

NOT RECOMMENDED FOR PUBLICATION  
File Name: 25a0402n.06

Nos. 24-1507/1553/1577

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

**FILED**  
Aug 15, 2025  
KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TYJUAN DEVON GRAY,

Defendant-Appellant.

ON APPEAL FROM THE  
UNITED STATES DISTRICT  
COURT FOR THE EASTERN  
DISTRICT OF MICHIGAN

OPINION

Before: MOORE, GRIFFIN, and NALBANDIAN, Circuit Judges.

GRIFFIN, Circuit Judge.

Defendant Tyjuan Gray appeals the district court's judgments in his two criminal cases after pleading guilty to assaulting, resisting, or impeding a prison official in one and to being a felon in possession of a firearm in the other. We affirm those judgments and dismiss his ineffective-assistance-of-counsel claims.

I.

Gray's gun case arose in 2020. Detroit police officers on routine patrol observed a large group of people gathered for a block party when they noticed Gray with a handgun protruding from his pants pocket. They approached him and asked about the gun, and Gray admitted that he did not have a concealed-pistol license. The officers arrested Gray and seized the gun. Gray, a convicted felon, was indicted on a single count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Over the next four years, his case was delayed by a

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combination of the COVID-19 pandemic, the withdrawal and replacement of several attorneys, and competency-related proceedings.

While that case was pending and Gray was in custody, he committed another crime. In 2023, at the Federal Detention Center in Milan, Michigan, Gray met with a nurse practitioner in a closed-door appointment in an exam room to discuss his medications. While seated and without warning, Gray lunged at the nurse and grabbed her throat, forcing her head to hit the wall behind her, with her neck extended across the back of her chair. Gray held the nurse's wrist to prevent her from accessing her radio or pepper spray, and he applied the choke so hard that the nurse urinated on herself. He then let go of her wrist and, while still strangling her, reached for her pants. Other inmates eventually saw what was happening through the door window and intervened. The nurse activated her body alarm and deployed pepper spray, and corrections staff soon responded and neutralized the situation.

The next day, the nurse saw her doctor for a headache, swelling in her neck, and pain in her shoulder. Over the following months, she had numerous medical appointments for these problems. Doctors diagnosed her with a "traumatic incomplete tear of [her] right rotator cuff" and "rotator cuff impingement syndrome." To treat these injuries, she received an ultrasound-guided injection of Kenalog to her affected shoulder. As for Gray, a grand jury indicted him on one count of assaulting, resisting, or impeding a federal officer or employee and inflicting bodily injury, in violation of 18 U.S.C. § 111(a)(1) and (b).

In February 2024, Gray pleaded guilty in both the assault case and the gun case to the charges in the indictments without plea agreements. The district court first sentenced Gray in the assault case. After calculating the advisory Sentencing Guidelines range to be 92–115 months, the court sentenced Gray to an above-Guidelines sentence of 120 months' imprisonment. Next, the

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district court (albeit, a different judge) sentenced Gray in the gun case. The court calculated the Guidelines range to be 33–41 months, and it sentenced Gray to a 41 months’ imprisonment, consecutive to the sentence in the assault case. These appeals followed.<sup>1</sup>

## II.

We first address Gray’s arguments stemming from the assault case, in which he challenges both the procedural and substantive reasonableness of his sentence. We review for both types of reasonableness “under a deferential abuse-of-discretion standard.” *Gall v. United States*, 552 U.S. 38, 41, 46 (2007). A district court abuses its discretion when it either “relies on clearly erroneous findings of fact,” “improperly applies the law,” “uses an erroneous legal standard,” or commits a clear error of judgment. *United States v. Hale*, 127 F.4th 638, 640 (6th Cir. 2025); *United States v. Perez-Rodriguez*, 960 F.3d 748, 753 (6th Cir. 2020).

### A.

For a sentence to be procedurally reasonable, the district court “must properly calculate the guidelines range, treat that range as advisory, consider the sentencing factors in 18 U.S.C. § 3553(a), refrain from considering impermissible factors, select the sentence based on facts that are not clearly erroneous, and adequately explain why it chose the sentence.” *United States v. Rayyan*, 885 F.3d 436, 440 (6th Cir. 2018). Gray asserts that his sentence is procedurally unreasonable because the district court (1) erroneously applied a four-point enhancement for bodily injury under U.S.S.G. § 2A2.2(b)(3)(A), (2) failed to consider certain § 3553(a) factors, and (3) erred in several ways when departing above the Guidelines range. We address each contention in turn.

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<sup>1</sup>Case no. 24-1507 is the appeal from the assault conviction. Case nos. 24-1553 and 24-1577 are consolidated appeals from the gun conviction. (Gray filed two notices of appeal in the gun case.)

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1.

Gray first challenges the district court's decision to apply a four-point enhancement for bodily injury under U.S.S.G. § 2A2.2(b)(3)(A). That Guideline enhances a sentence for aggravated assault if the victim suffered bodily injury, increasing in severity based on the "Degree of Bodily Injury." U.S.S.G. § 2A2.2(b)(3). A "Bodily Injury" adds three levels, a "Serious Bodily Injury" adds five levels, and a "Permanent or Life-Threatening Bodily Injury" adds seven levels. *Id.* § 2A2.2(b)(3)(A)–(C). If the severity falls between these tiers, then the injury adds four or six levels, respectively. *Id.* § 2A2.2(b)(3)(D)–(E).

The presentence report recommended adding four points to Gray's offense level because of the victim's shoulder injury, concluding that the injury's severity was between "Bodily Injury" and "Serious Bodily Injury." Over Gray's objection, the district court applied the four-point enhancement under § 2A2.2(b)(3)(D). Gray contends the victim suffered a mere "Bodily Injury," warranting only three points instead of four.

The term "bodily injury" means "physical harm to one's body." *United States v. Bellis*, 2024 WL 1212859, at \*1 (6th Cir. Mar. 21, 2024) (collecting sources). For example, a "bloodied lip" qualifies as a bodily injury. *Id.* An injury becomes "serious" when the assault "caused the victim extreme pain, protracted impairment of a body part, or conditions requiring medical intervention"—for example, stab wounds causing "extensive blood loss" and requiring "numerous sutures." *United States v. Flores*, 974 F.3d 763, 765–66 (6th Cir. 2020) (citing U.S.S.G. § 1B1.1 cmt. n.1).

Here, the nurse's shoulder injury falls between these two levels of severity. The injury—diagnosed as a "traumatic incomplete tear of [her] right rotator cuff" and "rotator cuff impingement syndrome"—required medical treatment over several months, including imaging and an

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ultrasound-guided injection of medication. Gray does not dispute the nature of this injury; rather, he asserts that it supported a lesser enhancement. Yet Gray's cited cases applying a lesser enhancement are distinguishable. None of those cases involved any medical treatment for the victim, let alone treatment spanning months after the crime. *See, e.g., United States v. Jackson*, 918 F.3d 467, 487–88 (6th Cir. 2019) (holding that the “bodily injury” enhancement can apply even where the victim does “not actually seek medical attention”). Thus, the district court did not abuse its discretion in applying the four-point enhancement under § 2A2.2(b)(3)(D).<sup>2</sup>

2.

Next, Gray contends that the district court failed to address two arguments he made for a lesser sentence—his mental health and the need to avoid unwarranted sentencing disparities. That lack of discussion, he asserts, deprived him of an adequate explanation of his sentence, rendering the sentence procedurally unreasonable. *See Rayyan*, 885 F.3d at 440. Although the parties disagree on the appropriate standard of review, Gray's challenge fails even if we assume he preserved it and apply the more-stringent abuse-of-discretion standard to the district court's explanation.

Under 18 U.S.C. § 3553(a), in determining “a sentence sufficient, but not greater than necessary,” the district court must consider several enumerated factors. These factors include “the nature and circumstances of the offense and the history and characteristics of the defendant,” 18 U.S.C. § 3553(a)(1), as well as “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct,” *id.* § 3553(a)(6). When a defendant raises an argument seeking a lower sentence under the § 3553(a) factors, “the

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<sup>2</sup>Gray's appellate brief references a causation-based argument he made at sentencing—that the victim's shoulder injury “was a preexisting tennis injury.” He does not press that argument on appeal, though, so we do not address it.

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record must reflect both that the district judge considered the defendant's argument and that the judge explained the basis for rejecting it." *United States v. Solano-Rosales*, 781 F.3d 345, 352 (6th Cir. 2015) (citation omitted). The district court need only "set forth enough to satisfy the appellate court that [it] has considered the parties' arguments and has a reasoned basis for exercising [its] own legal decisionmaking authority." *United States v. Jones*, 980 F.3d 1098, 1113 (6th Cir. 2020) (citation omitted).

Here, the district court adequately addressed Gray's arguments. First, contrary to Gray's contention, the district court accounted for his "mental health, personal, and educational background." It discussed his "family history," including domestic violence in his upbringing and his father's criminal history, as well as his "mental health concerns," including his diagnoses of bipolar disorder and ADHD. And it addressed Gray's educational background and ambitions, noting that although "he has not completed high school," he has "devote[d] himself to writing" and has "written some novels."

That the district court discussed these topics less extensively than it discussed Gray's criminal history or the nature of the crime is of no moment. "[S]ome factors might prove to be more relevant than others in a given case, and the law thus does not require district courts to provide a ritualistic one-by-one incantation of each factor." *United States v. Coleman*, 835 F.3d 606, 616 (6th Cir. 2016) (citation modified). The district court made clear that, given the circumstances of Gray's assault case, the court was "very concerned" that Gray committed this crime while in custody, that Gray "took advantage" of a person who devoted her career to assisting prisoners, and that Gray caused significant harm to her. In other words, although the district court considered Gray's personal characteristics and history, those factors "pale[d]" in comparison to the nature of Gray's crime. *United States v. Bridgewater*, 479 F.3d 439, 442 (6th Cir. 2007).

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Likewise, the district court adequately addressed the potential for sentence disparities. The district court stated explicitly that it needed “to try to avoid sentencing people differently when their underlying crimes and background are similar” and that it strived “to treat similarly-situated defendants in a similar way.” And because the Sentencing Commission “clearly considered” the “avoidance of unwarranted disparities” in establishing the Guidelines themselves, the district court’s correct calculation of Gray’s Guidelines range “necessarily gave significant weight and consideration to the need to avoid unwarranted disparities.” *Gall*, 552 U.S. at 54. Although the court sentenced Gray above that Guidelines range—thus creating a sentence disparity—it explained that decision was due to the seriousness of Gray’s crime and the harm he caused. (More on that topic below.) Thus, the district court did not abuse its discretion in explaining its consideration of the § 3553(a) factors.

3.

