No.

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 2025

****

LAWRENCE LEVON JONES, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent

****

MOTION TO PROCEED IN FORMA PAUPERIS

****

Petitioner, Lawrence Levon Jones, by his undersigned counsel, requests leave to file a Petition for Writ of Certiorari without prepayment of costs and to proceed in forma pauperis pursuant to Rule 39 of the Supreme Court Rules. Counsel was appointed in the lower court pursuant to 18 U.S.C. § 3006 and Rule 44, Fed. R. CR. P.

This the 24th day of April, 2026.

Respectfully submitted,

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No.

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 2025

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LAWRENCE LEVON JONES, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent

****

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

****

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QUESTION PRESENTED

I. WHETHER THE PETITIONER'S SIXTH AMENDMENT CONSTITUTIONAL RIGHT OF CONFRONTATION WAS VIOLATED BY THE DISTRICT COURT NOT ALLOWING DEFENSE COUNSEL TO CROSS-EXAMINE THE GOVERNMENT'S KEY WITNESS REGARDING HIS TWO PRIOR FEDERAL DRUG CONVICTIONS THAT WERE OVER TEN YEARS OLD, BECAUSE THE PROBATIVE VALUE OF THE PRIOR CONVICTIONS OUTWEIGHED ANY PREJUDICIAL EFFECT.

LIST OF ALL PARTIES

LAWRENCE LEVON JONES, Petitioner
(No Stock Ticker Symbol)

v.

UNITED STATES OF AMERICA, Respondent
(No Stock Ticker Symbol)

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PETITION FOR WRIT OF CERTIORARI

Petitioner Lawrence Levon Jones, respectfully prays this Court that a writ of certiorari issue to review the opinion of the United States Court of Appeals for the Fourth Circuit, issued on February 4, 2026, affirming his judgment and sentence.

OPINION BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit for which review is sought is United States v. Lawrence Levon Jones, No. 24-4282 (4th Cir., February 4, 2026). The opinion is published. The opinion of the United States Court of Appeals for the Fourth Circuit is reproduced in the Appendix to this petition as Appendix A. The judgment is reproduced as Appendix B. The mandate is reproduced as Appendix C.

JURISDICTION

The opinion and judgment of the United States Court of Appeals for the Fourth Circuit was issued on February 4, 2026. The jurisdiction of this court is invoked pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

On September 7, 2023, Lawrence Jones was charged in a superseding indictment with drug and firearm offenses. Count 1 charged him with conspiracy to distribute and possess with intent to distribute cocaine, cocaine base (crack), and methamphetamine, in violation of 21 U.S.C. § 841(a)(1), and § 846; Count 2 charged him with possessing with intent to distribute cocaine, cocaine base (crack), and

methamphetamine in violation of 21 U.S.C. § 841(a)(1); Count 3 charged him, with possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A); and Count 4 charged him with possession of a firearm by felon in violation of 18 U.S.C. § 922(g)(1) and § 924. He was convicted on all four counts, and received a sentence of 480 months. A copy of the EDNC judgment is reproduced as Appendix D.

This appeal concerns whether the Petitioner's Sixth Amendment constitutional right of confrontation was violated by the district court not allowing defense counsel to cross-examine the Government's key witness regarding his two prior federal drug convictions that were over ten years old. Petitioner contends that pursuant to Rule 609(b) of the Federal Rules of Evidence the probative value, supported by specific facts and circumstances, substantially outweighed its prejudicial effect, and it was error to deny this cross-examination.

The court colloquy regarding this issue is at JA 346-348, and is reproduced as Appendix E. Rule 609 of the Federal Rules of Evidence is reproduced as Appendix F. The constitutional provision involved is the Sixth Amendment to the United States Constitution, and it is reproduced as Appendix G.

STATEMENT OF THE CASE

Procedural History

On August 19, 2020, Petitioner Lawrence Jones was charged along with eight other individuals in a 22 count Indictment with drug and firearm offenses. Among the co-defendants was one Wesley Kimball Kelly.

On September 7, 2023, Petitioner was charged individually in a Superseding Indictment. Count 1 charged him with conspiracy to distribute and possess with intent to distribute drugs from in or about August, 2017, continuing up to August 19, 2020. Count 2 charged him with possession with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a quantity of cocaine base (crack), a quantity of methamphetamine, and a quantity of marijuana on or about July 22, 2020. Count 3 charged him with possessing a firearm in furtherance of a drug trafficking crime on or about July 22, 2020, and Count 4 charged him with possession of firearm by felon on or about July 22, 2020.

The case came on for trial at the December 11, 2023, criminal term of court sitting in Raleigh, North Carolina, the Honorable James C. Dever, III, District Court Judge presiding. Motions for judgment of acquittal were denied. On December 13, 2023, a jury found the Petitioner guilty of all charges.

The case came on for sentencing at the April 26, 2024 criminal term, Judge Dever presiding. The district court concluded that the total offense level was 40, criminal history category VI, and the advisory guideline range was 420 months to

life. Judge Dever sentenced Petitioner to 420 months on Counts 1 and 2, 120 months on Count 4 to be served concurrently, and 60 months consecutive on Count 3, for a total sentence of 480 months. He also imposed a term of five years supervised release. (App. D).

The judgment was actually docketed on May 9, 2024. The notice of appeal was filed on May 13, 2024. In an opinion filed on February 4, 2026, the Fourth Circuit Court of Appeals affirmed. (App. A).

Statement of Facts

This case arose out of an investigation conducted by the Raleigh Police Department and the FBI regarding alleged drug trafficking in the Raleigh, North Carolina area, within the Eastern District of North Carolina. Agent Steve Kopcsak of the Raleigh Police Department was a Task Force Officer with the FBI and was the lead investigator in the case. The investigation consisted of the use of confidential informants, surveillance, seizures, wire taps, and GPS units on vehicles.

The Task Force was investigating Robert McNeal, and made several controlled purchases from him. During 2019 and 2020, it was determined that Petitioner Jones was an alleged supplier for McNeal. The investigation indicated that Jones made a number of trips to and from New Jersey and California.

The investigation also determined that there was a drug house at 7 North Swain Street in Raleigh, North Carolina. The lease and utility bills were in the name of co-defendant Tyrone Bragg. Surveillance indicated that both Bragg and

Petitioner had keys to the house. There was no evidence that Petitioner ever spent the night at the house.

The investigation also revealed that co-codefendants Wesley Kelly and Calvin Kelley made trips from Atlanta, Georgia and California to Raleigh to deliver drugs to the Petitioner. Surveillance and interception methods were used on the Kellys and their vehicle. That investigation concluded on July 22, 2020, when the Kellys were stopped in Texas with a load of marijuana and cocaine which had been obtained in California and was allegedly on its way to Raleigh. Wesley Kelly cooperated and was a key witness for the Government.

At the same time, agents in Raleigh raided the Swain Street address on July 22, 2020, and arrested the Petitioner. A search revealed drugs at the residence. Two handguns were also found under the mattress in the bedroom.

Wesley Kelly was called as a Government witness on the second day of trial. His lengthy testimony concluded with his arrest in Texas and his explanation of his plea agreement with the Government. The luncheon recess was taken. Prior to testimony resuming, the prosecutor informed the judge that Mr. Kelly had two prior federal drug convictions. He contended that they were too old under Federal Rule 609 for cross-examination. Defense counsel objected, contending that they were relevant to the instant matter, even though old. It is unclear from the colloquy the exact dates of the two prior convictions, however they were between 1990 and 1998.

