APPENDIX

APPENDIX

A-1

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13220
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SAMUEL LEE JONES,
a.k.a. Samuel Lee Tyson,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:23-cr-60204-RNS-1

Before WILLIAM PRYOR, Chief Judge, and ABUDU and ANDERSON, Circuit Judges.

PER CURIAM:

Samuel Jones appeals his conviction for knowingly possessing a firearm and ammunition as a felon and his sentence as an armed career criminal. 18 U.S.C. §§ 922(g)(1), 924(e)(1). Jones challenges the use of surrogate DNA expert testimony, the sufficiency of the evidence, the constitutionality of section 922(g), jury instructions about the "different occasions" requirement under section 924(e), and the imposition of a sentence under section 924(e) based on predicate offenses other than those found by the jury. No reversible error occurred. We affirm.

I. BACKGROUND

A grand jury indicted Jones for knowingly possessing a firearm and ammunition as a felon. 18 U.S.C. § 922(g)(1). The indictment alleged that he had three prior convictions for offenses committed on separate occasions. *Id.* § 924(e). Jones pleaded not guilty.

Before trial, the government filed a notice of intent to introduce expert testimony of Jerome Remm, a forensic DNA analyst. Remm had compared Jones's DNA profile with samples recovered from a gun found near Jones at the time of his arrest. The government amended its notice to substitute Daniel Aguilar, another DNA analyst, for Remm because of a scheduling conflict. The government reported that the substance of the testimony would remain unchanged and that Aguilar had served as the technical reviewer for Remm's report and concurred with Remm's findings. The government stated that Aguilar would testify to the comparison Remm conducted and explain the basis for his approval of

Remm's conclusions. Separately, the parties submitted joint proposed jury instructions and a special verdict form for the second phase of trial to determine Jones's eligibility for an enhancement under the Armed Career Criminal Act. These instructions tasked the jury with determining whether the government proved, beyond a reasonable doubt, that Jones had three or more prior felony convictions "committed on occasions different from one another."

At trial, the prosecution's case-in-chief focused on the events of January 16, 2023, during which Detective Danielle Lamparelli and Officer Sean Jaycox coordinated Jones's arrest outside of a trap house. Both officers testified that, upon making eye contact with police, Jones fled on foot. During the pursuit, the officers observed Jones reach for his waistband in a manner they described as an "appendix carry," a movement they identified as indicative of concealing a gun.

As detective Lamparelli rounded a corner in pursuit, she witnessed Jones collide with a table and fall backward. She testified that she saw an object fall from Jones's waistband during the collision. Both she and Jaycox testified to hearing a distinctive sound of metal hitting concrete, which they identified as the sound of a gun hitting the ground.

Following the pursuit, Lamparelli and Jaycox, assisted by six other officers, moved to restrain Jones. Following Jones's detention, officers recovered a gun and an "appendix carry" holster near his feet. Although neither Lamparelli nor Jaycox saw Jones hold the weapon, the prosecution introduced video footage depicting the proximity of the gun to Jones. Officer Jaycox testified that after donning gloves to secure the weapon, he first assisted in lifting Jones to his feet. Jaycox maintained that when he grasped Jones's shirt with his left hand during this process, he did not make direct contact with Jones's skin. On cross-examination of both Lamparelli and Jaycox, the defense pointed out that neither witnessed Jones hold the gun and that the metallic sound could have originated from other objects or surroundings.

The parties stipulated that the gun and ammunition had traveled in interstate commerce and that the DNA samples provided for analysis originated from the gun and from Jones. The prosecution then called Aguilar who testified that he performed a "fine-toothed comb" review of Remm's analysis and concurred with the findings. He reported that DNA mixtures found on the gun suggested a high probability of Jones's contribution: the mixture on the rear sight was 37 million times more probable if it included Jones, and the mixture on the slide and trigger guard was 68 trillion times more probable. On cross-examination, Aguilar explained that Jones's DNA constituted 32 percent of the profile found on the gun sight and 58 percent of the profile found on the slide and trigger guard.

In his defense, Jones called Dr. Elizabeth Johnson, a forensic consultant, who testified that the quantity of DNA analyzed—approximately 50 cells on the gun sight—was low enough to be consistent with transfer DNA from Jaycox's gloves or physical contact during the arrest. She also suggested that the DNA mixture on the slide and trigger guard contained "female contributors."

