

No. .

In The
SUPREME COURT OF THE UNITED STATES

JERRY J. JONES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the district court procedurally erred in imposing on Jones' a sentence that exceeds the upper range of the Guidelines by over twenty-two (22) years.

LIST OF PARTIES

1. Petitioner Jerry J. Jones, by counsel, Jane H. Ruemmele, HAYES RUEMMELE, LLC, 22 E. Washington Street, Suite 610, Indianapolis, IN 46204 phone 317-491-1050, current trial counsel
2. The United States.

RELATED PROCEEDINGS

This petition arises from the decision of the United States Court of Appeals for the Seventh Circuit affirming the trial court on January 5, 2026. The decision is reported at *United States v. Jones*, 2026 U.S. App. LEXIS 107, 2026 LX 80553, 2026 WL 27805.

The Seventh Circuit denied *en banc* rehearing on January 20, 2026. There are no related proceedings, although there are other earlier appeals following the original sentence of Jones. Jones was charged with and convicted of six federal crimes relating to the bank robbery and its aftermath. PSR ¶¶ 1–3. Law enforcement also discovered evidence tying him to a felony murder that had occurred a month before in Indianapolis, Indiana. Jones would later be convicted and sentenced to 273 years of imprisonment in the Indiana

Department of Corrections. PSR ¶ 55. He has yet to begin that sentence, though, because he was arrested and remanded into federal custody five days after the commission of the instant offenses. PSR ¶ 2.

The federal charges consisted of two counts of carjacking, 18 U.S.C. § 2119; one count of bank robbery, 18 U.S.C. § 2113(a) and (d), and three counts of using a firearm during a crime of violence, 18 U.S.C. § 924(c). A trial jury convicted Jones of all those charges. Based on his two prior convictions for breaking and entering and armed robbery (during which Jones discharged his weapon), Jones qualified at the time as a Career Offender under Sentencing Guideline § 4B1.1. The district court's 300-month sentence on the bank robbery and carjacking counts reflected that enhancement. Additionally, the three §924(c) counts imposed a cumulative mandatory-minimum sentence of 540 months that had to run consecutively to the 300 months on the other counts. The district court therefore sentenced Jones to 840 months in prison.

The procedural history at the appellate level was summarized by the Seventh Circuit in Jones' first appeal. *United States v. Jones*, 962 F.3d 956 (7th Cir. 2020). In 2018, Jones petitioned the district court for a writ of habeas corpus under 28 U.S.C. § 2241, arguing he was no longer a Career Offender based on intervening Supreme Court cases. The district court agreed, vacated Jones' sentence, and ordered resentencing.

At resentencing, Jones's Guidelines range was 168-210 months on the three counts of bank robbery and carjacking. As to the three firearms counts, the government and the probation office both contended the same aggregate 540-

month mandatory minimum sentenced applied. Jones, however, invoked the First Step Act, asserting that the mandatory minimum was 180 months under the changed law. Reading the plain language of the statute, the district court decided that the change in the law applied "to any offense that was committed before" December 2018 "if a sentence for the offense has not been imposed" as of December 2018. Over the Government's objection, the court agreed with Jones. Under confused circumstances, the court again imposed a sentence of 840 months, which the Seventh Circuit vacated in 2020, and remanded for resentencing. *United States v. Jones*, 962 F.3d 956 (7th Cir. 2020).

Following his successful appeal in 2020, Jones was resentenced on January 10, 2025. Jones received 180 months on each of Counts 1 and 5, to be served concurrently; 300 months on Count 3, to be served consecutively to Counts 1 and 5; and 60 months on each of Counts 2, 4, and 6, to be served consecutively to each of the other and all other terms, for a total of 660 months. (App. p. 51). This appeal ensued.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Jerry J. Jones respectfully petitions for a writ of certiorari to review the Judgment of the United States Court of Appeals for the Seventh Circuit.

OPINION BELOW

The Panel Opinion of the Court of Appeals affirming the sentence of Jerry C. Jones was published at *United States v. Jones*, 2026 U.S. App. LEXIS 107, 2026 LX 80553, 2026 WL 27805 and is included in the Appendix.

JURISDICTIONAL STATEMENT

The decision of the Seventh Circuit denying *en banc* review for the Petitioner as issued on January 20, 2026. The decisions are reprinted in Appendix to the Petition. This Court has jurisdiction under 28 U.S.C. § 1254 (1).

RELEVANT AUTHORITY

The sentencing judge commits a significant procedural error if he fails to adequately explain the chosen sentence. *Gall v. United States*, 552 U.S. 38, 51 (2007). “If he decides that an outside-Guidelines sentence is warranted, he must consider the extent of the deviation and ensure that the justification is sufficiently compelling to support the degree of the variance.” *Id.* at 50. A major variance from the Guidelines range should be “supported by a more significant justification” than a minor one. *Id.* A compelling justification for an outside-Guidelines sentence is required in part because the Sentencing Guidelines represent a “wholesale”

embodiment of the § 3553(a) considerations. *Rita v. United States*, 551 U.S. 338, 348–50 (2007). By using a guidelines system, Congress “sought to diminish unwarranted sentencing disparity” through “increased uniformity.” *Id.* at 354. Federal sentencing law requires that courts consider the aggregate sentence on all counts when imposing sentence. *Dean v. United States*, 137 S. Ct. 1170, 1175–76 (2017); *see* 18 U.S.C. § 3584.

INTRODUCTION

Although the sentence Jones received in January 2025 is less than the 840 months he received on two other prior sentencings, the court failed to justify a sentence that still dramatically exceeded the sentencing guidelines, does not reflect his aggregate life sentence, and does not reflect recent rehabilitation and stellar institutional conduct.

This Court should grant certiorari and remand for sentencing.

STATEMENT OF THE CASE

b. Proceedings Below: District Court.

Jones was charged with and convicted of six federal crimes relating to the bank robbery and its aftermath. Law enforcement also discovered evidence tying him to a felony murder that had occurred a month before in Indianapolis. Jones would later be convicted and sentenced to 273 years of imprisonment in the Indiana Department of Corrections. PSR ¶ 55. He has yet to begin that sentence, though, because he was arrested and remanded into federal custody five days after the

commission of the instant offenses. PSR ¶ 2. The federal charges consisted of two counts of carjacking, 18 U.S.C. § 2119; one count of bank robbery, 18 U.S.C. § 2113(a) and (d), and three counts of using a firearm during a crime of violence, 18 U.S.C. § 924(c). A trial jury convicted Jones of all those charges. Based on his two prior convictions for breaking and entering and armed robbery (during which Jones discharged his weapon), Jones qualified at the time as a Career Offender under Sentencing Guideline § 4B1.1. The district court's 300-month sentence on the bank robbery and carjacking counts reflected that enhancement. Additionally, the three § 924(c) counts imposed a cumulative mandatory-minimum sentence of 540 months that had to run consecutively to the 300 months on the other counts. The district court therefore sentenced Jones to 840 months in prison.

The procedural history at the appellate level was summarized by the Seventh Circuit in Jones' first appeal. *United States v. Jones*, 962 F.3d 956 (7th Cir. 2020). In 2018, Jones petitioned the district court for a writ of habeas corpus under 28 U.S.C. § 2241, arguing he was no longer a Career Offender based on intervening Supreme Court cases. The district court agreed, vacated Jones's sentence, and ordered resentencing.

At resentencing, Jones's Guidelines range was 168-210 months on the three counts of bank robbery and carjacking. As to the three firearms counts, the government and the probation office both contended the same aggregate 540-month mandatory minimum sentence applied. Jones, however, invoked the First Step Act, asserting that the mandatory minimum was 180 months under the changed

law. Reading the plain language of the statute, the district court decided that the change in the law applied "to any offense that was committed before" December 2018 "if a sentence for the offense has not been imposed" as of December 2018. Over the Government's objection, the court agreed with Jones. Under confused circumstances, the court again imposed a sentence of 840 months, which the Seventh Circuit vacated in 2020, and remanded for resentencing. *United States v. Jones*, 962 F.3d 956 (7th Cir. 2020).

Following his successful appeal in 2020, Jones was resentenced on January 10, 2025. Jones received 180 months on each of Counts 1 and 5, to be served concurrently; 300 months on Count 3, to be served consecutively to Counts 1 and 5; and 60 months on each of Counts 2, 4, and 6, to be served consecutively to each of the other and all other terms, for a total of 660 months. (App. p. 51).

c. Proceedings Below: Panel Opinion

Jones appealed his sentence. The sentence was affirmed. *United States v. Jones*, 2026 U.S. App. LEXIS 107, 2026 LX 80553, 2026 WL 27805. The Seventh Circuit reasoned that the trial court recited multiple inculpatory facts not accounted for in the PSR calculation, and emphasized the seriousness of the uncharged conduct, and ultimately holding that the district judge's justification, which tied the deviation to serious, uncharged conduct, was adequate for such a substantial departure.

c. Proceedings Below: Rehearing

Jones filed a timely Petition for Rehearing which was denied on January 20, 2026. The Orders are included in the attached Appendix.

REASONS FOR GRANTING THE WRIT

Although the sentence Jones received in January 2025 is less than the 840 months he received on two other prior sentencings, the court failed to justify a sentence that still dramatically exceeded the sentencing guidelines, does not reflect his aggregate life sentence, and does not reflect recent rehabilitation and stellar institutional conduct.

The district court committed procedural error in sentencing Jones. These procedural errors are subject to *de novo* review by this Court. *United States v. Gardner*, 939 F.3d 887, 891 (7th Cir. 2019). The court failed to sufficiently justify a sentence more than twenty-two years above the Guidelines range.

Jones received 660 months, which is 270 months (over twenty-two years) above the top of Jones' effective guideline range of 348-390 months, said range having been acknowledged by the court at sentencing. (App. p. 51). The sentencing judge commits a significant procedural error if he fails to adequately explain the chosen sentence. *Gall v. United States*, 552 U.S. 38, 51 (2007). "If he decides that an outside-Guidelines sentence is warranted, he must consider the extent of the deviation and ensure that the justification is sufficiently compelling to support the degree of the variance." *Id.* at 50. A major variance

from the Guidelines range should be “supported by a more significant justification” than a minor one. *Id.* The district court must provide a justification that explains and supports the magnitude of the variance. *United States v. Bradley*, 675 F.3d 1021, 1025 (7th Cir. 2012). The greater the departure, the more searching this Court’s review will be. *Id.*

A. A Sentencing Court Must Provide a Compelling Justification to Impose a Sentence Significantly Above the Guidelines Range

A compelling justification for an outside-Guidelines sentence is required in part because the Sentencing Guidelines represent a “wholesale” embodiment of the § 3553(a) considerations. *Rita v. United States*, 551 U.S. 338, 348–50 (2007). By using a guidelines system, Congress “sought to diminish unwarranted sentencing disparity” through “increased uniformity.” *Id.* at 354. A sentencing court should have good reasons for disregarding the Guidelines’ advice. A judge who imposes a sentence far above the top or far below the bottom of that range is challenging the Commission’s penal judgment, and given that the Commission’s knowledge of penology exceeds that of most judges, the judge needs to provide more in the way of justification than if he were departing incrementally. *United States v. Castillo*, 695 F.3d 672, 673 (7th Cir. 2012).