Gray next challenges several aspects of the district court’s decision to sentence him above the Guidelines range of 92–115 months to a sentence of 120 months. He asserts that decision was procedurally unreasonable because the district court failed to give notice of its intent to depart upward, failed to explain why it departed upward, and failed to file a written statement of reasons.

a.

First, Gray, citing Federal Rule of Criminal Procedure 32(h), complains that the district court failed to give adequate notice of its intention to impose an above-Guidelines sentence. Rule 32(h) applies when the district court “depart[s]” from the Guidelines range, *Irizarry v. United States*, 553 U.S. 708, 714 (2008), meaning that the above-Guidelines sentence “results from the district court’s application of a particular Guidelines provision, such as . . . § 5, Part K,” *United States v. Grams*, 566 F.3d 683, 686 (6th Cir. 2009) (per curiam). Here, the district court departed

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under U.S.S.G. § 5K2.2, which permits an upward departure if “significant physical injury resulted,” and § 5K2.3, which permits upward departure if the victim “suffered psychological injury much more serious than that normally resulting from commission of the offense.” Thus, Rule 32(h) applies. *See Irizarry*, 553 U.S. at 714.

Rule 32(h) requires the court to “give the parties reasonable notice that it is contemplating” a departure “from the applicable sentencing range on a ground not identified . . . in the presentence report or in a party’s prehearing submission.” Fed. R. Crim. P. 32(h). Gray points out that neither the presentence report nor the government’s sentencing memorandum argued for an upward departure, thus, he complains that the district court did not give the required notice.

Yet Gray failed to object on this ground at the sentencing hearing. His vague objection “to the upward departure” did not preserve this specific claim about lack of notice for appellate review. *See United States v. Harmon*, 607 F.3d 233, 237–38 (6th Cir. 2010). Because Gray “failed to object to the adequacy of the district court’s notice at his sentencing hearing,” we review this claim “only for plain error.” *United States v. Meeker*, 411 F.3d 736, 744 (6th Cir. 2005). To meet that standard, Gray must show “(1) error (2) that was obvious or clear, (3) that affected [his] substantial rights and (4) that affected the fairness, integrity, or public reputation of the judicial proceedings.” *United States v. Vonner*, 516 F.3d 382, 386 (6th Cir. 2008) (en banc) (citation modified). Gray falls short.

First, any error here was not obvious or clear. Rule 32(h) requires only “reasonable notice” of the grounds on which the court is contemplating a departure. Whether notice is “‘reasonable’ under Rule 32 is a context-specific question.” *Meeker*, 411 F.3d at 744. If the record contains “cumulative evidence” suggesting the possibility of departure, then less notice is required. *Id.*



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Indeed, depending on the circumstances, even notice in advance of the sentencing hearing might not be necessary—“notice at the hearing” may suffice. *See id.* (citation omitted).

Here, the victim’s physical and psychological injuries featured prominently in the proceedings leading up to and at sentencing. The court and the parties discussed the victim’s physical injury at the change-of-plea hearing. The presentence report detailed the victim’s need for medical treatment. The government’s sentencing memorandum emphasized the victim’s “enduring physical, mental, and emotional trauma.” And, at the sentencing hearing, the victim testified about how she has suffered physically and mentally from the assault. Under these circumstances, it is hardly obvious or clear that Gray did not have “reasonable notice” about the possibility of an upward departure for the victim’s physical and psychological injuries under U.S.S.G. §§ 5K2.2 and 5K2.3.

What is more, Gray cannot show that any error affected his substantial rights. “An effect on substantial rights is typically established through a showing of an actual effect on the outcome of the case.” *United States v. Lopez-Medina*, 461 F.3d 724, 745 (6th Cir. 2006). In the context of a challenge based on lack of Rule 32(h) notice, “a defendant must demonstrate on appeal what advantage he would have gained from receiving prehearing notice, *i.e.*, that factual assertions were false or could have been effectively rebutted.” *United States v. Korson*, 243 F. App’x 141, 151 (6th Cir. 2007). Although Gray asserts that the district court’s decision to depart “was a surprise at the sentencing hearing,” he articulates no reason why the outcome would have been different had he been provided with more advance notice of that possibility. Accordingly, there was no plain error here.

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b.

Second, Gray complains that the district court failed to explain its decision to depart upward by five months. He contends the district court's stated reason—that the Guidelines did not adequately account for “the nature of the injury suffered by the victim”—is unsupported because the court already applied a four-point enhancement for bodily injury under U.S.S.G. § 2A2.2(b)(3)(D) and a six-level victim-related adjustment under U.S.S.G. § 3A1.2(c)(2).

But Gray ignores the victim-impact testimony and how that testimony affected the district court's decision. The victim explained that the assault resulted in both “physical and mental” injuries that continue to affect her personally and professionally. For her physical injuries, she explained that she has “chosen not to have surgery” on her shoulder because she does “not want any outward scars related to this assault.” As for her mental injuries, she told the court that, nearly a year after the assault, she continues to have trouble sleeping at night. In her words: “I wake up to hands on my throat, the smell of his breath and the rage in his voice.”

The district court made clear that the victim's testimony bore heavily on its consideration of an appropriate sentence. It stated that the victim's testimony “shows that the type of offense here was extremely violent and damaging to the victim.” It further noted that the victim's “long-term consequences” from the assault “go far beyond simply the physical injury that occurred.” Shortly before announcing the sentence, the district court stated: “[F]or that reason[,], I think there are factors here that are not necessarily adequately considered under the sentencing guidelines.”

“When imposing a procedurally reasonable sentence, the district court must adequately explain the chosen sentence—including an explanation for any deviation from the Guidelines range.” *United States v. Mitchell*, 107 F.4th 534, 542 (6th Cir. 2024) (internal quotation marks and emphasis omitted). A “minor” departure requires less justification than a “major” one does.

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*Gall*, 552 U.S. at 50. Here, given the victim-impact testimony and the district court’s subsequent comments, the district court adequately explained its decision to depart upward by five months.

c.

Third, Gray complains that the district court never publicly filed a written statement of reasons about its departure. But no rule requires such a filing. True, 18 U.S.C. § 3553(c)(2) obligates the district court, when sentencing outside the Guidelines range, to explain its decision “in a statement of reasons form issued under section 994(w)(1)(B) of title 28.” But § 994(w)(1), in turn, simply requires that the sentencing court submit a statement of reasons “to the [United States Sentencing] Commission”—it does not require that the statement be filed on the public docket. The government’s brief accurately quotes from the district court’s non-public statement of reasons: “The court determined that the victim’s injuries were more significant than previously described and a sentence at the top of the guideline range was not sufficient to address the seriousness of the offense.” That explanation aligns with the explanation given at the sentencing hearing. The district court therefore satisfied its obligation under 18 U.S.C. § 3553(c)(2).

B.

In two paragraphs at the end of his brief, Gray challenges the substantive reasonableness of his sentence. A sentence is substantively unreasonable if it is “too long” because “the court placed too much weight on some of the § 3553(a) factors and too little on others.” *Rayyan*, 885 F.3d at 442. When reviewing the substantive reasonableness of a sentence outside the Guidelines, we consider “the degree of variance” from the Guidelines. *United States v. Zobel*, 696 F.3d 558, 569 (6th Cir. 2012) (quoting *Gall*, 552 U.S. at 47). Although we do not presume reasonableness for an above-Guidelines sentence, we do give “due deference to the district court’s conclusion that the sentence imposed is warranted by the § 3553(a) factors.” *Id.* (citation modified).

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Gray asserts no independent reasons why his sentence was substantively unreasonable; rather, he merely references his procedural assertions already addressed: that the district court “failed to fully analyze several of the 18 U.S.C. § 3553 factors,” “did not address the need to avoid unwarranted sentencing disparities,” and “failed to provide a written statement of reasons.” Even if Gray’s perfunctory argumentation on this point did not forfeit his substantive-reasonableness challenge, *see United States v. Persaud*, 866 F.3d 371, 385 (6th Cir. 2017), his challenge would fail on the merits for the reasons already discussed. The district court adequately weighed the § 3553(a) factors and justified its modest upward departure based on both the nature of this violent offense in a custodial setting and the victim’s serious and ongoing harm. Accordingly, the district court did not abuse its discretion by departing upward by five months and sentencing Gray to 120 months’ incarceration in his assault case.

### III.

We next address Gray’s arguments stemming from the gun case. Gray contends that the district court erred by (1) finding him competent to proceed, (2) not informing him of a particular consequence of his plea, (3) failing to consider certain arguments at sentencing, and (4) imposing a substantively unreasonable sentence. He further asserts that he received ineffective assistance of counsel. We address each argument in turn.

#### A.

First, Gray argues that the district court erred in finding that Gray was competent to proceed, and he complains that the district court failed to hold a “substantive competency hearing.” In June 2022, the district court granted an oral motion by Gray’s counsel to have Gray’s competency evaluated. After the evaluation, the parties and the court received a competency report, and the court held a short competency hearing. The court confirmed that Gray’s lawyer

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had reviewed the report with Gray, and Gray told the court that he had no questions about it. The court then stated that it “has read the report, which is 19 pages single spaced and very thorough, and the Court has witnessed Mr. Gray’s behavior here in court, and the Court finds that he is competent to proceed and stand trial in this case.” Gray’s counsel neither objected nor inquired further about competency, and the hearing proceeded to another topic before adjourning.

Gray now challenges both the competency finding itself and the decision not to hold a more extensive hearing. Competency is a factual determination, which we review for clear error. *United States v. Dubrule*, 822 F.3d 866, 875 (6th Cir. 2016). A factual finding is clearly erroneous only when “it is against the clear weight of the evidence” or when we are “left with the definite and firm conviction that a mistake has been committed.” *Id.* (citation omitted). And we review the district court’s decision not to hold an evidentiary hearing on competency for an abuse of discretion. *See United States v. Heard*, 762 F.3d 538, 541 (6th Cir. 2014).

18 U.S.C. § 4241 and its neighboring provisions set the procedure for determining competency. In advance of a competency hearing, the district court “may order that a psychiatric or psychological examination of the defendant be conducted” and that a report be provided to the court. *Id.* § 4241(b). At the hearing, the defendant “shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.” *Id.* § 4247(d); *see also id.* § 4241(c). At the end of the hearing, the district court must determine whether “a preponderance of the evidence” shows “that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” *Id.* § 4241(d).

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The district court followed these procedures. Although the hearing was held at the request of Gray's lawyer, neither Gray's lawyer nor Gray himself mentioned on the record that they had any evidence of incompetency to present. *See id.* § 4247(d); *see also id.* § 4241(c). Indeed, their lack of evidence, objections, or questions suggests that both Gray's lawyer and Gray himself agreed with the report's findings, or at least chose not to challenge them. Under such circumstances, the district court's finding of competency—based on the “thorough” report and its own observations—was not clearly erroneous. And its decision not to take additional evidence (that Gray never offered) was not an abuse of discretion.