At the close of the prosecution's case and again at the close of all evidence, Jones moved for a judgment of acquittal. FED. R. CRIM. P. 29. Jones argued that the evidence was circumstantial and that the quantity of DNA was insufficient to prove possession. The district court denied both motions and found that, although the case was circumstantial, the government had established a prima facie case upon which a reasonable jury could find guilt beyond a reasonable doubt.

The jury found Jones guilty as charged. After the verdict, the district court proceeded to a second phase of trial to determine Jones's eligibility for an increased sentence under the Armed Career Criminal Act. In its opening statement, the prosecution told the jury that the parties would proceed by stipulation as to Jones's criminal history and that the stipulations would contain "different dates," and the prosecution asserted that "[a]ll you have to find is that there are three different dates in there for you to find that piece of it satisfied." As the prosecution stated, the jury was to find that "there are convictions, and that there are three separate occasions during which these crimes were committed." The prosecution presented stipulations for armed kidnapping and attempted armed robbery, committed on or about July 24, 1983, armed robbery, committed on or about July 24, 1983, delivery of cocaine, committed on August 16 and August 18, 2005, and conspiracy to possess with intent to distribute cocaine, committed on May 5, 2007. Because the first two offenses occurred on the same date, the district court—with Jones's consent—instructed the jury that those two convictions "only count as one" for purposes of the "different occasions" inquiry. The jury found that Jones had three prior felony convictions committed on occasions different from one another.

Jones's presentence investigation report calculated a base offense level of 20, United States Sentencing Guidelines Manual § 2K2.1(a)(4)(A) (Nov. 2023), based on his commission of the instant offense after sustaining at least one prior felony conviction for a crime of violence or a controlled substance offense. Because Jones was convicted under section 922(g) and had at least three prior convictions for serious drug offenses, the report designated him as an armed career criminal, and his base offense level was enhanced to 33. *Id.* § 4B1.4(b)(3)(B). Because Jones qualified as an armed career criminal, his criminal history category was adjusted to IV. *Id.* § 4B1.4(c)(3). With an offense level of 33 and a criminal history category of IV, Jones's guideline range was 188 to 235 months of imprisonment. *Id.* ch. 5, pt. A. The statutory minimum was 180 months of imprisonment, and the statutory maximum was life imprisonment. *See* 18 U.S.C. § 924(e)(1).

At sentencing, the district court adopted the findings in the report without objection and applied the Armed Career Criminal Act enhancement. The district court relied on the three prior "serious drug offenses" in the report, even though only two of those convictions had been presented to the jury. The district court sentenced Jones to a mandatory 180-month sentence of imprisonment, followed by three years of supervised release.

II. STANDARDS OF REVIEW

Two standards govern our review. We review challenges to the sufficiency of the evidence supporting a conviction *de novo*. *United States v. Maradiaga*, 987 F.3d 1315, 1321 (11th Cir. 2021). In doing so, we view all evidence "in the light most favorable to the government," and draw "all reasonable inferences and credibility choices in favor of the jury's verdict." *Id.* (citation and internal quotation marks omitted). We review unpreserved challenges—concerning the prosecutor's statements, the constitutionality of section 922(g), the enhancement to the sentence under section 924(e), and the challenge under the Confrontation Clause, U.S. CONST. amend. VI—for plain error. *See id.*; *United States v. Edwards*, 142 F.4th 1270, 1279, 1285 n.9 (11th Cir.), *cert. denied*, 146 S. Ct. 903 (2025); *United States v. Brown*, 125 F.4th 1043, 1052 (11th Cir. 2025). To establish plain error, Jones must prove that there is "an error," that is "plain," that has "affect[ed] [his] substantial rights." *Maradiaga*, 987 F.3d at 1324 (citation and internal quotation marks omitted); *see also Edwards*, 142 F.4th at 1276; *Brown*, 125 F.4th at 1056. If these conditions are satisfied, we may exercise our discretion to correct the error only if it "seriously affects the fairness, integrity or public reputation of judicial proceedings." *Edwards*, 142 F.4th at 1276 (citation and internal quotation marks omitted); *see also Brown*, 125 F.4th at 1056; *Maradiaga*, 987 F.3d at 1324. An error is "plain" if it is "obvious" or resolved by "precedent from this Court or the Supreme Court." *Brown*, 125 F.4th at 1056; *United States v. Cenephat*, 115 F.4th 1359, 1368 (11th Cir. 2024), *cert. denied*, 145 S. Ct. 1340 (2025).