The judge needs to provide more in the way of justification” if he imposes a sentence “far above the top” of the range. The more extreme a variance is, the more thorough the explanation must be. *United States v. Ballard*, 12 F.4th 734 (7th Cir. 2021), *citing*, *United States v. Castillo*, 695 F.3d 672, 673 (7th Cir. 2012). “A major departure should be supported by a more significant

justification than a minor one." *United States v. Miller*, 601 F.3d 734, 739 (7th Cir. 2010). "[T]he farther the judge's sentence departs from the guidelines ... the more compelling the justification based on factors in section 3553(a) that the judge must offer in order to enable the court of appeals to assess the reasonableness of the sentence imposed." *Castillo*, 695 F.3d at 673.

Failing to adequately explain a sentence is procedural error. *United States v. Faulkner*, 885 F.3d 488, 498 (7th Cir. 2018). The Court thus may reverse when the aggravating circumstance at sentencing is "already factored into the properly calculated guidelines range," and it is not clear "how any individual circumstances" were taken into account. *Id.* See also *United States v. Lockwood*, 789 F.3d 773, 782 (7th Cir. 2015) (reversing, in part, because main fact in aggravation was already captured by Guidelines and so did not support compelling justification for above-Guidelines sentence).

In *Bradley*, the defendant there traveled across state lines to have sex with a 15-year-old. 675 F.3d at 1023. Though the Guidelines range was 57–71 months, the district court imposed a statutory maximum sentence of 240 months—about fifteen years more than the Guidelines called for. *Id.* at 1023–24. It found that "very few crimes are more serious than" the sex offense the defendant had committed. *Id.* at 1024. The Court reversed.

In this case, the sentence is over twenty-two years above the highest range of the guidelines. The above guideline sentence is not supported by the record.

B. The District Court Failed to Provide a Compelling Justification to Impose a Sentence Exceeding the Guidelines Range

In imposing sentence, the court stated several times that the crime was “horrific.” (App. p. 35, 36, 39, 45, 46, 47, 49, 50). The court stated that the guidelines did not account for the break-in at the Farmhouse. (App. p. 50). Clearly the court wanted to punish Jones for factors that were not taken into consideration in calculating his Guidelines. The problem is that a 660-month sentence was over twenty-two years above the highest effective guideline range, almost doubling the high end of the range. The district court’s explanation for its sentence here does not contain a compelling justification for varying from the Guidelines by over twenty-two years.

The Seventh Circuit has highlighted concerns of elderly prisoners. *See United States v. Presley*, 790 F.3d 699, 701–03 (7th Cir. 2015). In thinking about imposing such a sentence, courts should focus on incapacitation, general deterrence, and specific deterrence. *Id.* at 703. “A sentence long enough to keep the defendant in prison until he enters the age range at which the type of criminal activity in which he has engaged is rare should achieve the aims of incapacitation and specific deterrence, while lengthening the sentence is unlikely to increase general deterrence significantly.” *Id.*

The court described the “horrific” nature of the uncharged conduct as follows:

I’ve seen and heard just about everything that anybody could imagine going on, death penalty cases, robbery cases, murder cases. The facts of this case are right up there at the top of the horrific cases I’ve heard over the years. People

ask me many times what kind of cases happen in Indiana, and I say, "Anything that happens in New York City or Los Angeles happens in Indiana, Evansville, Terre Haute, New Albany, Indianapolis, except on a smaller scale." We've all heard of cases in New York and Los Angeles, horrific crimes, murders, all kinds of very serious offenses. They happen here...

(App. p. 49). The judge's comments are similar to the comment in *Bradley* that "the nature and circumstances of this offense have to be put slightly below the offense of murder." *Bradley*, 673 F.3d at 1023-1024. "An above-guidelines sentence is more likely to be reasonable if it is based on factors [that are] sufficiently particularized to the individual circumstances of the case rather than factors common to offenders with like crimes." *United States v. Jackson*, 547 F.3d 786, 792-93 (7th Cir. 2008). As in *Bradley*, it is unclear in this case how the individual circumstances of the uncharged conduct were actually used to calculate Jones' sentence.

While the judge stated that Jones' guidelines failed to account for the events that took place at the Farmhouse, the Guidelines did add additional points for the abduction of an individual in the commission of the offense (+4), carjacking (+2), and Obstruction of Justice, by recklessly creating a substantial risk of death or serious bodily injury in the course of fleeing law enforcement, (+2). See Offense Level Computation, PSR, pp. 7-9. The offense conduct was not clearly contained to the acquisition of the UPS truck, and the robbery at the bank. It assessed points for post-robbery conduct of reckless driving into oncoming traffic.

Finally, Jones' sentence is in addition to a lengthy sentence imposed in

state court. Thus, as the court acknowledged, it is a life sentence effectively to be served in either state or federal custody. (App. p. 47). Even if 3553 factors of rehabilitation and reentry may never play out, the imposition of such a lengthy sentence serves no other purpose, other than to punish in excess, which is not consistent with the concerns of parsimony. There is no support for the proposition that a 55-year sentence in this case will provide more deterrence than the upper end of the guidelines, which would be a sentence of 32.5 years.

II.
**THE COURT FAILED TO ADHERE TO THE FEDERAL
SENTENCING PARADIGM AND ITS COMMAND THAT SENTENCES BE
SUFFICIENT, BUT NOT GREATER THAN NECESSARY**

Finally, 18 U.S.C. § 3553(a) requires that the sentence be sufficient, but not greater than necessary, a requirement referred to as the parsimony provision. *See United States v. Pennington*, 667 F.3d 953, 956–57 (7th Cir. 2012). Here, the court promised that its sentence would be sufficient but not greater than necessary. (App. p. 51), but failed to adhere to that mandate.

Federal sentencing law requires that courts consider the aggregate sentence on all counts when imposing sentence. *Dean v. United States*, 137 S. Ct. 1170, 1175–76 (2017); *see* 18 U.S.C. § 3584. That is the approach the Guidelines take. *See* U.S.S.G. § 5G1.2 (“[T]he court shall determine the total punishment and shall impose that total punishment on each count.”). A court should not calculate the appropriate term for each individual offense without considering the effect of the other sentences the defendant faces on other counts.

See *Dean*, 137 S. Ct. at 1176. When determining a prison sentence for each individual offense in a multicount case, the court should consider the § 3553(a) factors as they relate to the total term of imprisonment. See *id.* That is why the “sentencing package” doctrine exists; we presume that when sentencing on multiple counts the court imposes a “sentencing plan” that as a whole adequately satisfies the § 3553(a) factors. See *Greenlaw v. United States*, 554 U.S. 237, 253 (2008).

A court that determines the sentences on each count individually may effectively violate the parsimony provision of § 3553(a). When a person faces a mandatory minimum sentence of 30 years on one count, for example, the court likely does not need to impose a lengthy sentence on other counts to protect the public or afford adequate deterrence. *Dean*, 137 S. Ct. at 1176. But if the court determines the sentences on each count independently from each other, an excessive sentence may result.

The question in the federal system is what the total punishment should be, not the punishment for each individual offense, and the parsimony principle operates as a constraint on a judicial reflex to just impose the maximum sentence possible. More justification is required to ensure a sentence is sufficient but not greater than necessary. See *United States v. Ferguson*, 831 F.3d 850, 855 (7th Cir. 2016) (“[W]e are unable to tell ... why 20 or 30 or 40 years would have been insufficient” under § 3553(a).

The parsimony principle is “an important and binding instruction from

Congress,” and this Court is satisfied it has been taken into account so long as the sentencing court considers whether “and to what extent” to accept the advice from the Sentencing Guidelines in a particular case. *United States v. King*, 861 F.3d 692, 696 (7th Cir. 2017). It is clear in this case that the court disagreed with the Guidelines’ advice. What is not clear, however, is the rationale behind the extent of the variance. If Jones is effectively serving a life sentence, then there is no justification for the excessive sentence imposed in this case, when it is clearly inconsistent with other considerations relevant in the imposition of a federal sentence.

CONCLUSION

For the foregoing reasons, this Court should grant the petition for a writ of certiorari.

Respectfully Submitted,

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Date: May 19, 2026

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PETITIONER'S APPENDIX

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NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Argued December 16, 2025

Decided January 5, 2026

BeforeMICHAEL B. BRENNAN, *Chief Judge*DIANE S. SYKES, *Circuit Judge*REBECCA TAIBLESON, *Circuit Judge*

No. 25-1117

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*JERRY J. JONES,
*Defendant-Appellant.*Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:97CR00118-001

Richard L. Young,
*Judge.***ORDER**

In 1998, Jerry Jones was convicted of two carjackings, an armed bank robbery, and using firearms during these crimes of violence, and he was sentenced to 840 months' imprisonment. Following two resentencing proceedings, his sentence was reduced to 660 months, which remains over 22 years above the guidelines range. In this appeal, Jones argues that the district judge committed procedural error at the most recent resentencing by failing to adequately justify a sentence significantly above the guidelines range. He asserts that absent such a justification, his sentence "serves no other purpose, other than to punish in excess ..."

We conclude that the district judge's justification, which tied the deviation to serious, uncharged conduct, was adequate for such a substantial departure, so we affirm.

Factual Background

In 1997, Jerry Jones, Gregory Jones, and Anthony Bailey robbed a bank in Indiana. As part of their plan to divert the bank manager's attention during the robbery, the group decided that Gregory would pose as a UPS driver. To that end, Gregory and Bailey assaulted a UPS driver, held the driver at gunpoint, restrained him with flex-cuffs, removed his UPS shirt, and drove the UPS vehicle to the Chesterfield Branch of National City Bank of Indiana while Jerry drove to the bank in a separate car.

Once inside the bank, Gregory pretended to make a UPS delivery to the branch manager. He then announced he was robbing the bank and tied the manager's ankles together with a flex-cuff. Jerry then brandished a gun, ordered everyone inside the bank to the floor, and demanded a teller open the vault, from which he took the cash inside. He also took additional money from a teller station, stealing a total of \$105,691 from the bank.

The three defendants left the bank: two drove away in the car while a third drove the hijacked UPS truck. The three met a short distance away from the bank, abandoned the UPS truck with the restrained UPS driver still in the rear cargo compartment, and drove away in the car. After observing the car traveling southbound on the interstate, state police attempted to stop the vehicle, which crossed the median into the northbound lanes. After the car crashed into a ditch, the three defendants ran into an adjacent cornfield and entered the Route family residence.

The defendants were discovered when the Routes' teenage daughter found Bailey inside her closet, pointing a gun at her. She screamed, and her parents, Michael and Sherry Route, ran to her, at which point Jerry and Gregory Jones confronted all three Route family members. Jerry ordered Michael and Sherry at gunpoint to sit down in the hallway, then to go back to the daughter's bedroom. The defendants then ordered Michael to drive them to Indianapolis in his pick-up truck. Before they left, Jerry warned Sherry that he would kill Michael if she called the police. The three defendants then got inside the pick-up truck and Jerry directed Michael to a location in Indianapolis where the three left Michael and the truck.