After considering the matter, the district court ruled that the two prior convictions were too old and excluded them from cross-examination. (App. E).

Further facts will be developed during the argument portion of this petition.

REASONS FOR GRANTING THE PETITION

I. THE PETITIONER'S SIXTH AMENDMENT CONSTITUTIONAL RIGHT OF CONFRONTATION WAS VIOLATED BY THE DISTRICT COURT NOT ALLOWING DEFENSE COUNSEL TO CROSS-EXAMINE THE GOVERNMENT'S KEY WITNESS REGARDING HIS TWO PRIOR FEDERAL DRUG CONVICTIONS THAT WERE OVER TEN YEARS OLD, BECAUSE THE PROBATIVE VALUE OF THE PRIOR CONVICTIONS OUTWEIGHED ANY PREJUDICIAL EFFECT.

The Sixth Amendment to the Constitution guarantees the right of an accused in a criminal prosecution to be confronted with the witnesses against him. This right is secured for defendants in state as well as federal criminal proceedings. Cases construing the confrontation clause hold that a primary interest secured by it is the right of cross-examination. Davis v. Alaska, 415 U.S. 308, 315, 94 S.Ct. 1105, 1110, 39 L.Ed.2d 347 (1974), citing Pointer v. Texas, 380 U.S. 400, 85 S.Ct. 1065, 13 L.Ed.2d 923 (1965), and Douglas v. Alabama, 380 U.S. 415, 418, 85 S.Ct. 1074, 1076, 13 L.Ed.2d 934 (1965).

The Supreme Court in Davis went on to expound upon the Sixth Amendment right of confrontation and the role of cross-examination to enforce and protect this right. The Davis court explained:

> "Cross-examination is the principal means by which the believability of a witness and the truth of his testimony are tested. Subject always to the broad discretion of a trial judge to preclude repetitive and unduly harassing interrogation, the cross-examiner is not only permitted to

> delve into the witness' story to test the witness' perceptions and memory, but the cross-examiner has traditionally been allowed to impeach, i.e., discredit, the witness. One way of discrediting the witness is to introduce evidence of a prior criminal conviction of that witness. By so doing the cross-examiner intends to afford the jury a basis to infer that the witness' character is such that he would be less likely than the average trustworthy citizen to be truthful in his testimony. The introduction of evidence of a prior crime is thus a general attack on the credibility of the witness. A more particular attack on the witness' credibility is effected by means of cross-examination directed toward revealing possible biases, prejudices, or ulterior motives of the witness as they may relate directly to issues or personalities in the case at hand. The partiality of a witness is subject to exploration at trial, and is 'always relevant as discrediting the witness and affecting the weight of his testimony.' 3A J. Wigmore, Evidence s 940, p. 775 (Chadbourn rev. 1970). We have recognized that the exposure of a witness' motivation in testifying is a proper and important function of the constitutionally protected right of cross-examination. Green v. McElroy, 360 U.S. 474, 496, 79 S.Ct. 1400, 1413, 3 L.Ed.2d 1377 (1959).[4]"

415 U.S. at 316-317, 94 S.Ct. at 1110.

Petitioner Jones contends that the refusal of the district court to allow his attorney to cross-examine Wesley Kelly about his prior federal drug convictions violated his Sixth Amendment right of confrontation. He further contends that it violated Rule 609(b) of the Federal Rules of Evidence. Kelly was a key prosecution witness, and the only co-defendant testifying. He was driving cocaine and marijuana from California to North Carolina when stopped and arrested in Texas. That event occurred on July 22, 2020, and was coordinated with the search, seizure, and arrest of the Petitioner in Raleigh.

Petitioner contends that the factual scenario as previously stated (App. E), conclusively shows that the refusal to allow his attorney to cross-examine Kelly about his two prior federal drug convictions violated his right of confrontation under the Sixth Amendment. The facts are that Kelly willingly pled guilty to the drug conspiracy. He was testifying and getting a deal as a cooperating co-defendant. More importantly, his two prior convictions were both federal drug convictions. They were not prior federal convictions for other types of charges. They were not prior state convictions. The instant case resulted in Kelly's third federal drug conviction. Kelly had been down that road twice before, and this was his third trip. It is contended that the probative value of these two prior federal drug convictions was fully supported by specific facts and circumstances.

Nor was this outweighed by its prejudicial effect. There was no prejudice to Kelly by revealing this information to the jury. He had already pled guilty and received a plea deal. His prior record was most likely on his presentence report and was well known to the district court judge. The fact he was cooperating was obviously a plea for leniency since this was his third strike in the drug ballgame. Petitioner contends that the jury had a right to know that Kelly had two prior federal drug convictions when evaluating the credibility of his testimony.

In addressing this issue, the Fourth Circuit stated that Rule 609(b) presumptively bars admission of a witness's prior conviction that is more than ten years old, citing United States v. Beahm, 664 F.2d 414, 417-418 (4th Cir. 1981). Beahm noted that courts very rarely and only in exceptional circumstances depart

from the general rule, and to do so, the district court must comply with a stringent standard and make findings supported by specific facts and circumstances. In Beahm the defendant was convicted on two counts of taking indecent liberties with children on a United States military installation in Virginia. Before trial the Government filed a notice of intent to use two prior Maryland convictions for the purpose of impeachment in the event defendant Beahm testified. One was for unnatural and perverted sexual practices, the other for sodomy. Over objection, the district court allowed this evidence. In reversing and remanding for a new trial, the Fourth Circuit in Beahm held that the district court failed to make a finding that the probative value outweighed the prejudicial effect, and failed to provide specific facts supporting the probative value of the conviction for impeachment purposes.

Petitioner Jones contends that the Beahm court correctly ruled on these points of law. The specific facts and circumstances in Beahm were not sufficiently articulated, and the prejudicial nature of the prior convictions was extremely prejudicial to the defendant. In the instant case there was nothing to indicate that the prior convictions of co-defendant Wesley Kelly were prejudicial to him, and it is urged that the fact they were prior federal drug convictions should have permitted cross-examination.

The Fourth Circuit also noted that several of their peer circuits have affirmed the exclusion of a Government witness's stale convictions under Rule 609(b). Petitioner Jones urges that the three cases cited by the Fourth Circuit are distinguishable from the case at bar.

In United States v. Stoltz, 683 F.3d 934 (8th Cir. 2012), the defendant was convicted of being a felon in possession of a firearm. The Eighth Circuit held that prior convictions of Government witness Daniel Tillberg were inadmissible for cross-examination. Tillberg was a pawn shop employee where defendant Stoltz pawned the firearm. Tillberg's two prior convictions were a misdemeanor disorderly conduct conviction and a felony aiding and abetting unauthorized use of a vehicle conviction. Tillberg was not a cooperating defendant, and his prior convictions were totally unrelated.

In United States v. Cook, 608 F.2d 1175 (9th Cir. 1979), cert. denied, 444 U.S. 1034, 100 S.Ct. 706, 62 L.Ed.2d 670 (1980), the defendant was convicted of bank robbery and related conspiracy and firearm counts and appealed. The witness, Autrey Sturgis, was a "friend" of the defendant and testified that the defendant had told him he had been involved in the attempted robbery and at one time invited Sturgis to participate in it. Defense counsel was precluded from cross-examining Sturgis about a 1959 assault conviction. As in Stoltz, the Government witness was not a defendant, and his prior conviction was totally unrelated. The Ninth Circuit held that the prior assault conviction was properly excluded. 608 F.2d at 1182.