B.

Next, Gray complains that his guilty plea was not knowing and voluntary because the district court did not specifically inform him that entering an unconditional plea waived his right to challenge the district court's denial of his motion to suppress.

Early in the proceedings, Gray moved to suppress the gun and his statements made to the officers. The district court held a hearing on the motion and denied it with respect to the gun. Gray tried to immediately appeal that decision, but we dismissed that appeal as premature. Several months later, Gray entered an unconditional guilty plea without a plea agreement.

Because Gray did not reserve “the right to have an appellate court review an adverse determination of a specified pretrial motion,” Fed. R. Crim. P. 11(a)(2), his unconditional guilty plea waived his right to appeal the denial of a suppression motion, *United States v. Vasquez-Martinez*, 616 F.3d 600, 604–05 (6th Cir. 2010). Gray now asserts that his guilty plea is invalid because the district court did not inform him of this consequence of his unconditional guilty plea when he entered it.

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To satisfy constitutional demands of due process, a guilty plea must be entered knowingly, voluntarily, and intelligently. *See Bousley v. United States*, 523 U.S. 614, 618–19 (1998) (citing *Brady v. United States*, 397 U.S. 742, 748 (1970)); *see also United States v. Pitts*, 997 F.3d 688, 701 (6th Cir. 2021). Federal Rule of Criminal Procedure 11 helps ensure that pleas meet that constitutional standard. *United States v. Jones*, 53 F.4th 414, 417 (6th Cir. 2022). Under that rule, before the district court accepts a guilty plea, the court “must inform the defendant of, and determine that the defendant understands” certain consequences of the plea during the plea colloquy. Fed. R. Crim. P. 11(b)(1). Here, because Gray “did not object to the plea colloquy, we review for plain error.” *Pitts*, 997 F.3d at 701; *see also United States v. Presley*, 18 F.4th 899, 903 (6th Cir. 2021) (explaining that plain-error review applies to both “constitutional and rule-based challenges” to guilty pleas).

Gray fails to satisfy even the first element of the plain-error standard because the district court did not err. *See Vonner*, 516 F.3d at 386. Rule 11 does not require that district courts advise defendants entering an unconditional guilty plea that such a plea waives the right to appeal pre-plea rulings. The closest Rule 11 comes to such a requirement is its requirement that the district court advise the defendant about “the terms of *any plea-agreement provision* waiving the right to appeal . . . *the sentence*.” Fed. R. Crim. P. 11(b)(1)(N) (emphases added). Yet that provision applies only when there is a plea agreement (here, there was none) and when a defendant stands to lose the right to appeal a future, post-plea decision (the sentence), not a past, pre-plea one (like a decision on a motion to suppress). To preserve pre-plea decisions for appeal, Rule 11(a)(2) puts an “affirmative duty on the defendant” to make the plea conditional. *United States v. Martin*, 526 F.3d 926, 932 (6th Cir. 2008) (citation omitted). The district court is under no obligation to advise the defendant about that affirmative duty.

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Indeed, we have previously rejected arguments like Gray's, holding pleas to be knowing, intelligent, and voluntary even when the district court did not advise the defendant that an unconditional guilty plea waived the right to appeal decisions on motions to suppress. *Vasquez-Martinez*, 616 F.3d at 604–05; *Carter v. Winn*, 2021 WL 1100496, at \*2 (6th Cir. Jan. 7, 2021). Gray fails to even cite these on-point cases, let alone distinguish them, despite the government citing them. Accordingly, the district court did not plainly err by not advising Gray that his unconditional guilty plea would waive his ability to appeal the denial of the motion to suppress.

C.

Gray next makes two arguments that he received ineffective assistance of trial counsel. He asserts that his lawyer failed both to contest the district court's competency finding and to secure a conditional plea. But unless counsel's "ineffectiveness is apparent from the record," we typically decline to address ineffective-assistance claims on direct appeal. *United States v. Burrell*, 114 F.4th 537, 548 (6th Cir. 2024) (citation omitted).

Whether Gray's counsel was ineffective on either ground is not apparent. At minimum, an ineffective-assistance claim requires a showing of prejudice—"a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland v. Washington*, 466 U.S. 668, 687, 694 (1984). For the competency finding, Gray admits that the record here lacks evidence to challenge "the report's finding of competence." And Gray fails to show that, had his lawyer advised him about his waiver of appeal rights, that "he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

Further, Gray does not even attempt to show any reasonable probability that he would have prevailed on an appeal of the denial of his motion to suppress the gun had his lawyer secured a



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conditional plea. The police officers saw the handle of Gray’s handgun protruding from his pocket, and in Michigan, concealed carrying of a firearm is presumptively unlawful. *See United States v. Galaviz*, 645 F.3d 347, 356 (6th Cir. 2011). Michigan law thus permitted the officers to “approach the suspect and ask for proof of a [concealed pistol license],” *People v. Williams*, 2024 WL 1684856, at \*8 (Mich. Ct. App. Apr. 18, 2024), *appeal denied*, 10 N.W.3d 281 (Mich. 2024) (order), which Gray admitted he did not have.

At this stage, any prejudice Gray suffered from his counsel’s alleged mistakes is not apparent. We thus decline to evaluate the merits of the ineffective-assistance-of-counsel claims, which are better addressed in proceedings under 28 U.S.C. § 2255.

D.

Gray next asserts that his 41-month sentence on the firearm conviction is procedurally unreasonable for two reasons: the district court failed to address arguments for a lower sentence, and it failed to justify running the sentence for the gun possession consecutive to the sentence in his assault case.

1.

First, as he did in the assault case, Gray contends that the district court failed to address two arguments for a lesser sentence—his mental health and sentencing disparities. As in the assault case, the district court adequately addressed both topics at sentencing here.

For mental health, the district court discussed Gray’s personal background, observing that he has not “had an easy path.” During its discussion of Gray’s other criminal conduct—most significantly, the assault on the nurse—the district court acknowledged that Gray may not have been in the “right mind” at the time of the incident. But as the district court stated, “extreme mental distress” does not excuse “touch[ing]” or “threaten[ing]” another person. And the district court

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further made clear that it considered Gray’s mental-health concerns—as it pronounced the sentence, it ordered that Gray undergo a “psychological or psychiatric evaluation” and that he “participate in a mental health program” at the prison. That the district court did not discuss Gray’s mental health as extensively as other topics at sentencing does not render the sentence procedurally unreasonable. *See Coleman*, 835 F.3d at 616; *Bridgewater*, 479 F.3d at 442.

As for sentencing disparities, the court explicitly considered “the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct.” And Gray’s within-Guidelines sentence necessarily accounted for the need to avoid sentencing disparities. *See Gall*, 552 U.S. at 54. Thus, the district court adequately addressed both arguments.

2.

Second, Gray challenges the decision to impose a sentence consecutive to, as opposed to concurrent with, his sentence in the assault case. District courts have discretion to impose consecutive terms of imprisonment, and when doing so, they must consider “the factors set forth in section 3553(a).” 18 U.S.C. § 3584(b); *see also United States v. Morris*, 71 F.4th 475, 483 (6th Cir. 2023). But a district court need not separately analyze the § 3553(a) factors for “the concurrent or consecutive nature of the sentence” and for the total sentence length. *United States v. Berry*, 565 F.3d 332, 343 (6th Cir. 2009). Rather, a district court may “intertwine[]” those determinations in a single discussion of the factors. *United States v. King*, 914 F.3d 1021, 1026 (6th Cir. 2019) (citation omitted).

Here, the district court adequately explained its decision to impose a consecutive sentence. After analyzing the § 3553(a) factors, the district court announced the consecutive sentence, explaining that “a lesser sentence would not be reasonable” because “it would not adequately

Nos. 24-1507/1553/1577, *United States v. Gray*

account for what [Gray has] done.” The district court made clear that Gray’s “escalating criminal conduct”—committing a gun offense, then assaulting a nurse while in custody for that offense—necessitated a harsher sentence to protect society from Gray’s “menacing conduct.” As the district court explained: a concurrent sentence “would mean that [Gray] would be returning home sooner and [the court] would have less confidence that [he] would be returning home better.” Thus, the consecutive was not procedurally unreasonable.

E.

Finally, in two sentences in his brief, Gray argues that his sentence is substantively unreasonable. Gray forfeited this perfunctory argument. *See Persaud*, 866 F.3d at 385. And even if he had not, this argument would fail on the merits. A within-Guidelines sentence is entitled to a presumption of substantive reasonableness. *Harmon*, 607 F.3d at 240. Here, there is no reason to doubt that presumption because the district court amply justified its sentence at the top of the Guidelines range. Factors such as the dangerousness of Gray’s offense (he illegally possessed a gun at a crowded block party), Gray’s other criminal conduct (including the sexual assault of the prison nurse, as well as a prior incident of criminal sexual conduct against a 14-year-old minor victim), and Gray’s apparent resistance to the deterrent effects of incarceration (having previously received “serious punishments” for his “numerous felony convictions”), all supported the sentence. The within-Guidelines, 41-months-long, consecutive sentence was not substantively unreasonable.

IV.

For these reasons, we affirm the district court’s judgments in both underlying criminal cases. We dismiss without prejudice Gray’s ineffective-assistance-of-counsel claims in case nos. 24-1553 and 24-1577.

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Nos. 24-1507/1553/1577

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TYJUAN DEVON GRAY,

Defendant - Appellant.

**FILED**  
Aug 15, 2025  
KELLY L. STEPHENS, Clerk

Before: MOORE, GRIFFIN, and NALBANDIAN, Circuit Judges.

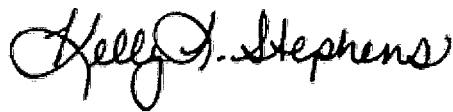
**JUDGMENT**

On Appeal from the United States District Court  
for the Eastern District of Michigan at Detroit.

THESE CASES were heard on the records from the district court and were submitted on the briefs without oral argument.

IN CONSIDERATION THEREOF, it is ORDERED that the judgments of the district court are AFFIRMED, and the ineffective-assistance-of-counsel claims are DISMISSED.

**ENTERED BY ORDER OF THE COURT**



---

Kelly L. Stephens, Clerk



No. 24-1553 and 24-1577

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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UNITED STATES,  
Plaintiff, Appellee,

v.

TYJUAN GRAY,  
Defendant, Appellant.

