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

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

No: 24-1770

United States of America

Appellee

v.

Hombra Lavail Williams

Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Eastern
(2:17-cr-01006-LTS-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

August 15, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

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

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

No: 24-1770

United States of America

Appellee

v.

Hombra Lavail Williams

Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Eastern
(2:17-cr-01006-LTS-1)

ORDER

The motion of appellant for an extension of time until July 24, 2025, to file a petition for rehearing is granted.

Electronically-filed petitions for rehearing must be received in the clerk's office on or before the due date.

The three-day mailing grace under Fed.R.App.P. 26(c) does not apply to petitions for rehearing.

July 10, 2025

Order Entered Under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

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

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

No: 24-1770

United States of America

Plaintiff - Appellee

v.

Hombra Lavail Williams

Defendant - Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Eastern
(2:17-cr-01006-LTS-1)

JUDGMENT

Before COLLOTON, Chief Judge, ERICKSON, and GRASZ, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

June 26, 2025

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

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

United States Court of Appeals
For the Eighth Circuit

No. 24-1770

United States of America

Plaintiff - Appellee

v.

Hombra Lavail Williams

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Eastern

Submitted: March 17, 2025

Filed: June 26, 2025

[Unpublished]

Before COLLOTON, Chief Judge, ERICKSON and GRASZ, Circuit Judges.

PER CURIAM.

Hombra Lavail Williams appeals from a revocation sentence imposed by the district court¹ after he admitted to a number of violations of his supervised release conditions, including conduct related to a pending state charge for operating a motor

¹The Honorable Leonard T. Strand, United States District Judge for the Northern District of Iowa.

vehicle while intoxicated (“OWI”) (third offense). Williams contends the district court abused its discretion when it ordered the revocation sentence to run consecutively to the state OWI cases and when it imposed an additional term of supervised release. We affirm.

On April 1, 2022, Williams was released to supervision after serving a 72-month sentence for possession of a firearm by a prohibited person. When Williams failed to comply with drug and alcohol testing requirements, admitted to using alcohol, and was arrested for OWI (second offense), the district court modified Williams’ release conditions to require him to reside at a residential reentry center for a period of up to 120 days and participate in remote alcohol testing. After the modification, Williams failed to report for testing as instructed on three occasions, and less than a month after being released from the Waterloo Residential Correctional Facility, Williams was arrested for OWI (third offense).

At the revocation hearing, Williams admitted to all eight categories of violations listed in the petition for revocation. The parties agreed that Williams’ criminal history category was VI and the most serious violation was grade B, which yielded an advisory revocation Sentencing Guidelines range of 21 to 24 months. The district court rejected Williams’ recommendation for a 19-month sentence to run concurrent with any state sentence imposed for OWI. The court highlighted Williams’ “terrible” and lengthy criminal history, his multiple convictions for OWI, and his inability to follow release conditions. The court expressed concern that Williams, now age 47, had made a career of “committing new crimes and putting the public at danger.” Concluding the time for leniency had passed, the district court imposed a 23-month sentence to be served consecutively to any state sentence imposed in the OWI cases, noting it would have sentenced Williams to a longer term—in the range of 36 to 48 months but for the 24-month statutory maximum.

The district court’s one month reduction from the maximum sentence accounted for Williams’ acceptance of responsibility. Following release from custody, the district court ordered Williams to serve one year on supervised release.

On appeal, Williams contends the district court committed procedural error when it seemed to imply “extraordinary circumstances” must be present before it could order concurrent sentences. The record does not support Williams’ claim. The record shows that when determining Williams’ sentence, the district court considered permissible sentencing factors along with the Sentencing Guidelines provision, U.S.S.G. § 7B1.3(f), that provides for the imposition of a consecutive sentence. See also 18 U.S.C. § 3584 (requiring sentencing courts to consider the sentencing factors set forth in 18 U.S.C. § 3553(a) when determining whether to impose consecutive or concurrent terms).

This Court reviews the district court’s decision to impose a consecutive sentence for reasonableness. United States v. Roe, 9 F.4th 754, 755 (8th Cir. 2021). We review the substantive reasonableness of a sentence under an abuse of discretion standard. United States v. Miller, 557 F.3d 919, 922 (8th Cir. 2009). We apply a presumption of reasonableness when the sentence is within the Guidelines range. United States v. Wilkins, 909 F.3d 915, 917 (8th Cir. 2018).

Williams has not offered any basis to show the district court abused its sentencing discretion. The court relied on permissible sentencing factors, including Williams’ repeated violations of supervised release conditions and the need to protect the public, and it adequately explained the reasons for its sentence. Furthermore, after expressing skepticism as to Williams’ request for a concurrent sentence, the district court gave counsel an opportunity to identify “a good reason” for doing so. Counsel responded by asking the court to use its discretion and impose a sentence that is “just” under the circumstances. Given the nature of his criminal history and his inability to comply with the law or release terms, Williams has not offered any convincing argument as to why the district court’s decision to order a consecutive sentence was unreasonable or an abuse of discretion. See United States v. Johnson, 827 F.3d 740, 745 (8th Cir. 2016) (determining the district court did not abuse its discretion when it ordered a 24-month revocation sentence to run consecutive to any yet-to-be-imposed state sentence for domestic violence, resisting arrest, and misdemeanor assault).

