

No. _____

In the

Supreme Court of the United States

Michael Chase Watson,

Petitioner,

v.

United States,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

1. May a district court impose discretionary conditions of supervised release by reference to a pre-prepared document when the court does not ensure that (or even ask whether) the defendant has reviewed the document?

PARTIES TO THE PROCEEDING

Petitioner is Michael Chase Watson, who was the Defendant-Appellant in the court below. Respondent, the United States, was the Plaintiff-Appellee in the court below. No party is a corporation.

RULE 14.1(b)(iii) STATEMENT

This case arises from the following proceedings in the United States Court of Appeals for the Fifth Circuit and the Southern District of Texas:

- *United States v. Watson*, No. 25-40440, 2026 U.S. App. LEXIS 18227, at *1 (5th Cir. June 23, 2026)
- *United States v. Watson*, No. 3:23-cr-00023 (S.D. Tex. Oct. 31, 2025)

No other proceedings in state or federal trial or appellate courts, or in this Court, are directly related to this case.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Michael Chase Watson seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The opinion of the Court of Appeals is reported at *United States v. Watson*, No. 25-40440, 2026 U.S. App. LEXIS 18227, at *1 (5th Cir. June 23, 2026). The district court did not issue a written opinion.

JURISDICTION

The Fifth Circuit entered judgment on June 23, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION

This Petition involves the Due Process Clause of the Fifth Amendment:

No person shall ... be deprived of life, liberty, or property,
without due process of law[.]

U.S. Const. amend V.

STATEMENT OF THE CASE

Michael Chase Watson, Petitioner, pleaded guilty to two federal counts, in a superseding information, pursuant to a plea agreement. In addition to calculating an advisory sentencing range under the sentencing guidelines, the presentence investigation report (PSR) included an appendix of recommended conditions of supervised release. This PSR appendix contained both mandatory and discretionary conditions of supervision. Mr. Watson did not file a response to the PSR.

At sentencing, the district court began by asking the government if it had any outstanding objections to the PSR. The district court then asked whether the defense had objections to the PSR, and defense counsel confirmed he did not. During this exchange, the district court failed to verify whether Mr. Watson reviewed the PSR with counsel. *See* Fed. R. Crim. P. 32(i)(1)(A).

The district court sentenced Mr. Watson to 108 months of imprisonment on each count, to run concurrently, and a lifetime term of supervised release. The court announced the conditions of supervised release as follows:

While on supervised release the defendant shall not commit another federal, state, or local crime; shall comply with the standard conditions that have been adopted by this Court under General Order Number 2017-01; abide by any mandatory conditions required by law; and shall comply with the additional conditions as noted in the appendix to the PSR. The defendant must also cooperate in the collection of a DNA sample if it is authorized by law.

Mr. Watson did not object.

When the written judgment was later issued, it included six mandatory conditions of supervised release, fifteen standard conditions of supervised release,

and fourteen special conditions of supervised release. These conditions in the judgment mirrored the appendix to the PSR.

On appeal, Mr. Watson argued that the judgment's fourteen "special" conditions of supervised release, all of them discretionary, were improper because they conflicted with the district court's oral pronouncement at sentencing. Specifically, they were never properly imposed, even by reference, because the district court never ensured that (or even asked whether) Mr. Watson had reviewed the PSR or its appendix.

In response, the government moved to dismiss Mr. Watson's appeal under the plea agreement's appeal-waiver provision. The Fifth Circuit, however, pretermitted the appeal waiver and instead resolved the case on the merits. In doing so, the Fifth Circuit held, under its recent (and unique) precedent, that the special conditions of supervised release were properly imposed even though the district court neither orally pronounced the conditions nor inquired whether Mr. Watson had reviewed the PSR or its appendix. *United States v. Watson*, No. 25-40440, 2026 U.S. App. LEXIS 18227, at *1 (5th Cir. June 23, 2026).