Procedural History

In 1998, a federal jury convicted Jerry Jones of two counts of carjacking, 18 U.S.C. § 2119, one count of armed bank robbery, 18 U.S.C. § 2113(a), (d), and three counts of using a firearm during a crime of violence, 18 U.S.C. § 924(c). The district judge imposed 840 months' imprisonment: 180 months on each of the carjacking counts and 300 months on the armed bank robbery count, to be served concurrently, and a total of 540 months on the § 924(c) counts, to be served consecutively.¹

In 2018, Jones prevailed on a petition for writ of habeas corpus, *see* 28 U.S.C. § 2241. He argued that the Supreme Court's decision in *Mathis v. United States*, 579 U.S. 500 (2016), rendered his classification as a career criminal, *see* U.S.S.G. § 4B1.1, a miscarriage of justice. *Jones v. Kreuger*, No. 2:17-cv-00497-WTL-MJD, 2018 WL 2416409 (S.D. Ind. May 29, 2018). The district judge vacated Jones's sentence.

At the resentencing hearing that followed, Jones was again sentenced to 840 months' imprisonment. The district judge calculated a guidelines range of 348 to 390 months' imprisonment. *See United States v. Jones (Jones I)*, 962 F.3d 956, 959 (7th Cir. 2020). The judge emphasized the effect of the crime on the Route family, referring to the break-in at the home and use of a gun as "horrific crimes of violence and threatening individuals." *Id.* at 961. He then imposed 180 months on each carjacking count, 300 months on the armed bank robbery count, and 60 months on each of the firearm counts, all to be served consecutively.² Jones's co-defendants, by contrast, had received sentences of 675 months and 728 months. *Jones I*, 962 F.3d at 961.

Jones appealed, arguing that the district court had procedurally erred by failing to justify its significant deviation from the guidelines range. *Id.* at 960–62. We agreed, reasoning that while the judge emphasized the seriousness of the conduct at the Routes' home, he did not make a finding that this conduct aggravated the offenses, and

¹ The statute in effect at the time, 18 U.S.C. § 924(c) (1996), authorized up to 60 months' imprisonment for the first § 924(c) conviction and up to 240 months' imprisonment for subsequent § 924(c) convictions.

² By the time of Jones's resentencing, Congress had passed the First Step Act, which restricted the stacking of sentences under § 924(c) in the same prosecution. *See United States v. Black*, 131 F.4th 542, 543 (7th Cir. 2025). Over the government's objection, the district court determined that the Act applied to Jones. Accordingly, Jones was subject to 60 months' imprisonment on each § 924(c) count.

thus it was not clear “whether the court fully appreciated that it was adding 450 months to the range and why it thought it was appropriate to do so.” *Id.* at 962. We also observed that the district judge had relied on inaccurate facts during the hearing—including that Jones had discharged a firearm in the Routtes’ home and that he had broken into multiple homes—and had not explained why Jones received a longer sentence than his co-defendants. *Id.* at 959–61. Therefore, in 2020, we vacated the judgment and remanded for resentencing, instructing the district judge to “specify ‘the reasons why [Jones] is different from the vast majority of defendants’” and “explain why its sentence serves the considerations it cites.” *Id.* at 961–62 (quoting *United States v. Lockwood*, 789 F.3d 773, 782 (7th Cir. 2015)).

In 2025, the district judge held another resentencing hearing in which he adopted the PSR’s guidelines calculations and findings regarding the offense conduct. The PSR again calculated a guidelines range of 348 to 390 months’ imprisonment. The judge then considered the parties’ sentencing arguments. The government requested 840 months’ imprisonment, emphasizing the psychological trauma to the victims and highlighting the uniqueness of the case “in terms of its horror.” Jones requested a sentence within the guidelines range, arguing that he had demonstrated an “exceptional commitment to rehabilitation” during his time in prison, and emphasizing that he did not physically injure any of the victims in this case.

After considering the arguments, as well as a victim statement from Sherry Route, the judge turned to the sentencing factors under 18 U.S.C. § 3553(a), focusing chiefly on the nature and circumstances of the offense. The judge repeatedly referred to the crime as “horrific” and acknowledged the significant trauma Jones inflicted on the victims. He said that in his 35 years of sentencing individuals with criminal convictions, he had seen death penalty cases and murder cases, and that “[t]he facts of this case are right up there at the top of the horrific cases [he had] heard over the years.” He then referenced our opinion in *Jones I* in concluding that the Guidelines did not “entirely account” for Jones’s conduct at the Routtes’ house and that this conduct aggravated the offenses.

The judge next turned to the history and background of the defendant, noting that Jones had multiple prior convictions for armed conduct and that prior to this offense he committed a murder for which he was convicted and sentenced to 270 years’ imprisonment in Indiana. He also acknowledged, however, that Jones had a record of taking advantage of the educational and work opportunities available to him in prison, and that he had been commended for his work as an employee for UNICOR at the Bureau of Prisons. The judge also noted Jones’s lack of any disciplinary history during

his 30 years of imprisonment. The judge touched on several remaining § 3553(a) factors without elaboration on how they applied to Jones's case.

The judge then sentenced Jones to a total term of 660 months' imprisonment. The judge imposed 180 months on each of the carjacking counts to be served concurrently, 300 months on the armed bank robbery to be served consecutively, and 60 months on each of the firearm counts to be served consecutively.

Analysis

On appeal, Jones argues that the district judge committed procedural error by failing to explain adequately why he imposed a sentence that exceeded the upper limit of the guidelines range by 270 months, or over 22 years. He asserts that such a large upward deviation should be accompanied by a "more significant justification," and that the judge's explanation that the Guidelines did not account for Jones's conduct at the Routtes' house was not sufficiently compelling. Further, he points out that, due to the lengthy sentence he will serve on his state murder conviction, he will be spending his life in prison regardless, and therefore the 660-month sentence serves no purpose "other than to punish in excess."

A district judge may impose a sentence outside the guidelines range, but in doing so, the judge "must consider the extent of the deviation and ensure that the justification is sufficiently compelling to support the degree of variance." *United States v. Ballard*, 12 F.4th 734, 740 (7th Cir. 2021) (quoting *United States v. Miller*, 601 F.3d 734, 739 (7th Cir. 2010)). The more significant the deviation, "the more detailed the district court's explanation must be." *United States v. Padilla*, 520 F.3d 766, 775 (7th Cir. 2008). There is no "rigid mathematical formula" required to determine whether an explanation is sufficient, nor must appellate courts find "extraordinary" circumstances to uphold a significant deviation. *Gall v. United States*, 552 U.S. 38, 47 (2007). But the judge must "give a reason, however brief, for ignoring" the Guidelines. *Jones I*, 962 F.3d at 961 (quoting *United States v. Robertson*, 648 F.3d 858, 860 (7th Cir. 2011)).

While the district judge here imposed a sentence significantly above the top end of the guidelines range (nearly 70 percent), we conclude that his explanation for the deviation was sufficient. In *Jones I*, we advised the judge that he was "free to conclude" that the break-in at the Routtes' home aggravated the offenses, so long as he made that determination. 962 F.3d at 962. Before announcing the sentence, the judge found expressly that "the guidelines really don't entirely account for the break-in" of the Routtes' home and concluded that this conduct aggravated the offenses. The judge also

repeatedly acknowledged the seriousness of the crime, § 3553(a)(2)(A), describing it as “horrific and appalling.”

Jones contends that the judge’s explanation of his sentence does not account for such a significant deviation. He argues that “it is unclear in this case how the individual circumstances of the uncharged conduct were actually used” to calculate his sentence. He takes issue with the judge’s explanation that the Guidelines did not account for his conduct at the Routtes’ residence, and points out that the PSR did add offense levels for “abduction of an individual in the commission of the offense,” “carjacking,” and “recklessly creating a substantial risk of death or serious bodily injury in the course of fleeing law enforcement.”

But the increase in offense level for recklessly creating a risk of death or bodily injury refers to the PSR’s enhancement for obstruction of justice on the armed bank robbery count when Jones “fled at a high rate of speed,” crossed the median, and crashed on the side of the interstate. Jones is correct that the PSR accounts for his conduct when he and the other defendants coerced Michael into driving them to Indianapolis during the second carjacking. Yet, importantly, the judge recited multiple inculpatory facts that were *not* accounted for by the PSR’s calculations. These included breaking into and hiding in the Routtes’ home, brandishing a firearm and pointing it at the family, and tying up the family. The judge emphasized the seriousness of these actions by characterizing the effect on the Routtes as “a very tragic and horrific lifelong horror story.” In this way, the district judge’s explanation for imposing a sentence above the top of the guidelines range was sufficient. Regardless, to the extent that Jones’s conduct already was accounted for in the guidelines calculation, it “did not bar the sentencing court from weighing the information differently than the Sentencing Commission.” *United States v. Hayden*, 775 F.3d 847, 850 (7th Cir. 2014).

To be sure, in *Jones I*, we advised the district judge to show that he “gave ‘respectful consideration to the judgment embodied in the guidelines range’” and that he had understood “the relation between the guidelines and the ultimate sentence.” 962 F.3d at 960 (quoting *Bradley*, 675 F.3d at 1024, 1028). At this second resentencing, the judge discussed the extent to which the previous 840-month sentence deviated from the Guidelines, although he did not acknowledge the degree to which the sentence exceeded the high end of the guidelines range.

Nevertheless, appellate courts “must give due deference to the district court’s decision that the § 3553(a) factors” justify a deviation from the Guidelines. *Gall*, 552 U.S. at 597. To that end—and crucially here given Jones’s argument on appeal—a

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“sentencing court need not frame its explanation of a sentence in terms of a departure from the guidelines range.” *United States v. Vasquez-Abarca*, 946 F.3d 990, 994 (7th Cir. 2020) (quoting *United States v. Kuczora*, 910 F.3d 904, 908 (7th Cir. 2018)). Moreover, judges do not need to evaluate every § 3553(a) factor. It is sufficient for a judge to accurately calculate the guidelines range and to explain why the defendant’s circumstances warrant a deviation. *United States v. Johnson*, 612 F.3d 889, 896 (7th Cir. 2010). The district judge here satisfied that requirement. He applied multiple § 3553(a) factors, determined that the Guidelines did not account for the extent of Jones’s conduct, and imposed an above-guidelines sentence to account for it.

AFFIRMED

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

January 20, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

DIANE S. SYKES, *Circuit Judge*

REBECCA TAIBLESON, *Circuit Judge*

No. 25-1117

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JERRY J. JONES,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of Indiana,
Indianapolis Division.

No. 1:97CR00118-001

Richard L. Young,
Judge.

ORDER

On consideration of the petition for rehearing, all members of the original panel voted to deny rehearing. It is therefore ordered that the petition for panel rehearing is DENIED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
) Cause No.
 Plaintiff,) 1:97-cr-0118-RLY-MG-01
) Indianapolis, Indiana
 vs.) **January 10, 2025**
) 9:36 a.m.
 JERRY JEROME JONES,)
)
 Defendant.)

