No. ____

In the Supreme Court of the United States

Ike Jackson, Jr.,

Petitioner,

v.

United States of America,

Respondent.

APPENDIX

TABLE OF APPENDICES

APPENDIX A:

Opinion,
United States v. Jackson, 2026 WL 927200 (11th Cir. Apr. 6, 2026) (Per Curiam)

NOT FOR PUBLICATION

In the

United States Court of Appeals

For the Eleventh Circuit

No. 25-11876

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

IKE JACKSON, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 5:24-cr-00060-MTT-CHW-1

Before JILL PRYOR, BRANCH, and MARCUS, Circuit Judges.

PER CURIAM:

Ike Jackson appeals his 200-month sentence of imprisonment for possession with intent to distribute 40 grams or more of fentanyl, seeking to argue that his attorney rendered ineffective assistance of counsel at his sentencing. The government, in turn, moves to dismiss Jackson's appeal pursuant to the sentence appeal waiver in his plea agreement, an issue Jackson anticipated and addresses in his brief. After thorough review, we dismiss the appeal.

We review the validity of a sentence appeal waiver *de novo*. *United States v. Johnson*, 541 F.3d 1064, 1066 (11th Cir. 2008). We also review *de novo* whether a defendant knowingly and voluntarily waived his right to appeal his sentence. *United States v. Benitez-Zapata*, 131 F.3d 1444, 1446 (11th Cir. 1997).

A sentence appeal waiver found in a plea agreement will be enforced if it was made knowingly and voluntarily. *United States v. Bushert*, 997 F.2d 1343, 1350 (11th Cir. 1993). To establish that a sentence appeal waiver was made knowingly and voluntarily, the government must show either that: (1) the district court specifically questioned the defendant about the waiver during the plea colloquy; or (2) the record makes clear that the defendant otherwise understood the full significance of the waiver. *Id*. at 1351; *see also* Fed. R. Crim. P. 11(b)(1)(N) (requiring that the district court inform the defendant of the terms of an appeal waiver). The touchstone for assessing whether an appeal waiver was knowing and voluntary is whether it was clearly conveyed to the defendant that he was giving up his right to appeal under most circumstances. *United States v. Boyd*, 975 F.3d 1185, 1192 (11th Cir. 2020).

"Plea agreements, like contracts, should be interpreted consistent with the parties' intent." *United States v. Hardman*, 778 F.3d

896, 900 (11th Cir. 2014). "The language of a plea agreement should be given its ordinary and natural meaning unless the parties indicate otherwise." *Id.* "[A]s long as an appeal waiver is voluntarily and knowingly entered into as part of a valid plea agreement, and that agreement is accepted by the court, the waiver is enforceable" and "cannot be vitiated or altered by comments the court makes during sentencing." *United States v. Bascomb*, 451 F.3d 1292, 1297 (11th Cir. 2006). Further, we've "never adopted a general 'miscarriage of justice' exception to the rule that valid appeal waivers must be enforced according to their terms." *King v. United States*, 41 F.4th 1363, 1368 n.3 (11th Cir. 2022). "An appeal waiver includes the waiver of the right to appeal difficult or debatable legal issues or even blatant error." *United States v. Grinard-Henry*, 399 F.3d 1294, 1296 (11th Cir. 2005). There is a strong presumption that the statements made during a plea colloquy are true. *United States v. Medlock*, 12 F.3d 185, 187 (11th Cir. 1994).

The Supreme Court has granted a petition for writ of certiorari to consider: (1) whether the only permissible exceptions to a sentence appeal waiver are for claims of ineffective assistance of counsel or that a sentence exceeds the statutory maximum; and (2) whether an appeal waiver applies when the sentencing court advises a defendant that he has the right to appeal and the government does not object. *Hunter v. United States*, 146 S. Ct. 288 (2025). However, we've explained that "[g]rants of certiorari do not themselves change the law, and must not be used by courts as a basis to grant relief that would otherwise be denied." *In re Bradford*, 830

F.3d 1273, 1275 (11th Cir. 2016) (citation modified). "Until the Supreme Court issues a decision that actually changes the law, we are duty-bound" to apply our precedent. *Gissendaner v. Comm'r, Georgia Dep't of Corr.*, 779 F.3d 1275, 1284 (11th Cir. 2015).

Here, Jackson's appeal waiver is enforceable. For starters, the record reflects that Jackson was competent to waive his right to appeal his sentence. At the change-of-plea hearing, Jackson confirmed that he had obtained a General Equivalency Diploma, could read and write, and was not under the influence of any drugs, alcohol, or medication. As for the Presentence Investigation Report's reference to Jackson's history of mental health and substance abuse issues, Jackson reported at the change-of-plea hearing that his mind was clear, he was not receiving any treatment for any mental illness, and he was not suffering from any serious illnesses. As we've noted, Jackson's statements to the district court under oath at the hearing are entitled to a presumption of truth. *Medlock*, 12 F.3d at 187. This is especially true since nothing else in the hearing suggests that Jackson was incompetent to enter his plea agreement, and Jackson never argues to us that any competency issues affected his ability to knowingly and voluntarily enter into the plea.

The record also shows that Jackson knowingly and voluntarily waived the right to appeal his sentence. *Bushert*, 997 F.2d at 1351. At the hearing, Jackson stated that he had signed and initialed the plea agreement, had read and reviewed the agreement with his counsel, and understood the plea agreement. The appeal waiver in the agreement he signed provided that:

> [Jackson] knowingly and voluntarily waives any right to appeal [his] sentence . . . . [Jackson]'s sentence appeal waiver does not apply if:
>
> (1) the Court imposes a sentence that exceeds the advisory guideline range as that range has been calculated by the Court at the time of sentencing; (2) the Court imposes a sentence that exceeds the statutory maximum; or (3) the United States appeals [Jackson]'s sentence under the authority of 18 U.S.C. § 3742(b).