III. DISCUSSION

We divide our discussion into five parts. First, we explain that no plain error occurred when the district court admitted surrogate DNA expert testimony. Second, we explain that sufficient evidence supports the jury's finding that Jones possessed a gun. Third, we explain that our precedent forecloses Jones's constitutional challenge to section 922(g). Fourth, we explain that no plain error occurred in instructing the jury how to determine whether Jones's stipulated offenses occurred on different occasions under section 924(e). Fifth, we explain that Jones's substantial rights were not affected when the district court relied on predicate offenses other than those found by the jury.

A. The District Court Did Not Plainly Err by Admitting Surrogate DNA Expert Testimony.

For the first time on appeal, Jones argues that the admission of Aguilar's testimony regarding the DNA analysis of the firearm violated his Sixth Amendment right under the Confrontation Clause. He contends that Aguilar impermissibly acted as a "surrogate expert witness" for the primary analyst, Remm, and that Aguilar's testimony at trial merely "parroted" Remm's analysis, procedures, and statistical findings. Relying on *Bullcoming v. New Mexico*, 564 U.S. 647 (2011), and *Smith v. Arizona*, 602 U.S. 779 (2024), Jones asserts that the introduction of this forensic evidence prejudiced his substantial rights by lending a "scientific air" to the prosecution's case yet denied him the opportunity to cross-examine the individual who performed the testing. We disagree.

The Confrontation Clause bars the admission of testimonial hearsay unless the declarant is unavailable and the defendant had a prior opportunity for cross-examination. *Crawford v. Washington*, 541 U.S. 36, 53-54 (2004). Although *Bullcoming* held that the testimony of an analyst who did not perform or observe a test is ordinarily insufficient, Justice Sotomayor's controlling concurring opinion explained that the Court did not decide whether a "supervisor, reviewer, or someone else with a personal, albeit limited, connection to the scientific test" could testify. 564 U.S. at 672 (Sotomayor, J., concurring). In addition, although *Smith* clarified that a surrogate cannot simply relay another analyst's substance under the guise of an "independent opinion," it did not eliminate the distinction for reviewers with direct involvement in the specific case. 602 U.S. at 798.

No plain error occurred. Even if we were to assume that the admission of Aguilar's testimony amounted to error, Jones cannot establish plain error. Unlike the surrogate in *Smith,* who had no prior connection to the case, Aguilar served as the technical reviewer for the DNA analysis, double-checked the results, and collaborated with Remm to reach a consensus. *Cf. Smith*, 602 U.S. at 798-99. Because neither *Bullcoming* nor *Smith* directly resolves whether the Confrontation Clause is violated when a supervising or reviewing expert with that involvement testifies to the contents of a report, the admission of the testimony was not plain error. *See Cenephat*, 115 F.4th at 1368.

B. Sufficient Evidence Supports the Jury's Finding that Jones Possessed a Gun.

Jones challenges the sufficiency of the evidence supporting his conviction. He contends that the prosecution failed to prove that he actually or constructively possessed the firearm found during his arrest. Jones asserts that there was no direct witness testimony or video evidence of him holding the weapon, that the DNA evidence was compromised by potential transfer, and that his proximity to the firearm in a dark, high-crime alleyway was insufficient to establish dominion or control. He maintains that his flight from the police was not evidence of his guilt and that the circumstantial evidence amounted to speculation that he possessed a gun. We disagree.

To sustain a conviction for knowing possession of a firearm, the government must prove either actual or constructive possession. *United States v. Perez*, 661 F.3d 568, 576 (11th Cir. 2011). Actual possession is established by proving that the defendant had "physical possession of or personal dominion over the [firearm]." *United States v. Vereen*, 920 F.3d 1300, 1310 (11th Cir. 2019) (citations and internal quotation marks omitted). By contrast, constructive possession requires evidence that the defendant "exercised ownership, dominion, or control over the firearm or the [premises]" where it was concealed. *Id.* (citations and internal quotation marks omitted). Although mere presence near a firearm is insufficient, the government may establish possession through either direct or circumstantial evidence, *Perez*, 661 F.3d at 576, and it need not "exclude every reasonable hypothesis of innocence" to satisfy the reach of a reasonable jury, *United States v. Graham*, 123 F.4th 1197, 1276 (11th Cir. 2024) (citation and internal quotation marks omitted).