**Before the Honorable
RICHARD L. YOUNG**

OFFICIAL REPORTER'S TRANSCRIPT OF
RESENTENCING

Court Reporter: David W. Moxley, RMR, CRR, CMRS
United States District Court
46 East Ohio Street, Room 340
Indianapolis, Indiana 46204

PROCEEDINGS TAKEN BY MACHINE SHORTHAND
TRANSCRIPT CREATED BY COMPUTER-AIDED TRANSCRIPTION

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1 (In open court.)

2 THE COURT: Good morning, everyone. We're here today
3 in the matter of the United States of America versus Jerry
4 Jerome Jones, this is 1-97-0118, Mr. Jones is here in person,
5 in custody. His attorney, Jessie Cook, is here on Zoom; and
6 his co-counsel -- or her co-counsel, Jane Ruellele, is here in
7 person with Mr. Jones. The United States is here by Assistant
8 United States Attorney Jim Warden and Assistant United States
9 Attorney Meredith Wood.

10 My record reflects that on July 13, 2020, a mandate
11 was received from the Seventh Circuit, judgment was vacated,
12 remanded for full resentencing. On January 8, the government
13 filed a sentencing memorandum, and we're here now for
14 resentencing. Is that your understanding of the record,
15 Mr. Warden?

16 MR WARDEN: Yes, Your Honor.

17 THE COURT: And, Ms. Cook?

18 MS. COOK: Yes. And I filed a memorandum, as well,
19 Your Honor.

20 THE COURT: Yes, you have, and I read all that.

21 MS. COOK: Thank you.

22 THE COURT: All right. Are you ready to proceed,
23 Mr. Warden?

24 MR WARDEN: Yes, Your Honor.

25 THE COURT: All right. And, Ms. Ruellele, do you want

1 to have Mr. Jones come up to the lectern?

2 MS. RUEMMELE: Yes.

3 (Counsel and defendant approach the podium.)

4 THE COURT: Mr. Jones, we're going to review your
5 Presentence Investigation Report. If at any time during this
6 proceeding you do not understand what we're discussing or you
7 have a question about anything, will you make sure to make your
8 attorney aware of your question so we can make our best attempt
9 to answer that for you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Mr. Jones, have you had an
12 opportunity to review the information contained in the
13 Presentence Investigation Report?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Ms. Cook, have you had an opportunity?

16 MS. COOK: I have, Your Honor.

17 THE COURT: Ms. Ruemmele?

18 MS. RUEMMELE: Yes, Your Honor.

19 THE COURT: Mr. Warden?

20 MR. WARDEN: Yes, Your Honor.

21 THE COURT: Ms. Wood?

22 MS. WOOD: Yes, Your Honor.

23 THE COURT: All right. I see no objections from the
24 government. The defendant did file an objection regarding --
25 just noting that there was no one that was physically injured

1 during the events. There's no adjustment in the report
2 regarding any type of physical injuries.

3 Ms. Cook, is that your understanding of the extent of
4 your objection?

5 MS. COOK: It is, Your Honor. However, I was able to
6 speak to Mr. Jones yesterday, and just went over a few items
7 from the Presentence with him. And I would note that since the
8 updates that we previously provided Probation, his father is
9 also deceased. And I would note that on page 2, there should
10 be an update regarding the status of co-defendant Anthony
11 Bailey.

12 THE COURT: Okay. And what is the change of status on
13 Mr. Bailey?

14 MS. COOK: That he has been released.

15 THE COURT: Okay. And is that the extent, then?

16 MS. COOK: It is, Your Honor.

17 THE COURT: All right. We'll show those points made
18 regarding the Presentence Report.

19 With those clarifications and additions to the report,
20 Mr. Jones, do you find its contents to be true and accurate?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. The defendant was convicted on
23 Counts 1 and 5 by a jury, carjacking, a violation of Title 18
24 U.S. Code, Section 2119; Counts 2, 4, and 6, use of a firearm
25 during a crime of violence, a violation of 18 U.S. Code,

1 Section 924(c) (1); and, Count 3, armed bank robbery, a
2 violation of 18 U.S. Code, Section 2 -- 2113(a) and (d). The
3 defendant has been detained since September 8th of 1997. This
4 case originally was tried and the defendant was originally
5 sentenced by the Honorable Larry McKinney. There are no
6 detainers.

7 The defendant was born on March 27, 1964. The history
8 of the charge is contained in Part A. On October 7, 1997, a
9 six-count indictment was returned with the charges I just
10 indicated he was convicted of. The jury trial commenced in
11 1998 and the returned verdict was on February 27, 1998.

12 The defendant was sentenced to a term of imprisonment
13 in May of 1998, 180 months on Counts 1 and 5, 300 months on
14 Count 3, to run concurrently. Additionally, the defendant was
15 sentenced to terms of imprisonment of 60 months on Count 2, 240
16 months on Count 4, 240 months on Count 6, those to run
17 consecutively. The total term of imprisonment was 840 months
18 followed by five years of supervised release.

19 Pursuant to -- relief pursuant to 28 U.S. Code,
20 Section 2241, that relief was granted on May 29, 2018.
21 Sentence was vacated, the matter was set for resentencing.
22 Judge McKinney, unfortunately, passed away in 2017. On March
23 14, 2019, this Court received the reassignment. The defendant
24 was sentenced to, again, 180 months on each of Counts 1 and 5,
25 300 months on Count 3, 60 months on each of Counts 2, 4, and 6,

1 all counts to be served consecutively, for a total term of 840
2 months, followed by five years of supervised release. The
3 defendant filed an appeal. On July 13, 2020, the sentence was
4 vacated by the Seventh Circuit and the matter remanded for
5 resentencing.

6 Regarding Defendant's institutional behavior, there
7 are no disciplinary records found. The offense conduct is
8 contained in paragraphs 8 through 13, the parties indicating to
9 the Court the information contained in the Presentence Report
10 is true and accurate. The Court will adopt the findings of the
11 probation officer regarding the offense conduct as his own
12 findings regarding the nature and circumstances of the offense.

13 We've gone over this previously, but in summary, in
14 September of 1997, Defendant and two others robbed a bank in
15 Chesterfield, Indiana. As part of their plan, the defendant's
16 codefendants first confronted a UPS driver at gunpoint, took
17 his uniform, and hijacked the truck. The men then restrained
18 the driver with plastic handcuffs in the back of the truck.

19 Upon arriving at the bank, one of them posed as a UPS
20 driver, pretended to make a delivery to the district -- to
21 distract the bank manager. The supposed UPS driver then tied
22 the manager's ankles together. Meanwhile, the defendant
23 brandished his firearm, ordered everyone in the bank to the
24 floor, demanded that someone open the vault. The defendant
25 nearly emptied the vault, and had his gun drawn. He took

1 additional cash from a teller's station. The thieves loaded
2 over \$105,000 into their get-away car and sped off, leave being
3 the UPS driver handcuffed in the back of the truck.

4 The police attempted to stop the get-away car.
5 However, the car crossed the median of the interstate, into the
6 northbound lanes, before ending up in a ditch, and fleeing on
7 foot.

8 The events that followed are particularly heinous.
9 The defendant and his other thieves found the home of the
10 Route family, they hid in the home for nearly six hours.
11 Co-defendant Bailey stashed himself in the daughter's -- Route
12 daughter's closet. Subsequently the daughter entered the
13 bedroom. When she opened the closet door, Codefendant Bailey
14 pointed a gun in her face, the daughter screamed, the parents
15 ran toward her. Before they could reach her, the two other men
16 grabbed them at gunpoint, ordered them to sit in the hallway.
17 The entire family was corralled by the defendants, put in the
18 daughter's bedroom, and tied up.

19 The defendants then coerced the father of the family
20 to drive them back to Indianapolis, telling the mother that if
21 she called the police, the defendants would kill her husband.
22 This has obviously been very traumatic to the victims.

23 Victim impact. All the money taken from the victim
24 bank was recovered. Both vehicles carjacked by the defendants
25 were recovered undamaged. However, the individual victims

1 interviewed recounted such a harrowing experience.

2 Adjustment for obstruction of justice. Law
3 enforcement tried to stop the defendant's get-away vehicle.
4 The defendants fled at a high rate of speed, crossing the
5 median on Interstate 69. The defendants were traveling south
6 in the northbound lanes, obviously committing an act that would
7 be of serious risk of injury to others.

8 Acceptance of responsibility. The defendants took the
9 case to trial. He's made no statement to the probation officer
10 regarding responsibility for the instant offense. Therefore,
11 he does not get that adjustment.

12 Offense level computation. The 2021 manual was used.
13 Also, it's noted by Probation that the 1997 edition of the
14 manual results in the same computations. Pursuant to the
15 Guideline Section 3D1.2, Counts 1, 3, and 5 are not grouped.
16 Pursuant to Section 2K2.4(a), the term of imprisonment for
17 Counts 2, 4, and 6 is that required by statute. Chapter 3 and
18 Chapter 4 shall not apply to these counts.

19 Count 1, carjacking, the base offense level is 20.
20 Specific offense characteristic, since an individual was
21 abducted in the commission of the offense, the offense level is
22 increased by four. Specific offense characteristic two, since
23 the offense involved carjacking, the offense level is increased
24 by two. Specific offense characteristic three, since the value
25 of the UPS vehicle taken in the offense was \$28,000, the

1 offense level is increased by one. No other adjustments,
2 there's a subtotal of 27.

3 As to Count 3, the armed bank robbery, again, the
4 offense level is 20. Specific offense characteristic one,
5 since the property of a financial institution was taken, the
6 offense level is increased by two. Specific offense
7 characteristic three [sic], since an individual was restrained
8 in the commission of the offense, the offense level is
9 increased by two. Specific offense characteristic three, since
10 the amount of loss inflicted in this offense was approximately
11 \$105,000, the offense level is increased by two.

12 There's an adjustment for obstruction of justice, as I
13 mentioned earlier. The defendant recklessly created a
14 substantial risk of death or serious bodily injury to another
15 person in the course of fleeing from law enforcement, so two
16 levels are added, a subtotal of 28.

17 Count 5, carjacking, base offense level, again, 20.
18 Specific offense characteristic one, an individual was abducted
19 in the commission of the offense, the offense level is
20 increased by four. Specific offense characteristic two, since
21 the offense involved carjacking, the level is increased by two.
22 Specific offense characteristic three, since the value of the
23 vehicle taken in this offense was \$26,000, the level is
24 increased by one. We have a subtotal of 27.

25 There's a multiple-count adjustment. Count 1, the

1 adjusted offense level is 27, assigned one unit. Count 2,
2 there's a zero adjusted offense level, zero units. Count 3,
3 the adjusted offense level is 28. One unit is assigned.
4 Count 4, zero adjusted offense level. Count 5, adjusted
5 offense level is 27, one unit is assigned. Count 6, zero
6 adjusted offense level. The total number of units is three.
7 The greater adjusted offense level, of course, is 28, so the
8 increase, pursuant to 3D1.14, is three, so the combined offense
9 level is 31.