The agreement further stated that Jackson "waive[d] any right to collaterally attack [his] conviction and sentence under 28 U.S.C. § 2255, or to bring any other collateral attack, except that [he] shall retain the right to bring a claim of ineffective assistance of counsel." It also provided that the waiver did not bar him from filing a habeas corpus petition under 28 U.S.C. § 2241.

At the hearing, the district court detailed the appeal waiver provision, noting that Jackson had "give[n] up [his] right to appeal and [his] right to seek review of [his] sentence," subject to three exceptions. The court asked if Jackson had reviewed the waiver provision with his counsel, and Jackson said that he had. The court then listed the exceptions to the waiver like this: "You can appeal if I give you a sentence longer than the guideline range I have calculated, you can appeal if I give you a sentence longer than the statutory maximum, and you can appeal if the Government files an appeal." The court continued: "With regard to your right to seek review of your sentence, sometimes called collateral review or habeas corpus review, you give that right up except on the grounds of ineffective assistance of counsel." Jackson affirmed that he "freely and voluntarily" agreed to "give up [his] right to appeal and [his] right to seek review of [his] sentence except as stated in the plea agreement," and that he understood the court's explanation and did not have any questions about giving up his right to appeal or seek review of his sentence. The district court thus expressly discussed the appeal waiver with Jackson and Jackson confirmed that he understood its terms and was freely entering his guilty plea. The waiver was made knowingly and voluntarily.

Further, the claim Jackson seeks to raise on appeal is that his trial attorney was ineffective for failing to object at sentencing when the district court imposed a sentence within the guideline range after commenting that: (1) based on Jackson's criminal history and the circumstances of the current offense involving fentanyl, "a sentence at the top of the guideline would be warranted"; (2) based on his "actual role in the offense," a sentence "below the bottom of the guideline range is appropriate"; and (3) the sentence would be 200 months, which the court later correctly described as "within" the guidelines. But bringing an ineffectiveness claim on direct appeal plainly is barred by the sentence appeal waiver in his plea agreement. The appeal waiver bars *any* appeal of his sentence, on direct appeal or collaterally, *except* where his sentence exceeded the advisory guideline range or the statutory maximum; the government appeals his sentence; or he raises, collaterally, a claim of ineffective assistance of counsel. Jackson's 200-month sentence does not exceed the statutory maximum of 40 years' imprisonment, nor is it above the calculated guideline imprisonment range of 188 to 235 months, nor has the government appealed his sentence. And to the extent he seeks to raise a claim based on his counsel's ineffective performance at sentencing, the plain language of the agreement preserved this kind of claim only on collateral attack. Indeed, the plea agreement expressly says that Jackson may bring an ineffective-assistance-of-counsel claim in a collateral attack but did not include the same language for direct appeals, reflecting that the parties intended to preclude Jackson from pursuing an ineffective-assistance-of-counsel claim on direct appeal.

There are no other applicable exceptions that would allow Jackson's ineffective-assistance claim to proceed. Jackson argues that his appeal waiver should not be enforced because to do so would constitute a miscarriage of justice, but we've never recognized this kind of exception to the enforcement of valid appeal waivers. *King*, 41 F.4th at 1368 n.3. Additionally, while the Supreme Court has granted certiorari in a case addressing the permissible exceptions to an appeal waiver, we must apply our precedent until the Supreme Court issues a decision changing our Court's law. *Gissendaner*, 779 F.3d at 1275. As for Jackson's argument that a direct appeal is appropriate based on certain of the court's comments -- that a sentence below the guideline range was appropriate and that his counsel would file a notice of appeal on his behalf if he wished -- it is foreclosed by our precedent. As we've squarely held, a district court's comments at sentencing do not alter the sentence appeal waiver. *Bascomb*, 451 F.3d at 1297. And finally, Jackson's appeal waiver is enforceable even if the district court blatantly erred by imposing sentence within the guideline range after commenting that a sentence below the range was appropriate. *Grinard-Henry*, 399 F.3d at 1296.

Accordingly, we GRANT the government's motion to dismiss this appeal pursuant to the appeal waiver in Jackson's plea agreement.

DISMISSED.

APPENDIX B:

Judgment,
United States v. Jackson, No. 5:24-CR-00060-MTT-CHW (M.D. GA. May 14, 2025), ECF No. 35.

AO 245B (Rev. 12/19) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT
Middle District of Georgia

UNITED STATES OF AMERICA
V.
IKE JACKSON, JR

JUDGMENT IN A CRIMINAL CASE

Case Number: 5:24-CR-00060-MTT-CHW(1)
USM Number: 49416-511

PAUL M. COGNAC
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1

☐ 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) and 21:841(b)(1)(B)(vi)	Possession of Fentanyl With Intent to Distribute	02/15/2024	1

The defendant is sentenced as provided in pages 2 through 7 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 ☒ 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.

May 12, 2025
Date of Imposition of Judgment

s/ Marc T. Treadwell
Signature of Judge

MARC T. TREADWELL
UNITED STATES DISTRICT JUDGE
Name and Title of Judge

05/14/2025
Date

DEFENDANT: IKE JACKSON, JR
CASE NUMBER: 5:24-CR-00060-MTT-CHW(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Two hundred (200) months as to Count 1 to be served consecutively to any term of imprisonment that may be imposed in Bibb County Superior Court Case No. 17-CR-75142.

