

No. _____

In the
Supreme Court of the United States

Jamie Hackney,

Petitioner,

v.

United States of America,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the Fifth Circuit should reconsider this appeal in light of *Hunter v. United States*, 146 S. Ct. 1702 (2026).

PARTIES TO THE PROCEEDING

Petitioner is Jamie Hackney, who was the Defendant-Appellant in the court below. Respondent, the United States of America, was the Plaintiff-Appellee in the court below.

RELATED PROCEEDINGS

- *United States v. Hackney*, No. 4:25-cr-00017-O, U.S. District Court for the Northern District of Texas. Judgment entered on May 30, 2025.
- *United States v. Hackney*, No. 25-10690, U.S. Court of Appeals for the Fifth Circuit. Judgment entered on May 26, 2026.

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(5th Cir. May 26, 2026) Pet. App’x a001–005

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United States v. Hackney, No. 4:25-cr-00017-O

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PETITION FOR A WRIT OF CERTIORARI

Jamie Hackney seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The Fifth Circuit’s published opinion is available at *United States v. Hackney*, 176 F.4th 852 (5th Cir. 2026) and is reprinted in Appendix A. The district court’s judgment and sentence in *United States v. Hackney*, No. 4:25-cr-00017-O (N.D. Tex. May 30, 2025), is reprinted in Appendix B.

JURISDICTION

The Fifth Circuit entered its opinion and judgment on May 26, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1) and Supreme Court Rule 13.3.

PROVISIONS INVOLVED

18 U.S.C. § 3583(d), in pertinent part:

(d)...The court may order, as a further condition of supervised release, to the extent that such condition—

(1) is reasonably related to the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), and (a)(2)(D);

(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553(a)(2)(B), (a)(2)(C), and (a)(2)(D); and

(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563(b) and any other condition it considers to be appropriate

STATEMENT OF THE CASE

I. Proceedings in District Court

Petitioner Jamie Hackney pleaded guilty to two counts: production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e); and transportation of child pornography, in violation of 18 U.S.C. § 2252A(a)(1) and (b)(1). ROA.26-28, 139. In a plea agreement, Hackney also waived his rights “to appeal the . . . sentence” but reserved the right to “a direct appeal of [] a sentence exceeding the statutory maximum punishment[.]” ROA.185.

In the Presentence Investigation Report (PSR), the Probation Office calculated an imprisonment guideline range of 360–600 months. ROA.200-02, 204-05, 213. Probation also reported a supervised release guideline range of five years to life. ROA.214. During the term, Probation recommended mandatory conditions, standard conditions, and fourteen special conditions. ROA.216-18. The recommended special conditions included:

The defendant shall have no contact with minors under the age of 18, including by correspondence, telephone, internet, electronic communication, or communication through third parties.

The defendant shall provide to the probation officer complete access to all business and personal financial information.

ROA.217-18. Probation recommended these special conditions “due to the nature of the instant offense.” ROA.219. Hackney filed no legal objections. ROA.220-22.

At sentencing, the district court adopted the PSR and its guideline calculations. ROA.164. The district court sentenced Hackney to 600 months imprisonment.

ROA.169-70. It also imposed concurrent fifteen-year terms of supervised release on both counts. ROA.170. “While on release,” the court ordered Hackney to “comply with the terms of supervision...as outlined in...the presentence report.”

The court’s written judgment reflects Hackney’s 50-year prison sentence, 15-year terms of supervised release, and the special conditions first proposed in the PSR.

ROA.69-72. Pertinent to this petition, these conditions included:

have no contact with minors under the age of 18, including by correspondence, telephone, internet, electronic communication, or communication through third parties, *see* Pet. App’x a008.

provide to the probation officer complete access to all business and personal financial information, *see* Pet. App’x a009.