10 There are no Chapter 4 enhancements. The defendant
11 does not receive an adjustment for acceptance of
12 responsibility. The total offense level is 31.

13 Criminal history. I find juvenile referrals and
14 adjudications. 1978, break-in with intent to commit larceny,
15 assault and battery, entry without permission. Adult criminal
16 convictions begin with an arrest at age 16 in 1980, breaking
17 and entering an occupied dwelling in Flint, Michigan. In
18 October of 1981, the defendant received a sentence of five to
19 15 years at the Michigan Department of Correction, paroled in
20 February of 1995 pursuant to 4A1.1(a). Three criminal history
21 points are assessed.

22 November 6, 1980, the defendant charged with armed
23 robbery in Flint, Michigan. June 1, 1981, found guilty,
24 sentenced to 15 to 25 years Michigan Department of Correction,
25 paroled in February 1995. Pursuant to 4A1.1(a), three criminal

1 history points are assessed.

2 April 1989, at age 25, possession of a weapon by a
3 prisoner in the Muskegon, Michigan. June 2, 1989, the
4 defendant pled guilty, received a sentence of one and a half to
5 five years at the Michigan Department of Correction, paroled in
6 February of 1995. Pursuant to 4A1.1(a), three criminal history
7 points are assessed.

8 March of 1998, age 33, Counts 1 and 2, murder;
9 Count 3, robbery, all felonies, Marion County, Indiana. On
10 April 17, 2001, the defendant was found guilty. May 30th,
11 2001, on Count 1 defendant received 273 years' imprisonment.
12 Count 2 is merged with Count 1. Count 3, eight years'
13 imprisonment concurrent to one another, but consecutive to any
14 other sentences. Pursuant to 4A1.1(a), three criminal history
15 points are assessed.

16 The total criminal history score is 12, placing him in
17 category V. No other criminal conduct, no pending charges, no
18 other arrests.

19 Background. The defendant was born in March of 1964
20 in Gary, Indiana. The parents divorced in 1972. According to
21 Defendant's mother and brother, the family's financial
22 situation was lower middle class. However, they advised there
23 was no unusual difficulties in the home and no significant
24 substance abuse.

25 The defendant has seven siblings. The defendant's

1 father worked in the steel mills, adequately provided for his
2 children. The defendant left the home at age 15. The
3 defendant died of cancer in 2017 -- or, excuse me, the
4 defendant's father died in 2000 -- it looks like Donald Jones
5 died in 2017.

6 He's fathered two children. One child, age 40,
7 resides in New York City, is employed. A daughter was born in
8 June of 1996, resides in Indianapolis. The defendant was
9 married in 1994, no children of that marriage, divorced in
10 2000. Currently in a relationship, and his significant other
11 visits him once or twice a month, and they enjoy a good
12 relationship.

13 Physical condition. The defendant advises Pretrial in
14 1995 he injured his back in an accident, received four epidural
15 blocks and numerous anti-inflammatory treatments. He filed a
16 lawsuit regarding an injury, settled that case for \$5,000. The
17 defendant currently suffers from high blood pressure and early
18 stages of kidney failure, takes medication for those
19 conditions.

20 Mental and emotional health. No documented history of
21 mental health treatments or problems.

22 Substance abuse. The defendant has been subjected to
23 random drug testing on 12 occasions. Between August of 2007
24 and May of 2014, all tests were negative. The defendant states
25 he does not drink, smoke, or use any illegal substances.

1 Education. The defendant completed his GED in the
2 Michigan Department of Corrections in 1982. He is taking
3 educational assignments, while at the Bureau of Prisons, for
4 tailor apprenticing, beginning leather, sports fitness, and
5 football.

6 In employment history, from 1980 until 1995 the
7 defendant was incarcerated. He has worked -- worked in the
8 prisons, in UNICOR. The defendant has no significant financial
9 assets or liabilities, does not appear he has the ability to
10 pay a fine, and no fine was imposed at the time of the original
11 sentencing.

12 Sentencing options. Under the statute, Counts 1
13 through 5 -- or, excuse me, 1 and 5, the maximum term of
14 imprisonment is 15 years per count. Count 3, the maximum term
15 of imprisonment is 25 years. Counts 2, 4, and 6, consecutive
16 terms of imprisonment of five years each must be imposed. And
17 such terms of imprisonment shall not run concurrently with each
18 other or any other term of imprisonment imposed in this
19 offense.

20 Guidelines. Based on a level 31, criminal history
21 category V, the range is 168 to 210 months. On Counts, 2, 4,
22 and 6, the guideline sentence is the respective terms of
23 imprisonment required by statute, which is 60 months on each
24 count. The effective guideline range is 348 to 390 months.

25 Supervised release. Counts 1, 2, 4, 5, and 6, not

1 more than three years; count 3, not more than five years,
2 guidelines. Counts 1, 2, 4, 5, and 6 is one to three years;
3 count 3, two to five years.

4 Probation. The defendant is ineligible for probation
5 under the statute and under the guidelines.

6 Paragraphs 92 and 93 recite the mandatory and proposed
7 conditions of supervision. And, Mr. Jones, have you been able
8 to read and discuss with your attorney the mandatory and
9 proposed conditions of supervision?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you have any objection to those
12 conditions?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: And, Ms. Ruellele or Ms. Cook, did you see
15 any of those conditions that would generate an objection or
16 cause any concern?

17 MS. COOK: No, Your Honor. We discussed it with
18 Mr. Jones.

19 THE COURT: All right.

20 MS. COOK: No objection.

21 THE COURT: All right. Fine.

22 Paragraph 94, fines under the statute, Counts 1
23 through 6, maximum fine is \$250,000. Guidelines is 20,000 to
24 \$200,000.

25 Restitution. There's been no identifiable loss

1 subject to restitution.

2 As I indicated earlier, the government did not file
3 objections, and the defendant's objections and corrections and
4 addictions have been addressed.

5 Mr. Jones, those are the findings of the Court based
6 on the information contained in the Presentence Investigation
7 Report. Do you have any questions, comments, or concerns
8 regarding the Court's findings based on that information
9 contained in the Presentence Report?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Mr. Jones, at this stage of the
12 proceeding, you have a right and an opportunity to make any
13 comment to the Court, if you wish, regarding the issue of the
14 appropriate sentence or, for that matter, anything you wish to
15 discuss. You can also present evidence in support of those
16 comments. And, of course, you can have your attorney speak on
17 your behalf, as well. And the government has that same right
18 and opportunity to make a comment regarding the appropriate
19 sentence, present evidence in support of those comments, and
20 witnesses, as well. Do you understand all this?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: All right. Ms. Cook, Ms. Ruummele, is
23 there any presentation here today regarding testimony?

24 MS. COOK: No testimony, Your Honor.

25 THE COURT: All right. Any comment?

1 MS. COOK: Yes. Would the Court like to hear from
2 Mr. Jones first?

3 THE COURT: If Mr. Jones wishes to make a statement,
4 he can make a statement.

5 MS. COOK: Thank you.

6 THE DEFENDANT: All right. First of all, again, I'd
7 like to apologize to anyone that I may have harmed. I would
8 like to apologize to Mr. Warden. And I've really been working
9 on myself these last over 25 years, not pointing a finger at
10 people, but pointing a finger at myself. I'm just trying to
11 better myself and the people around me. Other than that,
12 that's it, Your Honor.

13 THE COURT: All right. Thank you.

14 Mrs. Cook, on behalf of the defendant?

15 MS. COOK: Yes, Your Honor. Thank you. So I think,
16 as the Court will recognize from the memorandum that was filed,
17 we are asking the Court to enter a sentence that is within the
18 advisory range. And the strongest argument for that, I
19 believe, is the argument that Mr. Jones has really excelled in
20 the 25-plus years he has spent in the Bureau of Prisons, in
21 terms of his rehabilitation.

22 As the Court knows, the Supreme Court, in the *Pepper*
23 case back in 2011, held that when a defendant's sentence has
24 been set aside on appeal, as Mr. Jones' sentence has, that the
25 district court, on resentencing, may consider evidence of a

1 sentence of rehabilitation, and that post-sentence
2 rehabilitation, in appropriate cases, supports a downward
3 variance from the advisory guideline range. We're not seeking
4 a downward variance. We're seeking a sentence within the
5 range. Congress' express intent in Title 18, Section 3661, was
6 that no limitation will be placed on the evidence to be
7 considered at sentencing, and that would include evidence of
8 reasonable rehabilitation.

9 I would note that the Presentence Report indicates
10 that Mr. Jones was born in Gary, Indiana, in what was described
11 as a lower middle class family. He has six siblings. He can't
12 remember when his mom and family lived together or when his
13 father contributed to the support. His mother worked as a
14 housekeeper and a custodian, and the family lived in the
15 Delaney Projects, in a high-crime and dangerous neighborhood.

16 They struggled to keep the utilities on. When Jerry
17 was eight, the whole family moved to Flint, Michigan, to live
18 in a household with other relatives in order to save money.
19 Sometimes his mother could not keep the utilities on, and they
20 had to seek assistance with food banks. Jerry left home when
21 he was 15 years old.

22 And as the Court knows from the prior conduct portion
23 of the Presentence, between the ages of 16 and 33, Jerry was
24 involved in a number of different criminal activities. He
25 committed crimes and was incarcerated in the Department of

1 Michigan's adult facility when he was only 17 years old.

2 Well, as the Court knows, I would note that following
3 the committing of this offense, that the government is
4 incorrect in its memo when it says that the only thing that
5 stopped him from getting caught again was incorrect, because,
6 in fact, Mr. Jones self-surrendered to the FBI on September 8
7 of 1977, and that's reflected on page 2 of the Presentence.

8 We're not denigrating, in any way, the seriousness of
9 the offenses, but I do think that following Mr. Jones'
10 commitment to the Bureau of Prisons, and especially following
11 his commitment to the FCI in Terre Haute, he has demonstrated
12 an exceptional commitment to rehabilitation. Not only has he
13 served almost three decades in what was the former U.S.
14 penitentiary, but he has done so without a single disciplinary
15 write-up, without ever failing a drug screen, while working at
16 the same industrial job for more than 20 years.

17 We filed six, I believe, letters from Mr. Jones'
18 employers, supervisors, and co-workers, each of them voicing
19 the respect that they have for Mr. Jones. He doesn't drink,
20 doesn't smoke, doesn't use any illegal substances. He's
21 completed educational programs, including a 5,000-hour
22 tailoring apprenticeship, which is what qualified him for the
23 position he now holds in the UNICOR.

24 As the Court may well know, the Bureau of Prisons
25 employees are loathe to ever write letters of commendation for

1 inmates. However, we have filed letters from three
2 supervisors, who report that during his several decades of work
3 at UNICOR, Mr. Jones has been a great employee who has been
4 promoted to a lead position on the production line. The
5 general maintenance foreman who supervised Mr. Jones for much
6 of the past 20 years says he's been a model inmate the entire
7 time, a great employee, a great example to others, hard
8 working, helping staff, and always with a positive attitude.