It is the Court's intention that the defendant receive credit for time served since his arrest on February 15, 2024, for the offenses comprising the instant federal offense.

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

Defendant shall participate in the Residential Drug Abuse Program (RDAP) during the period of imprisonment.

☒ 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: IKE JACKSON, JR
CASE NUMBER: 5:24-CR-00060-MTT-CHW(1)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: Five (5) years.

MANDATORY CONDITIONS

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

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: IKE JACKSON, JR
CASE NUMBER: 5:24-CR-00060-MTT-CHW(1)

STANDARD CONDITIONS OF SUPERVISION

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

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

U.S. Probation Office Use Only

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

Defendant's Signature ______________________ Date ____________
USPO Officer's Signature ______________________ Date ____________

DEFENDANT: IKE JACKSON, JR
CASE NUMBER: 5:24-CR-00060-MTT-CHW(1)

SPECIAL CONDITIONS OF SUPERVISION

You shall participate in a program of drug and alcohol testing and treatment. The U.S. Probation Office shall administratively supervise your participation in the program by approving the program, administering the testing, and supervising the treatment. You shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the court approved "U.S. Probation Office's Sliding Scale for Services", and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid.

You shall participate in a mental health treatment program and comply with the treatment regimen of your mental health provider. The U.S. Probation Office shall administratively supervise your participation in the program by approving the program and monitoring your participation in the program. You shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the court approved "U.S. Probation Office's Sliding Scale for Services", and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid.

You are prohibited from possessing or using alcoholic beverages while enrolled in treatment such as mental health, sex offender or substance abuse treatment.

You shall submit your person, property, house, residence, vehicle, papers, computers (as defined by 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The Defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.

DEFENDANT: IKE JACKSON, JR
CASE NUMBER: 5:24-CR-00060-MTT-CHW(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	$100.00	$.00	$.00	$.00	$.00

☐ The determination of restitution is deferred until __________ An *Amended Judgment in a Criminal Case (AO245C)* 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 it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

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

AO 245B (Rev. 12/19) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

DEFENDANT: IKE JACKSON, JR
CASE NUMBER: 5:24-CR-00060-MTT-CHW(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 $ ____________ due immediately, balance due

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

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

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

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

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

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

Any criminal monetary penalty ordered by the court shall be due and payable in full immediately. Present and future Assets are subject to enforcement and may be included in the treasury offset program allowing qualified federal benefits to be applied to the balance of criminal monetary penalties.

Payment during the term of supervised release will commence within 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. (fine/restitution) payment shall be due during the period of imprisonment at the rate of not less than $25 per quarter and pursuant to the bureau of prisons' financial responsibility program. The value of any future assets may be applied to offset the balance of criminal monetary penalties. The defendant may be included in the treasury offset program, allowing qualified benefits to be applied to offset the balance of any criminal monetary penalties.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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

☐ Joint and Several

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

☐ The defendant shall pay the cost of prosecution.

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

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

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

APPENDIX C:

Plea Agreement,
United States v. Jackson, No. 5:24-CR-00060-MTT-CHW (M.D. GA. Feb. 21, 2025),
ECF No. 24.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA :
:
v. : CASE NO. 5:24-CR-60-MTT
:
IKE JACKSON, :
:
Defendant. :

PLEA AGREEMENT

The United States Attorney for the Middle District of Georgia ("United States") and Defendant IKE JACKSON enter into this plea agreement, agreeing as follows:

(1)

Defendant acknowledges that Defendant has reviewed and discussed the Indictment against Defendant in this matter with Defendant's attorney and Defendant's attorney has explained to Defendant his understanding of the United States' evidence.

(2)

Defendant understands that Defendant is not required to plead guilty, and that Defendant has the right to plead not guilty and to elect instead to be tried by a jury. Defendant understands that at a jury trial Defendant would enjoy a presumption of innocence, and that the United States would have the burden of proving Defendant's guilt beyond a reasonable doubt. Defendant understands that Defendant would be entitled to the services of an attorney at all stages of such a trial. Defendant understands that Defendant would be entitled to confront and to cross-examine the United States' witnesses, and to present witnesses and evidence in Defendant's own behalf. Defendant understands that Defendant would have the right to testify in Defendant's own behalf,

I.J.
[initials]

but that Defendant could not be compelled to do so. Defendant has discussed these rights with Defendant's attorney. Defendant knowingly and voluntarily waives Defendant's right to plead not guilty and to proceed to trial.

(3)

Being fully cognizant of Defendant's rights, and in exchange for the considerations to be made by the United States as set forth in Paragraph (4) below, Defendant agrees pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A), as follows:

(A) Defendant is guilty and will knowingly and voluntarily enter a plea of guilty to Count One of the Indictment which charges Defendant with Possession of Fentanyl with Intent to Distribute in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi).

(B) Defendant fully understands that Defendant's plea of guilty as set forth in Subparagraph (A), above, will subject Defendant to the following penalties on Count One:

- a maximum sentence of 40 years imprisonment;
- a minimum sentence of 5 years imprisonment;
- a maximum fine of $5,000,000.00, or both; and
- a term of supervised release of 5 year(s).

Defendant further acknowledges that the Court is required to impose a mandatory assessment of $100.00 per count.

(C) Defendant acknowledges and understands that the Court is not bound by any estimate of the probable sentencing range that Defendant may have received from Defendant's attorney, the United States, or the Probation Office. Defendant further acknowledges and agrees that Defendant will not be allowed to withdraw Defendant's plea on the ground that Defendant received an estimated guideline range from the United States, Defendant's attorney, or the

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Probation Office which is different from the guideline range computed by the Probation Office in the Presentence Investigation Report or different from the guideline range found by the Court to be the correct guideline range.

