

APPENDIX 1

AO 245B(Rev. 09/19) Judgment in a Criminal Case



UNITED STATES DISTRICT COURT
Southern District of Mississippi

UNITED STATES OF AMERICA
v.
RASHON JERMAINE HARRIS

) JUDGMENT IN A CRIMINAL CASE
)
)
) Case Number: 2:24cr14KS-MTP-001
)
) USM Number: 82092-510
)
) Michael W. Crosby
) Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) Count 1 of the single count Bill of Information
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. § 841(a)(1) and (b)(1)(C)	Possession with Intent to Distribute a Mixture or Substance Containing Detectable Amount of Methamphetamine	10/11/2023	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

September 19, 2024
Date of Imposition of Judgment

Keith Starrett
Signature of Judge

The Honorable Keith Starrett, Senior U.S. District Judge
Name and Title of Judge

9-24-2024
Date

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DEFENDANT: RASHON JERMAINE HARRIS
CASE NUMBER: 2:24cr14KS-MTP-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: two hundred and forty (240) months as to Count 1 of the single count Bill of Information.

The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant be designated to the facility closest to his home for which he is eligible to facilitate visitation with family. It is further recommended that the defendant be allowed to participate in any drug treatment programs available in the Bureau of Prisons for which he is deemed eligible.

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

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

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal, but no later than 60 days from the date of this judgment.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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DEFENDANT: RASHON JERMAINE HARRIS

CASE NUMBER: 2:24cr14KS-MTP-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

three (3) years as to Count 1 of the single count Bill of Information.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

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

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DEFENDANT: RASHON JERMAINE HARRIS
CASE NUMBER: 2:24cr14KS-MTP-001

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: RASHON JERMAINE HARRIS
CASE NUMBER: 2:24cr14KS-MTP-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in a program of testing and outpatient treatment (or inpatient treatment if approved by the Court during the term of supervised release) for substance abuse as directed by the probation office. The defendant shall contribute to the cost of treatment in accordance with the probation office co-payment policy.
2. In the event that the defendant resides in, or visits, a jurisdiction where marijuana, cannabis, or marijuana products or cannabis products have been approved, legalized, or decriminalized, the defendant shall not possess, ingest, or otherwise use marijuana or marijuana products.
3. The defendant shall not possess, ingest, or otherwise use a synthetic narcotic or synthetic cannabinoid.
4. The defendant shall not use any mood-altering substances including prescribed medication, without permission of the probation officer, during the term of supervised release.
5. The defendant shall abstain from the use of alcohol and illegal drugs.
6. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office and unless the defendant is in compliance with the installment payment schedule.
7. The defendant shall provide the probation office with access to any requested financial information and must notify the Court of any changes in economic circumstances which may affect the ability to pay the imposed financial penalties.
8. The defendant shall submit his person, house, residence, vehicle, papers, property, electronic communication devices, or office to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of supervised release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

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DEFENDANT: RASHON JERMAINE HARRIS
CASE NUMBER: 2:24cr14KS-MTP-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 7.

TOTALS	<u>Assessment</u> \$ 100.00	<u>Restitution</u> \$	<u>Fine</u> \$ 5,000.00	<u>AVAA Assessment*</u> \$	<u>JVTA Assessment**</u> \$
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- The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$	<u>0.00</u>	\$	<u>0.00</u>
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- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEPENDANT: RASHON JERMAINE HARRIS
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payments to be made in monthly (e.g., weekly, monthly, quarterly) installments of \$ 150.00 over a period of 36 months (e.g., months or years), to commence 30 days (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
 The fine is payable immediately and during the term of incarceration. In the event that the fine is not paid in full prior to the termination of supervised release, the defendant is ordered to enter into a written agreement with the Financial Litigation Program of the U.S. Attorney's Office for payment of the remaining balance. Additionally, the value of any future discovered assets may be applied to offset the balance of criminal monetary penalties. The defendant may be included in the Treasury Offset Program, allowing qualified federal benefits to be applied to offset the balance of criminal monetary penalties.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AYAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

APPENDIX 2a

**United States Court of Appeals
for the Fifth Circuit**

No. 25-60017
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 24, 2025
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RASHON JERMAINE HARRIS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:24-CR-14-1

Before SMITH, HIGGINSON, and WILSON, *Circuit Judges.*

PER CURIAM:*

Rashon Jermaine Harris appeals the sentence of 240 months of imprisonment and three years of supervised release imposed following his guilty plea conviction for possession with intent to distribute methamphetamine. The Government has moved to dismiss the appeal,

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

No. 25-60017

seeking enforcement of the appeal waiver provision in Harris's plea agreement.