One issue presented in the Cook appeal remained for decision by the court en banc. 608 F.2d at 1183. Upon a vote of the majority of the judges, the court en banc heard the question of whether a defendant, who elected not to testify during his trial, could preserve on appeal his challenge to the trial judge's ruling on a motion

for an order excluding evidence of his former robbery convictions. The district court in advance ruled that if Cook chose to testify the Government could impeach him with evidence of any of his prior convictions not time-barred by Rule 609(b). Cook elected to remain silent, but later asserted that the chilling effect of the court's preliminary ruling changed the course of his trial and prejudiced his defense.

The en banc court held that the decision to permit the prior convictions to come in was not the kind of error that requires reversal and affirmed Cook's conviction.

It should be noted that in Luce v. United States, 469 U.S. 38, 105 S.Ct. 460, 83 L.Ed.2d 443 (1984), the Supreme Court held that to raise and preserve for review a claim of improper impeachment of the defendant with a prior conviction, the defendant must testify. The case was granted certiorari to resolve a conflict among the circuits. The Cook case is cited by the Supreme Court in footnote 3. In United States v. Dave, 314 Fed. Appx. 40 (9th Cir. 2008), it was noted that the Cook case was overruled on other grounds in Luce v. United States. The Ninth Circuit in Dave went on to hold that the district court applied the five Cook factors in weighing the probative value of the prior conviction against its prejudicial effect. See footnote 8 of the Cook opinion for said factors:

> "Judge Bauer, in an early case dealing with the effect of Rule 609, has provided guidelines to assist district judges confronted with a request for a ruling. See United States v. Mahone, 537 F.2d 922, 929 (7th Cir. 1976). After pointing out that the legislative history of Rule 609 places the burden on the government to establish admissibility of prior convictions, Judge Bauer outlines briefly a format for the hearing. The factors which the trial court should

> consider in exercising judicial discretion antedate Rule 609. Some factors that were mentioned by then Judge Bauer as early as 1967 are these:
>
> '(1) The impeachment value of the prior crime.
>
> (2) The point in time of the conviction and the witness' subsequent history.
>
> (3) The similarity between the past crime and the charged crime.
>
> (4) The importance of the defendant's testimony.
>
> (5) The centrality of the credibility issue.' United States v. Mahone, 537 F.2d at 929, Citing Gordon v. United States, 127 U.S.App.D.C. 343, 383 F.2d 936, 940 (1967)."

The instant case is distinguishable from Cook primarily because the Cook case concerned cross-examining the defendant, not a witness against the defendant. Also, the prejudicial effect of prior convictions of a testifying witness should be significantly less than a testifying defendant. Applying the five factors in Cook, it is urged that the impeachment value of Kelly's prior crimes was high, even though they were old. Kelly's prior crimes were not only similar, they were identical, i.e. prior federal drug convictions. Also, Kelly's testimony was significantly important to the Government's case in that he was the only co-defendant testifying and was arrested in Texas simultaneously with the arrest of the Petitioner in North Carolina. Finally, it is urged that the centrality of the credibility issue was high in this case. It is urged that the refusal of the district court to allow defense counsel to cross-examine Wesley Kelly about his prior federal drug convictions was constitutional error.

The Fourth Circuit also cited United States v. Solomon, 686 F.2d 863 (11th Cir. 1982). Solomon involved a one-count indictment against eight persons, including defendants Solomon and Sokolow, charged with stealing and possessing goods stolen from vehicles in interstate commerce. The Government's case rested upon the testimony of Arthur Collum, a central figure in the alleged conspiracy. The record indicated that Collum had participated in more than 20 thefts or hijackings between August, 1975 and February, 1977, including stealing a number of trucks. Defendant Sokolow contended that the district court erred in refusing to admit, for impeachment purposes, evidence that Collum had been convicted of larceny of an automobile in 1959, when he was 16 years old, and larceny of a truck a year later. The Ninth Circuit noted that the language of Rule 609(b) creates a strong presumption against the admissibility of state convictions, and gives the trial court wide discretion to admit or reject them in evidence. 686 F.2d at 872. The Ninth Circuit also noted that Sokolow's counsel was given wide latitude in cross-examining Collum concerning the admission of more than 20 thefts or hijacking of trucks, use of guns in armed robbery and hijackings, use of false names, sale of stolen goods, lying to law enforcement authorities, and at least three kidnappings. It concluded that Collum was a man well impeached without the benefit of the stale convictions. 686 F. 2d at 873.

In the instant case, Kelly was cross-examined about his plea agreement and his agreed upon lower sentencing range. However, he was not cross-examined about any prior criminal convictions, maybe because he had no recent ones.

Therefore, it is even more important for the jury to know that Kelly had two prior convictions, and that they were both for federal drug offenses.

Most of the cases addressing the issue of cross-examination about prior criminal convictions concern a defendant who may or may not be testifying. Notably, a criminal defendant's decision on whether or not to testify often depends on his prior criminal history. Therefore, one of the primary reasons for Rule 609 is to generally protect defendants from being examined about old, stale, and possibly unrelated convictions. While the rule also applies to witnesses, there is significantly less prejudice because the jury is not deciding the guilt or innocence of the witness, merely examining his credibility. The fact Wesley Kelly's two prior convictions, while old, were for federal drug offenses, should dictate that they can be explored through cross-examination. As this court stated many years ago: "The partiality of a witness is subject to exploration at trial, and is always relevant as discrediting the witness and affecting the weight of his testimony." Davis, 415 U.S. at 316, 94 S.Ct. at 1110.

CONCLUSION

For the foregoing reasons, Petitioner Lawrence Levon Jones, respectfully requests that a Writ of Certiorari issue to review the decision of the United States Court of Appeals for the Fourth Circuit affirming his conviction and sentence.

This the 24th day of April, 2026.

DUNN, PITTMAN, SKINNER & ASHTON, PLLC
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No.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 2025

****

LAWRENCE LEVON JONES, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent

****

ENTRY OF APPEARANCE

and

CERTIFICATE OF SERVICE

****

I, Rudolph A. Ashton, III, a member of the North Carolina State Bar, having been appointed to represent the Petitioner in the United States Court of Appeals for the Fourth Circuit, pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A, hereby enter my appearance in this Court in respect to this Petition for a Writ of Certiorari.

I, Rudolph A. Ashton, III, do swear or declare that on this date, the 24th day of April, 2026, pursuant to Supreme Court Rules 29.3 and 29.4, I have served the attached motion for leave to proceed *in forma pauperis* and petition for a writ of certiorari on each party to the above proceeding, or that party's counsel, and on every other person required to be served electronically and by depositing in an envelope containing the above documents in the United States mail properly

addressed to each of them and with first-class postage prepaid. The names and addresses of those served are as follows:

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This the 24th day of April, 2026.

Respectfully submitted,

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Subscribed and Sworn to Before Me

This the 24th day of April, 2026.