9 Those sentiments were echoed by another UNICOR
10 supervisor, Mr. Skinner, who always says that Mr. Jones shows
11 up to work on time, works overtime, works holidays and weekends
12 whenever asked, and he says that he has seen a positive change
13 in Mr. Jones over the years, that tell him he, Mr. Jones, would
14 make a productive citizen in the outside world, and says, "I
15 can tell you, with confidence, that Mr. Jones would do the
16 right thing in society if he was given the chance."

17 Other letters that we submitted are from his
18 colleagues and coworkers, who echo those sentiments and talk
19 about how helpful Mr. Jones has been to them in their residence
20 in the penitentiary and their work at UNICOR. I won't go
21 through all of those other letters, because I understand the
22 constraints on our time, but I do want to -- I do want to
23 emphasize how unusual it is for someone to spend 27 years in
24 custody with no disciplinary write-ups, no positive drug
25 screens, and nothing but accolades from his supervisors and

1 colleagues within the industry.

2 As the Court knows, when the Seventh Circuit sent this
3 case back to the district court for resentencing, the Court did
4 so because of the substantial deviation from the guidelines and
5 its opinion that the district court did not sufficiently
6 justify the extent of that deviation from the guidelines.

7 The Appellate Court did not hold, as we know, that the
8 district court could not impose a 804-month sentence under the
9 circumstances, but emphasized the need to consider the extent
10 of the deviation from the advisory range and have a compelling
11 justification for that, and noting that the further the
12 sentence deviates from the guidelines, the more detailed the
13 district court's explanation must be.

14 And that opinion cites to a long line of Seventh
15 Circuit precedent holding the guideline deviations far less
16 than the 215 percent here are significant. The Court found
17 that the deviations require an especially compelling
18 justification, and I won't go through that list at sentencing,
19 but I think it's clear that the deviation in this case was
20 substantial in light of the rehabilitation that Mr. Jones has
21 shown. We think that there is no justification for a sentence
22 that would exceed the advisory guideline range, which accounts
23 for a very lengthy sentence itself.

24 We have no objection to the facts used to arrive at
25 that advisory range as set forth in the Presentence, but I

1 would note, just briefly, that there were no physical injuries
2 to any of the victims in this case. I'm not denigrating the
3 fact that there was psychological trauma. We appreciate that.
4 However, I would also note that Probation said that none of the
5 victims required counseling in this case.

6 And I think that the Court can also take into account
7 the fact that there's no restitution. The bank got all its
8 money back, the vehicles were returned without having been
9 damaged, and Mr. Jones self-surrendered following the offense.

10 We believe that a sentence within the advisory
11 guideline range is appropriate, yet reflects consideration for
12 the substantial rehabilitation that Mr. Jones has accomplished.
13 It reflects consideration of the many years that he has already
14 served without a disciplinary write-up, and we believe that no
15 deviation from that advisory range is warranted. Thank you.

16 THE COURT: Thank you, Mrs. Cook.

17 All right, Ms. Ruenmele and Mr. Jones, you can have a
18 seat.

19 Mr. Warden?

20 MR WARDEN: Your Honor, as the government advised the
21 courtroom deputy, two of the major victims in this case are
22 present today, Mr. and Mrs. Route. And I know the Court has
23 had the opportunity to review the record fully, but I spoke
24 with Ms. Route this morning, and her right as a victim is such
25 that she would like to briefly address the Court today.

1 THE COURT: Oh, absolutely.

2 MR WARDEN: Ms. Route? Miss.

3 THE COURT: Good morning.

4 MS. ROUTTE: Good morning.

5 THE COURT: Please state your name.

6 THE DEFENDANT: My name is Sherry Route.

7 THE COURT: Okay.

8 MS. ROUTTE: We live in Pendleton, Indiana, and have
9 been for over 50 years now.

10 And I have to say from the heart, this man does not
11 deserve to get -- ever get out of a federal prison. He done so
12 many things, and he knows what he did, over and over and over.
13 He come into my home and then done what he done, took my
14 husband away. He thought he was going to die. He finally got
15 back. He dropped him off in Indianapolis. He finally got
16 home, but I didn't recognize -- I didn't -- I was in shock.

17 This man -- everybody even told me then, do not -- why
18 are you still there? Well, I will not let Jerry Jones win. He
19 don't have that right to take my home from me. We worked there
20 for over 50 years. He needs -- I have to live with this every
21 day. My husband, my -- we live with this every day. You don't
22 get over such a trauma. That's what it was to us. And to our
23 daughter, she never -- she was 18. She never lived to get over
24 this. She couldn't even stay in her bedroom. She wouldn't
25 even come over -- back to her bedroom anymore. That was it.

1 I want him to stay in prison. That is what I'm
2 praying, because -- and she -- they said that there was no
3 need -- nobody had therapy. Well, I did, I had therapy. I
4 couldn't even get out of my house at 6:00 at night. I
5 couldn't -- if it was a little bit dark, I was right in that
6 house. I slept with my land phone in my bed. My husband was
7 working third shift, and I stayed there, and I had my nephew,
8 he's a deputy, to come and stay with me. And my children took
9 turns coming and staying with me, because I could not function.
10 I couldn't function. I couldn't even get out to go to the
11 store.

12 You caused it. And I don't care how many times you
13 say you're sorry. You are sorry, but saying it, no. It
14 doesn't matter.

15 What he's done to our family -- I just -- I did. I
16 was in therapy. I didn't advertise it. I didn't take medicine
17 or drugs to get me to sleep. I didn't sleep, I couldn't. And
18 then in the daytime, when my husband was home, I would lay on
19 the couch and take a little rest.

20 This man has done more than he even cares. He don't
21 care. He don't care what -- how many people he's hurt in his
22 life. I don't care if he is the number one prison -- number
23 one prisoner, no. He done it, and he deserves to stay there,
24 because like I told him years ago -- he said, "Oh, I don't know
25 who they are, I don't know who you are." I said, "Yes, you do."

1 You'll be right here in my head until I'm gone." That's
2 what -- saying he didn't know who we were. They was out
3 smoking dope and doing whatever. I don't care. They have
4 devastated me, my daughter, and she's gone now, and my entire
5 family.

6 Thank you.

7 THE COURT: Thank you.

8 MS. ROUTTE: Just please take it into consideration.
9 That's all I ask.

10 THE COURT: Thank you so much.

11 MS. ROUTTE: You're very welcome.

12 THE COURT: Mr. Warden?

13 MR WARDEN: Your Honor, let me begin by responding to
14 the defendant's memoranda, letters, argument today, and so
15 forth. Certainly it's commendable that Defendant Jones has
16 behaved well while he's been in prison, but it's not enough.
17 The reason people are put in prison, by definition of the
18 purpose that we have this in our criminal justice system, is
19 for reform, for rehabilitation, for penitence.

20 In fact, the facility where he's housed is a
21 penitentiary. You are expected to behave well when you're
22 serving a sentence. That's what's required of you. Many
23 inmates, of course, don't, but that's what you're supposed to
24 do. And there's benefits to him because of that, that have
25 been realized. He gets all his good time and so forth.

1 But that's not enough to overcome this, Your Honor,
2 because, as Mrs. Rutte just said, as Your Honor knows from all
3 the record before you, from our memo and those points, this
4 does not overcome the horror, the trauma of the eight victims
5 who testified in the trial of this case. When we contacted
6 them, I mean, God bless the Rottes for being willing to come
7 here. Most of them say, "I can't do this any more, I can't
8 talk about this, because it's still with me every single day of
9 my life."

10 To say there's no injury, in a technical sense, maybe
11 is true, but Mike Perkins, the UPS driver, you know, was
12 flex-cuffed and thrown at gunpoint in the back of his own UPS
13 truck, you know, on his wrists and on his ankles. And one of
14 the codefendants, as part of, you know, this ploy about being a
15 UPS driver and delivery, flex-cuffed the bank manager on her
16 ankles so she couldn't interfere with the perpetration of the
17 robbery.

18 Your Honor, I want to go next to -- and I'll try to do
19 this as briefly as I can. I know that we endeavored to present
20 our complete theory about this sentence in our memo, and so
21 I'll try to only highlight that which is critical for today's
22 purposes.

23 I looked back at the transcript of when I made the
24 argument for the government in May of 2018, the original
25 sentencing of Mr. Jones, and I said then, and it's certainly

1 coming back to me today very strongly, there's absolutely
2 nothing that I can say that can trump what the victims in this
3 case said. I know Your Honor didn't have the benefit of that
4 knowledge directly, like Judge McKinney did, but I know Your
5 Honor has read the transcripts and Your Honor has read our
6 memorandum.

7 But the point of that is that, you know, this is a
8 horrific -- the Seventh Circuit said this is a horrific crime,
9 and, you know, because of that, it's lived with these people
10 forever. And I want the Court to focus on that, you know, very
11 deeply.

12 Before we had all the divisions in my office that we
13 have now, I did a lot of bank robbery prosecutions, because
14 that was part of the general crimes unit then, but I want to
15 say to this Court, very clearly, that I've never had a bank
16 robbery case or known of one with my colleagues that was this
17 horrific in terms of what this man could do in one day. You
18 know, we prosecute bank robbers who commit multiple, multiple
19 robberies over a long period of time, but in one day this man
20 caused terror to at least eight victims, who've testified in
21 the trial; and then, of course, the potential victims on the
22 interstate, when he's the driver of the Toronado, when they're
23 driving that car southbound in the northbound lanes. Think of
24 all the people there who could have experienced that. So this
25 is, you know, for sure, Your Honor, a very horrific time, a

1 very horrific state of events.

2 Where we are today, Your Honor, is this, and I'll try
3 to do this as expeditiously as I can, but the Seventh Circuit,
4 in reversing and remanding this case, not only did they not say
5 that this sentence couldn't be imposed the same, in fact, they
6 said there are some critical factors that, if the Court has
7 analyzed those factors in a way that the Court believes support
8 this significant upward variance, then what is needed, you
9 know, isn't that this sentence can't be imposed. What's needed
10 is for the Court to state that analysis in more detail on the
11 record.

12 And we have tried to give Your Honor those facts in
13 our memorandum. Critical to that, and then I'm going to go
14 back and make some reference to directly what the Seventh
15 Circuit said, but critical to that, Judge, again, as we've
16 emphasized in our memorandum, this is a very unusual case in
17 terms of its horror, because of the manner in which this got
18 carried out. Most bank robbers, when they leave the bank, you
19 know, they're in a get-away car. Some get caught right away,
20 which is good for the citizens. Some get away, so to speak,
21 and maybe never get caught, or ultimately the evidence is
22 developed and they get charged.

23 But here the criminal conduct of Jerry Jones only got
24 worse after they left the bank. He drives the Toronado, the
25 state trooper tries to pull him over. He cuts over the

1 interstate, into the northbound lanes, driving south, then
2 across into a cornfield. It's September, the corn stalks are
3 still up. They pull the car into the cornfield, and Jones and
4 his codefendants run out the other side of the cornfield.

