APPENDIX

APPENDIX INDEX

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
May 1, 2026
Lyle W. Cayce
Clerk

No. 25-30187

United States of America,

Plaintiff—Appellee,

versus

Kenric W. Young,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:21-CR-19-1

Before Elrod, *Chief Judge*, and Ho and Ramirez, *Circuit Judges*.

Per Curiam:[*]

Kenric W. Young conditionally pleaded guilty to federal drug and firearm offenses. He now argues the district court erred on two grounds. First, Young says the district court erroneously found law enforcement had reasonable suspicion to search him for weapons during a traffic stop. Second, he contends that the district court misclassified him as a career offender

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

during sentencing, arguing one of his prior state convictions is not a predicate offense under the Sentencing Guidelines.

Young concedes he did not preserve these objections below, so we review them for plain error. Finding no clear or obvious error, we affirm.

I.

During a night-time patrol of a high-crime area, officers with the Shreveport Police Department initiated a traffic stop after observing a driver, later identified as Kenric W. Young, make a left turn without using a signal. One officer activated his vehicle's emergency lights and sirens, but Young did not stop. Despite sufficient space on the roadway to pull over safely, Young instead proceeded for roughly thirty-nine seconds until he parked in driveway of a residence. Young then immediately exited his vehicle without being directed to do so, raised his hands, and tossed his phone on top of his car.

After noticing a large bulge in the front pocket of Young's sweatshirt, officers performed a pat-down search to check for weapons. The bulge turned out to be two bags of marijuana and over $5,000 in cash. Officers discovered additional bags of marijuana near Young's car. And following the issuance of a warrant, a search of Young's residence further uncovered over a kilogram of methamphetamine, more than half a kilogram of marijuana, and a stolen firearm.

Young later conditionally pleaded guilty to possession with intent to distribute methamphetamine, *see* 21 U.S.C. § 841(a)(1), and possession of a firearm in furtherance of a drug trafficking crime, *see* 18 U.S.C. § 924(c)(1). Because of Young's two Louisiana convictions for controlled substance offenses, the district court applied a career offender sentencing enhancement and sentenced him to 322 months of imprisonment.

A.

Young first challenges the district court's denial of his motion to suppress evidence from the pat-down search. While he concedes that the initial traffic stop was valid, Young objects that the subsequent pat-down search of his person was invalid because officers did not have reasonable suspicion to believe that he was armed and dangerous.

His unpreserved suppression argument is reviewed only for plain error. *See United States v. Keller*, 123 F.4th 264, 267 (5th Cir. 2024). And where, as here, "a district court's denial of a suppression motion is based on live oral testimony, the clearly erroneous standard is particularly strong because the judge had the opportunity to observe the demeanor of the witnesses." *United States v. Gibbs*, 421 F.3d 352, 357 (5th Cir. 2005).

During a traffic stop, officers may "perform a 'patdown' of a driver and any passengers upon reasonable suspicion that they may be armed and dangerous." *Knowles v. Iowa*, 525 U.S. 113, 118 (1998) (citing *Terry v. Ohio*, 392 U.S. 1 (1968)). "Reasonable suspicion is a low threshold." *United States v. Castillo*, 804 F.3d 361, 367 (5th Cir. 2015). It "depends on the factual and practical considerations of everyday life on which *reasonable and prudent men*, not legal technicians, act." *District of Columbia v. R.W.*, 146 S. Ct. 1069, 1071 (2026) (citations omitted).

And for good reason—routine traffic stops can pose great danger to officers. What begins as a stop for a minor traffic infraction can easily take a deadly turn. *See, e.g.*, *Michigan v. Long*, 463 U.S. 1032, 1047 (1983) ("[I]nvestigative detentions involving suspects in vehicles are especially fraught with danger to police officers."). So officers "need not be certain that an individual is armed; the issue is whether a reasonably prudent man could believe, based on specific and articulable facts, that his safety or that of others is in danger." *United States v. Michelletti*, 13 F.3d 838, 840 (5th Cir. 1994) (en banc).

Here, there was sufficient evidence for a reasonable officer to believe that Young was armed and dangerous. After all, even "observations capable of innocent explanation may, in the aggregate, amount to reasonable suspicion." *United States v. Thomas*, 997 F.3d 603, 610 (5th Cir. 2021) (citing *United States v. Arvizu*, 534 U.S. 266, 277–78 (2002)).

The officers encountered Young in an unknown driveway of a high-crime area, after he initially failed to stop. *See Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (holding "the fact that the stop occurred in a 'high crime area' [is] among the relevant contextual considerations in a *Terry* analysis"). Considering that "weapons and violence abound" in high-crime areas, officers were justified in being "particularly cautious in approaching and questioning [Young]." *United States v. Rideau*, 969 F.2d 1572, 1575 (5th Cir. 1992).