Teresa K Lewis
Notary Public

TERESA K. LEWIS NOTARY PUBLIC CRAVEN COUNTY, NC

My Commission Expires: 3/20/2030

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4282

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LAWRENCE LEVON JONES,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:20-cr-00388-D-1)

Argued: December 12, 2025 Decided: February 4, 2026

Before WYNN, HEYTENS, and BERNER, Circuit Judges.

Affirmed by published opinion. Judge Wynn wrote the opinion, in which Judge Heytens and Judge Berner joined.

ARGUED: Rudolph Alexander Ashton, III, DUNN PITTMAN SKINNER & CUSHMAN, PLLC, New Bern, North Carolina, for Appellant. Thomas Ernest Booth, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee. **ON BRIEF:** Daniel P. Bubar, Acting United States Attorney, Antoinette T. Bacon, Supervisory Official, Criminal Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; David A. Bragdon, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

WYNN, Circuit Judge:

Lawrence Levon Jones challenges his convictions of drug- and firearms-related offenses, and sentence to 480 months' imprisonment on three grounds: an evidentiary ruling limiting the impeachment of a cooperating witness, the denial of his motion for judgment of acquittal on his firearms convictions, and the application of obstruction and leadership sentencing enhancements.

Because we find that none demonstrates legal error or prejudice warranting reversal, we affirm the judgment of the district court.

I.

A.

The Raleigh Police Department investigated Jones as a drug supplier during a larger drug-trafficking investigation. In 2020, officers identified a Raleigh home as a potential stash house. They monitored Jones's visits to the house, installed a pole camera outside, and wiretapped Jones's phone. Jones traveled between North Carolina, New Jersey, and California, but he visited the stash house nearly every day he was in North Carolina during the surveillance period.

In early 2020, Wesley Kelly met Jones through a mutual connection. Kelly had been purchasing large quantities of marijuana in California and selling it in Georgia. After their meeting, Jones began giving Kelly money to purchase marijuana in California and drive it to North Carolina. Jones also wanted to source cocaine from California, and he would fly there, collect some of the money he had stored with Kelly, and find California suppliers. During this time, officers listened to calls between Jones and Omar Thompson in which

they discussed cocaine inspections and purchases. In one call, Jones told Thompson how to inspect the cocaine, telling him to cut a package open all the way, like Thompson had seen Jones "do it a hundred times." J.A. 558.[1]

Eventually, the investigation led to coordinated arrests and seizures. On July 11, 2020, Kelly met with Jones at the North Carolina stash house, where Jones gave him about $475,000. Kelly was also carrying additional money (about $750,000) from another client, and he took the pool of money to California to be used for drug purchases. Jones then flew to California, collected some of his money from Kelly, and returned to Kelly's apartment with three kilograms of cocaine. The next morning, another of Kelly's clients called to report that marijuana was ready to be loaded into a "trap" in Kelly's truck, which had been constructed to disguise the drugs. J.A. 335. Kelly loaded a large quantity of marijuana into the truck and put the three kilograms of cocaine from Jones on top.

North Carolina officers worked with an investigator in Texas to stop Kelly's truck on the drive back from California. On July 22, the investigator pulled Kelly over, made arrests, and seized the drugs.

Meanwhile, Jones had flown back to North Carolina, arriving at the stash house on the evening of July 20. He came and went several times over the next two days and received several visitors. On the evening of July 22, police arrested Jones when he again arrived at the house. Investigators then searched the house. They seized cocaine from the living room, kitchen, and front bedroom. They found several kilo presses, which are used to repackage

[1] Citations to the "J.A." refer to the Joint Appendix filed by the parties in this appeal.

cocaine after it is cut with a non-cocaine substance; other drug-related materials; and various papers belonging to Jones, including bank statements, parking tickets, and bills. In the front bedroom, investigators found a bag of cocaine on top of the bed, two guns (a 9-millimeter Beretta and a .40 caliber Smith & Wesson) between the mattress and box spring, a Beretta gun box on the floor by a package of marijuana, and over $95,000 in cash under the bed.

On July 23, the morning after his arrest, Jones made several recorded jail calls. He first called his girlfriend, Katrina Langford, and told her to bring $200,000 to Kimberly McAllister, a second girlfriend. He then called McAllister, who said she was waiting for Langford and would then come down to court. Jones told McAllister to secure the money before coming to court. On July 24, officers searched McAllister's home. After they found $35,260 and a box of 9-millimeter and .40-caliber ammunition, McAllister took the officers to another house with $140,130 in a vacuum-sealed bag in a closet. Finally, officers recovered $48,000 during a traffic stop involving Langford's vehicle.

B.

An August 19, 2020, indictment charged Jones and eight others with various drug and firearms offenses. On September 7, 2023, Jones was charged individually in a superseding indictment with four counts. Count 1 was a violation of 21 U.S.C. §§ 841(a)(1) and 846, conspiracy to distribute and possess with the intent to distribute five kilograms or more of cocaine, a quantity of cocaine base (crack), a quantity of methamphetamine, and a quantity of marijuana. Count 2 was a violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, possession with the intent to distribute (or aiding and abetting that possession) five

kilograms or more of cocaine, a quantity of cocaine base (crack), a quantity of methamphetamine, and a quantity of marijuana. Count 3 was a violation of 18 U.S.C. § 924(c)(1)(A), possession of a firearm in furtherance of a drug trafficking crime. Count 4 was a violation of 18 U.S.C. §§ 922(g)(1) and 924, possession of a firearm by a felon.

Jones was convicted on all counts after a three-day jury trial. The government put on as witnesses their investigators, forensic analysts, other experts, and Wesley Kelly, who was testifying pursuant to a plea agreement. Just before Kelly testified, the government notified the court that Kelly had two prior federal drug convictions from the 1990s. Over Jones's objection, the court excluded the convictions under Federal Rule of Evidence 609(b). Kelly then proceeded to testify that he had signed a plea agreement that required him to cooperate because he was hoping to receive a lower sentence, and that his sentencing range had changed from 10 to life to 5 to 40 years through the plea agreement.

At the close of the government's evidence, Jones moved for acquittal under Rule 29 of the Federal Rules of Criminal Procedure. He argued that there was no evidence to tie Jones to the guns or that Jones knew the guns were in the stash house, and thus the court should dismiss the §§ 924(c) and 924(g)(1) charges. The court denied the motion. After deliberating for about three hours, the jury found Jones guilty on all counts.

At his sentencing hearing, Jones objected to a two-level obstruction enhancement, which was based on his post-arrest jail calls, by arguing that Jones was attempting to gather bail money. He also objected to a four-level leadership enhancement, arguing that statements from a confidential informant, Lorenzo Turner, were not credible and that there was no evidence that Jones controlled other participants in the drug trade. The district court

overruled Jones's objections and stated that it found Turner credible. The parties then agreed that an offense level of 40 and a criminal history category of VI yielded a Guidelines range of 360 months to life imprisonment. The district court sentenced Jones to 480 total months' imprisonment: 420 months for Counts 1 and 2, served concurrently; 120 months for Count 4, served concurrently; and 60 months for Count 3, served consecutively.

Jones timely appealed.

II.

First, Jones argues that the district court should have permitted him to cross-examine Wesley Kelly on his drug convictions from the 1990s. We disagree.