On Appeal from the United States District Court  
for the Eastern District of Michigan

---

REPLY BRIEF OF DEFENDANT-APPELLANT  
TYJUAN DEVON GRAY

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TYJUAN DEVON GRAY

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## **ARGUMENT**

### **I. Gray Received Ineffective Assistance of Counsel at the Competency Hearing.**

The Appellee asserts that Gray cannot establish that he received ineffective assistance of counsel at the competency hearing because the record shows that Gray's attorney reviewed the competency report. Appellee acknowledges, however, the following: 1.) that Gray's counsel did not disclose on the record her reasons for not challenging the conclusions of the report, and 2.) that none of the findings of the report are discussed on the record. These two items form the crux of Gray's argument on this point. The record in this case reveals pervasive concerns regarding Gray's mental competency, and a written request by Gray for a Competency Hearing on the record. While a Competency Hearing was held, that hearing was tantamount to no hearing at all because the record of the hearing provides no details about Gray's actual competency.

The Court held a "Competency Hearing" on December 22, 2022, (R. 105, Transcript Competency Hearing, Page ID 561). During the hearing, the Court indicated that he received and reviewed the report of the competency exam, and found Gray to be competent to stand trial. The report referenced by the Court was not filed in the record of the proceeding or made an exhibit to the Competency Hearing. Neither the Court nor counsel engaged in any substantive discussion of the

report or its findings. No details regarding the report were disclosed or discussed on the record. No evidence was taken during the hearing, and no arguments were heard by counsel.

The law is clear that a criminal defendant is entitled to effective assistance of counsel at competency hearings. *United States v. Ross*, 703 F.3d 856, 868–69 (6th Cir. 2012). The Appellee argues that there is a difference between depriving a defendant of assistance of counsel during a competency hearing and counsel’s strategic decision not to contest the issue. In support of this proposition, the Appellee cites *United States v. Amir*, 664 F. Appx. 398 (6<sup>th</sup> Cir. 2016). The Court’s discussion in *Amir* regarding what effective assistance of counsel looks like in this context actually lends support for Gray’s argument.

In *Amir*, the defendant elected to represent himself at his competency hearing, and was appointed standby counsel, who did not actively participate in that hearing. The defendant was found competent to stand trial, and was convicted. On appeal, the defendant argued he had been deprived of counsel at the competency hearing. After a review of the record, the Sixth Circuit remanded to the District Court for a determination of whether the standby counsel’s representation had been sufficient. *United States v. Amir*, No. 11–4413, at 400-03 (6th Cir. May 15, 2014).

At the evidentiary hearing, Amir’s standby counsel testified as to his experience, stated that he had met with Amir several times before his competency hearing; that he communicated to Amir that he believed Amir to be competent

because he could rationally and logically discuss his case; that he discussed with Amir the process involved in a competency evaluation; that he met with the doctor to discuss the findings in the competency report; that he agreed with the report's findings; and that he delivered the report to Amir, discussed its conclusions with Amir, and encouraged Amir to stipulate to it. As to the competency hearing, counsel testified that he made a strategic decision not to challenge the psychological evaluation report, or cross-examine the competency doctor because he agreed with the report and because his own independent assessment was that Amir was competent. Based on this information, both the district court and the Sixth Circuit found Amir had received adequate representation at the competency hearing. *United States v. Amir*, 644 F. App'x 398, 399–400 (6th Cir. 2016).

Unlike *Amir*, in this case the record provides no indication that counsel for Gray reviewed or agreed with the report. There is no indication on the record that Gray received and reviewed the competency report with counsel, or that his counsel discussed the report with the doctor who prepared it. The Court did not seek the input of counsel for Gray regarding the report's findings. No witnesses were heard at the competency hearing, the report was not introduced into evidence, and there is no indication as to the factual support for the district court's conclusion that Gray was competent to stand trial. Thus, the record reflects that there was no "meaningful adversarial testing" of the competency report, and there has been a denial of Sixth Amendment rights that makes the adversary process itself presumptively unreliable.

*See, e.g., United States v. Cronin*, 466 U.S. 648, 659 (1984).

## **II. Gray Received Ineffective Assistance of Counsel at the Plea Negotiation Stage of the Proceedings.**

A review of the record demonstrates that Gray received ineffective assistance of counsel at the plea negotiation stage of the proceedings. First, while the record reflects Gray's desire and intention to appeal the District Court's pretrial ruling on Gray's suppression motion by filing a Notice of Appeal, and Gray's counsel requested that deadlines in the case be postponed on multiple occasions to allow continued discussion with the Government regarding a Rule 11 plea agreement, the record does not reflect that any such Rule 11 plea agreement was ever discussed with Gray or the Court. The reasons for rejecting any such plea agreement were ever articulated.

No *Lafler* hearing was ever requested or held by the District Court, despite the fact that the District Court signaled its intention to hold such a hearing if requested. A *Lafler* hearing is a procedural hearing where a judge ensures a defendant understands the implications of rejecting a plea bargain and is fully informed about the plea offer, preventing later claims of ineffective assistance of counsel during plea negotiations. *Lafler v. Cooper*, 566 U.S. 156 (2012). Because no *Lafler* hearing was held, the record is devoid of information relating to what, if any, plea negotiations actually occurred.

Appellee argues that Gray cannot show prejudice because Gray does not assert

that he would have insisted on going to trial in the absence of a Rule 11 plea agreement. But this is simply not true. Gray's Appellant Brief indeed asserts that the face of the record supports a finding that there is a reasonable probability that, but for counsel's errors, Appellant would 1.) not have pleaded guilty, or 2.) would have entered only a conditional guilty plea with proper advice from counsel.

Based on the foregoing, and upon the arguments made in Gray's Appellant Brief, Gray asserts that by failing to ensure that Gray entered a conditional plea reserving the suppression issue for appeal and by further failing to request a *Lafler* hearing to create a record in this issue, his Counsel failed to provide effective assistance on the face of the record, thus prejudicing Gray.

### **III. Appellant's Plea Was Not Knowingly Or Voluntarily Made.**

In his Appellant Brief, Gray argues that his plea was not knowingly and voluntarily made. The record does not support a finding that the plea was so made because the District Court did not engage in a sufficiently detailed Rule 11 colloquy. In response, the Appellee argues that the District Court was not required to inform Gray that by entering a guilty plea, he was also waiving his right to appeal any pre-plea evidentiary rulings by the court. While this may be true, Gray urges this Court to review the totality of the colloquy in ruling on his argument that his plea was not knowingly and voluntarily made. Simply put, the District Court did not engage in a true dialogue with Gray to determine whether his change of plea was in fact

knowingly and voluntarily made.

In this case, the record reveals significant concerns throughout the proceeding both with regard to Gray's competency and with regard to Gray's intention to appeal the District Court's suppression ruling. Multiple continuances were sought to allow for continued plea negotiations. But the District Court did not inquire as to the nature of those negotiations, and did not engage Gray in any dialogue regarding his change of plea. The District Court did not inquire as to whether any promises had been made or ask whether negotiations had occurred between Gray, the Government, and Gray's attorney.

During the hearing on Gray's change of plea, Gray was not informed that by entering an unconditional plea of guilty he would be waiving his right to appeal the critical issue raised by his prior Motion to Suppress. Gray was also not questioned by the Court regarding his mental health conditions relative to his competence to enter the guilty plea. He was not questioned regarding the status or outcome of previous Rule 11 plea negotiations, and was not asked whether anyone had made him any promises in connection with his decision to plead guilty. (R. 112, Sentencing Transcript, Page ID 618). These deficiencies as reflected by the Transcript of the Change of Plea hearing are such that the knowing and voluntary nature of Gray's plea is undermined. Here, there is "a reasonable probability that, but for the error, he would not have entered the plea." *United States v. Benitez*, 542 U.S.74 (2004).

Appellee argues that Gray cannot establish prejudice because he cannot establish that he would be successful on any appeal of the District Court's suppression ruling. But Gray's argument on this issue is not limited to his assertion that the District Court should have informed him that by entering a guilty plea he was waiving his right to appeal pretrial rulings. Gray is asserting that the colloquy as a whole demonstrates that the District Court did not properly explore the voluntary nature of his plea.

The Sixth Circuit has recognized that upholding a conviction which fails to satisfy the requirements of Rule 11 is inconsistent with the purposes of that Rule. *United States v. McCreary-Redd*, 475 F.3d 718, 726 (6th Cir. 2007). Rule 11 is designed to ensure that a defendant's guilty plea is "truly voluntary," which is the touchstone of a Rule 11 analysis, and a constitutional requirement. *Id.* Furthermore, the Court in *McCreary-Redd* recognized that turning a "blind eye" to a defective guilty plea has an "adverse impact which would seriously affect the fairness and integrity of the judicial proceeding." *Id.* In the present case, as in *McCreary-Redd*, ignoring the error of the court below in failing to ensure the voluntary nature of Gray's plea would seriously affect both the integrity and the reputation of judicial proceedings.

The Appellee Brief does not analyze the Rule 11 colloquy or assert that it was sufficient to establish that Gray's plea was knowingly and voluntarily made. The Rule 11 errors in this case are plain, and prejudiced Gray in his substantial rights.

This Court should address these errors, which go to the fundamental integrity and fairness of the judicial process.

#### **IV. The Sentence Imposed By The District Court Is Unreasonable.**

Gray has argued on appeal that the sentence imposed by the District Court is unreasonable because the District Court failed to adequately analyze or address Gray's argument that his mental conditions supported a downward variance, and because the District Court failed to adequately articulate during sentencing its justifications for ordering the imposed sentence of 41 months to run consecutively to the 120-month sentence imposed upon Gray in 23-cr-20544 (E.D. Mich).

When sentencing a defendant, the district court must make an individualized assessment based on the facts presented' and upon a thorough consideration of all of the § 3553(a) factors. "[W]hen 'a defendant raises a particular argument in seeking a lower sentence, the record must reflect both that the district judge considered the defendant's argument and that the judge explained the basis for rejecting it.'" *United States v. Jones*, 489 F.3d 243, 251 (6th Cir.2007) (quoting *United States v. Richardson*, 437 F.3d 550, 554 (6th Cir.2006)).

As previously described, the PSR in this case detailed significant mental health diagnoses that directly negatively impacted Gray's decision-making. As also noted by the PSR, pursuant to USSG §5H1.3, Mental and Emotional Conditions may be relevant if they are present to an unusual degree and distinguish the case from other typical cases covered by the guidelines. Records reflect that Gray has been diagnosed



with bipolar disorder and mood disorder. The record reflects that Gray was significantly impaired by these conditions, and the PSR listed his mental health conditions as a possible basis for departure.

Despite the record of mental health disorders directly impacting Gray's criminal behavior and history, and despite the fact that these issues were raised directly by Gray in support of a request for a 33-month sentence, the Court wholly failed to address the arguments. The District Court engaged in no analysis whatsoever reflecting why these elements of the §3553 analysis should be afforded little or no weight. Likewise, the District Court failed to articulate any reason supporting its imposition of a consecutive sentence. *See* Sentencing Transcript, R. 112, PageID# 631-637. A procedural error occurs when a district court wholly fails to address a defendant's nonfrivolous argument. *See United States v. Wallace*, 597 F.3d 794, 803 (6th Cir. 2010).

