

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OF AMERICA

ADREOINNA LATORIA HICKMAN
Petitioner-Defendant

v.

UNITED STATES OF AMERICA
Respondent

On Petition for Writ of Certiorari from the
United States Court of Appeals for the Fifth Circuit.
Fifth Circuit Case No. 25-60661

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

A. The overarching issue.

Whether the Fifth Circuit erred by dismissing Ms. Hickman’s appeal based on the waiver of appeal provisions in her Plea Agreement.

B. The basis for relief from this Court.

After the United States Court of Appeals for Fifth Circuit dismissed Ms. Hickman’s appeal, this Court rendered its decision in *Hunter v. United States*, 608 U.S. ____, 2026 WL 1751815 (June 18, 2026). *Hunter* establishes that a defendant/appellant can challenge the enforceability of a waiver of appeal provision “when it would result in a miscarriage of justice[.]” *Id.* at 4. That holding is contrary to prior Fifth Circuit precedent. Therefore, we ask this Court to grant this Petition, vacate Ms. Hickman’s sentence, and remand the case to the Fifth Circuit to decide whether enforcing the instant waiver of appeal provision would result in a miscarriage of justice.

PARTIES TO THE PROCEEDING

The parties to this Petition are:

ADREOINNA LATORIA HICKMAN, Petitioner-Defendant

and

UNITED STATES OF AMERICA, Respondent

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I. OPINIONS BELOW

A Federal Grand Jury for the Southern District of Mississippi indicted Ms. Hickman for one count of producing child pornography by a parent, in violation of 18 U.S.C. § 2251(b). The Grand Jury returned the Indictment on January 24, 2025.

Ms. Hickman accepted full responsibility for her actions by pleading guilty to the single-count Indictment. The plea was under a Plea Agreement that contained a waiver of appeal provision. The district court conducted the plea hearing on June 27, 2025, and the sentencing hearing followed on November 1, 2025.

The district court sentenced Ms. Hickman to serve 285 months in prison, followed by a five-year term of supervised release. It also ordered her to pay a \$3,000 assessment under the Amy, Vicky, and Andy Child Pornography Assistance Act. The court entered a Judgment reflecting its sentence on November 24, 2025. The Judgment is attached hereto as Appendix 1.

Ms. Hickman filed a timely Notice of Appeal to the United States Court of Appeals for the Fifth Circuit on December 1, 2025. The defense planned to challenge the 285-month sentence as unreasonably long. However, before Ms. Hickman filed a substantive brief on the sentencing issue, the prosecution filed a Motion to Enforce Appeal Waiver. Through that Motion, the prosecution argued that the appeal should be dismissed based on the waiver of appeal provision in the

subject Plea Agreement. The prosecutor filed the Motion to Dismiss on February 18, 2026, and the Fifth Circuit granted the Motion via a two-page Order filed on April 2, 2026. The Fifth Circuit's Order is attached hereto as Appendix 2.

II. JURISDICTIONAL STATEMENT

The United States Court of Appeals for the Fifth Circuit filed its Order dismissing Ms. Hickman's appeal on April 2, 2026. This Petition for Writ of Certiorari is filed within 90 days after entry of the Fifth Circuit's Order, as required by Rule 13.1 of the Supreme Court Rules. This Court has jurisdiction over the case under 28 U.S.C. § 1254(1).

III. CONSTITUTIONAL PROVISION INVOLVED

“No person shall be ... deprived of life, liberty, or property, without due process of law[.]” U.S. Const. amend. V, Due Process Clause.

IV. STATEMENT OF THE CASE

A. Basis for federal jurisdiction in the court of first instance.

This case arises out of a criminal conviction entered against Ms. Hickman for production of child pornography, in violation of 18 U.S.C. § 2251(b). The court of first instance, which was the United States District Court for the Southern District of Mississippi, had jurisdiction over the case under 18 U.S.C. § 3231 because the criminal charge levied against Ms. Hickman arose from the laws of the United States of America.

B. Statement of material facts.

As stated above, Ms. Hickman accepted responsibility for her actions by pleading guilty to producing child pornography. The statutory sentence range for this crime was 15 to 30 years in prison. The court sentenced her to a 285 month prison term.

C. The Plea Agreement and the waiver of appeal provision.

Ms. Hickman's guilty plea was pursuant to a Plea Agreement entered by the parties. The Plea Agreement contains a waiver of appeal provision that states in relevant part:

Defendant, knowing and understanding all of the matters aforesaid, including the maximum possible penalty that could be imposed, and being advised of Defendant's rights ... [including his right] to appeal the conviction and sentence ... hereby expressly waives ... the right to appeal the conviction and sentence imposed in this case, or the manner in which that

sentence was imposed, on the grounds set forth in Title 18, United States Code, Section 3742, or on any ground whatsoever....

Based on this provision, the prosecution filed a Motion to Enforce Appeal Waiver. The Fifth Circuit granted the Motion, and this Petition for Writ of Certiorari followed.

V. ARGUMENT:

The Court should grant this Petition, vacate Ms. Hickman’s sentence, and remand the case to the Fifth Circuit to consider whether enforcing the subject waiver of appeal provision results in a miscarriage of justice.

The Fifth Circuit never reached the merits of Ms. Hickman’s appeal. Instead, it dismissed the appeal, ruling that all sentencing-related arguments are barred by the waiver of appeal provision in the Plea Agreement.

Prior to this Court’s decision in *Hunter*, an appellant in the Fifth Circuit had only two avenues to circumvent a waiver of appeal provision. First, the appellant must show that the waiver itself was tainted by was ineffective assistance of counsel. *Hunter*, 2026 WL 1751815 at *5. Second, the appellant must show that his/her sentence exceeded the statutory maximum penalty for the crime of conviction. *Id.* Absence meeting one or the other of these conditions, appeal waivers in the Fifth Circuit were enforceable, no matter what.

Hunter, a case that come to this Court from the Fifth Circuit, is a game changer regarding enforcing appeal waivers. The Fifth Circuit and all other appellate courts must now “adopt the ‘miscarriage of justice’ approach” when deciding whether an appeal waiver should be enforced. *Hunter*, 2026 WL 1751815 at *5.

In Ms. Hickman’s case, the Fifth Circuit never addressed whether enforcing the waiver of appeal provision results in a miscarriage of justice. Because this

Court is “a court of review, not of first review[,]” it is “now up to the Fifth Circuit to decide whether enforcing [Ms. Hickman’s] appeal waiver would result in a miscarriage of justice.” *See Hunter*, 2026 WL 1751815 at *9. Therefore, we ask this Court to grant certiorari, vacate Ms. Hickman’s sentence, and remand the case to the Fifth Circuit to analyze the waiver of appeal issue under the miscarriage of justice test established in *Hunter*.

VI. CONCLUSION

The Fifth Circuit's decision was in accordance with circuit court precedent *at that time*. But this Court's subsequent decision in *Hunter* altered the law pertaining to enforcing waiver of appeal provisions. Therefore, the case should be remanded to the Fifth Circuit with instructions to review the issue under the miscarriage of justice standard established in *Hunter*.

Submitted July 7, 2026, by:

s/ Princess Abby

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