(D) Defendant understands fully and has discussed with Defendant's attorney that the Court will not be able to determine the appropriate guideline sentence until after a Presentence Investigation Report has been completed. Defendant understands and has discussed with Defendant's attorney that Defendant will have the opportunity to review the Presentence Investigation Report and to object to and challenge any facts reported therein. Defendant understands and has discussed with Defendant's attorney that any objections or challenges by Defendant or Defendant's attorney to the facts or recommendations presented in the Presentence Investigation Report or any disagreement with the Court's rulings on such objections or challenges will not be grounds for withdrawing the plea of guilty. Nothing in this agreement precludes the United States from providing full and accurate information to the Court and the Probation Office for use in calculating the advisory guideline range applicable to Defendant.

(E) Defendant understands and has discussed with Defendant's attorney that after the Court determines the advisory guideline range applicable to Defendant, the Court has the discretion and authority to impose a sentence that is more severe or less severe than the sentence recommended by the guidelines.

(F) Although 18 U.S.C. § 3742 authorizes defendants to appeal their sentences under certain circumstances, Defendant knowingly and voluntarily waives any right to appeal Defendant's sentence, including the amount of any restitution imposed as part of Defendant's sentence. Defendant's sentence appeal waiver does not apply if: (1) the Court imposes a sentence that exceeds the advisory guideline range as that range has been calculated by the Court at the time of sentencing; (2) the Court imposes a sentence that exceeds the statutory maximum; or (3) the United States appeals Defendant's sentence under the authority of 18 U.S.C. § 3742(b). Nothing in this agreement shall deprive the United States of its right to appeal Defendant's sentence, as authorized by 18 U.S.C. § 3742(b). If, however, the United States appeals Defendant's sentence pursuant to this statute, Defendant is released from Defendant's waiver of Defendant's right to appeal altogether.

Defendant waives any right to collaterally attack Defendant's conviction and sentence under 28 U.S.C. § 2255, or to bring any other collateral attack, except that Defendant shall retain the right to bring a claim of ineffective assistance of counsel. This provision shall not bar the filing of a petition for writ of habeas corpus, as permitted by 28 U.S.C. § 2241.

Defendant understands and acknowledges that the waivers outlined herein may result in the dismissal of any appeal or collateral attack Defendant might file challenging Defendant's conviction or sentence. If Defendant files a notice of appeal or collateral attack, notwithstanding this agreement, Defendant agrees that this case shall, upon motion of the United States, be remanded to the Court to determine whether Defendant is in breach of this agreement and, if so, to permit the United States to withdraw from the plea agreement.

(G) Defendant agrees to provide complete, candid, and truthful statements to law enforcement officers regarding Defendant's involvement and the involvement of all others involved in the charges alleged in the present Indictment as well as any and all criminal violations about which Defendant has knowledge or information and that such information provided will be pursuant to and covered by this agreement. Defendant further agrees to provide complete, candid, and truthful testimony regarding such matters in any proceeding. Defendant understands that this agreement does not require Defendant to implicate any particular individual or individuals or to

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"make a case." Rather, this agreement requires Defendant to be truthful and to testify truthfully whenever called upon.

(H) Defendant further agrees that all evidence, except biological evidence as defined in 18 U.S.C. § 3600A, if any, obtained in this investigation and prosecution may be destroyed or returned to its rightful owner 30 days after entry of the judgment or thereafter.

(I) The United States and Defendant hereby agree that any breach of this agreement by Defendant occasioned by a failure to cooperate, by withholding information, giving of false information, perjury, or failure to testify in any judicial proceeding in connection with the individuals, matters, and transactions referred to in the Indictment, would: (a) not relieve Defendant of Defendant's plea of guilty; (b) permit the United States to reinstate and proceed with prosecution on any other charges arising from the matters referred to in this Indictment; (c) permit the United States to instigate and proceed with the prosecution of any other offenses arising from a breach of this agreement, including perjury, false declaration, false statement, and/or obstruction of justice; and (d) permit the United States to utilize against Defendant in any subsequent judicial proceeding any and all statements made by Defendant. If a legitimate issue arises as to whether or not there has been a breach of this agreement, said question shall be determined by the United States District Court for the Middle District of Georgia. The burden of establishing such a breach shall be upon the United States and shall be established by a preponderance of the evidence. The Federal Rules of Evidence shall not apply in any hearing to establish such a breach, but evidence shall be admitted and excluded at the Court's discretion.

(4)

In exchange for the consideration set forth in Paragraph (3) above, the United States agrees as follows:

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(A) The United States will accept the plea of guilty by Defendant as provided in Paragraph (3)(A), above, in full satisfaction of all possible federal criminal charges, known to the United States Attorney at the time of Defendant's guilty plea, which might have been brought against Defendant solely in this district. The United States agrees to dismiss all remaining counts of the pending Indictment in exchange for Defendant's plea of guilty to Count One of the Indictment.