### CONCLUSION

Based on the foregoing, Appellant requests that this Court to vacate his guilty plea, conviction, and sentence and remand this matter for further proceedings in accordance with the law.

Respectfully submitted,

Dated: March 31, 2025

/s/ Jessica K. Winters

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ATTORNEY FOR APPELLANT

---

**CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. 32(a)(5) and (a)(7), I certify that, in preparation of this Brief, Microsoft Word 2007, Times New Roman at 14-point font was used, and that this word processing program has been specifically applied to include all text, including headings, footnotes, and quotations in the following word count. I further certify that the Brief contains 2,530 words.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Brief Of Defendant-Appellant was served on the 31st day of March, 2025, electronically and in accordance with the method established under this Court's CM/ECF procedures upon all parties in the electronic filing system in this case.

/s/ Jessica K. Winters  
ATTORNEY FOR APPELLANT

# DESIGNATION OF RELEVANT DISTRICT COURT DOCUMENTS

RE	DESCRIPTION	PAGE ID#
112	Sentencing Transcript	618
114	Change of Plea Transcript	653

10/19/25

Dear, Alex

Please find ~~for another blank copy~~ of (Petitioners for Writs of Certiorari form)  
for other legal matters as well. Please & Thank you!

Sincerely, *Myron D. Jones*

APPEAL,LR11.2\_NOTICE,reassigned

**U.S. District Court**  
**Eastern District of Michigan (Detroit)**  
★ **CRIMINAL DOCKET FOR CASE #: 2:20-cr-20400-JJCG-DRG-1** ★

Case title: United States of America v. Gray

Date Filed: 09/02/2020

Related Cases: 2:24-cv-12119-JJCG

Date Terminated: 06/06/2024

2:24-cv-13072-JJCG

Magistrate judge case number: 2:20-mj-30288-DUTY

Assigned to: District Judge Jonathan J.C.

Grey

Referred to: Magistrate Judge David R.

Grand

Appeals court case numbers: 23-1729

Sixth Circuit, 24-1553/24-1577 U.S. Court  
of Appeals - Sixth Circuit**Defendant (1)****Tyjuan Devon Gray*****TERMINATED: 06/06/2024***represented by **Tyjuan Devon Gray**

58379039

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**Pending Counts**

UNLAWFUL TRANSPORT OF  
FIREARMS, ETC.  
(1)

**Disposition**

IMPRISONMENT: 41 MONTHS  
(CONSECUTIVE TO 23-CR-20544);  
SUPERVISED RELEASE: 36 MONTHS  
(CONCURRENT TO 23-20544);  
SPECIAL ASSESSMENT: \$100.00

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**

18:922G.F

**Disposition****Plaintiff**

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represented by **Jessica Vartanian Currie**

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Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
08/12/2020	<u>1</u>	COMPLAINT sworn before Magistrate Judge David R. Grand as to Tyjuan Devon Gray (1). (SOso) [2:20-mj-30288-DUTY] (Entered: 08/12/2020)
08/13/2020		Minute Entry for proceedings before Magistrate Judge David R. Grand: Initial Appearance as to Tyjuan Devon Gray held on 8/13/2020. <b>Detention Hearing set for 8/14/2020 01:00 PM.</b> Disposition: Defendant temporarily detained. (Court Reporter: Digitally Recorded) (Defendant Attorney: Andrew Densemo) (AUSA: Philip Ross) (LHos) [2:20-mj-30288-DUTY] (Entered: 08/13/2020)
08/13/2020		TEXT-ONLY NOTICE of CJA Attorney Appointment: Sanford A. Schulman has accepted the appointment to represent Tyjuan Devon Gray . (Helfrick, Richard) [2:20-mj-30288-DUTY] (Entered: 08/13/2020)
08/13/2020	<u>3</u>	☞ Public Audio File of Initial Appearance as to Tyjuan Devon Gray held on 8/13/2020 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (1.7 MB) (NAhm) [2:20-mj-30288-DUTY] (Entered: 08/13/2020)
08/13/2020	<u>4</u>	ORDER APPOINTING FEDERAL COMMUNITY DEFENDER as to Tyjuan Devon Gray. Signed by Magistrate Judge David R. Grand. (SOso) [2:20-mj-30288-DUTY] (Entered: 08/13/2020)
08/13/2020	<u>5</u>	ORDER SCHEDULING A DETENTION HEARING AND FOR TEMPORARY DETENTION as to Tyjuan Devon Gray Signed by Magistrate Judge David R. Grand. (SOso) [2:20-mj-30288-DUTY] (Entered: 08/13/2020)
08/13/2020	<u>6</u>	NOTICE OF ATTORNEY APPEARANCE: Sanford A. Schulman appearing for Tyjuan Devon Gray <i>as Appointed Counsel Pursuant to the Criminal Justice Act (CJA)</i> (Schulman, Sanford) [2:20-mj-30288-DUTY] (Entered: 08/13/2020)
08/14/2020		Minute Entry for proceedings before Magistrate Judge David R. Grand: Detention Hearing as to Tyjuan Devon Gray held on 8/14/2020. ( <b>Preliminary Examination set for 8/27/2020 01:00 PM</b> ) Disposition: Defendant ordered detained. (Court Reporter: Digitally Recorded) (Defendant Attorney: Sanford Schulman) (AUSA: Jessica Currie) (AFla) [2:20-mj-30288-DUTY] (Entered: 08/14/2020)
08/14/2020	<u>7</u>	☞ Public Audio File of Detention Hearing Part 1 of 2 as to Tyjuan Devon Gray held on 8/14/2020 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (9.2 MB) (NAhm) [2:20-mj-30288-DUTY] (Entered: 08/14/2020)
08/14/2020	<u>8</u>	☞ Public Audio File of Detention Hearing Part 2 of 2 as to Tyjuan Devon Gray held on 8/14/2020 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (1.0 MB) (NAhm) [2:20-mj-30288-DUTY] (Entered: 08/14/2020)
08/15/2020	<u>9</u>	ORDER OF DETENTION PENDING TRIAL as to Tyjuan Devon Gray. Signed by Magistrate Judge David R. Grand. (LHos) [2:20-mj-30288-DUTY] (Entered: 08/17/2020)
08/17/2020	<u>10</u>	NOTICE of Change of Assistant U.S. Attorney: Jessica Vartanian Currie added. (Currie, Jessica) [2:20-mj-30288-DUTY] (Entered: 08/17/2020)



08/20/2020	<u>12</u>	REQUEST for counsel, forms, etc., by Tyjuan Devon Gray. (DPer) [2:20-mj-30288-DUTY] (Entered: 08/27/2020)
08/27/2020	<u>11</u>	STIPULATION AND ORDER TO CONTINUE - Ends of Justice as to Tyjuan Devon Gray - Time excluded from 08/27/2020 until 09/10/2020. <b>Preliminary Examination RESET for 9/10/2020 at 1:00 PM</b> - Signed by Magistrate Judge R. Steven Whalen. (CCie) [2:20-mj-30288-DUTY] (Entered: 08/27/2020)
08/27/2020	<u>13</u>	Warrant for Arrest Returned Executed on 08/13/20 as to Tyjuan Devon Gray. (DPer) [2:20-mj-30288-DUTY] (Entered: 08/31/2020)
09/02/2020	<u>14</u>	INDICTMENT as to Tyjuan Devon Gray (1) count(s) 1. (NAhm) (Entered: 09/03/2020)
09/03/2020	<u>15</u>	SCHEDULING ORDER as to Tyjuan Devon Gray <b>Motions due by 10/14/2020; Pretrial Conference set for 10/27/2020 03:00 PM before District Judge Paul D. Borman; Plea due by 10/27/2020</b> Signed by District Judge Paul D. Borman. (DTof) (Entered: 09/03/2020)
09/09/2020	<u>16</u>	DISCOVERY NOTICE by United States of America as to Tyjuan Devon Gray (Currie, Jessica) (Entered: 09/09/2020)
09/10/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Arraignment on Indictment Not Held as to Tyjuan Devon Gray. <b>Arraignment set for 9/17/2020 01:00 PM before Magistrate Judge Unassigned</b> (Court Reporter: Digitally Recorded) (Defendant Attorney: Sanford Schulman) (AUSA: Craig F. Wininger) (AFla) (Entered: 09/10/2020)
09/10/2020	<u>17</u>	Public Audio File of Arraignment as to Tyjuan Devon Gray held on 09/10/2020 before Magistrate Judge R. Steven Whalen. AUDIO FILE SIZE (2.4 MB) (KBro) (Entered: 09/10/2020)
09/17/2020		Minute Entry for proceedings before Magistrate Judge Anthony P. Patti: Arraignment on Indictment Not Held as to Tyjuan Devon Gray. Parties to submit stipulation. <b>Arraignment set for 9/24/2020 01:00 PM before Magistrate Judge Unassigned</b> (Court Reporter: Digitally Recorded) (Defendant Attorney: Sanford Schulman) (AUSA: Dawn Ison) (AFla) (Entered: 09/17/2020)
09/17/2020	<u>18</u>	Public Audio File of Arraignment as to Tyjuan Devon Gray held on 09/17/2020 before Magistrate Judge Anthony P. Patti. AUDIO FILE SIZE (6.5 MB) (KBro) (Entered: 09/18/2020)
09/21/2020		TEXT-ONLY ORDER: Defendant and his counsel having both confirmed on the record in duty court that there is a breakdown in the attorney client relationship between them, and Defendant having further stated that he does not approve of his counsel, that he wants new counsel and that he is not willing to have his current counsel represent him at his arraignment, Attorney Sanford A. Schulman is hereby withdrawn as counsel and the Community Defender is directed to immediately secure new counsel for Defendant through the CJA Panel. The new counsel should be prepared to address concerns he or she may have concerning Defendant's competency, if any, at the September 24, 2020 arraignment. Meanwhile, Pretrial Service is directed to further investigate Defendant's background, to interview Defendant's mother and provide a supplemental report regarding any possible mental health issues before the next Court appearance. as to Tyjuan Devon Gray re: <u>12</u> Request, filed by Tyjuan Devon Gray --Entered by Magistrate Judge Anthony P.