II. Proceedings on Appeal

On appeal, Hackney raised two issues for plain-error review: (1) whether the district court erred when it forbade him from having any contact with minors—without exception—during his fifteen-year term of supervised release; and (2) whether the district court erred when it required him to provide to his supervising probation officer complete access to all business and personal financial information while on supervised release. Pet. App’x a002–a003. He rooted his challenges to both conditions in the statutory limits set by 18 U.S.C. § 3583(d). Appellant’s Br. 14–25, *United States v. Hackney*, 176 F.4th 852 (5th Cir. 2026) (No. 25-10690), 2025 WL 3528307. *See also* Pet. App’x a005 (describing Hackney’s case as “[a]n appeal of conditions of supervised release based on § 3583(d)”). Hackney further argued that his appeal waiver reserved

these challenges under the appeal waiver’s enumerated statutory maximum exception. Pet. App’x a003–004.

The government countered that dismissal was appropriate, likening the reasonableness inquiry under § 3583(d) to that under 18 U.S.C. § 3553(a) and advocating an interpretation of the statutory maximum exception that limited the reservation of rights to the numerical ceiling for the *term* of supervised release, leaving any statutory limit to the *conditions* subject to the general waiver. Appellee’s Br. 13–25, *United States v. Hackney*, 176 F.4th 852 (5th Cir. 2026) (No. 25-10690). The court below agreed with the government’s interpretation: “Because ‘maximum punishment’ includes only the quantitative elements of a sentence, the exception does not cover an appeal based on § 3583(d).” Pet. App’x a002. “An appeal of conditions of supervised release based on § 3583(d)” thus “does not constitute an appeal of ‘a sentence exceeding the statutory maximum punishment,’” so the panel dismissed Hackney’s appeal. Pet. App’x a005.

REASON FOR GRANTING THIS PETITION

Because Hackney sought to appeal “a sentence beyond what the relevant statute allows,” *Hunter v. United States*, 146 S. Ct. 1702, 1713 (2026), this Court should vacate and remand for the Fifth Circuit to reconsider in light of *Hunter*.

I. *Hunter* declares a miscarriage-of-justice exception to appeal waivers.

Hunter declared appeal waivers “unenforceable” if they “would result in a miscarriage of justice.” 146 S. Ct. at 1713; *see also id.* at 1709–10 (adopting the view of the majority of the courts of appeals “that a waiver cannot be enforced if doing so would result in a miscarriage of justice”). An appeal waiver now “may be set aside”

when “the sentence is marred by the kind of egregious error that would bring the judicial system into disrepute.” *Id.* at 1713. “The error must be obvious—not one a judge could reasonably make.” *Id.* “And it must be of the type that would undermine public confidence in the judiciary.” *Id.*

“The nature of the miscarriage-of-justice limit precludes any attempt to list all the situations in which it will overcome an appeal waiver.” *Hunter*, 146 S. Ct. at 1714. Even so, *Hunter* made clear that “a defendant may appeal a sentence exceeding what the relevant statute allows—most commonly, a term of years above the maximum prescribed.” *Id.* Notably, *Hunter* modified “a term of years above the maximum prescribed” with “*most commonly*,” which indicates that while a sentence above a numerical limit may be a *quintessential* example, it is not an *exhaustive* one. *Cf. Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 162 (2012) (distinguishing “includes” from “means” as a “significant” “word choice” “because it makes clear that the examples enumerated in the text are intended to be illustrative, not exhaustive”); *Bragdon v. Abbott*, 524 U.S. 624, 639 (1998) (“As the use of the term ‘such as’ confirms, the list is illustrative, not exhaustive.”). *Hunter* also cited *United States v. Kim*, 988 F.3d 803, 810–11 (5th Cir. 2021) in support of this point. 146 S. Ct. at 1714. And *Kim* applied the statutory maximum limit to a restitution award challenge where the statutory maximum was *not* numerically phrased. *See* 988 F.3d at 809–11.

II. The panel below may reach a different resolution on Hackney’s appeal given *Hunter*’s miscarriage-of-justice exception.