"We review a district court's evidentiary rulings for an abuse of discretion, and we will only overturn a ruling that is arbitrary and irrational." *United States v. Nsahlai*, 121 F.4th 1052, 1060 (4th Cir. 2024) (citation omitted). "An abuse of discretion occurs when an evidentiary decision 'is guided by erroneous legal principles or rests upon a clearly erroneous factual finding.'" *Id.* (citation omitted). "And even in the event of an error, we will not reverse if the error was harmless." *Id.* (citing Fed. R. Crim. P. 52(a)).

Rule 609(b) presumptively bars admission of a witness's prior conviction that is more than 10 years old. *United States v. Beahm*, 664 F.2d 414, 417–18 (4th Cir. 1981). Courts "very rarely and only in exceptional circumstances" depart from this general rule. *Id.* at 417 (citation omitted). To do so, a district court must comply with a "stringent standard," and make findings supported by "specific facts and circumstances." *Id.* at 418 (citation omitted).

To be admitted, evidence otherwise barred by Rule 609(b) must meet two conditions: "(1) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and (2) the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use." Fed. R. Evid. 609(b). The parties dispute only the first prong.

Jones argues that the prior federal drug convictions had probative value and that there was no potential for prejudice. Kelly was the only cooperator who testified, and Jones argues that Kelly's previous experience with federal sentencing motivated him to do so. Jones also argues that Kelly's role as a government witness, rather than a criminal defendant, means that there was no potential prejudice to Kelly or the government.

First, it is unclear what probative value the prior convictions could add to the already admitted evidence about Kelly's motivation to testify. Jones admits that the jury heard that Kelly was "testifying pursuant to a plea agreement in order to get a reduced sentence" and that his "exposure was reduced from a 10 year to life sentence to a sentence of 5 to 40 years." Opening Br. at 12. Kelly also testified to selling drugs before meeting Jones.

Second, the fact that Kelly was a government witness does not affect our analysis here. Rule 609(b), unlike subsection (a), does not distinguish between defendant witnesses and non-defendant witnesses in criminal cases. *Compare* Fed. R. Evid. 609(a) (applying different standards "in a criminal case in which the witness is a defendant"), *with* Fed. R. Evid. 609(b) ("This subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement[.]"). Indeed, several of our peer circuits have affirmed the exclusion of a government witness's stale conviction under Rule 609(b).

See, e.g., *United States v. Stoltz*, 683 F.3d 934, 938–40 (8th Cir. 2012); *United States v. Cook*, 608 F.2d 1175, 1182 (9th Cir. 1979) ("[T]he 10-year time limitation of Rule 609(b) applies to government as well as to defense witnesses."); *United States v. Solomon*, 686 F.2d 863, 873 (11th Cir. 1982).

Here, the district court excluded Kelly's convictions after finding that their probative value was not supported by specific facts and circumstances that substantially outweighed their prejudicial effect. Under Rule 609(b), that was clearly proper.

III.

Next, Jones appeals the denial of his motion for acquittal, arguing that there was insufficient evidence to support his two firearms-related convictions. "We review the denial of a motion for acquittal de novo." *United States v. Wiley*, 93 F.4th 619, 632 (4th Cir. 2024). We "must sustain the verdict if there is substantial evidence, viewed in the light most favorable to the government, to support it." *United States v. Caldwell*, 7 F.4th 191, 209 (4th Cir. 2021) (citation omitted).

Jones was convicted under 18 U.S.C. § 924(c) for the possession of a firearm in furtherance of a drug trafficking crime (Count 3) and under 18 U.S.C. § 922(g)(1) for the possession of a firearm by a felon (Count 4). For each conviction, Jones argues that there was insufficient evidence that he possessed a firearm.[2] Applying our case law on constructive possession, we disagree.

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[2] Each count requires the government to establish possession of a firearm. To convict under § 924(c), the government had to establish that Jones "(1) committed a drug trafficking offense and (2) possessed a firearm (3) in furtherance of that drug offense." (Continued)

Possession can be "actual or exclusive," but it can also be "constructive or joint." *United States v. Lawing*, 703 F.3d 229, 240 (4th Cir. 2012) (citation omitted). A person has constructive possession if they "exercised, or had the power to exercise, dominion and control over the item." *United States v. Moye*, 454 F.3d 390, 395 (4th Cir. 2006) (en banc) (citation omitted). Thus, constructive possession can be established by showing that the defendant had "ownership, dominion, or control over the contraband" or over "the premises in which the contraband was concealed, along with knowledge of the presence of the contraband." *United States v. Sutton*, 126 F.4th 869, 875 (4th Cir. 2025) (cleaned up).

Proximity to the contraband alone is insufficient to establish constructive possession, but a jury may consider proximity, when combined with additional evidence, to infer constructive possession. *See United States v. Cabrera-Rivas*, 142 F.4th 199, 216 (4th Cir. 2025) (citing *United States v. Blue*, 957 F.2d 106, 108 (4th Cir. 1992)); *United States v. Davis*, 75 F.4th 428, 437 (4th Cir. 2023).

Whether constructive possession exists is a "fact-specific inquiry," *Lawing*, 703 F.3d at 240 (citation omitted), and we have "shied away from bright-line rules when we've considered what's enough to prove possession," *Cabrera-Rivas*, 142 F.4th at 216. On one end of the spectrum, we have held that a car passenger's shoulder "dip" as officers

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United States v. Dennis, 19 F.4th 656, 667 (4th Cir. 2021). To convict under § 922(g)(1), the government had to establish "(1) the defendant was previously convicted of a felony, (2) the defendant knew he was a felon, (3) the defendant knowingly possessed the firearm, and (4) the possession was in or affecting commerce." *United States v. Robertson*, 68 F.4th 855, 862 (4th Cir. 2023).

approached the vehicle was not enough additional evidence (beyond mere proximity) to establish constructive possession of a firearm found under his seat. *Blue*, 957 F.2d at 108.

But Jones's situation more closely resembles our cases on the other side. Three examples are helpful: In *United States v. Nelson*, the defendants were in a home during a gun-and-drug seizure, and the guns were in easily accessible places, including on the entertainment center in the dining room. 6 F.3d 1049, 1054 (4th Cir. 1993), *overruled on other grounds by Bailey v. United States*, 516 U.S. 137 (1995). In *United States v. Robertson*, the defendant kept other belongings in the room where the gun was found, and he had a matching bullet in his pocket. 68 F.4th 855, 862 (4th Cir. 2023). Finally, in (a different) *United States v. Jones*, the defendant was seen leaving the bedroom where drugs were found and kept personal papers there. 204 F.3d 541, 543–44 (4th Cir. 2000). In each case, we held that the evidence was sufficient for a jury to find constructive possession.

The same is true here. The evidence showed that Jones had joint control over the stash house: Bragg's name was on the lease and on the utilities, Jones paid the ADT security bill, and they both had keys to the residence. Jones kept documents with his name on them at the house, and surveillance showed that he visited often. In the front bedroom, officers seized cocaine from a chest on top of the bed, two guns from between the mattress and box spring, and a bag of cash from under the bed. The box for the 9-millimeter pistol was on the floor to the side of the bed. Thus, Jones's drugs were in the room with the guns, with a gun box in plain sight.[3]

[3] Jones does not challenge the finding that he possessed the drugs.

Additionally, officers seized 9-millimeter and .40-caliber ammunition from Jones's girlfriend's residence—the same caliber as the stash-house pistols. Though Jones argues that his girlfriend lawfully possessed a 9-millimeter gun, he has no explanation for the .40-caliber ammunition, and the jury could reasonably infer that both types supported Jones's possession of the stash-house guns.