		Patti. (MWil) (Entered: 09/21/2020)
09/21/2020	<u>19</u>	ORDER APPOINTING FEDERAL COMMUNITY DEFENDER as to Tyjuan Devon Gray. Signed by Magistrate Judge Anthony P. Patti. (KBro) (Entered: 09/23/2020)
09/24/2020		Minute Entry for proceedings before Magistrate Judge Elizabeth A. Stafford: Arraignment on Indictment Not Held as to Tyjuan Devon Gray. <b>Arraignment set for 9/25/2020 01:00 PM before Magistrate Judge Unassigned</b> (Court Reporter: Digitally Recorded) (Defendant Attorney: David Tholen) (AUSA: Jessica Currie) (AFla) (Entered: 09/24/2020)
09/24/2020	<u>20</u>	Public Audio File of Arraignment as to Tyjuan Devon Gray held on 09/24/2020 before Magistrate Judge Elizabeth A. Stafford. AUDIO FILE SIZE (4.2 MB) (KBro) (Entered: 09/24/2020)
09/24/2020		TEXT-ONLY NOTICE of CJA Attorney Appointment: Judith S. Gracey has accepted the appointment to represent Tyjuan Devon Gray ( <i>Substitution for Sanford A. Schulman</i> ). (Helfrick, Richard) (Entered: 09/24/2020)
09/24/2020	<u>21</u>	NOTICE OF ATTORNEY APPEARANCE: Judith S. Gracey appearing for Tyjuan Devon Gray (Gracey, Judith) (Entered: 09/24/2020)
09/25/2020		Minute Entry for proceedings before Magistrate Judge Elizabeth A. Stafford: Arraignment as to Tyjuan Devon Gray (1) Count 1 held on 9/25/2020 Disposition: Not Guilty plea entered. (Court Reporter: Digitally Recorded) (Defendant Attorney: Judith Gracey) (AUSA: Jessica Currie) (SOso) (Entered: 09/25/2020)
09/25/2020	<u>22</u>	Letter from Tyjuan Gray. (MarW) (Additional attachment(s) added on 9/28/2020: # 1 Document Continuation envelope) (MarW). (Entered: 09/25/2020)
09/25/2020	<u>23</u>	Public Audio File of Arraignment as to Tyjuan Devon Gray held on 9/25/2020 before Magistrate Judge Elizabeth A. Stafford. AUDIO FILE SIZE (2.9 MB) (NAhm) (Entered: 09/25/2020)
09/25/2020	<u>24</u>	ACKNOWLEDGMENT of Indictment by Tyjuan Devon Gray. (NAhm) (Entered: 09/25/2020)
10/02/2020	<u>25</u>	ORDER TO CONTINUE - Ends of Justice as to Tyjuan Devon Gray Time excluded from 10/27/2020 until 11/23/2020. <b>Motions due by 11/11/2020 Pretrial Conference set for 11/23/2020 11:00 AM before District Judge Paul D. Borman Plea due by 11/23/2020</b> Signed by District Judge Paul D. Borman. (DTof) (Entered: 10/02/2020)
10/05/2020	<u>26</u>	NOTICE of Change of Assistant U.S. Attorney: Michael El-Zein added. (El-Zein, Michael) (Entered: 10/05/2020)
11/02/2020	<u>27</u>	ORDER TO CONTINUE - Ends of Justice as to Tyjuan Devon Gray Time excluded from 11/24/2020 until 1/26/2021. <b>Motions due by 1/11/2021 Pretrial Conference set for 1/26/2021 10:30 AM before District Judge Paul D. Borman Plea due by 1/26/2021</b> Signed by District Judge Paul D. Borman. (DTof) (Entered: 11/02/2020)

01/14/2021	<u>28</u>	STIPULATION AND ORDER TO CONTINUE - Ends of Justice as to Tyjuan Devon Gray Time excluded from 1/27/2021 until 3/29/2021. <b>Motions due by 3/8/2021 Pretrial Conference set for 3/29/2021 03:00 PM before District Judge Paul D. Borman Plea due by 3/29/2021</b> Signed by District Judge Paul D. Borman. (DTof) (Entered: 01/14/2021)
03/19/2021	<u>29</u>	STIPULATION AND ORDER TO CONTINUE - Ends of Justice as to Tyjuan Devon Gray Time excluded from 3/30/2021 until 5/18/2021. <b>Motions due by 5/7/2021 Pretrial Conference set for 5/18/2021 02:00 PM before District Judge Paul D. Borman Plea due by 5/18/2021</b> Signed by District Judge Paul D. Borman. (DTof) (Entered: 03/19/2021)
03/23/2021	<u>30</u>	NOTICE of Change of Assistant U.S. Attorney: Michael El-Zein added. Attorney Michael El-Zein terminated. (El-Zein, Michael) (Entered: 03/23/2021)
05/07/2021	<u>31</u>	MOTION to Suppress by Tyjuan Devon Gray. (Gracey, Judith) (Entered: 05/07/2021)
05/07/2021		TEXT-ONLY NOTICE: Pretrial Conference set for 05/18/2021 is Cancelled as to Tyjuan Devon Gray (DTof) (Entered: 05/07/2021)
05/11/2021		Set/Reset Deadlines re Motion or Report and Recommendation in case as to Tyjuan Devon Gray <u>31</u> MOTION to Suppress . <b>Response due by 5/28/2021; Reply due by 6/11/2021</b> (DTof) (Entered: 05/11/2021)
05/28/2021	<u>32</u>	MOTION for Leave to File <i>Exhibits to the Government's Response to Defendant's Motion to Suppress in the Traditional Manner</i> by United States of America as to Tyjuan Devon Gray. (Currie, Jessica) (Entered: 05/28/2021)
05/28/2021	<u>33</u>	RESPONSE by United States of America as to Tyjuan Devon Gray re <u>31</u> MOTION to Suppress (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 3) (Currie, Jessica) (Entered: 05/28/2021)
05/28/2021	<u>34</u>	ORDER granting <u>32</u> Motion for Leave to File as to Tyjuan Devon Gray (1). Signed by District Judge Paul D. Borman. (DTof) (Entered: 05/28/2021)
06/01/2021	<u>35</u>	NOTICE of Filing Exhibits in the Traditional Manner by United States of America as to Tyjuan Devon Gray re <u>33</u> Response to Motion (Currie, Jessica) (Entered: 06/01/2021)
06/01/2021	<u>36</u>	EXHIBITS 1-2 in support of <u>33</u> Response by United States of America as to Tyjuan Devon Gray. (filed in the traditional manner) (TTho) (Entered: 06/03/2021)
06/11/2021	<u>37</u>	REPLY to <i>Government's Response</i> by Tyjuan Devon Gray (Gracey, Judith) (Entered: 06/11/2021)
07/19/2021	<u>38</u>	NOTICE TO APPEAR as to Tyjuan Devon Gray, <b>Evidentiary Hearing set for 8/26/2021 09:00 AM before District Judge Paul D. Borman</b> (DTof) (Entered: 07/19/2021)
07/19/2021		TEXT-ONLY NOTICE of Public Access Information for In-Person Proceeding. Related Docket Entry: <u>38</u> NOTICE TO APPEAR as to Tyjuan Devon Gray, <b>Evidentiary Hearing set for 8/26/2021 09:00 AM before District Judge Paul D. Borman</b> (DTof).  Zoom Webinar Information: <a href="https://www.zoomgov.com/j/1609778981?pwd=aEtrSlR2RFpuSXJRREwxRDZlV0JUdz09">https://www.zoomgov.com/j/1609778981?pwd=aEtrSlR2RFpuSXJRREwxRDZlV0JUdz09</a> Passcode: 027997 Or One tap mobile : US: +16692545252,,1609778981# or

		+16468287666,,1609778981# (DTof) (Entered: 07/19/2021)
08/05/2021	<u>39</u>	NOTICE TO APPEAR BY TELEPHONE as to Tyjuan Devon Gray, <b>Status Conference set for 8/10/2021 10:00 AM before District Judge Paul D. Borman</b> (DTof) (Entered: 08/05/2021)
08/10/2021		Minute Entry for proceedings before District Judge Paul D. Borman: Status Conference as to Tyjuan Devon Gray held on 8/10/2021(Court Reporter: Leann Lizza) (Defendant Attorney: Judith Gracey) (AUSA: Jessica Currie) (DTof) (Entered: 08/10/2021)
08/10/2021		TEXT-ONLY NOTICE: Evidentiary Hearing set for 08/26/2021 is Cancelled as to Tyjuan Devon Gray (DTof) (Entered: 08/10/2021)
08/30/2021	<u>40</u>	STIPULATION AND ORDER TO CONTINUE - Ends of Justice as to Tyjuan Devon Gray Time excluded from 8/30/2021. Signed by District Judge Paul D. Borman. (DTof) (Entered: 08/30/2021)
12/06/2021	<u>41</u>	LETTER from Tyjuan Devon Gray requesting transfer to another county jail (DPer) (Entered: 12/13/2021)
12/14/2021		TEXT-ONLY CERTIFICATE OF SERVICE re <u>41</u> Letter as to Tyjuan Devon Gray. Document emailed to Attorney Judith Gracey at judith@thegraceylawfirm.com. (DTof) (Entered: 12/14/2021)
01/18/2022	<u>42</u>	Letter from Tyjuan Devon Gray (SSch) (Entered: 01/24/2022)
03/15/2022	<u>43</u>	NOTICE of Change of Assistant U.S. Attorney: Tara Hindelang added. Attorney Jessica Vartanian Currie terminated. (Hindelang, Tara) (Entered: 03/15/2022)
04/12/2022	<u>44</u>	MOTION for Leave to File <i>Supplemental Brief in Support of Government's Response (ECF 31) to Motion to Suppress</i> by United States of America as to Tyjuan Devon Gray. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit -1 Supplemental Brief, # <u>3</u> Exhibit -A- Order - U.S. v. Floyd, # <u>4</u> Exhibit -B- Memorandum and Order - U.S. v. Leverett, # <u>5</u> Exhibit -C- Opinion and Order - U.S. v. Stevenson) (Hindelang, Tara) (Entered: 04/12/2022)
04/15/2022		Set/Reset Deadlines re Motion or Report and Recommendation in case as to Tyjuan Devon Gray <u>44</u> MOTION for Leave to File <i>Supplemental Brief in Support of Government's Response (ECF 31) to Motion to Suppress</i> . <b>Response due by 4/26/2022 Reply due by 5/3/2022</b> (DTof) (Entered: 04/15/2022)
04/26/2022	<u>45</u>	REPLY TO RESPONSE by Tyjuan Devon Gray re <u>44</u> MOTION for Leave to File <i>Supplemental Brief in Support of Government's Response (ECF 31) to Motion to Suppress</i> (Gracey, Judith) (Entered: 04/26/2022)
04/28/2022	<u>46</u>	ORDER GRANTING <u>44</u> GOVERNMENT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF AND DEEMING BRIEF AND RESPONSE FILED as to Tyjuan Devon Gray (1). Signed by District Judge Paul D. Borman. (DTof) (Entered: 04/28/2022)
05/09/2022	<u>47</u>	NOTICE of IN PERSON hearing on <u>31</u> MOTION to Suppress as to Tyjuan Devon Gray. <b>Motion Hearing (evidentiary) set for 6/30/2022 09:30 AM before District Judge Paul D. Borman</b> (DTof) (Entered: 05/09/2022)

