**

I, Rockne Cole, counsel for Petitioner, hereby certify that, on August 19, 2025, I mailed an original and 10 copies to the Supreme Court via United States Postal Service Express Mail to:



United States Supreme Court  
Clerk's Office  
1 First Street, N.E.,  
Washington, D.C. 20543

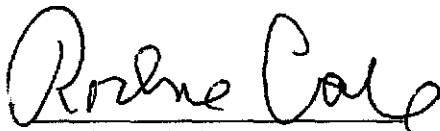
and one copy to:

Dan Chatham  
Assistant United States Attorney  
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111 7th Avenue SE Box 1  
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\_\_\_\_\_

**CERTIFICATE OF WORD COUNT**

I, Rockne Cole, certify that the above Petition includes 1960 words and was prepared in 14 Point New Times Roman and therefore, complies with US Supreme Court Rule 33.1, and it also complies with Rule 33.2 as it contains less than 40 pages.

  
\_\_\_\_\_  
Rockne Cole