Ultimately, Jones emphasizes "types of evidence missing from the government's case." *United States v. Moody*, 2 F.4th 180, 190 (4th Cir. 2021). Jones argues that no one had ever seen him with a gun, and his nonexclusive control of the premises meant that someone else could have kept a gun there without his knowledge. But the other circumstantial evidence, as described above, allowed the jury to infer that Jones knew that the guns were in the room in which he kept his drugs. Though he may argue that "there are potentially innocent explanations" for each piece of evidence, and that there is no direct evidence tying him to the guns, "the district court did not err in sending this charge to the jury." *Id.* at 191.

IV.

Finally, Jones challenges his sentencing enhancements based on obstruction and leadership. We review the district court's sentencing decisions under an abuse-of-discretion standard. *United States v. McCabe*, 103 F.4th 259, 285 (4th Cir. 2024). In assessing the district court's application of the Sentencing Guidelines, "we review the court's factual findings for clear error and its legal conclusions de novo." *Id.* (citation omitted). Thus, the district court's findings that Jones obstructed justice and was a leader in the criminal activity are reviewed for clear error. *See United States v. Hughes*, 401 F.3d

540, 560 (4th Cir. 2005) (obstruction); *United States v. Coby*, 65 F.4th 707, 711 (4th Cir. 2023) (leadership).

A.

First, Jones challenges his two-level sentencing enhancement for obstruction. He argues that the evidence supports his assertion that his jail calls were an attempt to secure bail money rather than to conceal drug proceeds. In the alternative, Jones argues that even if he attempted to conceal drug money, it didn't work, and in fact his recorded calls aided the investigation by alerting agents to the money.

1.

The district court did not clearly err by finding that Jones had attempted to conceal drug proceeds by directing his girlfriends from jail.

The morning after Jones's arrest, he made several recorded jail calls. He first called Langford and told her to bring $200,000 to McAllister. Then, he called McAllister, who said she was waiting for Langford and would then come to court. Jones told McAllister to secure the money before coming to court. Officers then obtained a warrant and searched McAllister's home the next day. They found $35,260, and McAllister then brought the officers to another house, where they found $140,130 in a vacuum-sealed bag in a closet. Finally, officers recovered $48,000 during a traffic stop of Langford's car.

Jones argues that the jail calls "could logically have supported" his contention that he was attempting to obtain bond money. Opening Br. at 25–26. Perhaps, but that conclusion would not create clear error. When "there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous." *United States*

v. Chaudhri, 134 F.4th 166, 181 (4th Cir. 2025) (quoting *Anderson v. Bessemer City*, 470 U.S. 564, 573–74 (1985)).

Here, the district court did not clearly err when it found that "the chronology of the phone calls and then the amount of money and it being in different locations" indicated an attempt "to essentially hide it." J.A. 678.

2.

In the alternative, Jones argues that the obstruction enhancement should not apply because the jail calls failed to hinder the investigation. In essence, Jones asks us to hold that his conduct fits into the "material hindrance" limitation. We are unpersuaded.

Here, the district court applied the obstruction enhancement under § 2D1.1(b)(16)(D), though it found that Jones's conduct also "would be obstruction under 3C1.1." J.A. 678. Both sections direct a two-level enhancement for obstruction, but the Chapter 3 enhancement applies to a range of offenses, while the Chapter 2 enhancement applies only to drug offenses in which the defendant has also received an aggravating-role adjustment under § 3B1.1. *See* U.S.S.G. §§ 2D1.1(b)(16), 3C1.1. Section 3C1.1 is more verbose, stating that it applies to a defendant who "obstructed or impeded, or attempted to obstruct or impede, the administration of justice," while § 2D1.1(b)(16)(D) more briefly describes a defendant who "otherwise obstructed justice[.]"

Relying on these similarities, Jones contends that an obstruction enhancement under § 2D1.1(b)(16)(D) should not apply here because of an exception in the application notes to § 3C1.1, which asserts that if an attempt to conceal material evidence "occurred contemporaneously with arrest (*e.g.*, attempting to swallow or throw away a controlled

substance), it shall not, standing alone, be sufficient to warrant an adjustment for obstruction unless it resulted in a material hindrance to the official investigation or prosecution of the instant offense or the sentencing of the offender." U.S.S.G. § 3C1.1 app. n.4(D). But Jones has not attempted to argue that his conduct occurred contemporaneously with his arrest—indeed, he made the jail calls the next day—so he cannot rely on that exception.[4]

B.

Next, Jones challenges his four-level sentencing enhancement for his leadership role. He argues that the drug conspiracy was "a loose group of people buying and selling drugs and making their own profit," and that the evidence did not show that Jones was controlling the actions of other members. Opening Br. at 27.

Section 3B1.1(a) of the Sentencing Guidelines provides for a four-level enhancement if "the defendant was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive." U.S.S.G. § 3B1.1(a). To apply the enhancement, the district court must make findings about the scope of the criminal activity, the number of participants, and the defendant's role in the conspiracy. *United States v. Bright*, 125 F.4th 97, 103 (4th Cir. 2025) (discussing U.S.S.G. § 3B1.1(a)).

[4] Neither party briefed the applicability of our holding in *United States v. Campbell*, 22 F.4th 438, 445 (4th Cir. 2022), in which we held that the Supreme Court's decision in *Kisor v. Wilkie*, 588 U.S. 558 (2019), governs our treatment of the commentary to the sentencing guidelines. Here, because Jones's conduct did not occur contemporaneously with his arrest, we do not address the extent to which we should rely on Application Note 4(D) when interpreting § 3C1.1 or the extent to which § 2D1.1(b)(16) is the "functional equivalent" of § 3C1.1. Response Br. at 10.

The four-level enhancement cannot apply unless the defendant is an organizer or leader "of *people*," not simply of property. *United States v. Cameron*, 573 F.3d 179, 185 (4th Cir. 2009) (quoting *United States v. Sayles*, 296 F.3d 219, 226 (4th Cir. 2002)). The defendant does not need to exercise control over every other participant, but he must exercise control over at least one other participant. *See United States v. Steffen*, 741 F.3d 411, 416 (4th Cir. 2013).

The district court found that Jones was a leader in a drug trafficking organization that included twelve participants[5] and that Jones "exercise[d] control or authority certainly over Turner and over Thompson and over his girlfriends[.]" J.A. 680. Jones challenges both the number of participants and the finding of control.

First, we turn to participants. A "participant" is someone who is "criminally responsible for the commission of the offense," but they "need not have been convicted." *Bright*, 125 F.4th at 101 (quoting U.S.S.G. § 3B1.1. app. n.1) (cleaned up). Jones argues that McAllister and Langford "were mere girlfriends of Lawrence Jones and not participants in the conspiracy." Opening Br. at 28. The government responds that Jones's direction for them to conceal proceeds "alone showed that he instructed others to further his drug business." Response Br. at 26.