06/30/2022		Minute Entry for in-person proceedings before District Judge Paul D. Borman: Motion Hearing Not Held as to Tyjuan Devon Gray.(Court Reporter: Leann Lizza) (Defendant Attorney: Judith Gracey) (AUSA: Tara Hindelang) (DTof) (Entered: 06/30/2022)
06/30/2022	<u>48</u>	ORAL MOTION for Competency Exam and Hearing by Tyjuan Devon Gray. (DTof) (Entered: 06/30/2022)
06/30/2022		Minute Entry for in-person proceedings before District Judge Paul D. Borman: Motion Hearing as to Tyjuan Devon Gray held on 6/30/2022 re <u>48</u> MOTION for Competency Hearing Disposition: Motion granted, order to follow. (Court Reporter: Leann Lizza) (Defendant Attorney: Judith Gracey) (AUSA: Tara Hindelang) (DTof) (Entered: 06/30/2022)
06/30/2022	<u>49</u>	ORDER FOR PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION OF DEFENDANT TO DETERMINE COMPETENCY as to Tyjuan Devon Gray Signed by District Judge Paul D. Borman. (DTof) (Entered: 06/30/2022)
07/19/2022	<u>50</u>	NOTICE of Change of Address/Contact Information by Tyjuan Devon Gray. (DPer) (Entered: 07/19/2022)
12/07/2022	<u>51</u>	NOTICE of Change of Address/Contact Information by Tyjuan Devon Gray. (NAhm) (Entered: 12/07/2022)
12/08/2022	<u>52</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Competency Hearing set for 12/20/2022 04:00 PM before District Judge Paul D. Borman</b> (DTof) (Entered: 12/08/2022)
12/08/2022		Set/Reset Deadlines/Hearings as to Tyjuan Devon Gray: <b>Competency Hearing RESET for 12/22/2022 03:00 PM before District Judge Paul D. Borman</b> (DTof) (Entered: 12/08/2022)
12/22/2022		RESET TIME as to Tyjuan Devon Gray: <b>Competency Hearing set for 12/22/2022 02:00 PM before District Judge Paul D. Borman</b> (DTof) (Entered: 12/22/2022)
12/22/2022		Minute Entry for in-person proceedings before District Judge Paul D. Borman: Competency Hearing as to Tyjuan Devon Gray held on 12/22/2022 Disposition: Defendant declared competent. (Court Reporter: Leann Lizza) (Defendant Attorney: Judith Gracey) (AUSA: Tara Hindelang) (DTof) (Entered: 12/22/2022)
12/28/2022	<u>53</u>	MOTION for Withdrawal of Attorney Judith S. Gracey by Tyjuan Devon Gray. (Gracey, Judith) (Entered: 12/28/2022)
12/29/2022	<u>54</u>	NOTICE of IN PERSON hearing on <u>53</u> MOTION for Withdrawal of Attorney Judith S. Gracey as to Tyjuan Devon Gray. <b>Motion Hearing set for 1/4/2023 02:00 PM before District Judge Paul D. Borman</b> (DTof) (Entered: 12/29/2022)
12/29/2022		TEXT-ONLY CERTIFICATE OF SERVICE re <u>54</u> Notice of Hearing on Motion, <u>53</u> MOTION for Withdrawal of Attorney Judith S. Gracey as to Tyjuan Devon Gray. Sent to: Tyjuan Devon Gray, 58379039 St. Clair County Jail 1170 Michigan RD. Port Huron, MI 48060 (DTof) (Entered: 12/29/2022)
01/04/2023		Minute Entry for in-person proceedings before District Judge Paul D. Borman: Motion Hearing as to Tyjuan Devon Gray held on 1/4/2023 re <u>53</u> MOTION for Withdrawal of Attorney Judith S. Gracey Disposition: Motion granted. (Court Reporter: Leann Lizza) (Defendant Attorney: Judith Gracey) (AUSA: Tara

		Hindelang) (DTof) (Entered: 01/04/2023)
01/04/2023	<u>55</u>	ORDER granting <u>53</u> Motion to Withdraw as Attorney and appointing new CJA counsel. Judith S. Gracey withdrawn from case. as to Tyjuan Devon Gray (1). Signed by District Judge Paul D. Borman. (DTof) (Entered: 01/04/2023)
01/04/2023	<u>56</u>	ORDER APPOINTING FEDERAL COMMUNITY DEFENDER as to Tyjuan Devon Gray. Signed by District Judge Paul D. Borman. (DTof) (Entered: 01/04/2023)
01/06/2023		TEXT-ONLY NOTICE of CJA Attorney Appointment: Ryan H. Machasic has accepted the appointment to represent Tyjuan Devon Gray ( <i>Substitution for Judith S. Gracey</i> ). (Carter, Michael) (Entered: 01/06/2023)
01/08/2023	<u>57</u>	NOTICE OF ATTORNEY APPEARANCE: Ryan H. Machasic appearing for Tyjuan Devon Gray (Machasic, Ryan) (Entered: 01/08/2023)
01/08/2023	<u>58</u>	NOTICE of Discovery Requests and Standing Order Compliance Notices by Tyjuan Devon Gray (Machasic, Ryan) (Entered: 01/08/2023)
01/09/2023	<u>59</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Status Conference set for 1/13/2023 11:00 AM before District Judge Paul D. Borman</b> (DTof) (Entered: 01/09/2023)
01/13/2023		Minute Entry for in-person proceedings before District Judge Paul D. Borman: Status Conference as to Tyjuan Devon Gray held on 1/13/2023; supplemental briefing on the Motion to Suppress due on or before 2/13/2022; response due two weeks after.(Court Reporter: Leann Lizza) (Defendant Attorney: Ryan Machasic) (AUSA: Tara Hindelang) (DTof) (Entered: 01/13/2023)
02/13/2023	<u>60</u>	SUPPLEMENTAL BRIEF re <u>31</u> MOTION to Suppress by Tyjuan Devon Gray (Machasic, Ryan) (Entered: 02/13/2023)
02/13/2023	<u>61</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Evidentiary Hearing on Supervised Release Violation set for 3/13/2023 09:00 AM before District Judge Paul D. Borman</b> (DTof) (Entered: 02/13/2023)
02/27/2023	<u>62</u>	RESPONSE to <u>60</u> Supplemental Brief by United States of America as to Tyjuan Devon Gray (Hindelang, Tara) (Entered: 02/27/2023)
03/13/2023		Minute Entry for in-person proceedings before District Judge Paul D. Borman: Status Conference as to Tyjuan Devon Gray held on 3/13/2023: the Court granted defendant's request for new counsel to be appointed.(Court Reporter: Leann Lizza) (Defendant Attorney: Ryan Machasic) (AUSA: Tara Hindelang) (DTof) (Entered: 03/13/2023)
03/13/2023	<u>63</u>	ORDER Appointing Counsel as to Tyjuan Devon Gray Signed by District Judge Paul D. Borman. (DTof) (Entered: 03/13/2023)
03/15/2023		TEXT-ONLY NOTICE of CJA Attorney Appointment: Charles O. Longstreet, II has accepted the appointment to represent Tyjuan Devon Gray ( <i>Substitution for Ryan H. Machasic</i> ). (Carter, Michael) (Entered: 03/15/2023)
03/15/2023	<u>64</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Status Conference set for 3/21/2023 11:00 AM before District Judge Paul D. Borman</b> (DTof) (Entered: 03/15/2023)

03/16/2023	<u>65</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Status Conference set for 3/21/2023 11:00 AM before Magistrate Judge Kimberly G. Altman in Courtroom 602</b> *Same time, same type of hearing as was scheduled previously before District Judge Paul D. Borman* (DTof) (Entered: 03/16/2023)
03/21/2023		Minute Entry for in-person proceedings before Magistrate Judge Kimberly G. Altman: Status Conference as to Tyjuan Devon Gray held on 3/21/2023; defense attorney requested (and defendant agreed) that the evidentiary hearing not be set before 45 days out.(Court Reporter: Leann Lizza) (Defendant Attorney: Charles Longstreet, II) (AUSA: Tara Hindelang) (DTof) (Entered: 03/21/2023)
03/23/2023	<u>66</u>	ORDER REASSIGNING CASE from District Judge Paul D. Borman to District Judge Jonathan J.C. Grey. Signed by District Judge Sean F. Cox. (SSch) (Entered: 03/23/2023)
04/10/2023	<u>67</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Evidentiary Hearing on Supervised Release Violation set for 5/11/2023 10:00 AM before District Judge Jonathan J.C. Grey</b> (SOso) (Entered: 04/10/2023)
05/02/2023		Set/Reset Deadlines re Motion or Report and Recommendation in case as to Tyjuan Devon Gray <u>31</u> MOTION to Suppress . <b>Motion Hearing RESET for 5/18/2023 10:30 AM before District Judge Jonathan J.C. Grey</b> **Please note new date and time*** (SOso) (Entered: 05/02/2023)
05/18/2023		Minute Entry for in-person proceedings before District Judge Jonathan J.C. Grey: Motion Hearing as to Tyjuan Devon Gray held on 5/18/2023 re <u>31</u> MOTION to Suppress Disposition: Motion taken under advisement pending supplemental briefing. Defendant has until June 9, 2023 to file a supplemental brief if he desires. Government will have one week to respond if a supplemental brief is filed.(Court Reporter: Leann Lizza) (Defendant Attorney: Charles O. Longstreet II) (AUSA: Tara Hindelang/Jessica Currie) (SOso) (Entered: 05/18/2023)
06/02/2023	<u>68</u>	TRANSCRIPT of Defendant's Motion to Suppress Evidence (Evidentiary Hearing) held on 05/18/2023 as to Tyjuan Devon Gray. (Court Reporter: Leann S. Lizza) (Number of Pages: 78) The parties have 21 days to file with the court and Court Reporter a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 6/23/2023. Redacted Transcript Deadline set for 7/3/2023. Release of Transcript Restriction set for 8/31/2023. Transcript may be viewed at the court public terminal or purchased through the Court Reporter (WWW.TRANSCRIPTORDERS.COM) before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Lizza, L.) (Entered: 06/02/2023)
06/09/2023	<u>69</u>	SUPPLEMENTAL BRIEF re <u>67</u> Notice to Appear by Tyjuan Devon Gray (Longstreet II, Charles) (Entered: 06/09/2023)
06/16/2023	<u>70</u>	RESPONSE to <u>69</u> Supplemental Brief <i>in Support of the Defendant Tyjuan Grays Motion to Suppress Evidence</i> by United States of America as to Tyjuan Devon Gray (Hindelang, Tara) (Entered: 06/16/2023)
06/30/2023	<u>71</u>	ORDER Granting in Part and Denying in Part Defendant Tyjuan Devon Gray's Motion to Suppress (ECF No. <u>31</u> ). Signed by District Judge Jonathan J.C. Grey. (SOso) (Entered: 06/30/2023)