Hackney had argued from the outset that the Fifth Circuit should adopt his reading of the statutory maximum exception—which he maintained reserved appeals

to condition of supervised release rooted in 18 U.S.C. § 3583(d)—precisely because that interpretation would align with *Kim* and its progeny. See *Hackney* Appellant Br., 2025 WL 3528307, at *13–14 (citing *United States v. West*, 137 F.4th 395, 399 (5th Cir. 2025)); *West*, 137 F.4th at 400 (citing *Kim*, 988 F.3d at 811). What is more, *Hunter* described an “appeal [of] a sentence exceeding what the relevant statute allows” as part of a list of examples explicitly “not intended to be exclusive,” thus leaving the door open for a defendant to show a miscarriage of justice even if his or her claim does not fit perfectly within the exception as phrased. 146 S. Ct. at 1714. Indeed, the Fifth Circuit in *Hunter*’s wake recognized that an appeal challenging conditions of release under 18 U.S.C. § 3583(d) could fall under *Hunter*’s miscarriage-of-justice exception. *United States v. Pride*, No. 25-40759, 2026 WL 1906871, at *2 (5th Cir. July 2, 2026). And while the Fifth Circuit still dismissed the appeal in *Hunter* following remand, it did so only after discussing the merits of the statutory argument. See *United States v. Hunter*, 183 F.4th 416, 423 (5th Cir. 2026).

“Where intervening developments, or recent developments that we have reason to believe the court below did not fully consider, reveal a reasonable probability that the decision below rests upon a premise that the lower court would reject if given the opportunity for further consideration, and where it appears that such a redetermination may determine the ultimate outcome of the litigation,” this Court may grant certiorari, vacate the judgment below, and remand for redetermination in light of the intervening event. *Lawrence on Behalf of Lawrence v. Chater*, 516 U.S. 163, 167–68 (1996). Cf. *Stutson v. United States*, 516 U.S. 163, 181 (1996) (Scalia, J., dissenting)

(emphasis in original) (“We regularly hold cases that involve the same issue as a case on which certiorari has been granted and plenary review is being conducted *in order that* (if appropriate) they may be ‘GVR’d’ when the case is decided.”). The panel dismissed Hackney’s appeal because it reasoned that, in the context of an enumerated exception to an appeal waiver, a statutory maximum refers only to numerical limits. But that analysis is at odds with *Hunter*’s description of what “a sentence beyond what the relevant statute allows” encompasses.

What is more, *Hunter* provides a stand-alone basis for not enforcing the appeal waiver precisely because it implicates the integrity of the judiciary. *See* 146 S. Ct. at 1712–13. Thus, *Hunter*’s reasoning calls for reconsideration here, independent of whether the panel would be persuaded to reinterpret the enumerated “statutory maximum” exception in the plea agreement in Hackney’s favor. And the panel dismissed the appeal without any engagement on the merits. *See* Pet. App’x a003–a005. As the disposition in *Hunter* on remand illustrates, however, such engagement is necessary to decide whether enforcement of the waiver is appropriate post-*Hunter*. *Compare United States v. Hunter*, No. 24-20211, 2024 WL 5003582, at *1 (5th Cir. Dec. 6, 2024), *vacated and remanded by Hunter*, 146 S.Ct. 1702, *with Hunter*, 183 F.4th at 423. For these reasons, a GVR is appropriate for the Fifth Circuit panel to reconsider Hackney’s appeal with *Hunter* guiding its analysis.

CONCLUSION

Petitioner Jamie Hackney respectfully submits that this Court should grant the petition, vacate the judgment, and remand the case to the United States Court of

Appeals for the Fifth Circuit for further consideration in light of *Hunter v. United States*, 146 S. Ct. 1702 (2026).

Respectfully submitted this 24th day of August, 2026.

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Jamie Hackney

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 26, 2026

Lyle W. Cayce
Clerk

No. 25-10690

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAMIE HACKNEY,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-17-1

Before HIGGINBOTHAM, SMITH, and OLDHAM, *Circuit Judges*.