Upon careful review of the record and Williams' arguments, we conclude the district court did not abuse its sentencing discretion when it imposed a 23-month sentence, nor did it act unreasonably when it declined Williams' request for the sentence to run concurrent with any sentence imposed in the state OWI cases.

Williams also challenges the additional term of supervised release that the district court imposed following his release from custody. He acknowledges that the district court considered valid factors when deciding to impose an additional supervision term, but argues the court erred since nothing more can reasonably be gained from placing him back on supervision. Nor does Williams contest the district court's authority to impose an additional term of supervised release or its length. See 18 U.S.C. § 3583(h) (authorizing both an imprisonment term and additional supervised release term). Instead, he claims additional supervision is unwarranted. This Court construes a defendant's argument that a new term of supervised release is unwarranted as a challenge to the reasonableness of the sentence. United States v. Defoor, 535 F.3d 763, 764 (8th Cir. 2008). Permissible considerations for imposing an additional term of supervision include: the timing of the violations, the nature of the violations, the need for services such as medical help and counseling, a defendant's criminal history, and the need to protect society. Id. at 765.

The district court was faced with a defendant who had demonstrated an inability to meet the goals of supervision and posed a risk to the public. He had been on supervision for less than a year when he began to violate release conditions. After the court decided to modify Williams' conditions rather than revoke his release, Williams continued to violate the terms of his release by failing to report for testing as directed. Less than three weeks after completing his stay at a residential reentry center, Williams was arrested for OWI (third offense). Williams' failure to participate in substance abuse testing, his continued use of alcohol, and his two arrests for OWI while on supervised release are permissible factors the court may consider when deciding the appropriate sentence. Williams has not shown that the district court's decision to impose an additional year of supervised release was unreasonable.

We affirm the judgment of the district court.

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

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

No: 24-1770

United States of America

Appellee

v.

Hombra Lavail Williams

Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Eastern
(2:17-cr-01006-LTS-1)

ORDER

Attorney Rockne Ole Cole is hereby appointed to represent appellant in this appeal under the Criminal Justice Act. Information regarding the CJA appointment and vouchering process in eVoucher will be emailed to counsel shortly.

April 12, 2024

Order Entered under Rule 27A(a):
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Stephanie N. O'Banion

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

IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF IOWA
EASTERN DUBUQUE

UNITED STATES OF AMERICA,)
) No. 2:17-CR-01006-LTS-MAR-1
Plaintiff,)
)
v.)
)
HOMBRA WILLIAMS,)
)
)
Defendant.)

DEFENDANT'S NOTICE OF APPEAL

Pursuant to Fed. R. App. Proc. 4 (b) (1) (A), Defendant, through counsel, appeals from Final Judgment (R. Doc 72), which was entered on April 9, 2024, and all adverse rulings previously entered therein. Defense counsel was appointed pursuant to the Criminal Justice Act and Mr. Williams seeks to proceed under *in forma pauperis* status on direct appeal.

RESPECTFULLY SUBMITTED,
/s/ Rockne Cole

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2024, I electronically filed the foregoing with the Clerk of the Court using EM-ECF, which will send notification

of such filing to the parties or attorneys of record.

/s/ Rockne Cole

Appendix G – Judgment (Apr. 9, 2024)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA
v.
HOMBRA LAVAIL WILLIAMS

JUDGMENT IN A CRIMINAL CASE

Case Number: **CR 17-1006-1**

USM Number: **17040-029**

Rockne Cole

Defendant's Attorney

- ☐ Revocation of Probation
☒ Revocation of Supervised Release
☐ Modification of Supervision Conditions

☐ **AMENDED REVOCATION JUDGMENT**

Date of Most Recent Judgment:

THE DEFENDANT:

☒ admitted guilt to violation(s) As listed below of the term of supervision.

☐ was found in violation of _____ 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>
1a-d, 4a-f	Failure to Participate in Substance Abuse Testing	02/04/2024
2, 6	Use of Alcohol	01/05/2024
3, 7a-e	New Law Violation	01/05/2024
5	Failure to Comply with RRC Rules	09/17/2023
8	Failure to Notify of Law Enforcement Contact	01/05/2024

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant was not found in violation of _____ and is discharged as to such violation(s).

☐ The Court did not make a finding regarding violation(s) _____

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.

Leonard T. Strand
United States District Court Judge

Name and Title of Judge

April 9, 2024

Date of Imposition of Judgment



Signature of Judge

4/9/24

Date

DEFENDANT: **HOMBRA LAVAIL WILLIAMS**
CASE NUMBER: **CR 17-1006-1**

PROBATION

☐ The defendant's supervision is continued with the addition of special condition number(s):

IMPRISONMENT

☐ No imprisonment is ordered as part of this modification.