5 And guess what? They're in the yard of the Routtes.
6 Mr. and Mrs. Route are working outside, so they go in the
7 house and try to hide. And one of them, Anthony Bailey, hides
8 in Crystal Route's, the daughter's, closet. Crystal comes
9 home from high school, she goes into her bedroom, she's going
10 to change. She walks in, opens her door, and Anthony Bailey
11 has a gun in her face. She screams.

12 And then what happens? Jerry Jones, with Greg Jones,
13 runs back in and sticks firearms in their faces, in the
14 Routtes' faces. And then he ties up Mrs. Route, who just
15 addressed the Court; their daughter, Crystal, who can't address
16 the Court because she's not here, significantly from the trauma
17 of what happened here, and then ties the two women together and
18 says to them -- Jerry Jones says to their face directly,
19 pointing the gun at them, "If you call the police, we're going
20 to kill your husband."

21 Now, Sherry Route told me that she thought it was
22 eight -- her words were, and it's in the transcript, she said
23 she thought she waited eight hours because she was so scared,
24 but she said, of course, really, it was probably 15 minutes.
25 But they did call the police, and the police did come to their

1 house. And, in fact, they were there when Michael Route got
2 home.

3 But Michael had to drive Jerry Jones in the front of
4 his pickup truck, Greg Jones and Tony Bailey in the back, from
5 their house in the Pendleton area all the way to Indianapolis,
6 where Jerry told them to let them out. And the entire time,
7 Jerry Jones has a gun at the face of Michael Route. He's
8 driving 30-some miles down I-69 from their home, with a gun
9 pointed in his face every single minute. Now, tell me, Your
10 Honor, why that doesn't justify an upward variance of these
11 facts. This is not, in any way, a normal bank robbery event.

12 Again, I can't say anything better than Mrs. Route
13 can today. You can't make restitution for this. I mean, she
14 and her husband, and her daughter was haunted by this every
15 single day of their life, and they deserve to not have to face
16 that with Jerry Jones getting out of prison early.

17 Judge McKinney imposed a sentence of 840 months, which
18 is the statutory maximum in this case. Judge McKinney
19 regularly said, when I appeared in front of him many, many
20 times, that -- he said, "What I try to do is what sentence
21 would I impose if there were no guidelines?" And he decided
22 that this was an appropriate sentence, because it took that
23 much sentence to capture the purposes of sentencing which we've
24 outlined in 3553(a), and not exceed those purposes.

25 When Your Honor sentenced Mr. Jones to -- the first

1 time, the first resentencing, Your Honor gave the exact same
2 sentence for these reasons. He was a model prisoner then, but
3 that wasn't enough, certainly, to justify giving him any less
4 than the statutory maximum sentence that's been imposed here.

5 Let me look at the Seventh Circuit language, Your
6 Honor, because I think that's helpful to us. And to speak
7 directly to this, you know, if this Court determines, for
8 whatever reasons, that that sentence is not appropriate and
9 wants to impose a lower sentence, then, you know, that's within
10 the Court's possibility, but what the government wants to
11 continue to emphasize is the Seventh Circuit said this Court
12 could impose an 840-month sentence if it could justify the
13 reasons on the record.

14 On page 9 of the opinion, the Court, meaning Your
15 Honor, the Court accurately characterized Jones' offenses as
16 horrific crimes of violence and threatening individuals, but
17 the Court needed to specify the reasons why Jones is so
18 different from the vast majority of other defendants. Now, we
19 tried to outline that in what I just said. We tried to outline
20 that in our memorandum because of the ongoing repeated nature
21 of the horror that Mr. Jones created.

22 They didn't have to, you know, go in that house with
23 three armed men, you know, at an 18 -- one of them pointing a
24 gun inches away from an 18-year-old daughter. They didn't have
25 to grab them and tie them up and order Michael Route to drive

1 them to Indianapolis. They didn't have to do any of that.
2 This separates this case from, certainly, as we said, the
3 run-of-the-mill bank robbery.

4 Critically, Your Honor, and this is where the Seventh
5 Circuit helps us, I'm going to read from some portions there.
6 I know Your Honor has studied this, but they say, "In this
7 case, the critical fact that the guidelines did not entirely
8 account for was admittedly a serious one, the break-in to the
9 farmhouse. The district Court was free to conclude that that
10 action aggravated the offenses. However, it does not appear
11 that the district court made that determination."

12 So, Your Honor, the Seventh Circuit is giving us, Your
13 Honor specifically, guidance on how it can validate the
14 sentence it previously imposed and that we hope the Court will
15 impose today. Your Honor can find, from the record, that the
16 guidelines did not entirely account for, you know, their
17 burglary into the house, their, you know, using the house for
18 escape, their confinement of three people in that house. The
19 guidelines didn't capture that at all. And, hence, that's the
20 basis for the Court to find the guidelines range is not
21 sufficient with respect to the severity of this offense.

22 "Courts should" -- the Seventh Circuit, I was going to
23 say, "The courts should reserve the statutory maximum for
24 unusual cases." Then they say, "The record does not indicate
25 why any figure would be sufficient, but not greater than

1 necessary." So Your Honor needs to say that in the record.

2 Again, they give the guidance of a specific component
3 of the facts here that may validate this. "The guidelines may
4 well fail to account for the devastating effects Jones' crimes
5 had on his victims." You heard that very same thing today,
6 Judge, from Mrs. Route. She had to -- she had to suffer this
7 on those days, she had to suffer this at the trial in February
8 of 1998, she had to suffer this five years ago in front of you,
9 she had to suffer it today. And she came up to me and thanked
10 me and said, "You know, I really didn't want to have to come
11 and do this again, but I know that I have to."

12 The Court should state and clarify how it uses those
13 findings about the devastating effects on the victims to
14 calculate Jones' sentence. It's well within the district
15 court's discretion to determine whether the range is too
16 lenient, clearly. That said, it concludes as much -- if it
17 concludes as much, the Court must explain why its sentence
18 serves the consideration it cites. And then they quote an
19 earlier case, and there's the *Garcia* case.

20 Here's, again, Judge, what's critical. The Seventh
21 Circuit said that the district court erred procedurally by not
22 providing an adequate explanation. It never said, and the
23 government begs the Court to find again that the sentence of
24 840 months, substantially, is the appropriate sentence.

25 Now, there was -- they brought up an issue about the

1 Court, Your Honor, had made reference to some facts from one of
2 the previous convictions of the defendant that didn't happen
3 this day. They said the district court's misstatement at
4 sentencing about a gun being fired in their house, which, of
5 course, did not happen then, but it happened in two of the
6 earlier robberies that Jerry Jones did, that are mentioned in
7 our memorandum. So, you know, his threats are not hollow
8 threats. He has a history, and Your Honor has seen that, he
9 has a history of using firearms, not just by brandishing them,
10 but by firing them to intimidate people, as he did in the two
11 previous robberies that we referenced in our memo. And, of
12 course, it's in the Presentence Report.

13 And, Judge, another robbery that was -- led to a
14 conviction later, but it actually happened just a month before
15 this, Jerry Jones goes into a pawnshop in Lawrence, Indiana,
16 very close to where I live, and the owner/manager of the
17 pawnshop is dealing with Mr. Jones. And Jones, in complete
18 cold blood, takes the handgun and shoots the owner/manager of
19 the pawn shop for no reason whatsoever, and then he steals a
20 ring off of his hand.

21 And in a search warrant that I authorized in this
22 case -- the apartment where Jerry Jones and Greg Jones were
23 living, we had gotten the search warrant for some evidence
24 pertinent to this case. And then in the execution of the
25 search warrant, there was a Lawrence police officer who saw the

1 ring and was, based upon what he knew, was concerned that maybe
2 this would be some evidence about Jerry Jones being the
3 murderer of that victim.

4 And so they take the ring to the decedent victim's
5 family -- and it's a very unique ring, I've seen it -- and the
6 family says, "Yes, that's the ring he was wearing that day."
7 So this is the kind of man he is. You can't overcome this,
8 Judge, by being good when you're in prison. You're supposed to
9 be good in prison, but this is -- that doesn't come near enough
10 to overcoming the severity of this offense.

11 Mrs. Route focused on what was more important than
12 what I'm going to tell you next, but it was interesting,
13 because I looked at the transcript and I asked her this this
14 morning, I said, "Did Jerry Jones take a ring from you, too?"

15 And she said, "Yes."

16 I said, "Well, what's the story?" You know, I had to
17 have my memory refreshed.

18 And she said she was in their kitchen, doing dishes,
19 you know, before they had been confronted, and she had taken --
20 this was a brand new ring that Michael had just bought her.
21 And she took the ring off and -- or watch off and laid it down,
22 you know, on the counter, next to the sink, and he steals it.
23 This is the kind of man he is.

24 Your Honor, the government is willing, in any way
25 possible, to assist the Court further if the Court believes

1 that it's a valid sentence in this case to give the statutory
2 maximum. There is a detainer on the state murder conviction
3 for the defendant, but that's not a factor, in any way, to be a
4 basis to not give the statutory max here, because no one knows
5 what might happen with that state court conviction. And, in
6 fact, I was advised, through defense counsel, that Mr. Jones is
7 making efforts to have that conviction reversed.

8 The United States believes that 840 months, the
9 statutory max, is the only sentence that honors all the
10 purposes of the guidelines and recognizes the severity of this
11 offense that separates Jerry Jones from other robbers. If the
12 Court makes that finding and explains that in the record, with
13 the specific bases of the home invasion in this violent way,
14 and the way he -- that, you know, eight individuals in one day,
15 eight individuals were traumatized by Jerry Jones, and never
16 got over it. We ask that you impose the statutory max, Your
17 Honor. Thank you.

18 THE COURT: Thank you, Mr. Warden.

19 All right. The Court has reviewed the information
20 contained in the Presentence Investigation Report, has
21 consulted the advisory guidelines, heard comments from the
22 defendant, counsel for the defendant, counsel for the
23 government. Also, a victim statement was made, as well.

24 The Court now turns to 3553(a), the factors to be
25 considered in imposing a sentence. The Court shall impose a

1 sentence sufficient, but not greater than necessary to comply
2 with the purposes set forth in the code. The Court shall
3 consider the nature and circumstances of the offense, and the
4 history and characteristics of the defendant. The nature and
5 circumstances of the offense, of course, we've gone over this
6 several times, and also the Court has adopted the offense
7 conduct as outlined in the Presentence Report, and there being
8 no objection to that finding regarding the offense conduct from
9 either the government or the defendant.

10 But, in sum, the defendant was convicted of one count
11 of armed bank robbery, two counts of carjacking, three counts
12 of use of a firearm during a crime of violence. I don't think
13 anybody can disagree, the facts of this case are quite horrific
14 and appalling. The bank robbery in 1997, the abduction of the
15 UPS driver at gunpoint, hijacking his truck, restraining the
16 driver.

17 Going to the bank, creating havoc and horror in the
18 bank, the bank manager's ankles were tied together. The
19 defendant brandished his firearm, ordered everybody to the
20 floor. The thieves loaded up \$105,000 and sped off, leaving
21 the victim of the UPS -- the victim UPS driver handcuffed in
22 the back of the truck.