(B) If Defendant cooperates truthfully and completely with the United States, including being debriefed and providing truthful testimony at any proceeding resulting from or related to Defendant's cooperation, then the United States will make the extent of Defendant's cooperation known to the sentencing court. If Defendant is not completely truthful and candid in Defendant's cooperation with the United States, Defendant may be subject to prosecution for perjury, false statements, obstruction of justice, and/or any other applicable charge. If Defendant's cooperation is completed before sentencing, the United States will consider whether such cooperation qualifies as "substantial assistance" pursuant to 18 U.S.C. § 3553(e) and/or U.S.S.G. § 5K1.1 and warrants the filing of a motion at the time of sentencing recommending a downward departure from the applicable guideline range. If Defendant's cooperation is completed after sentencing, the United States will consider whether such cooperation qualifies as "substantial assistance" pursuant to Federal Rule of Criminal Procedure 35(b) and warrants the filing of a motion for reduction of sentence. In either case, Defendant understands that the determination as to whether Defendant has provided "substantial assistance" rests solely with the United States. Any good faith efforts on the part of Defendant that do not substantially assist in the investigation or prosecution of another person who has committed a crime will not result in either a motion for downward departure or a Rule 35(b) motion. In addition, should Defendant fail to cooperate truthfully and completely with

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the United States, or if Defendant engages in any additional criminal conduct, Defendant shall not be entitled to consideration pursuant to this paragraph.

(C) Pursuant to U.S.S.G. § 1B1.8, the United States agrees that any self-incriminating information which was previously unknown to the United States and is provided to the United States by Defendant in connection with Defendant's cooperation and as a result of Defendant's plea agreement to cooperate will not be used in determining the applicable guideline range. Further, the United States agrees not to bring additional charges against Defendant, with the exception of charges resulting from or related to a violent felony, as defined in 18 U.S.C. § 924(e)(2)(B), based on any information provided by Defendant in connection with Defendant's cooperation, which information was not known to the United States prior to said cooperation. This does not restrict the United States' use of information previously known or independently obtained for such purposes.

(D) The United States agrees that it will file a motion requesting that Defendant's offense level be reduced by one level under U.S.S.G. § 3E1.1(b) for timely notifying the United States of Defendant's intention to enter a guilty plea, but Defendant understands that whether Defendant is entitled to any offense-level reduction under U.S.S.G. § 3E1.1 is entirely within the Court's discretion. The United States reserves the right to furnish the Court with full and accurate information and/or argue against the two-level reduction for acceptance of responsibility if Defendant engages or has engaged in conduct inconsistent with accepting responsibility, as defined in U.S.S.G. § 3E1.1 and its commentary.

(6)

Nothing herein limits the sentencing discretion of the Court. The United States and Defendant understand and agree that the Court should consider its sentence in light of the advisory

United States Sentencing Guidelines. Defendant therefore agrees that at sentencing the Court may determine any fact pertinent to Defendant's sentence by a preponderance of the evidence and the Court may consider any reliable information, including hearsay. Defendant expressly waives any claim of right to an indictment, trial by jury, and/or proof beyond a reasonable doubt on any factual determinations that pertain to the sentence to be imposed by the Court.

(7)

This agreement constitutes the entire agreement between Defendant and the United States, and no other promises or inducements have been made, directly or indirectly, by any agent of the United States, including any Assistant United States Attorney, concerning any plea to be entered in this case. In particular, Defendant acknowledges and agrees that no one has promised Defendant that the Court will impose any particular sentence or a sentence within any particular range in order to induce this plea. In addition, Defendant states that no person has, directly or indirectly, threatened, or coerced Defendant to do or refrain from doing anything in connection with any aspect of this case, including entering a plea of guilty.

Defendant understands that this agreement binds only the Office of the United States Attorney for the Middle District of Georgia, and that the agreement does not bind any other component of the United States Department of Justice, nor does it bind any state or local prosecuting authority, unless expressly stated herein.

(8)

As an aid to this Court, the United States and Defendant, by and through Defendant's attorney, enter into the following Stipulation of Fact. This stipulation is entered into in good faith with all parties understanding that the stipulation is not binding on the Court. Under U.S.S.G. § 6B1.4(d) (Policy Statement), this Court may accept this stipulation as written. The facts set forth

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below are intended to allow the Court to satisfy it obligation under Federal Rule of Criminal Procedure 11(b)(3) to ensure that an adequate factual basis to support the plea exists. In determining an appropriate guideline range or ultimate sentence, the Court, in its discretion, and consistent with its obligation to determine the facts relevant to sentencing, may consider other information in addition to the facts set forth here.

Subject to the above paragraph, the United States and Defendant stipulate and agree that Defendant is in fact guilty of the offense to which Defendant is pleading guilty, that the following facts are true and correct, and that the United States at trial could prove the following facts beyond a reasonable doubt:

On the evening of February 15, 2024, investigators established surveillance in the areas of 6000 Harrison Road, Macon, GA ("Bridgeview Inn and Suites"), the address provided by a confidential informant for a drug transaction to take place.

Agents observed the Jackson walk down the breezeway and knock on room 302, where the drug transaction was to be conducted in. Jackson then walked down the stairs, left the motel, and headed towards the intersection of Eisenhower Parkway and Harrison Road. Marked Bibb County Sheriff's Office units activated their lights and made contact with Jackson. During the search of ~~the~~ Jackson's person, deputies found 27.69 grams of crystal methamphetamine, a cellphone, and a hotel room key card.

Agents confirmed with the motel that Jackson rented room 128. A warrant was authorized and granted to search room 128 of the Bridgeview Inn and Suites. Agents entered the empty room and located a black backpack. Inside the backpack was a black handheld radio with the name "IKE" taped on it, a headphone box secured with black tape, and plastic baggies. Inside the headphones box was a clear bag containing an opened kilogram of fentanyl and a brick of fentanyl inside a vacuum sealed bag. The total amount of fentanyl seized was 1,713.7 grams.