06/30/2023	<u>72</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Pretrial Conference set for 7/11/2023 11:00 AM before District Judge Jonathan J.C. Grey Plea due by 7/11/2023</b> (SOso) (Entered: 06/30/2023)
07/11/2023		Minute Entry for in-person proceedings before District Judge Jonathan J.C. Grey: Pretrial Conference/Plea Cutoff Not Held as to Tyjuan Devon Gray. <b>Pretrial Conference reset for 9/26/2023 11:00 AM before District Judge Jonathan J.C. Grey Plea due by 9/26/2023 Jury Trial set for 10/11/2023 09:00 AM before District Judge Jonathan J.C. Grey</b> (Court Reporter: Leann Lizza) (Defendant Attorney: Charles O. Longstreet II) (AUSA: Tara Hindelang) (SOso) (Entered: 07/11/2023)
07/21/2023	<u>73</u>	STIPULATION AND ORDER To Extend Plea Cutoff/Pretrial Conference and Trial Dates and Find Excludable Delay. Signed by District Judge Jonathan J.C. Grey. (SOso) (Entered: 07/21/2023)
08/01/2023	<u>74</u>	NOTICE of Change of Address/Contact Information by Tyjuan Devon Gray. (TTho) (Entered: 08/01/2023)
08/04/2023	<u>75</u>	NOTICE OF APPEAL by Tyjuan Devon Gray re <u>71</u> Order on Motion to Suppress. Fee Status: No Fee Paid. (Attachments: # <u>1</u> Letter from COA) (DJen) (Entered: 08/14/2023)
08/14/2023	<u>76</u>	Certificate of Service re <u>75</u> Notice of Appeal as to Tyjuan Devon Gray. (DJen) (Entered: 08/14/2023)
08/15/2023	<u>77</u>	ORDER Holding Matter in Abeyance and Cancelling Pretrial Conference. Signed by District Judge Jonathan J.C. Grey. (SOso) (Entered: 08/15/2023)
09/15/2023	<u>78</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Tyjuan Devon Gray re <u>75</u> Notice of Appeal [Appeal Case Number 23-1729] (DJen) (Entered: 09/15/2023)
09/15/2023	<u>79</u>	JUDGMENT from U.S. Court of Appeals - Sixth Circuit as to Tyjuan Devon Gray re <u>75</u> Notice of Appeal [Appeal Case Number 23-1729] (DJen) (Entered: 09/15/2023)
09/15/2023	<u>80</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Status Conference set for 9/26/2023 11:00 AM before District Judge Jonathan J.C. Grey</b> (SOso) (Entered: 09/15/2023)
09/26/2023		Minute Entry for in-person proceedings before District Judge Jonathan J.C. Grey: Status Conference as to Tyjuan Devon Gray held on 9/26/2023. Parties to submit Stipulation and Order.(Court Reporter: Leann Lizza) (Defendant Attorney: Charles O. Longstreet II) (AUSA: Tara Hindelang) (SOso) (Entered: 09/26/2023)
10/03/2023	<u>81</u>	ORDER TO CONTINUE - Ends of Justice as to Tyjuan Devon Gray Time extended from 10/11/2023 until 12/19/2023. <b>Final Pretrial Conference set for 12/6/2023 03:00 PM before District Judge Jonathan J.C. Grey; Plea due by 12/6/2023 Jury Trial set for 12/19/2023 08:30 AM before District Judge Jonathan J.C. Grey</b> Signed by District Judge Jonathan J.C. Grey. (SOso) (Entered: 10/03/2023)
12/06/2023		Minute Entry for in-person proceedings before District Judge Jonathan J.C. Grey: Final Pretrial Conference Not Held as to Tyjuan Devon Gray. Parties are proposed stipulation with new dates.(Court Reporter: Christin Russell) (Defendant Attorney: Charles O. Longstreet II) (AUSA: Tara Hindelang) (SOso) (Entered: 12/06/2023)



12/19/2023	<u>82</u>	STIPULATION AND ORDER TO Extend Plea Cutoff/Pretrial Conference and Trial Dates and Find Excludable Delay - Ends of Justice as to Tyjuan Devon Gray Time excluded from 12/19/2023 until 2/15/2024. <b>Pretrial Conference set for 2/7/2024 03:00 PM before District Judge Jonathan J.C. Grey; Plea due by 2/7/2024; Jury Trial set for 2/15/2024 08:30 AM before District Judge Jonathan J.C. Grey</b> Signed by District Judge Jonathan J.C. Grey. (SOso) (Entered: 12/19/2023)
02/07/2024		Minute Entry for in-person proceedings before District Judge Jonathan J.C. Grey: Plea Hearing as to Tyjuan Devon Gray held on 2/7/2024 Disposition: Guilty plea entered. (Court Reporter: Christin Douglas) (Defendant Attorney: Charles O. Longstreet II) (AUSA: Tara Hindelang) (SOso) (Entered: 02/07/2024)
02/07/2024	<u>83</u>	NOTICE TO APPEAR IN PERSON as to Tyjuan Devon Gray, <b>Sentencing set for 6/6/2024 03:00 PM before District Judge Jonathan J.C. Grey</b> ***SENTENCING MEMOS ARE DUE ONE WEEK PRIOR*** (SOso) (Entered: 02/07/2024)
05/31/2024	<u>87</u>	SENTENCING MEMORANDUM by United States of America as to Tyjuan Devon Gray (Hindelang, Tara) (Entered: 05/31/2024)
06/04/2024	<u>88</u>	SENTENCING MEMORANDUM by Tyjuan Devon Gray (Longstreet II, Charles) (Entered: 06/04/2024)
06/06/2024		Minute Entry for in-person proceedings before District Judge Jonathan J.C. Grey: Sentencing held on 6/6/2024 as to Tyjuan Devon Gray. (Court Reporter: Leann Lizza) (Defendant Attorney: Charles Longstreet) (AUSA: Tara Hindelang) (LHos) (Entered: 06/06/2024)
06/06/2024	<u>89</u>	JUDGMENT as to Tyjuan Devon Gray. Signed by District Judge Jonathan J.C. Grey. (TTho) (Entered: 06/07/2024)
06/13/2024	<u>90</u>	NOTICE OF APPEAL by Tyjuan Devon Gray re <u>89</u> Judgment. Fee Status: No Fee Paid. (Attachments: # <u>1</u> Sixth Circuit Court of Appeals Letter) (MSyl) (Entered: 06/25/2024)
06/25/2024	<u>91</u>	Certificate of Service re <u>90</u> Notice of Appeal as to Tyjuan Devon Gray. (MSyl) (Entered: 06/25/2024)
06/25/2024	<u>92</u>	ORDER from Sixth Circuit as to Tyjuan Devon Gray re <u>75</u> Notice of Appeal [Appeal Case Number 23-1729] (MSyl) (Entered: 06/25/2024)
07/03/2024	<u>93</u>	NOTICE OF APPEAL by Tyjuan Devon Gray re <u>89</u> Judgment. Fee Status: No Fee Paid. (TTho) (Entered: 07/03/2024)
07/03/2024	<u>94</u>	Certificate of Service re <u>93</u> Notice of Appeal as to Tyjuan Devon Gray. (TTho) (Entered: 07/03/2024)
08/06/2024	<u>95</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Tyjuan Devon Gray [Appeal Case Number 24-1577] (MSyl) (Entered: 08/06/2024)
08/13/2024	<u>96</u>	MOTION to Vacate Sentence under 28 U.S.C. 2255 by Tyjuan Devon Gray. (JHea) Civil case 2:24-cv-12119-JJCG opened. (Entered: 08/13/2024)
08/13/2024	<u>97</u>	NOTICE of Filing a Motion Under 28 U.S.C. 2255 as to Tyjuan Devon Gray (JHea) (Entered: 08/13/2024)

10/01/2024	<u>114</u>	TRANSCRIPT of Plea Hearing held on 2/7/2024 as to Tyjuan Devon Gray. (Court Reporter/Transcriber: Christin E. Douglas) (Number of Pages: 13) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 10/22/2024. Redacted Transcript Deadline set for 11/1/2024. Release of Transcript Restriction set for 12/30/2024. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Douglas, Christin) (Entered: 10/01/2024)
10/01/2024	<u>115</u>	Mail Returned as Undeliverable as to Tyjuan Devon Gray Mail sent to Tyjuan Gray re <u>99</u> Order on Motion to Vacate (2255) (TTho) (Entered: 10/02/2024)
11/14/2024	<u>116</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Tyjuan Devon Gray re <u>90</u> Notice of Appeal [Appeal Case Number 24-1553/24-1577] (MSyl) (Entered: 11/18/2024)
11/19/2024	<u>117</u>	[SUPPLEMENTAL BRIEF] MOTION to Vacate Sentence under 28 U.S.C. 2255 by Tyjuan Devon Gray. (JPar) Civil case 2:24-cv-13072-JJCG opened. Modified on 11/20/2024 (JPar). (Entered: 11/20/2024)
11/19/2024	<u>119</u>	MOTION to Vacate Sentence under 28 U.S.C. 2255 by Tyjuan Devon Gray. (JPar) (Entered: 11/20/2024)
11/20/2024	<u>118</u>	NOTICE of Filing a Motion Under 28 U.S.C. 2255 as to Tyjuan Devon Gray (JPar) (Entered: 11/20/2024)
11/21/2024	<u>120</u>	Notice Regarding Parties' Responsibility to Notify Court of Address Changes (LGra) (Entered: 11/21/2024)
11/21/2024	<u>121</u>	ORDER DENYING WITHOUT PREJUDICE DEFENDANTS MOTION PURSUANT TO 28 U.S.C. § 2255 (ECF Nos. <u>117</u> , <u>119</u> ) and CLOSING CIVIL CASE No. 24-CV-13072. Signed by District Judge Jonathan J.C. Grey. Civil case: 24-13072 closed. (SOso) (Entered: 11/21/2024)
11/21/2024		TEXT-ONLY CERTIFICATE OF SERVICE re <u>121</u> Order on Motion to Vacate (2255), as to Tyjuan Devon Gray. Documents mailed to Tyjuan Devon Gray Pris. No. 58379039 at Lee Penitentiary Inmate Mail/Parcels P.O. Box 305, Jonesville, VA 24263. (SOso) (Entered: 11/21/2024)