We disagree. We have previously held that a defendant's jail call asking a family member to collect money for him was insufficient to qualify him for the leadership

[5] The court included "Robert McNeal, Tyrone Bragg, Wesley Kelly, Calvin Kelley, Keishron Kilpatrick, Marquis Brite, Hurley Cannady, David Se[a]well, the two girlfriends, Mr. Turner, and Mr. Thompson." J.A. 678–79.

enhancement because there "was no evidence that [the family member] had any other part in the conspiracy" and that "this one recorded instance in which she did something Baker asked her to do" was insufficient. *United States v. Baker*, 539 F. App'x 299, 305 (4th Cir. 2013) (unpublished); *see also United States v. Burnley*, 988 F.3d 184, 189 (4th Cir. 2021) (holding that directions for family or friends to move money from prison were insufficient to explain finding of management).

However, removing McAllister and Langford from the participant list only takes it down to ten people. We cannot see how Jones can decrease the number to under five, and he does not make the attempt in his briefing.

Next, we turn to control over other participants. Jones, inexplicably, does not challenge the district court's finding that he controlled Turner and Thompson.

As recorded in the presentence report, Turner was a confidential informant who reported that Jones instructed him where, when, and to whom to deliver drugs. The district court also reviewed a taped statement from Turner and determined that Turner's various reports were credible.

Evidence also shows that Thompson followed instructions from Jones in making drug purchases. In several recorded phone calls between Jones and Thompson, Jones asked Thompson to meet with a cocaine supplier and to purchase certain amounts if the quality seemed acceptable. Jones told Thompson how to inspect the cocaine, telling him to cut a package open all the way, like Thompson had seen Jones do "a hundred times." J.A. 558.

In short, the district court did not commit clear error by finding that Jones exercised control over at least one other participant in a criminal activity that included at least five participants.

C.

Though we conclude that the district court did not err in applying the obstruction or leadership enhancements, we observe that Jones's Guidelines range would not have changed in their absence. *See United States v. Rose*, 3 F.4th 722, 730–31 (4th Cir. 2021) ("[W]e will not vacate a sentence based on an alleged Guidelines error if we can determine from the record that the error is harmless." (cleaned up)).

Jones's sentencing was based on a total offense level of 40. And Jones does not challenge his designation as a career offender under § 4B1.1, which means that his minimum offense level would have been 37. *See* U.S.S.G. § 4B1.1(b)(1). An offense level of 37, combined with his criminal history category of VI, would have subjected Jones to the same Guidelines range of 360 months to life imprisonment that the district court considered in this case. *See* U.S.S.G. § 5 pt. A (sentencing table). Accordingly, even if the district court had erred in applying the obstruction or leadership enhancements, the error would have been harmless.

V.

For the foregoing reasons, the district court's judgment is affirmed.

AFFIRMED

FILED: February 4, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4282
(5:20-cr-00388-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LAWRENCE LEVON JONES

Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

App. C

FILED: February 26, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4282
(5:20-cr-00388-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LAWRENCE LEVON JONES

Defendant - Appellant

MANDATE

The judgment of this court, entered February 4, 2026, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Nwamaka Anowi, Clerk

UNITED STATES DISTRICT COURT

Eastern District of North Carolina

UNITED STATES OF AMERICA
v.
LAWRENCE LEVON JONES

JUDGMENT IN A CRIMINAL CASE

Case Number: 5:20-CR-388-1D

USM Number: 07520-509

H. P. Williams, Jr.
Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☑ was found guilty on count(s) 1s, 2s, 3s, and 4s
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. § 846	Conspiracy to Distribute and Possess With Intent to	8/19/2020	1s
21 U.S.C. § 841(a)(1)	Distribute 5 Kilograms or More of Cocaine, a Quantity of		
21 U.S.C. § 841(b)(1)(A)	Cocaine Base (Crack), a Quantity of		

The defendant is sentenced as provided in pages 2 through 8 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.

4/26/2024
Date of Imposition of Judgment

Signature of Judge

JAMES C. DEVER III, US DISTRICT COURT JUDGE
Name and Title of Judge

4/26/2024
Date

DEFENDANT: LAWRENCE LEVON JONES
CASE NUMBER: 5:20-CR-388-1D

ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
	Methamphetamine, and a Quantity of Marijuana		
21 U.S.C. § 841(a)(1)	Possession With Intent to Distribute 500 Grams or	8/19/2020	2s
21 U.S.C. § 841(b)(1)(B)	More of Cocaine, a Quantity of Cocaine Base		
18 U.S.C. § 2	(Crack), a Quantity of Methamphetamine, and a		
	Quantity of Marijuana		
18 U.S.C. § 924(c)(1)(A)	Possession of a Firearm in Furtherance of a	8/19/2020	3s
18 U.S.C. § 924(c)(1)(A)	Drug Trafficking Crime		
(i)			
18 U.S.C. § 922(g)(1)	Possession of a Firearm by a Felon	8/19/2020	4s
18 U.S.C. § 924(a)(2)			

DEFENDANT: LAWRENCE LEVON JONES
CASE NUMBER: 5:20-CR-388-1D

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
420 as to Counts 1s and 2s and 120 months as to Count 4s to run concurrently; 60 months as to Count 3s to run consecutively for a total of 480 months.

☑ The court makes the following recommendations to the Bureau of Prisons:
The court recommends vocational training/ educational opportunities, mental health assessment and treatment, and to be kept separate from Robert Christopher McNeal, Tyrone Bragg, Wesley Kimball Kelly, Calvin Lamar Kelley, Keishron Ko-She Kilpatrick, Marquis Deja Brite, Hurley Matthew Cannady, and David Earl Seawell Jr.

☑ 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.

☐ 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

DEFENDANT: LAWRENCE LEVON JONES
CASE NUMBER: 5:20-CR-388-1D

SUPERVISED RELEASE

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

5 years as to Counts 1s, 2s, and 3s and 3 years as to Count 4s to run concurrently for a total of 5 years.

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.

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: LAWRENCE LEVON JONES
CASE NUMBER: 5:20-CR-388-1D

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a program of mental health treatment, as directed by the probation office.

The defendant shall submit to a search, at any time, with or without a warrant, and by any law enforcement or probation officer, of the defendant's person and any property, house, residence, vehicle, and effects upon reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the defendant, or by any probation officer in the lawful discharge of the officer's supervision functions.

The defendant shall support his dependent(s).

DEFENDANT: LAWRENCE LEVON JONES
CASE NUMBER: 5:20-CR-388-1D

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 400.00	$	$	$	$

☐ 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.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage

TOTALS	$ 0.00	$ 0.00

☐ 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.

DEFENDANT: LAWRENCE LEVON JONES
CASE NUMBER: 5:20-CR-388-1D

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 ☐ 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 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:
Payment of the special assessment is due in full immediately.

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

☐ 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:
The defendant shall forfeit to the United States the defendant's interest in the property specified in the Preliminary Order of Forfeiture entered on 04/23/2024.

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

(Bench conference concluded.)

THE COURT: Ladies and gentlemen, I'm told your lunch is here. So instead of beginning the cross-examination, I'm going to let y'all have lunch.

But, again, in an effort to continue to be a good steward of your time -- and I want to thank you for being such good stewards of one another's time -- we're going to take 45 minutes for lunch so that we can keep working. And I really appreciate how hard all of you are working and how attentive you are, and I want to be good stewards of your time when you're in this courthouse.

So we'll take a break until 1:15. Don't talk about the case. Don't let anybody talk about the case with you. Follow my other instructions. Enjoy your lunch.

Everyone remain seated while the ladies and gentlemen leave the room for their luncheon recess.