Further, officers were reasonably alarmed when Young exited his vehicle without being directed to do so. These dangers were justifiably perceived as heightened by the presence of a passenger in Young's car. *See Maryland v. Wilson*, 519 U.S. 408, 413 (1997) ("[T]he fact that there is more than one occupant of the vehicle increases the possible sources of harm to the officer.").

Despite these factors, Young protests that his sweatshirt pocket bulge was insufficient to create reasonable suspicion. Unlike a bulge in a more "unusual" spot like a waistband, he says, "[p]ockets are meant to be used to carry items," so his sweatshirt bulge was too "common" of an occurrence to justify a search.

But the officers' basis for searching Young was reasonable, based on "commonsense judgments and inferences about human behavior."

Wardlow, 528 U.S. at 124. True, people often keep everyday items in their pockets. But pockets can also hold weapons. Considering the broader context of the stop, the officers reasonably believed Young was armed and dangerous. Because the officers had reasonable suspicion to conduct the pat-down search, Young has not demonstrated clear or obvious error.

B.

Young also argues for the first time on appeal that the district court erred by classifying him as a career offender during sentencing. We again review for plain error.

The career offender sentencing enhancement applies where the defendant "has at least two prior felony convictions of . . . a controlled substance offense." U.S.S.G. § 4B1.1(a). To determine whether these conditions are met, we apply the categorical approach, comparing the elements of the state conviction to those of the generic crime under the Guidelines. *See Mathis v. United States*, 579 U.S. 500, 504 (2016). If the prior "crime of conviction criminalizes a 'greater swath of conduct' than the elements of the relevant Guidelines offense," it cannot be a predicate offense for the career offender classification. *See United States v. Minor*, 121 F.4th 1085, 1089 (5th Cir. 2024) (citations omitted). And because the Guidelines leave the term "controlled substance" undefined, we rely on the Controlled Substances Act's definition that was "in effect at the time of sentencing for the instant offense." *Id.*

Young concedes he has two state convictions for cocaine distribution offenses. *See* LA. REV. STAT. § 40:967(A)(1). But he contends that one of those convictions cannot serve as a predicate offense because Louisiana's definition of cocaine at the time of his conviction was broader than the Controlled Substances Act's definition. He argues that, unlike the relevant generic provision, Louisiana's definition of cocaine included Ioflupane, a "radioactive cocaine derivative" used in medical diagnostics to test for neurological disorders like Parkinson's disease. *See Brown v. United States*, 602 U.S. 101, 108 (2024).

Even if he could establish the statute is overbroad, Young still fails to establish plain error. He "cannot simply rest on plausible interpretations of statutory text made in a vacuum. He must also show 'a realistic probability, not a theoretical possibility, that the State would apply its statute to conduct that falls outside the generic definition of the crime.'" *United States v. Castillo-Rivera*, 853 F.3d 218, 222 (5th Cir. 2017) (en banc) (citation omitted). But Young cannot point to any case where Louisiana applied the statute in the manner he suggests. Thus, "any error is not clear or obvious because [Young] has not shown a realistic probability that Louisiana would prosecute someone for distributing Ioflupane or established that he is not required to make that showing." *United States v. Gladney*, 2026 WL 64281, at *1 (5th Cir. Jan. 8, 2026).[1]

Accordingly, the district court's judgment is affirmed.

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[1] District courts have disagreed as to whether *Castillo-Rivera* survived the Supreme Court's holding in *United States v. Taylor*, 596 U.S. 845 (2022). *See, e.g.*, *United States v. Williams*, 2026 WL 294953, at *3 (E.D. La. Feb. 4, 2026) (same). But Young does not argue here that *Taylor* abrogated *Castillo-Rivera*. Even if he had, the thoughtful disagreement among district courts demonstrates that any error would not be clear or obvious. *See also United States v. Kerstetter*, 2025 WL 1079071, at *4 (5th Cir. Apr. 10, 2025) (limiting *Taylor*'s holding to cases in which the court compares two federal statutes and rejecting its application in cases involving a state statute); *United States v. Augillard*, 2026 WL 1135452, at *4 (5th Cir. Apr. 27, 2026) ("[W]e conclude today that neither *Taylor* nor *Brown* abrogated *Castillo-Rivera*.").

AO 245B (Rev. 09/19 - WDLA) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

Western District of Louisiana

Shreveport Division

UNITED STATES OF AMERICA
v.

KENRIC W YOUNG

JUDGMENT IN A CRIMINAL CASE

Case Number: 5:21-CR-00019-1

USM Number: 84276-510

J Ransdell Keene
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 and 3 of the Indictment

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

☐ was found guilty on count(s) ____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21:841(a)(1) & (b)(1)(A)(viii)	Possession With Intent To Distribute Methamphetamine	01/09/2021	1
18:924(c)(1)	Possession Of A Firearm In Furtherance Of Drug Trafficking	01/09/2021	3

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) ____

☒ Count(s) 2 and 4 ☐ is ☒ are dismissed on the motion of the United States.