(9)

ACCEPTANCE OF PLEA AGREEMENT

Defendant understands and has fully discussed with Defendant's attorney that this agreement shall become effective only upon the Court's acceptance of this agreement and the Court's acceptance of the plea of guilty by Defendant.

SO AGREED, this 21 day of February, 25.

C. SHANELLE BOOKER
ACTING UNITED STATES ATTORNEY

BY: Shelby Brunette
SHELBY BRUNETTE
ASSISTANT UNITED STATES ATTORNEY

I, IKE JACKSON, have read this agreement and had this agreement read to me by my attorney, PAUL COGNAC. I have discussed this agreement with my attorney, and I fully understand it and agree to its terms. Defendant acknowledges that Defendant authorized and consented to the negotiations between the United States and the attorney for Defendant that led to this agreement.

IKE JACKSON
DEFENDANT

I, PAUL COGNAC, attorney for Defendant IKE JACKSON, have explained the Indictment and the United States' evidence received through discovery and my investigation of the charge to Defendant. I believe Defendant understands the charge against Defendant and the evidence that would be presented against Defendant at a trial. I have read this agreement, have been given a copy of it for my file, and have explained it to Defendant. To the best of my knowledge and belief, Defendant understands this agreement.

PAUL COGNAC
ATTORNEY FOR DEFENDANT

APPENDIX D:

Sentencing Hearing,
United States v. Jackson, No. 5:24-CR-00060-MTT-CHW (M.D. GA. June 30, 2025),
ECF No. 52.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

THE UNITED STATES OF AMERICA)
) Case No. 5:24-CR-60
vs.)
) Macon, Georgia
IKE JOHNSON JR., DEFENDANT)

SENTENCING HEARING

BEFORE THE HONORABLE MARC T. TREADWELL
UNITED STATES DISTRICT JUDGE

May 12, 2025

APPEARANCES:

FOR THE GOVERNMENT: Shelby Brunette, AUSA
UNITED STATES ATTORNEY'S OFFICE
Post Office Box 1702
Macon, GA 31202-1702

FOR THE DEFENDANT: Paul M. Cognac
Attorney at Law
312 Crosstown Road, Suite 106
Peachtree City, Georgia 30269

Proceedings reported stenographically

DARLENE D. FULLER, USCR
Registered Professional Reporter
Registered Merit Reporter
Certified Realtime Reporter
Georgia Certified Reporter No. 5641-3440-5157-6832

Macon, Georgia
Monday, May 12, 2025
11:08 a.m.

P R O C E E D I N G S

THE COURT: I call next Mr. Campbell -- I'm sorry, Mr. Jackson.

For the government we have Ms. Brunette; and for Mr. Jackson, Mr. Cognac.

I have in Mr. Jackson's case the presentence report that was prepared after he entered his guilty plea. The base offense level is 32; he's a career offender so that becomes 34. There is a 3-level decrease for acceptance. The criminal history category is VI. The guideline range is 188 to 235 months.

And I do have a sentencing memorandum Mr. Cognac has prepared on behalf of Mr. Jackson. And I have reviewed that.

Good morning, Mr. Jackson.

THE DEFENDANT: Good morning, sir.

THE COURT: I have been talking about the presentence report that was prepared after you entered your guilty plea.

THE DEFENDANT: Yes, sir.

THE COURT: Have you received a copy -- have you reviewed that report with Mr. Cognac?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about it?

THE DEFENDANT: No, sir.

THE COURT: Very well. Mr. Cognac, I will hear from you regarding a reasonable sentence.

MR. COGNAC: Your Honor, I am briefly going to go over the arguments I made in my sentencing memorandum -- I know the Court has reviewed that -- specifically, for a request for a variance. His guidelines are as stated. You know, his involvement in this was driven by his own addiction, and he was doing this to service his own addiction.

He does qualify as a career offender under current case law.

It is interesting to note in this particular area of law, I will not say that it's become devoid of reason and logic, but it has certainly begun to strain reason and logic. His 2017 conviction in Paragraph 57, the Aggravated Assault with a Deadly Weapon and the Terroristic Threats, both of those qualify as a crime of violence. *U.S.* v *Hicks* is the Eleventh Circuit case for the aggravated assault with a deadly weapon, and then U.S. v *Najee Oliver*, that's a 2020 case, for the terroristic threats to commit a crime of violence. And that's the only permutation of terroristic threats under Georgia law that would qualify.

And his 2011 conviction, he had a False Imprisonment, which would not qualify as a crime of violence under *U.S.* v *Chitwood*. It only ever would qualify under the old residual clause, and that was removed from the sentencing guidelines in 2016.

The misdemeanor conviction would not qualify because under 4B1.2(a) the offense would have to be punishable by imprisonment for a term exceeding one year.

So, really what qualifies for that second one is the Terroristic Threats to Commit a Crime of Violence. And the *Najee Oliver* decision in 2020--that's at 946 F.3d 1276--is interesting because under -- the Eleventh Circuit in January of 2020 issued an opinion stating that Georgia's terroristic threat statute was indivisible and overbroad and therefore did not qualify as a predicate offense as a crime of violence under the Armed Career Criminal Act, which would be analogous to this case.

Subsequently, six months later, without any change of facts, without any change of circumstances, the Eleventh Circuit vacated *Oliver II* and issued *Oliver III*, ruling in fact the Georgia terroristic threat statute is divisible and that a threat to commit a crime of violence is a qualifying predicate offense under the Armed Career Criminal offense. So, if he would have been sentenced after January but before June, he would in fact not qualify as a career offender.