(The jury exited the courtroom at 12:28 p.m.)

THE COURT: We'll be in recess until 1:15.

(The proceedings were recessed at 12:28 p.m. and reconvened at 1:16 p.m.)

THE COURT: Mr. Hartigan or Mr. Williams.

MR. HARTIGAN: Yes, Your Honor. Just want to bring something to your attention.

Mr. Kelly has two prior convictions that we think are too old under 609. He's got a 1998 conviction and a 1990

conviction. Both of those are federal drug offenses. He was released from both in 1994. And so our argument is that those are too old under 609.

We brought this up with defense counsel today and thought we should flag it with the Court before the cross-examination begins.

THE COURT: Mr. Williams.

MR. WILLIAMS: It's our position that they are relevant to the matter even though they are old, and I'd ask permission to ask him about those.

(Pause in the proceeding.)

THE COURT: All right. Under Rule 609(b), which has to do with impeachment by evidence of a criminal conviction, subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later.

Evidence of the conviction is permissible only if, one, its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect and the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.

The Court does not find that the probative value is supported by specific facts and circumstances and substantially outweighs its prejudicial effect under

609(b)(1). So those are too old and are excluded from the cross.

Thank you.

Let's bring the jury in. Are they lined up?

THE CLERK: Yes, sir.

THE COURT: Just bring them in and then bring the witness in.

(The jury entered the courtroom at 1:19 p.m.)

THE COURT: Welcome back, ladies and gentlemen. I hope y'all enjoyed your lunch.

I need to confirm you followed my instructions during the luncheon recess.

Mr. Kelly is going to be brought back up to the stand.

(Pause in the proceeding.)

THE COURT: Good afternoon, Mr. Kelly. Again, you remain under oath. Mr. Williams is going to continue his cross-examination.

Mr. Williams.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Mr. Kelly, the first thing I want to talk to you about is the gun that was found in Los Angeles in your apartment there. Was that your gun?

A. No, sir, it wasn't.

Rule 604. Interpreter

An interpreter must be qualified and must give an oath or affirmation to make a true translation.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat. 1934; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 605. Judge's Competency as a Witness

The presiding judge may not testify as a witness at the trial. A party need not object to preserve the issue.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat. 1934; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 606. Juror's Competency as a Witness

(a) At the Trial. A juror may not testify as a witness before the other jurors at the trial. If a juror is called to testify, the court must give a party an opportunity to object outside the jury's presence.

(b) During an Inquiry Into the Validity of a Verdict or Indictment.

(1) Prohibited Testimony or Other Evidence. During an inquiry into the validity of a verdict or indictment, a juror may not testify about any statement made or incident that occurred during the jury's deliberations; the effect of anything on that juror's or another juror's vote; or any juror's mental processes concerning the verdict or indictment. The court may not receive a juror's affidavit or evidence of a juror's statement on these matters.

(2) Exceptions. A juror may testify about whether:

(A) extraneous prejudicial information was improperly brought to the jury's attention;

(B) an outside influence was improperly brought to bear on any juror; or

(C) a mistake was made in entering the verdict on the verdict form.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat. 1934; Pub.L. 94–149, § 1(10), Dec. 12, 1975, 89 Stat. 805; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 12, 2006, eff. Dec. 1, 2006; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 607. Who May Impeach a Witness

Any party, including the party that called the witness, may attack the witness's credibility.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat.1934; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 608. A Witness's Character for Truthfulness or Untruthfulness

(a) Reputation or Opinion Evidence. A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.

(b) Specific Instances of Conduct. Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:

(1) the witness; or

(2) another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat.1935; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 25, 1988, eff. Nov. 1, 1988; Mar. 27, 2003, eff. Dec. 1, 2003; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 609. Impeachment by Evidence of a Criminal Conviction

(a) In General. The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:

(1) for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:

(A) must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and

(B) must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant; and

(2) for any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving—or the witness's admitting—a dishonest act or false statement.

(b) Limit on Using the Evidence After 10 Years. This subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if:

(1) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and

(2) the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.

(c) Effect of a Pardon, Annulment, or Certificate of Rehabilitation. Evidence of a conviction is not admissible if:

(1) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or

(2) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(d) Juvenile Adjudications. Evidence of a juvenile adjudication is admissible under this rule only if:

(1) it is offered in a criminal case;

(2) the adjudication was of a witness other than the defendant;

(3) an adult's conviction for that offense would be admissible to attack the adult's credibility; and

(4) admitting the evidence is necessary to fairly determine guilt or innocence.

(e) Pendency of an Appeal. A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat.1935; Mar. 2, 1987, eff. Oct. 1, 1987; Jan. 26, 1990, eff. Dec. 1, 1990; Apr. 12, 2006, eff. Dec. 1, 2006; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 610. Religious Beliefs or Opinions

Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat.1936; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 611. Mode and Order of Examining Witnesses and Presenting Evidence

(a) Control by the Court; Purposes. The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:

(1) make those procedures effective for determining the truth;

(2) avoid wasting time; and

(3) protect witnesses from harassment or undue embarrassment.

(b) Scope of Cross–Examination. Cross-examination should not go beyond the subject matter of the direct examination and matters affecting the witness's credibility. The court may allow inquiry into additional matters as if on direct examination.

(c) Leading Questions. Leading questions should not be used on direct examination except as necessary to develop the witness's testimony. Ordinarily, the court should allow leading questions:

(1) on cross-examination; and

(2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat. 1936; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 612. Writing Used to Refresh a Witness's Memory

(a) Scope. This rule gives an adverse party certain options when a witness uses a writing to refresh memory:

(1) while testifying; or

(2) before testifying, if the court decides that justice requires the party to have those options.

(b) Adverse Party's Options; Deleting Unrelated Matter. Unless 18 U.S.C. § 3500 provides otherwise in a criminal case, an adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce in evidence any portion that relates to the witness's testimony. If the producing party claims that the writing includes unrelated matter, the court must examine the writing in camera, delete any unrelated portion, and order that the rest be delivered to the adverse party. Any portion deleted over objection must be preserved for the record.

(c) Failure to Produce or Deliver the Writing. If a writing is not produced or is not delivered as ordered, the court may issue any appropriate order. But if the prosecution does not comply in a criminal case, the court must strike the witness's testimony or—if justice so requires—declare a mistrial.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat. 1936; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.)

Rule 613. Witness's Prior Statement

(a) Showing or Disclosing the Statement During Examination. When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.

(b) Extrinsic Evidence of a Prior Inconsistent Statement. Unless the court orders otherwise, extrinsic evidence of a witness's prior inconsistent statement may not be admitted until after the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2).

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat.1936; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 25, 1988, eff. Nov. 1, 1988; Apr. 26, 2011, eff. Dec. 1, 2011; Apr. 2, 2024, eff. Dec. 1, 2024.)

Rule 614. Court's Calling or Examining a Witness

(a) Calling. The court may call a witness on its own or at a party's request. Each party is entitled to cross-examine the witness.

(b) Examining. The court may examine a witness regardless of who calls the witness.

(c) Objections. A party may object to the court's calling or examining a witness either at that time or at the next opportunity when the jury is not present.

(Pub.L. 93–595, § 1, Jan. 2, 1975, 88 Stat.1937; Apr. 26, 2011, eff. Dec. 1, 2011.)

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.