

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

SHERROD GOODSPEED,

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

/s/ Christy Posnett Martin

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- Appendix A Opinion of Fifth Circuit, United States v. Goodspeed, 2025 WL 2682520, No. 25-10209 (5th Cir. Sept.19, 2025)(unpublished).
- Appendix B Judgment and Sentence of the United States District Court for the Northern District of Texas, United States v. Goodspeed, No. 4:24-cr-000172-1 (Jan. 16, 2025).

APPENDIX A

United States Court of Appeals for the Fifth Circuit

No. 25-10209
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 19, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SHERROD GOODSPEED,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CR-172-1

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

PER CURIAM:*

Defendant-Appellant Sherrod Goodspeed pleaded guilty to possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1), and was sentenced within the guidelines range to 137 months of imprisonment. He asserts that the district court erroneously assessed an enhanced base offense level under U.S.S.G. § 2K2.1(a)(2) because neither of his prior

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

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offenses, Texas robbery and aggravated assault, qualify as enumerated crimes of violence for purposes of the enhancement.

We have held that the Texas offense of aggravated assault qualifies as the enumerated offense of aggravated assault within the meaning of the Guidelines. *See United States v. Guillen-Alvarez*, 489 F.3d 197, 199–201 (5th Cir. 2007); *see also United States v. Shepherd*, 848 F.3d 425, 427–28 (5th Cir. 2017). Consequently, as Goodspeed acknowledges, his challenge to the use of that offense as a crime of violence for purposes of an enhanced offense level is foreclosed.

We have also recently held that Texas robbery still constitutes a crime of violence under the Guidelines because its elements are the same or narrower than those of the generic definition of robbery added to U.S.S.G. § 4B1.2. *See United States v. Wickware*, 143 F.4th 670, 673–75 (5th Cir. 2025). Although *Wickware* left open the question whether the new definition of robbery includes a mens rea, *see id.* at 674 n.2, Goodspeed did not preserve this argument by raising it in the district court, and we therefore review it for plain error only. *See United States v. Gomez-Valle*, 828 F.3d 324, 327–28 (5th Cir. 2016). Because Goodspeed fails to show that the claimed error is clear or obvious, his mens rea argument is unavailing. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Fields*, 777 F.3d 799, 805 (5th Cir. 2015); *United States v. Rodriguez-Parra*, 581 F.3d 227, 231 (5th Cir. 2009).

For the first time on appeal, Goodspeed also challenges his conviction, urging that § 922(g)(1) violates the Second Amendment on its face in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), and that the statute exceeds Congress’s power under the Commerce Clause. As he concedes, both arguments are foreclosed by this court’s precedent. *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024), *cert. denied*, No. 24-

No. 25-10209

6625, 2025 WL 1727419 (June 23, 2025); *United States v. Alcantar*, 733 F.3d 143, 145–46 (5th Cir. 2013).

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

SHERROD GOODSPEED

Case Number: 4:24-CR-00172-P(01)
U.S. Marshal's No.: 26502-511
Justin Beck, Assistant U.S. Attorney
Devon Sanders, Attorney for the Defendant

On September 4, 2024 the defendant, SHERROD GOODSPEED, entered a plea of guilty as to Count One of the Indictment filed on July 17, 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)	Possession of a Firearm by a Convicted Felon	10/27/2023	One

The defendant is sentenced as provided in pages 2 through 5 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 July 17, 2024.

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 January 14, 2025.



MARK T. PITTMAN
U.S. DISTRICT JUDGE

Signed January 16, 2025.

Judgment in a Criminal Case
Defendant: SHERROD GOODSPEED
Case Number: 4:24-CR-00172-P(1)

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IMPRISONMENT

The defendant, SHERROD GOODSPEED, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a term of **One Hundred Thirty-Seven (137) months** as to Count One of the Indictment filed on July 17, 2024. This sentence shall run concurrently with any future sentence which may be imposed in Case Nos. 1791003, 1796199, 1796201, 1796320, 1801341, 1803089, and 1832120 in the 432nd Judicial District Court, Tarrant County, which are related to the instant offense.

The Court recommends to the Bureau of Prisons that the defendant be incarcerated at a facility as close to the Dallas, Fort Worth, TX area and that he may participate in any Vocational Training and Mental Health Treatment, if possible.

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 July 17, 2024.

While on supervised release, in compliance with the standard conditions of supervision adopted by the United States Sentencing Commission, the defendant shall:

- 1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame;
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed;
- 3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer;
- 4) The defendant shall answer truthfully the questions asked by the probation officer;
- 5) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change;
- 6) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observed in plain view;

Judgment in a Criminal Case

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Defendant: SHERROD GOODSPEED

Case Number: 4:24-CR-00172-P(1)

- 7) The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation excuses the defendant from doing so. If the defendant does not have full-time employment, he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her employment (such as the position or the job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change;
- 8) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer;
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours;
- 10) The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed , or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers);
- 11) The defendant shall not act or make an 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 the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk; and,
- 13) The defendant shall 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 possess illegal controlled substances;

not possess a firearm, destructive device, or other dangerous weapon;

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

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;

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

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; and,

participate in outpatient mental health treatment services as directed by the probation officer until successfully discharged, which services may include prescribed medications by a licensed physician, with the defendant contributing to the costs of services rendered (copayment) at a rate of at least \$25 per month.

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.

FORFEITURE

Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), it is hereby ordered that defendant's interest in the following property is condemned and forfeited to the United States: an American Tactical, Incorporated, Model FXH-45, .45 caliber pistol, bearing Serial No. FX004278, and any associated ammunition recovered with the firearm.

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Defendant: SHERROD GOODSPEED
Case Number: 4:24-CR-00172-P(1)

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