JERRY E. SMITH, *Circuit Judge*:

Jamie Hackney pleaded guilty of production and transportation of child pornography. He waived his right to appeal but reserved the ability to appeal “a sentence exceeding the statutory maximum punishment.” The district court sentenced him to 50 years of imprisonment and 15 years of supervised release (“SR”) conditioned on his having no contact with minors and his reporting financial information to his probation officer.

Hackney appeals his sentence, asserting that the conditions of SR conflict with the reasonableness requirements of 18 U.S.C. § 3583(d).

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Because “maximum punishment” includes only the quantitative elements of a sentence, the exception does not cover an appeal based on § 3583(d). We dismiss the appeal.

I.

Hackney pleaded guilty of production of child pornography in violation of 18 U.S.C. § 2251(a) and (e) and transportation of child pornography in violation of 18 U.S.C. § 2252A(a)(1) and (b)(1). Per the plea agreement, Hackney waived the right to appeal his conviction and sentence but reserved the right, *inter alia*, to appeal “a sentence exceeding the statutory maximum punishment[.]”

The presentence report (“PSR”) recommended an advisory guidelines range of 360 to 600 months of imprisonment and a life term of SR. The PSR also identified applicable conditions of SR:

2. The defendant shall have no contact with minors under the age of 18, including by correspondence, telephone, internet, electronic communication, or communication through third parties. The defendant shall not have access to or loiter near school grounds, parks, arcades, playgrounds, amusement parks or other places where children may frequently congregate, except as may be allowed upon advance approval by the probation officer.

...

11. The defendant shall provide to the probation officer complete access to all business and personal financial information.

The district court adopted the conditions in the PSR and sentenced Hackney to 50 years of imprisonment and 15 years of SR. Hackney did not object in the district court.

Hackney raises two issues on appeal: (1) “Whether the district court plainly and reversibly erred when it forbade Hackney from having any contact

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with minors without exception during his [SR]” and (2) “[w]hether the district court plainly and reversibly erred when it required Hackney to provide his supervising probation officer with complete access to all business and personal financial information while on [SR].”

II.

“This court reviews de novo whether an appeal waiver bars an appeal.” *United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014) (citing *United States v. Baymon*, 312 F.3d 725, 727 (5th Cir. 2002)). “To determine whether an appeal of a sentence is barred by an appeal waiver provision in a plea agreement, we conduct a two-step inquiry: (1) whether the waiver was knowing and voluntary and (2) whether the waiver applies to the circumstances at hand, based on the plain language of the agreement.” *United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005) (citing *United States v. McKinney*, 406 F.3d 744, 746–47 (5th Cir. 2005)).

Hackney does not contest that the waiver was knowing and voluntary, nor does he dispute that the plain language of the plea agreement generally waives his right to appeal his “sentence,” a term that “unambiguously includes [SR] and its conditions as a matter of law.” *United States v. Higgins*, 739 F.3d 733, 738 (5th Cir. 2014) (citation modified). Instead, Hackney contends that the waiver does not apply because his claims fall within an exception for appeals of “a sentence in excess of the statutory maximum punishment[.]” According to Hackey, because his SR conditions do not conform to the reasonableness requirements in § 3583(d),¹ his sentence “exceeds the

¹ Section 3583(d) requires that a condition of SR (1) be “reasonably related” to certain enumerated statutory factors in § 3553, (2) “involve[] no greater deprivation of liberty than is reasonably necessary” to achieve an enumerated statutory factor, and (3) be “consistent with any pertinent policy statements issued by the Sentencing Commission[.]” 18 U.S.C. § 3583(d).

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statutory maximum punishment.”

In *Bond*, we determined the ordinary meaning of “statutory maximum” in the appellate-waiver context. Bond contended that he was sentenced based on facts not found by a jury beyond a reasonable doubt, in violation of *United States v. Booker*, 543 U.S. 220 (2005). Bond signed an appeal waiver but reserved the right to appeal “any punishment imposed in excess of the statutory maximum[.]” *Id.* We held that “statutory maximum” means “the upper limit of punishment that Congress has legislatively specified for violation of a statute.” *Bond*, 414 F.3d at 545 (citation omitted). Because Bond was sentenced to 24 months, and the statutory maximum was 15 years, we held that his sentence, even if violative of *Booker*, was not “in excess of the statutory maximum,” so any objection was waived. *Id.* at 546.