Sufficient evidence supports Jones's conviction. Jones's arguments regarding the dark alleyway, the high-crime location, and the possibility of secondary DNA transfer on the gun challenge only "the weight of [the] evidence," which is "reserved for the trier of fact." *Castle v. Sangamo Weston, Inc.*, 837 F.2d 1550, 1559 (11th Cir. 1988). Because "a jury is free to choose among the reasonable constructions of the evidence," we will not disturb the verdict where a reasonable basis for the jury's choice exists. *United States v. Goodwin*, 765 F.3d 1306, 1320 (11th Cir. 2014).

A jury could reasonably have found that Jones possessed the firearm based on circumstantial and forensic evidence. Detective Lamparelli and Officer Jaycox testified that before fleeing, Jones reached for his waistband in a manner consistent with "appendix carry" concealment. During the pursuit, Lamparelli observed an object falling from Jones's waistband, and both Lamparelli and Jaycox heard a metallic sound consistent with a firearm hitting the pavement. The discovery of the gun at Jones's feet after Lamparelli observed an object falling from his waistband, coupled with DNA evidence that established that it was 37 million times more probable that the DNA on the gun belonged to Jones, provided a reasonable basis for the jury to find that Jones possessed the gun.

C. Our Precedent Forecloses Jones's Constitutional Challenge to Section 922(g).

For the first time on appeal, Jones argues that section 922(g) is unconstitutional under the Commerce Clause, on its face and as applied to his intrastate possession of a gun. But we have "repeatedly held that [section] 922(g) is facially constitutional under the Commerce Clause." *United States v. Edwards*, 142 F.4th 1270, 1285 (11th Cir.), *cert. denied*, 146 S. Ct. 903 (2025). And we have "also rejected as-applied challenges to [section] 922(g), holding that the government demonstrates the required minimal nexus to interstate commerce when it proves that the firearms were manufactured outside the state where the offense took place and, thus, necessarily traveled in interstate commerce." *Id.* (citation and internal quotation marks omitted). Jones does not dispute that the gun was manufactured outside the state where the offense took place. *See id.*

D. No Plain Error Occurred in Instructing the Jury on How to Determine Whether Jones's Stipulated Offenses Occurred on Different Occasions Under Section 924(e).

For the first time on appeal, Jones argues that the prosecution and the district court committed plain error by effectively directing a verdict on the "different occasions" requirement under the Armed Career Criminal Act. Relying on *Erlinger v. United States*, 602 U.S. 821 (2024), and *Wooden v. United States*, 595 U.S. 360 (2022), Jones contends that the prosecution bypassed the requisite "multi-factored injury" by inviting the jury to count conviction dates in the parties' stipulation. We disagree.

Under the Armed Career Criminal Act, a defendant convicted under section 922(g) is subject to an enhanced sentence if he has three prior convictions for a violent felony or serious drug offense "committed on occasions different from one another." 18 U.S.C. § 924(e)(1). Because the "different occasions" inquiry increases the range of penalties, it "must be resolved by a unanimous jury beyond a reasonable doubt." *Erlinger*, 602 U.S. at 834. This inquiry is a "fact-laden," "multi-factored" analysis. *Erlinger*, 602 U.S. at 834; *Wooden*, 595 U.S. at 367-69. Although relevant factors include timing, proximity, and the relationship of the offenses, "a single factor—especially of time or place—can decisively differentiate occasions." *Wooden*, 595 U.S. at 369-70.

No plain error occurred. Jones points to the opening statement, where the prosecutor told the jury that "[a]ll you have to find is that there are three different dates" to satisfy the Act. Although this statement focused on timing, the record establishes that the inquiry was not "flattened" into a clerical exercise. To the contrary, because the stipulation recited that two of Jones's offenses occurred on the same date, the district court—with Jones's consent—expressly instructed the jury that those offenses "only count[ed] as one" for purposes of the different-occasions inquiry. Because the jury was tasked with finding that the offenses occurred on separate occasions and *Wooden* acknowledges that timing can be a "decisive" factor, Jones has identified no precedent that establishes that the prosecution committed plain error. *See id.* at 369; *Cenephat*, 115 F.4th at 1368.

E. The District Court's Reliance on Alternate Predicate Offenses Did Not Affect Jones's Substantial Rights.

For the first time on appeal, Jones argues that the district court performed a "blatant end-run" around *Erlinger* by relying on prior convictions other than those found by the jury. He contends that this error deprived him of his Sixth Amendment right to a jury determination on the "different occasions" inquiry under section 924(e) and improperly increased his guideline range. The "different occasions" inquiry must be resolved by a unanimous jury beyond a reasonable doubt. *Erlinger*, 602 U.S. at 834.