☒ The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **23 months. This term of imprisonment is to be served consecutively to any term of imprisonment imposed in Black Hawk County, Iowa, Case Nos: OWCR251204 and OWCR254482.**

☒ The court makes the following recommendations to the Federal Bureau of Prisons:
It is recommended that the defendant be designated to a Bureau of Prisons facility in close proximity to the defendant's family which is commensurate with the defendant's security and custody classification needs.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant must surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant must surrender for service of sentence at the institution designated by the Federal Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the United States 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

DEFENDANT: **HOMBRA LAVAIL WILLIAMS**
CASE NUMBER: **CR 17-1006-1**

SUPERVISED RELEASE

- ☒ Upon release from imprisonment, the defendant shall be on supervised release for a term of: **1 year.**
- ☐ The defendant's supervision is continued with the addition of special condition number(s):
- ☐ The defendant is remanded to the custody of the United States Marshal's until bed space is available at the Residential Reentry Center. The defendant shall be released from the United States Marshal's custody per written notification by the United States Probation Office without further order of the Court.

MANDATORY CONDITIONS OF SUPERVISION

- 1) The defendant must not commit another federal, state, or local crime.
- 2) The defendant must not unlawfully possess a controlled substance.
- 3) The defendant must refrain from any unlawful use of a controlled substance.
The defendant 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 the defendant poses a low risk of future controlled substance abuse. *(Check, if applicable.)*
- 4) ☒ The defendant must cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- 5) ☐ The defendant 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 the defendant resides, works, and/or is a student, and/or was convicted of a qualifying offense. *(Check, if applicable.)*
- 6) ☐ The defendant must participate in an approved program for domestic violence. *(Check, if applicable.)*

The defendant must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: **HOMBRA LAVAIL WILLIAMS**
CASE NUMBER: **CR 17-1006-1**

STANDARD CONDITIONS OF SUPERVISION

As part of the defendant's supervision, the defendant must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for the defendant's 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 the defendant's conduct and condition.

- 1) The defendant must report to the probation office in the federal judicial district where the defendant is authorized to reside within 72 hours of the time the defendant was sentenced and/or released from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed. The defendant must also appear in court as required.
- 3) The defendant must not knowingly leave the federal judicial district where the defendant is authorized to reside without first getting permission from the court or the probation officer.
- 4) The defendant must answer truthfully the questions asked by the defendant's probation officer.
- 5) The defendant must live at a place approved by the probation officer. If the defendant plans to change where the defendant lives or anything about the defendant's living arrangements (such as the people the defendant lives with), the defendant 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, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) The defendant must allow the probation officer to visit the defendant at any time at the defendant's home or elsewhere, and the defendant must permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
- 7) The defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, the defendant must try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about the defendant's work (such as the defendant's position or the defendant's job responsibilities), the defendant 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, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) The defendant must not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant must notify the probation officer within 72 hours.
- 10) The defendant 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) The defendant 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) As directed by the probation officer, the defendant must notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and must permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 13) The defendant must follow the instructions of the probation officer related to the conditions of supervision.

DEFENDANT: **HOMBRA LAVAIL WILLIAMS**
CASE NUMBER: **CR 17-1006-1**

SPECIAL CONDITIONS OF SUPERVISION

The defendant must comply with the following special conditions as ordered by the Court and implemented by the United States Probation Office:

1. The defendant must submit the defendant's 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 must warn any other occupants that the premises may be subject to searches pursuant to this condition. The United States Probation Office may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and 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.
2. The defendant must participate in a substance abuse evaluation. The defendant must complete any recommended treatment program, which may include a cognitive behavioral group, and follow the rules and regulations of the treatment program. The defendant must participate in a program of testing for substance abuse. The defendant must not attempt to obstruct or tamper with the testing methods.
3. The defendant must not use or possess alcohol. The defendant is prohibited from entering any establishment that holds itself out to the public to be a bar or tavern without the prior permission of the United States Probation Office.
4. If not employed at a lawful type of employment as deemed appropriate by the United States Probation Office, the defendant must participate in employment workshops and report, as directed, to the United States Probation Office to provide verification of daily job search results or other employment related activities. In the event the defendant fails to secure employment, participate in the employment workshops, or provide verification of daily job search results, the defendant may be required to perform up to 20 hours of community service per week until employed.
5. The defendant must participate in the Remote Alcohol Testing Program during any period of the defendant's supervision. The defendant must abide by all rules and regulations of the Remote Alcohol Testing Program. The defendant will be responsible for the cost of participation in the Remote Alcohol Testing Program.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them. Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition(s) of supervision.

Defendant

Date

United States Probation Officer/Designated Witness

Date

Appendix H – 18 U.S.C. § 3583(e)

Appendix H - 18 U.S.C. § 3583(e)

(e) Modification of Conditions or Revocation.-The court may, after considering the factors set forth in 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 postrelease 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 violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation 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 such 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.