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

March 26, 2025
Date of Imposition of Judgment

Donald E Walter
Signature of Judge

DONALD E. WALTER, United States District Judge
Name of Judge Title of Judge

March 27, 2025
Date

DEFENDANT: KENRIC W YOUNG
CASE NUMBER: 5:21-CR-00019-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 262 month(s) as to count 1; 60 month(s) as to count 3 terms to run consecutive. The defendant has been held in federal custody since the Initial Appearance on November 6, 2023. The Court notes undischarged sentences that do not represent relevant conduct under the First Judicial District Court for Caddo Parish, Louisiana, docket number 369,867. Pursuant to U.S.S.G. §5G1.3(d) and 18 U.S.C. §3584, it is the Order of the Court that this sentence shall run consecutively to any state sentence imposed in docket number 369,867. Pending charges under docket number 380,576 do represent relevant conduct. Pursuant to U.S.S.G. §5G1.3(c), it is the Order of the Court that this sentence shall run concurrently with any state sentence imposed in docket number 380,576 from the First Judicial District Court for Caddo Parish in Shreveport, Louisiana. Should the defendant be entitled to credit for any of the time the defendant has already spent in custody, the Federal Bureau of Prisons will make that determination.

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

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

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

- ☐ at ______________ ☐ a.m. ☐ p.m. on ______________________ .
- ☐ as notified by the United States Marshal.

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

- ☐ before 2 p.m. on ____________________________
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

____

____

____

Defendant delivered on ______________________ to ______________________

at ______________________ , with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ______________________________
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KENRIC W YOUNG
CASE NUMBER: 5:21-CR-00019-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of : five (5) years as to each of counts 1 and 3, to run concurrent.

MANDATORY CONDITIONS (MC)

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
5. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
6. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
7. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
8. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
9. ☐ The passport restriction imposed at the time of initial release is hereby suspended, and defendant's passport is ordered released to defendant's attorney. *(check if applicable)*
10. ☐ The passport restriction imposed at the time of initial release is continued, and defendant's passport is ordered transferred to the U. S. Department of State. *(check if applicable)*
11. You must comply with the standard conditions that have been adopted by this court as well as any other conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION (SC)

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

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

U. S. Probation Office Use Only

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

Defendant's Signature ______________________ Date ______________

DEFENDANT: KENRIC W YOUNG
CASE NUMBER: 5:21-CR-00019-1

SPECIAL CONDITIONS OF SUPERVISION (SP)

1. Because the presentence report and/or other reliable sentencing information indicates a high risk of future substance abuse, the defendant shall participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The defendant shall submit to drug testing as directed by the treatment facility and probation officer during the term of supervision. The defendant shall contribute to the cost of the treatment program if financially able.

DEFENDANT: KENRIC W YOUNG
CASE NUMBER: 5:21-CR-00019-1

CRIMINAL MONETARY PENALTIES

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

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$200.00	$.00	$.00	$.00	$.00

☐ The determination of restitution is deferred until ________. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

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

☐ Restitution amount ordered pursuant to plea agreement $ ________________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and/or penalties and it is ordered that:

☐ the interest and/or ☐ penalty requirement is waived for the ☐ fine ☐ restitution.

☐ the interest and/or ☐ penalty requirement for the ☐ fine ☐ restitution is modified as follows:

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

DEFENDANT: KENRIC W YOUNG
CASE NUMBER: 5:21-CR-00019-1

SCHEDULE OF PAYMENTS

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

A ☒ Lump sum payment of $ 200.00 due immediately, balance due

☐ not later than __________, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal ______ *(e.g., weekly, monthly, quarterly)* installments of $ ______ over a period of ______ *(e.g., months or years)*, to commence ______ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal ______ *(e.g., weekly, monthly, quarterly)* installments of $ ______ over a period of ______ *(e.g., months or years)*, to commence ______ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within ______ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☐ Special instructions regarding the payment of criminal monetary penalties:

The Court orders that any federal income tax refund payable to the defendant from the Internal Revenue Service will be turned over to the Clerk of Court and applied toward any outstanding balance with regard to the outstanding financial obligations ordered by the Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, or, unless ordered otherwise, criminal debt payments may be made online at www.lawd.uscourts.gov/fees.

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

☐ Joint and Several

☐Defendant and Co-Defendant Names and Case Numbers *(including defendant number)*, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐The Court gives notice this case involves other defendants who may be held jointly and several liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
$5,568.00 in U.S. Currency; .40 caliber Glock pistol, Model 23

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