Although the district court erred by enhancing Jones's sentence based on the three drug offenses listed in the presentence investigation report instead of only the offenses found by the jury, *see id.*; *Edwards*, 142 F.4th at 1276, Jones has not established that the error affected his substantial rights. To meet this "heavy" burden, he needed to establish a "reasonable probability that he would have received a lighter sentence but for the error." *Edwards*, 142 F.4th at 1281-82 (citations and internal quotation marks omitted). The jury found beyond a reasonable doubt that the three prior convictions identified in the trial stipulation were committed on different occasions. Jones does not contest that those offenses qualify as predicates under the Act. Because Jones remained subject to the same enhancement and guideline range regardless of which qualifying predicates the district court cited, there is no reasonable probability of a different outcome. *See id.* at 1276, 1281-82.

IV. CONCLUSION

We **AFFIRM** Jones's conviction and sentence.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 04, 2026

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 24-13220-AA
Case Style: USA v. Samuel Jones
District Court Docket No: 0:23-cr-60204-RNS-1

Opinion Issued
Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing
The time for filing a petition for panel rehearing or rehearing en banc is governed by 11th Cir. R. 40-2. Please see FRAP 40 and the accompanying circuit rules for information concerning petitions for rehearing.

Costs
No costs are taxed.

Bill of Costs
If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.ca11.uscourts.gov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees
The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel
Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

A-2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES OF AMERICA	§	**JUDGMENT IN A CRIMINAL CASE**
	§	
v.	§	
	§	Case Number: **0:23-CR-60204-RNS(1)**
SAMUEL LEE JONES	§	USM Number: **55345-004**
a/k/a Samuel Lee Tyson	§	
	§	Counsel for Defendant: Raymond D'Arsey Houlihan
	§	Counsel for United States: Zachary A. Keller

THE DEFENDANT:

☐	pleaded guilty to count(s)	
☐	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
☐	pleaded nolo contendere to count(s) which was accepted by the court	
☒	was found guilty on count 1 of the indictment, after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense	Offense Ended	Count
18 U.S.C. §§ 922(g)(1) and 924(e)(1) - Possession of a firearm or ammunition by a convicted felon.	01/16/2023	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) ☐ 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.

September 19, 2024
Date of Imposition of Judgment

Signature of Judge

ROBERT N. SCOLA, JR.
SENIOR UNITED STATES DISTRICT JUDGE
Name and Title of Judge

September 19, 2024
Date

DEFENDANT: SAMUEL LEE JONES
CASE NUMBER: 0:23-CR-60204-RNS(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 **180 months** as to count 1. This Court recommends this sentence run concurrent with any yet to be imposed sentence in Docket No. 23-CF-832, 17th Judicial Circuit of Florida, Broward County.

☒ The court makes the following recommendations to the Bureau of Prisons:
1) Defendant be designated to a facility in South Florida to be near his family.
2) Defendant be allowed to participate in the 500-hour RDAP program.

☒ 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: SAMUEL LEE JONES
CASE NUMBER: 0:23-CR-60204-RNS(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **three (3) 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 which 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 additional conditions on the attached page.

DEFENDANT: SAMUEL LEE JONES
CASE NUMBER: 0:23-CR-60204-RNS(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. I understand additional information regarding these conditions is available at www.flsp.uscourts.gov.

Defendant's Signature ________________________ Date ________________

DEFENDANT: SAMUEL LEE JONES
CASE NUMBER: 0:23-CR-60204-RNS(1)

SPECIAL CONDITIONS OF SUPERVISION

Permissible Search: The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Substance Abuse Treatment: The defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third-party payment.

Unpaid Restitution, Fines, or Special Assessments: If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

DEFENDANT: SAMUEL LEE JONES
CASE NUMBER: 0:23-CR-60204-RNS(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$100.00	$.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. 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 the schedule of payments page 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:

Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the amount of **$.00**. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of $25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, 18 U.S.C. §2259.
** Justice for Victims of Trafficking Act of 2015, 18 U.S.C. §3014.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: SAMUEL LEE JONES
CASE NUMBER: 0:23-CR-60204-RNS(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 $100.00 due immediately.

It is ordered that the Defendant shall pay to the United States a special assessment of $100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court. Payment is to be addressed to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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
See above for 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 forfeit the defendant's interest in the following property to the United States:
FORFEITURE of the defendant's right, title and interest in certain property is hereby ordered consistent with the plea agreement. The United States shall submit a proposed Order of Forfeiture within three days of this proceeding.

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.