We review de novo whether an appeal waiver bars an appeal. *United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). To do so, we conduct a two-step inquiry, first examining whether the waiver “was knowing and voluntary,” and then considering whether the waiver “applies to the circumstances at hand, based on the plain language of the agreement.” *United States v. Higgins*, 739 F.3d 733, 736 (5th Cir. 2014). A waiver is knowing and voluntary if the defendant knew “that he had a right to appeal his sentence, that he was giving up that right, and the consequences of giving it up.” *Id.*

The record demonstrates that Harris knowingly and voluntarily waived his right to appeal. The plea agreement, which is signed by Harris, includes a clear, unambiguous waiver of the right to appeal his conviction and sentence on any ground whatsoever, with the exception of ineffective assistance of counsel claims. At arraignment, Harris confirmed that he had read and discussed the plea agreement with his counsel and understood the terms. After the Government summarized the appeal waiver provision, Harris confirmed that he understood and agreed to the appeal waiver. These “solemn declarations in open court carry a strong presumption of verity.” *United States v. McKnight*, 570 F.3d 641, 649 (5th Cir. 2009) (quoting *United States v. Lampazianic*, 251 F.3d 519, 524 (5th Cir. 2001)).

Harris admits that his challenges to the appeal waiver are “against Fifth Circuit precedent.” Nevertheless, Harris asks the court to decline to enforce the appeal waiver under Judge Parker's concurring opinion in *United States v. Melancon*, 972 F.2d 566, 570–80 (5th Cir. 1992) (Parker, J., concurring). We are bound by the majority opinion in that decision and cases since, which consistently hold that valid appeal waivers like Harris's are

No. 25-60017

enforceable. *See, e.g., id.* at 567–68 (majority opinion); *Higgins*, 739 F.3d at 736–39. Thus, Harris’s arguments are unavailing.

Accordingly, the Government’s motion to dismiss is **GRANTED**, the Government’s alternative motion for summary affirmance is **DENIED**, and the appeal is **DISMISSED**.

APPENDIX 2b

**United States Court of Appeals
for the Fifth Circuit**

No. 25-60017
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
December 24, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RASHON JERMAINE HARRIS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:24-CR-14-1

JUDGMENT

Before SMITH, HIGGINSON, and WILSON, *Circuit Judges.*

This cause was considered on the record on appeal and the brief on file.

IT IS ORDERED and ADJUDGED that the appeal is DISMISSED.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion

for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.

APPENDIX 3

2025 WL 3725066

Only the Westlaw citation is currently available.
United States Court of Appeals, Fifth Circuit.

UNITED STATES of America, Plaintiff—Appellee,
v.
Rashon Jermaine HARRIS, Defendant—Appellant.

No.

25

-

60017

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Summary Calendar

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FILED December 24, 2025

Appeal from the United States District Court for the Southern
District of Mississippi, USDC No. 2:24-CR-14-1

Attorneys and Law Firms

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—Appellee.

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Federal Public Defender's Office, Gulfport, MS, [Thomas
Creagher Turner, Jr., Esq.](#), Public Defender, Federal Public
Defender's Office, Jackson, MS, for Defendant—Appellant.

Before [Smith](#), [Higginson](#), and [Wilson](#), Circuit Judges.

Opinion

Per Curiam:

This opinion is not designated for publication. See
5th Cir. R. 47.5.

*1 Rashon Jermaine Harris appeals the sentence of 240
months of imprisonment and three years of supervised release
imposed following his guilty plea conviction for possession
with intent to distribute methamphetamine. The Government
has moved to dismiss the appeal, seeking enforcement of the
appeal waiver provision in Harris's plea agreement.

We review de novo whether an appeal waiver bars an appeal.
[United States v Keele](#), 755 F.3d 752, 754 (5th Cir. 2014).
To do so, we conduct a two-step inquiry, first examining
whether the waiver “was knowing and voluntary,” and then
considering whether the waiver “applies to the circumstances
at hand, based on the plain language of the agreement.”
[United States v Higgins](#), 739 F.3d 733, 736 (5th Cir. 2014). A
waiver is knowing and voluntary if the defendant knew “that
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that right, and the consequences of giving it up.” *Id.*

The record demonstrates that Harris knowingly and
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which is signed by Harris, includes a clear, unambiguous
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on any ground whatsoever, with the exception of ineffective
assistance of counsel claims. At arraignment, Harris
confirmed that he had read and discussed the plea agreement
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Government summarized the appeal waiver provision, Harris
confirmed that he understood and agreed to the appeal
waiver. These “solemn declarations in open court carry a
strong presumption of verity.” [United States v McKnight](#),
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Lampazianie](#), 251 F.3d 519, 524 (5th Cir. 2001)).

Harris admits that his challenges to the appeal waiver are
“against Fifth Circuit precedent.” Nevertheless, Harris asks
the court to decline to enforce the appeal waiver under Judge
Parker's concurring opinion in [United States v Melancon](#),
972 F.2d 566, 570–80 (5th Cir. 1992) (Parker, J., concurring).
We are bound by the majority opinion in that decision
and cases since, which consistently hold that valid appeal
waivers like Harris's are enforceable. *See, e.g., id.* at 567–
68 (majority opinion); [Higgins](#), 739 F.3d at 736–39. Thus,
Harris's arguments are unavailing.

Accordingly, the Government's motion to dismiss is
GRANTED, the Government's alternative motion for
summary affirmance is DENIED, and the appeal is
DISMISSED.

All Citations

Not Reported in Fed. Rptr., 2025 WL 3725066