In *United States v. Yiping Qu*, 618 F. App’x 777 (5th Cir. 2015) (per curiam), applying *Bond*, we held that SR conditions that violate § 3583(d) are not “in excess of the statutory maximum punishment” for appeal-waiver purposes. “That the term ‘statutory maximum’ generally denotes a period of time seems obvious.” *Id.* at 779 (citation omitted). “‘Maximum,’ or its counterpart ‘minimum,’ generally refers to something that can be quantified.” *Id.* (citing *Maximum*, Merriam-Webster Online, <http://www.merriam-webster.com/dictionary/maximum>). But a § 3583(d) challenge does not target the quantitative or temporal element of an SR sentence, but instead the *qualitative* conditions attached.² See 18 U.S.C. § 3583(d). Appeals based on § 3583(d) therefore do not challenge “a sen-

² We have applied the quantitative approach to “statutory maximum” in a wide array of contexts: unreasonable SR conditions, cruel and unusual punishment, a district court’s treating the sentencing guidelines as mandatory, and a sentence based on clearly erroneous facts, among others. See *United States v. West*, 138 F.4th 357, 366–68 (5th Cir. 2025) (Oldham, J., dissenting from denial of rehearing en banc).

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tence imposed in excess of the statutory maximum.” *Yiping Qu*, 618 F. App’x at 780 (citation omitted).

Hackney contends that *Yiping Qu* conflicts with the prior opinion in *Higgins* and thus violates the rule of orderliness. According to Hackney, *Higgins* held that SR conditions that violate § 3583(d) constitute “punishment in excess of the statutory maximum.” Not so. *Higgins* held only that the defendant had not advanced any theory that his appeal fell within the statutory-maximum exception. 739 F.3d at 739. At most, *Higgins* is silent on what constitutes “punishment in excess of the statutory maximum.” Further, Hackney’s faulty reading of *Higgins* has rule-of-orderliness issues itself, as it places *Higgins* in contrast with prior-issued *Bond*.

* * * * *

An appeal of conditions of supervised release based on § 3583(d) does not constitute an appeal of “a sentence exceeding the statutory maximum punishment.” Because Hackney waived his right to appeal those conditions, his appeal is DISMISSED.

UNITED STATES DISTRICT COURTNORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

JAMIE HACKNEY

Case Number: 4:25-CR-00017-O(01)

U.S. Marshal's No.: 41735-511

Allyson Monte, Assistant U.S. Attorney

Rachel Maureen Taft, Attorney for the Defendant

On February 19, 2025 the defendant, JAMIE HACKNEY, entered a plea of guilty as to Count One and Two of the Indictment filed on January 15, 2025. Accordingly, the defendant is adjudged guilty of such Count, which involves the following offense:

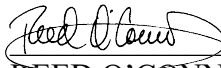
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 2251(a) and (e)	Production of Child Pornography	10/11/2024	One
18 U.S.C. § 2252A(a)(1) and (b)(1)	Transportation of Child Pornography	10/14/2024	Two

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission pursuant to Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$200.00 (\$100 per Count) as to Count One and Two of the Indictment filed on January 15, 2025. The Court concluded the defendant does not have the current financial resources or future earning capacity to pay an assessment under 18 U.S.C. § 2259A (The Amy, Vicky, and Andy Act). Thus, the assessment for Counts One and Two shall be \$0. The Court further concluded the defendant is indigent and the \$5,000 assessment, per count, required pursuant to 18 U.S.C. § 3014 is waived as to Counts One and Two.

The defendant shall notify the United States Attorney for this district within thirty 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.

Sentence imposed May 30, 2025.



 REED O'CONNOR
 U.S. DISTRICT JUDGE

Signed May 30, 2025.