And there are other cases that seem to defy logic as to what qualifies as a crime of violence. For instance, Attempted Carjacking does not qualify as a crime of violence.

Hobbs Act Extortion does not qualify as a crime of violence. Attempt to Commit Hobbs Act Robbery or Conspiracy to Commit Hobbs Act Robbery do not qualify as a crime of violence. Hostage Taking, Involuntary Manslaughter, Kidnapping, and Murder For Hire do not qualify as a crime of violence.

So, this area of law, it seems to be so constrained that -- whether it applies or doesn't apply, it's so -- the vagaries of it are so difficult for an individual to understand that their prior history amounts to career offender that it's just -- in my mind I think the Court should vary downward from that career offender guideline because this area of law is really straining reason and logic at this point.

Secondarily, Mr. Jackson, because he qualifies as a career offender, does not -- or is not allowed a reduction for role in the offense. And that's *U.S.* v *Jeter*, 329 F.3d, 1229. That's a 2003 decision.

His actions in all of this were that of a courier. The undercover agent was talking with someone in Mexico who arranged this deal, and my client was to deliver what the arrangements were. The undercover agent at the time was at the hotel where this took place, was speaking with this person who they believed was in Mexico, who had arranged all this, had negotiated all of this.

My client, he didn't fully understand the scope. Again, he was just doing what he was instructed to do. He was addicted to drugs and trying to get a little money or a little bit of drugs to feed his addiction. He didn't plan or organize the activity. He didn't exercise decision-making authority. His role was that of a courier. And though he does not qualify because he's career offender, we think the facts would have supported a reduction for role in the offense.

THE COURT: Let me ask you this. How is it that -- this doesn't, from what I see, sound quite like the typical courier situation. I mean, he's -- his contact is with the actual source of supply -- in Mexico?

MR. COGNAC: The undercover was contacting a source of supply in Mexico. My understanding from my client was he was not in direct contact with that person. That was coming through a third-party intermediary on where to go and what to do and what to deliver.

THE COURT: Okay.

MR. COGNAC: I have -- I went on the United States Sentencing Commission and they have a "Quick Facts for Career Offender". I have given a copy of this to the government and I will provide a copy to the Court. And there's a lot of interesting information in there, but the bottom line is across the country -- and this is for 2023 -- the average sentence in months in 2023 was 154 months; in 2019, it was 152 months for all career offenders across the country.

You know, my client has been trying to deal with his drug addiction for a long time, and he has been accepted into an in-house treatment program here in Macon. And I have a letter. But, obviously, he's going to have to serve a significant period of time before he can do that. But he is actively trying to deal with his addiction.

He is also trying to just improve his condition while he's in custody. There's a copy of a transcript of the numerous courses he's taken, online courses he's taken while he's been in custody in Butts County. He is just trying to improve his circumstance.

So, there is one other matter if we approach, Your Honor, I would like to address the Court. And the government has agreed to this. Just briefly, Your Honor.

(Discussion was held at the bench, out of the hearing of the general public at 11:18 a.m.:)

MR. COGNAC: So, my client had agreed to cooperate -- he was actually sent letters, one, to cooperate from the time he was arrested before he even was indicted in this case. We met with the government, he gave a proffer, he gave information, which I understand was truthful, but will not be resulting in a 5K motion. He is concerned for his safety if something were to get out and the other people in the jail find out that he attempted to cooperate. And although he does not qualify for a 5K, he did provide information that was truthful.

THE COURT: Okay.

MS. BRUNETTE: Do you want me to tell them now while we're here?

THE COURT: Yes.

MS. BRUNETTE: It is true that since he was incarcerated and he found out about this indictment, he has been more than willing to talk to the government. He has called the FBI numerous times, and we had to tell him to stop and wait for his attorney. So, I agree with the defense that he wanted to cooperate from the get-go.

During the proffer, the information that was provided -- while some of it I know for a fact was truthful, we couldn't confirm all of the information. The information that was provided didn't provide any substantial assistance, which is why he didn't receive a 5K, because he was on probation, pursuant to individuals the government has already charged had already had change of pleas and were already facing sentencing on, as well as information about John houses that we have already busted five or six times. So I will agree with the defense that he did provide or attempt to provide information; however, the ones that I could confirm didn't relate to the substantial assistance in any way for the government in the little bit that I was looking for me to know.

THE COURT: Okay. Thanks.

(Proceedings resumed on the record in open court at 11:20 a.m.:)

THE COURT: Okay. Anything else, Mr. Cognac?

MR. COGNAC: Again, Your Honor, taking into consideration all the factors of 3553(a), we believe that a sentence of 120 months is reasonable under the circumstances.

We would also request that he be given credit for time served. The offense charged is the same one he was arrested on in the State on February 15th of 2024. He was writted into the federal custody in December 19th of 2024, but we would, because of his same offense, request that he be given credit back to February of 2024.

We would request a recommendation to the Residential Drug and Alcohol Program and to a facility as close to Macon as possible. My client would like to address the Court.

THE COURT: Mr. Jackson? Yes, sir.

THE DEFENDANT: Yes, sir.

THE COURT: We'll hear from you.

THE DEFENDANT: Yes, sir.

THE COURT: Would you like to say anything, sir?

THE DEFENDANT: Yes, sir. I, um, I want to -- I want y'all to forgive me for my actions and stuff, and I apologize, sir.

THE COURT: Thank you, sir.

Ms. Brunette?

MS. BRUNETTE: The government believes that the guideline range is more than fair given the nature of this charge. When you look at Mr. Jackson's history, what you see is the only time he has not been in trouble was when he -- for an extended period of time was when he was incarcerated. Almost every time after he gets out of an incarceration, within one to two years he's picking up more crimes.

