

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JACOB JOSHAD ROBINSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

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/s/ Quincy Hope Ferrill
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Appendix A Opinion of Fifth Circuit, *United States v. Robinson*, No. 24-10912, 2025 WL 1743512 (5th Cir. June 24, 2025) (unpublished)

Appendix B Judgment and Sentence of the United States District Court for the Northern District of Texas, entered September 27, 2024. *United States v. Robinson*, Dist. Court 4:24-CR-0114-O.

APPENDIX A

United States Court of Appeals for the Fifth Circuit

No. 24-10912
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 24, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JACOB JOSHAD ROBINSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CR-114-1

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Jacob Joshad Robinson pleaded guilty to possessing a firearm as a convicted felon, in violation of 18 U.S.C. § 922(g)(1), and was sentenced to 37 months' imprisonment. On appeal, he argues that § 922(g)(1) is unconstitutional—both facially and as applied—and exceeds Congress's authority under the Commerce Clause. He also contends that the district

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

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court erred in accepting his guilty plea, claiming the factual basis failed to support the offense's elements as reframed by his Commerce Clause theory. The Government moves to dismiss the appeal based on Robinson's appeal waiver. In the alternative, it seeks summary affirmance, arguing that each of Robinson's arguments is foreclosed by precedent.

We need not decide whether Robinson's appeal waiver applies because summary affirmance is appropriate here. *See United States v. Thompson*, 54 F.4th 849, 851 (5th Cir. 2022); *United States v. DeLeon*, 915 F.3d 386, 389 n.2 (5th Cir. 2019). Summary affirmance is warranted when "the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case." *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Robinson concedes he did not raise an as-applied challenge to § 922(g)(1) in the district court but seeks plain-error review. We hold that Robinson is "unable to demonstrate the requisite clear-or-obvious error for his as-applied challenge to the constitutionality of § 922(g)." *United States v. Linan*, No. 24-50141, 2024 WL 5205740, at *1 (5th Cir. Dec. 24, 2024), *cert. denied*, No. 24-6879, 2025 WL 1151364 (U.S. Apr. 21, 2025). Moreover, as the Government notes—and Robinson concedes—binding precedent forecloses both his statutory and constitutional challenges to § 922(g)(1), as well as his argument that the factual basis was inadequate. *See United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025); *United States v. Jones*, 88 F.4th 571, 572 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024); *United States v. Perryman*, 965 F.3d 424, 426 (5th Cir. 2020); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013); *United States v. Rawls*, 85 F.3d 240, 242-43 (5th Cir. 1996).

Accordingly, the Government's motion for summary affirmance is GRANTED, and the judgment is AFFIRMED. The Government's

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motion to dismiss and alternative request for an extension of time to file its brief are DENIED as moot.

APPENDIX B

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

JACOB JOSHAD ROBINSON

Case Number: 4:24-CR-00114-O(01)
U.S. Marshal's No.: 05570-511
Frank L Gatto, Assistant U.S. Attorney
Michael A Lehmann, Attorney for the Defendant

On June 18, 2024 the defendant, JACOB JOSHAD ROBINSON, entered a plea of guilty as to Count One of the Indictment filed on May 15, 2024. Accordingly, the defendant is adjudged guilty of such Count, which involves the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 922(g)(1) and 924(a)(8)	Firearm Possession by a Prohibited Person	11/03/2023	One

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission pursuant to Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$100.00 as to Count One of the Indictment filed on May 15, 2024.

Upon motion of the government, all remaining counts are dismissed, as to this defendant only.

The defendant shall notify the United States Attorney for this district within thirty 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.

Sentence imposed September 27, 2024.


REED O'CONNOR
U.S. DISTRICT JUDGE

Signed September 27, 2024.

Judgment in a Criminal Case
Defendant: JACOB JOSHAD ROBINSON
Case Number: 4:24-CR-00114-O(1)

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IMPRISONMENT

The defendant, JACOB JOSHAD ROBINSON, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a term of **THIRTY-SEVEN (37) MONTHS** as to Count One of the Indictment filed on May 15, 2024. This sentence shall run consecutively to any future sentence which may be imposed in Case No. 1797376 in the Tarrant County Criminal Court No. 1, and Case No. M202400695 in the Johnson County Criminal Court No. 2, which are unrelated to the instant offense. Furthermore, this sentence shall run concurrently with any future sentence which may be imposed in Case Nos. 1802085 and 1802086 in the Criminal District Court No. 1 of Tarrant County, which are related to the instant offense.

The Court makes a non-binding recommendation to the BOP that Defendant, if appropriately classified, be allowed to serve his term of imprisonment as near as geographically possible to an FCI facility in Fort Worth, Texas.

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

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS** as to Count One of the Indictment filed on May 15, 2024.

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.
- (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

Judgment in a Criminal Case
Defendant: JACOB JOSHAD ROBINSON
Case Number: 4:24-CR-00114-O(1)

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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 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.

In addition the defendant shall:

not commit another federal, state, or local crime;

not illegally possess controlled substances;

cooperate in the collection of DNA as directed by the probation officer;

not possess a firearm, ammunition, destructive device, or any dangerous weapon;

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;

pay the assessment imposed in accordance with 18 U.S.C. § 3013;

take notice that if this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment; and,

participate in an outpatient program approved by the probation officer for treatment of narcotic or drug or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month.

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FINE/RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

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 Marshal