23 Police attempted to stop the get-away car. However,
24 the get-away car crossed the medium of I-69, into the
25 northbound lanes, before ending up in a ditch. They then fled

1 on foot. And, of course, we're very familiar now with what
2 happened to the Rutte family. The defendants hid in their
3 home. The 18-year-old daughter found Mr. Bailey in the closet,
4 screamed. Bailey pointed a gun at her face and then ordered
5 the family into the hallway. The family was then tied up. The
6 defendant then demanded the father to drive them to
7 Indianapolis by gunpoint.

8 Obviously, a very tragic and horrific lifelong horror
9 story to the family. And the defendant, obviously, was then
10 tried by a jury and convicted by a jury in front of Judge
11 McKinney.

12 Also, the Court needs to consider the background of
13 the defendant. He has multiple prior convictions for similar
14 armed conduct. While he was in the Michigan Department of
15 Corrections, he had several disciplinary issues. However, the
16 Court notes, as pointed out by defense counsel, that the
17 defendant has been incarcerated for approximately 30 years at
18 the Bureau of Prisons, and has no disciplinary record while he
19 was in the Bureau of Prisons.

20 The defendant, just prior to this offense, was
21 convicted of -- committed a murder and was convicted of that
22 and sentenced to 270 years at the Indiana Department of
23 Correction by the Marion Superior Court.

24 The need for the sentence imposed to reflect the
25 seriousness of the offense, promote respect for the law, and

1 provide just punishment for the offense. Of course, a
2 significant sentence here is appropriate regarding these
3 horrific acts of the defendant and his codefendants.

4 Afford adequate deterrence to criminal conduct. Any
5 sentence we impose on a criminal conviction, we hope, deters
6 defendants and others who are contemplating similar criminal
7 activity or committing similar criminal activities to think
8 twice. I don't think how much success we're having. The
9 numbers keep going up year after year.

10 Protect the public from further crimes of the
11 defendant. Of course, the Court gives great weight to this
12 factor in any case. The defendant is incarcerated, will be
13 incarcerated for many, many more years. And, of course, the
14 detainer of the state's sentence awaits the defendant. He
15 basically will spend the rest of his life either in federal
16 prison or state prison.

17 Provide the defendant needed educational, vocational
18 training, medical care, or other correctional treatment in the
19 most effective manner. The defendant does have a record of
20 taking advantage of programs offered by the Bureau of Prisons.
21 He has obtained his GED while he was in the Michigan Department
22 of Correction. And, apparently, according to the letters
23 submitted by the defendant in their sentencing memorandum, he's
24 done a good job and is a reliable employee of UNICOR at the
25 Bureau of Prisons.

1 Also, the Court needs to avoid unwarranted sentencing
2 disparities among defendants with similar records who have been
3 found guilty of similar conduct, so the Court has considered
4 3553(a) and is now ready to impose judgment of the sentence.

5 Ms. Ruemmele, would you and Mr. Jones please take the
6 lectern.

7 (Counsel and defendant approach the podium.)

8 THE COURT: Ms. Cook, Ms. Ruemmele, do you know of any
9 legal reason why the Court cannot impose judgment of sentence
10 at this time?

11 MS. COOK: No, Your Honor.

12 MS. RUEMMELE: No, Your Honor.

13 THE COURT: Mr. Warden?

14 MR WARDEN: No, Your Honor.

15 THE COURT: All right. The Court now orders judgment
16 of conviction on Count 1 and Count 5, carjacking, a violation
17 of 18 U.S. Code, Section 2119. The Court enters judgment of
18 conviction on Counts 2, 4, and 6, use of a firearm during a
19 crime of violence, a violation of 18 U.S. Code, Section
20 924(c) (1). The Court enters judgment of conviction on Count 3,
21 armed bank robbery, a violation of 18 U.S. Code, Section
22 2113(a) and (d).

23 To begin with, I don't do this very often out loud,
24 but I do respectfully disagree with the Seventh Circuit in part
25 of its opinion. According to the Seventh Circuit opinion, it

1 indicates the Court deviated upwardly 215 percent from the high
2 end of the guideline range. I don't believe this is accurate.

3 The flaw seems to be derived from the supposed
4 increase amount. The Court imposed a 450-month increase,
5 which, in fact, amounts to a 115 percent increase from the high
6 end of the guideline range. The Court of Appeals erroneously
7 considered an 840-month increase, which would have been the
8 215 percent increase to which they referred.

9 Just, as I indicated, I wanted to point that out in
10 case this case ever comes back in front of the Seventh Circuit.
11 As I said, I don't normally, out loud, disagree with them.
12 Maybe many times I unloud disagree with them, but this is a
13 point I thought needed to be part of the record in any event.

14 I've been sentencing individuals on criminal
15 convictions for 35 years now, and I've seen and heard just
16 about everything that anybody could imagine going on, death
17 penalty cases, robbery cases, murder cases. The facts of this
18 case are right up there at the top of the horrific cases I've
19 heard over the years.

20 People ask me many times what kind of cases happen in
21 Indiana, and I say, "Anything that happens in New York City or
22 Los Angeles happens in Indiana, Evansville, Terre Haute, New
23 Albany, Indianapolis, except on a smaller scale." We've all
24 heard of cases in New York and Los Angeles, horrific crimes,
25 murders, all kinds of very serious offenses. They happen here,

1 too. And, of course, that's what we have here, a very horrific
2 crime.

3 And, of course, you have to wonder, do the guidelines
4 actually cover all aspects of the criminal activity here? And
5 as the circuit pointed out, the guidelines really don't
6 entirely account for the break-in of the farmhouse. As
7 Mr. Warden indicated and the opinion indicates, the district
8 court was free to conclude that action aggravated the offenses,
9 and the Court does so conclude that.

10 So considering what we've heard here today, what all
11 of our understanding is of the facts of this case, and the
12 defendant's personal history, and the 3553(a) factors, the
13 Court now is ready to impose a sentence.

14 And the Court takes into account, in determining the
15 appropriate sentence here, the defendant has -- and I can't
16 ignore this. The defendant has been incarcerated for almost 30
17 years, has no disciplinary history, has sought to rehabilitate
18 himself. And, of course, that's part of sentencing.
19 Obviously, punishment, but also for the defendant to
20 rehabilitate themselves, because in most instances defendants
21 are eventually going to come back out into the community. I
22 doubt that's going to happen here, but the goal of sentencing,
23 not only is punishment, payment of debt to society, but
24 rehabilitation and preparation for the defendant's reentry into
25 the community.

1 So the Court also certainly considers the victims'
2 statements here, and I've heard that -- those statements twice
3 now. And I have deep concern and deep sympathy for what the
4 family went through as a result of Mr. Jones and his cohorts
5 here.

6 So pursuant to the Sentencing Reform Act of 1984, it
7 is the judgment of the Court that the defendant, Jerry Jerome
8 Jones, is hereby committed to the custody of the Bureau of
9 Prisons, to be imprisoned for a term of 180 months on Counts 1
10 and 5, to run concurrently; 300 months on Count 3, to run
11 consecutively to Counts 1 and 5; and a term of 60 months on
12 each of Counts 2, 4, and 6, to run consecutively to each other
13 and to all other terms of imprisonment imposed for this
14 offense, for a total term of imprisonment of 660 months.

15 The Court finds that this sentence is sufficient, but
16 not greater than necessary, to achieve the statutory goals of
17 sentencing, which I just mentioned. Also, it protects the
18 public from further crimes of the defendant and will promote
19 respect for the law.

20 The Court finds the defendant does not have the
21 ability to pay a fine and waives the fine in this case. The
22 Court notes that the fine -- Judge McKinney did not impose a
23 fine.

24 Supervised release is not required by statute.
25 However, the Court is imposing a term of three years on each of

1 Counts 1, 2, 4, 5, and 6, and a term of five years on Count 3,
2 all to be served concurrently.

3 Based on the nature of the offense, personal history
4 and characteristics of the defendant, the need to protect the
5 public, as well as to assist the defendant's reentry into the
6 community, those are standard terms made in sentencing. As I
7 indicated, the Court is fairly confident, as a matter of fact
8 highly confident, that the defendant will not be reentering in
9 our community.

10 While on supervised release, the defendant shall not
11 commit another federal, state, or local crime; shall cooperate
12 with the collection of a DNA sample; shall refrain from any
13 unlawful use of a controlled substance; and shall submit to one
14 drug test within 15 days of placement on supervised release and
15 two periodic tests thereafter as directed by the probation
16 officer.

17 To promote respect for the law, prevent recidivism,
18 and aid in the adequate supervision, the defendant shall also
19 comply with the following conditions of supervision as
20 referenced in the Presentence Report.

21 And, Mr. Jones, you recall, when we reviewed your
22 information -- the information in your Presentence Report, I
23 asked you if you've been able to read and discuss with your
24 attorney the mandatory and proposed conditions of supervision?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You indicated you've done so?

2 THE DEFENDANT: Yes.

3 THE COURT: And you had no objection?

4 THE DEFENDANT: No objections.

5 THE COURT: I can read those conditions to you, or you
6 can waive my reading of those to you.

7 THE DEFENDANT: I'll waive it.

8 THE COURT: All right. You discussed them with your
9 attorney?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. I further order the defendant
12 to pay a mandatory special assessment fee of \$100 per count for
13 a total of \$600, due immediately, payment made directly to the
14 clerk of the United States District Court.

15 Mr. Jones, that is your sentence. Do you have any
16 questions about anything?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: You have a right to appeal the sentence,
19 the conviction and sentence, in this case; do you understand
20 that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: If you wish to appeal, you must file a
23 notice of appeal with the clerk of court within 14 days of
24 entry of judgment and conviction in this case; do you
25 understand this?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. You discussed that with your
3 attorney. And you're currently housed at Terre Haute?

4 THE DEFENDANT: Yes.

5 THE COURT: The Court will recommend to the Bureau of
6 Prisons the defendant continue his incarceration at the Terre
7 Haute penitentiary.

8 Anything else today, Mrs. Cook?

9 MS. COOK: No, Your Honor. Thank you.

10 THE COURT: Ms. Ruummele?

11 MS. RUEMMELE: No, Your Honor. Thank you.

12 THE COURT: Mr. Warden?

13 MR WARDEN: Just a minute, Judge.

14 (Off the record.)

15 MR WARDEN: No, Your Honor. Thank you.

16 THE COURT: All right, thank you. We'll show him
17 remanded to the custody of the marshal. Thank you.

18 COURTROOM DEPUTY: All rise.

19 (Proceedings adjourned at 10:54.)
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CERTIFICATE OF COURT REPORTER

I, David W. Moxley, hereby certify that the foregoing is a true and correct transcript from reported proceedings in the above-entitled matter.

/S/ David W. Moxley February 24, 2025
DAVID W. MOXLEY, RMR/CRR/CMRS
Official Court Reporter
Southern District of Indiana
Indianapolis Division