And since eighteen years old to now, what we are seeing is an increase in his behavior from Simple Battery charged as a Family Violence to increasing to Terroristic Threats, False Imprisonment, and then Aggravated Assault, and now drug trafficking large amounts of fentanyl.

Defense highlights that terroristic threats should or should not be considered for a violent offense, and he keeps referencing Armed Career Criminal. Armed Career Criminal Act is different than a career offender. He isn't charged as an armed career criminal. He's gotten an enhancement under the Career Offender Act, and he got the Career Offender Act because of his repeat offenses and his history of serious violent felonies that continue to increase over time.

There is a difference between what qualifies as a violent offense under Career Offender and Armed Career Criminal. And the reason for that is Armed Career Criminal imposes a mandatory minimum of 15 years; Career Offender doesn't do that. It increases the -- and leads to enhanced sentencing range, but it doesn't give a mandatory minimum. And so to argue that counts shouldn't be considered as a violent offense I think is misrepresenting what is being alleged in the PSR.

Mr. Jackson, I do believe, was a courier. I don't think that there is any dispute that he was acting at the behest of somebody else. But that doesn't change the fact that he willingly chose to engage in behavior with individuals while on probation, and he was serving time on probation violations because of -- he got revoked because of this, which is why he was writted.

And he was on probation for extremely serious and violent crimes. So, to get out and be on probation, to immediately go out and start engaging with those same individual--where, as defense said, he was feeding his own habit--there has been no show by him to change his behavior or remove himself from a path that's going to continue criminal conduct. And for that reason I do think that the guideline range is appropriate. I think the Career Offender has been properly applied, and I think a low- to mid-range of guidelines is appropriate in this matter.

THE COURT: Thank you, Ms. Brunette.

Mr. Jackson, I have considered the presentence report that was prepared after you entered your guilty plea. I accept the Plea Agreement you have with the government, and you are adjudicated guilty of Count One of the Indictment.

As we have discussed, your guideline range is 188 to

235 months based on a career offender adjusted offense level of 31 and a criminal history category of VI.

In imposing the sentence, I have considered the advisory sentencing range and the sentencing factors found at 18 U.S.C. Section 3553(a), and I have made an individualized assessment of the facts of your case.

There is one mitigating factor that I see, or at least one that I attach particular significance to, as I always have done, and that is the fact that it is clear you were operating as a courier. Otherwise, given your criminal history and the circumstances of this offense, particularly the drugs involved--fentanyl--a sentence at the top of the guideline would be warranted.

However, taking into account your actual role in the offense, I believe a sentence below the bottom of the guideline range is appropriate. I commit you to the Bureau of Prisons for a period of 200 months, and that sentence will run consecutively to any term of imprisonment that may be imposed in Bibb County Superior Court Case Number 17-CR-75142.

I will recommend to the Bureau of Prisons that you participate in the RDAP Program.

I will not make a recommendation as to the location of your incarceration, particularly given your criminal history and the nature of this offense.

THE DEFENDANT: Yes, sir.

THE COURT: The Bureau of Prisons is in a much better position to make that determination.

Now, Mr. Cognac, what was the date of State custody?

MR. COGNAC: February 15th of 2024, Your Honor.

THE COURT: "15th"?

MR. COGNAC: Yes, Your Honor.

THE COURT: And that was for this offense?

MR. COGNAC: Yes, Your Honor.

THE COURT: I do believe on the facts I have it would be appropriate that your sentence should run from February 15th, 2024.

Because the sentence is within an advisory guideline range greater than 24 months, I am required to state the reason for the sentence. I believe the sentence at the level I have decided on adequately reflects the defendant's criminal history, the seriousness of the offense, and it affords adequate deterrence to future criminal conduct.

I impose a mandatory assessment in the amount of $100. I waive the imposition of a fine and any alternative sanction based on your financial condition. Any financial penalties shall be paid in accordance with the Court's Standing Order 2017-2.

Your term of imprisonment will be followed by a period of supervised release of five years. That shall include the mandatory, standard, and special conditions as noted in the presentence report and the Court's Standing Order 2017-2.

THE DEFENDANT: Yes, sir.

THE COURT: In your Plea Agreement you knowingly and voluntarily waived your right to appeal with some exceptions. Should you decide to appeal, Mr. Cognac will continue to represent you and he will file a notice of appeal or a waiver of appeal on your behalf.

THE DEFENDANT: Yes, sir.

THE COURT: Now that the findings of the Court have been made and sentence imposed, are there any objections to the sentence as to the findings of fact and conclusions of law, Mr. Cognac?

MR. COGNAC: No, Your Honor.

THE COURT: Ms. Brunette?

MS. BRUNETTE: No, Your Honor.

THE COURT: Very well. Anything further, Mr. Cognac?

MR. COGNAC: No, Your Honor.

THE COURT: Ms. Brunette?

MS. BRUNETTE: No, Your Honor.

THE COURT: That concludes this matter, then. Thank you all.

Mr. Jackson, good luck to you, sir.

(Proceedings concluded at 11:29 a.m.)

END OF RECORD

CERTIFICATE OF OFFICIAL REPORTER

I, Darlene D. Fuller, Federal Official Realtime Court Reporter, in and for the United States District Court for the Middle District of Georgia, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 30th day of June, 2025

Darlene D. Fuller

Darlene D. Fuller, RPR, CRR, RMR
NCRA No. 5803
Federal Official Court Reporter
Georgia CCR 5641-3440-5157-6832
Michigan Certification CSR-0929