Judgment in a Criminal Case
Defendant: JAMIE HACKNEY
Case Number: 4:25-CR-00017-O(1)

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IMPRISONMENT

The defendant, JAMIE HACKNEY, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a term of THREE HUNDRED SIXTY (360) MONTHS as to Count One and TWO HUNDRED FORTY (240) MONTHS as to Count Two of the Indictment filed on January 15, 2025, to run **CONSECUTIVELY** for a **TOTAL** of **SIX HUNDRED (600) MONTHS**.

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

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **FIFTEEN (15) YEARS** as to Count One and Two of the Indictment filed on January 15, 2025, terms to run **CONCURRENTLY**, for a **TOTAL** of **FIFTEEN (15) YEARS**.

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.

Judgment in a Criminal Case
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- (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.

In addition the defendant shall:

not commit another federal, state, or local crime;

not illegally possess controlled substances;

cooperate in the collection of DNA as directed by the probation officer;

not possess a firearm, ammunition, destructive device, or any dangerous weapon;

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;

comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense;

pay the assessment imposed in accordance with 18 U.S.C. § 3013;

have no contact with the victim(s), including correspondence, telephone contact, or communication through third parties except under circumstances approved in advance by the probation officer and not enter onto the premises, travel past, or loiter near the victims' residences, places of employment, or other places frequented by the victims;

have no contact with minors under the age of 18, including by correspondence, telephone, internet, electronic communication, or communication through third parties. The defendant shall not have access to or loiter near school grounds, parks, arcades, playgrounds, amusement parks or other places where

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children may frequently congregate, except as may be allowed upon advance approval by the probation officer;

not use any computer other than the one the defendant is authorized to use without prior approval from the probation officer;

not use any software program or device designed to hide, alter, or delete records and/or logs of the defendant's computer use, Internet activities, or files stored on the defendant's computer;

not use any computer or computer-related equipment owned by his/her employer except for the strict benefit of his/her employer in the performance of his/her job-related duties;

participate and comply with the requirements of the Computer and Internet Monitoring Program and shall pay the costs of the program. The defendant shall consent to the probation officer's conducting ongoing monitoring of his/her computer/computers. The monitoring may include the installation of hardware and/or software systems that allow evaluation of computer use. The defendant shall not remove, tamper with, reverse engineer, or circumvent the software in any way. The defendant shall only use authorized computer systems that are compatible with the software and/or hardware used by the Computer and Internet Monitoring Program. The defendant shall permit the probation officer to conduct a preliminary computer search prior to the installation of software. At the discretion of the probation officer, the monitoring software may be disabled or removed at any time during the term of supervision;

provide the probation officer with accurate information about his/her entire computer system. The defendant's email shall only be accessed through a pre-approved application;

submit to periodic, unannounced examinations of his/her computer/computers, storage media, and/or other electronic or Internet-capable devices, performed by the probation officer at reasonable times and in a reasonable manner based on reasonable suspicion of contraband evidence of a violation of supervision. This may include the retrieval and copying of any prohibited data and/or the removal of such system for the purpose of conducting a more thorough inspection. The defendant shall provide written authorization for release of information from the defendant's Internet service provider;

not install new hardware, perform upgrades, or effect repairs on his/her computer system without the prior permission of the probation officer;

not possess, have access to, or utilize a computer or Internet connection device, including, but not limited to Xbox, PlayStation, Nintendo, or similar device, without permission of the probation officer. This condition requires preapproval for categories of computer or Internet access or use; it does not require separate pre-use approval every time the defendant accesses or uses a computer or the Internet;

provide to the probation officer complete access to all business and personal financial information;

neither possess nor have under his/her control any pornographic matter or any matter that sexually depicts minors under the age of 18 including, but not limited to, matter obtained through access to any computer and any matter linked to computer access or use;

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participate in sex-offender treatment services as directed by the probation officer until successfully discharged, which services may include psycho-physiological testing to monitor the defendant's compliance, treatment progress, and risk to the community, contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month; and,

participate in an outpatient program approved by the probation officer for treatment of narcotic or drug or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month.

FINE/RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because none has been requested as of this date.

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 Marshal