REASONS FOR GRANTING THIS PETITION

In *Villafana-Mondragon*, and again in the case below, the Fifth Circuit held that a sentencing court may impose discretionary conditions of supervised release by reference to a pre-prepared document even without ensuring that the defendant has reviewed the document. *United States v. Villafana-Mondragon*, 170 F.4th 360, 364 (5th Cir. 2026); *United States v. Watson*, No. 25-40440, 2026 U.S. App. LEXIS 18227, at *1 (5th Cir. June 23, 2026) (citing *Villafana-Mondragon*). No other court follows such a broad rule, and neither did the Fifth Circuit only a few years ago. *United States v. Diggles*, 957 F.3d 551, 560-61 & n.5 (5th Cir. 2020) (en banc) (“Regardless of the type of document, the court must ensure, as it does with the PSR, that the defendant had an opportunity to review it with counsel. And the mere existence of such a document is not enough for pronouncement.”).

By removing the requirement that the sentencing court inquire whether the defendant has reviewed the pre-prepared conditions, the Fifth Circuit has eliminated the only safeguard in place to protect a criminal defendant’s Fifth Amendment right to be present at sentencing when discretionary conditions of supervised release are imposed by reference. This is a recurring issue of vast importance because nearly every federal sentence involves conditions of supervised release and courts now routinely impose such conditions by reference.

Under the Fifth Amendment’s due process guarantees, a district court may not impose discretionary conditions of supervised release by reference to a pre-prepared document unless the court first ensures that the defendant has reviewed the document.

“[T]he sentencing process, as well as the trial itself, must satisfy the requirements of the Due Process Clause,” and the defendant “has a legitimate interest in the character of the procedure which leads to the imposition of sentence[.]” *Gardner v. Florida*, 430 U.S. 349, 358 (1977) (plurality opinion). Because “criminal justice today is for the most part a system of pleas, not a system of trials,” the sentencing hearing is where nearly every federal defendant’s liberty is actually decided. *Lafler v. Cooper*, 566 U.S. 156, 170 (2012). And the defendant’s presence is essential under both the Fifth Amendment and the federal rules. *See* Fed. R. Crim. P. 43(a)(3).

In this vein, courts have long recognized that when a conflict arises between the oral pronouncement of a sentence and the court’s later-issued written judgment, the oral pronouncement controls. *United States v. Kindrick*, 576 F.2d 675, 676–77, 677 n.1 (5th Cir. 1978) (collecting cases). This rule derives from a criminal defendant’s due process rights, under the Fifth Amendment, to be present at sentencing and to “mount a defense.” *Diggles*, 957 F.3d at 560 (“The pronouncement requirement is not a meaningless formality. ... [I]t is part of the defendant’s right to be present at sentencing, which in turn is based on the right to mount a defense.”). To promote judicial economy, appellate courts, however, do not require sentencing courts to orally pronounce every condition of supervised release at the sentencing hearing.

Mandatory conditions need not be pronounced at all. *Id.* at 559. And for discretionary conditions, whether labeled “standard” or “special,” the sentencing court may incorporate the conditions by reference to a pre-prepared document, such as a standing order or, most commonly, the PSR. *Id.* at 560-61 & n.5. But to do so, the court must apply a safeguard: it must ensure that the defendant has reviewed that pre-prepared document. *Id.* at 561 n.5 (“Regardless of the type of document, the court must ensure, as it does with the PSR, that the defendant had an opportunity to review it with counsel. And the mere existence of such a document is not enough for pronouncement.”).

This was the universal rule, including in the Fifth Circuit, until recently. *E.g.*, *id.* at 561 n.5. But explicitly in *Villafana-Mondragon*, and again in this case, the Fifth Circuit has eliminated the safeguard: it now holds that unpronounced discretionary conditions of supervised release are binding on a defendant, by reference, even when the district court *does not* ensure that (or even ask whether) the defendant has reviewed the pre-prepared document. *United States v. Villafana-Mondragon*, 170 F.4th 360, 364 (5th Cir. 2026); *United States v. Watson*, No. 25-40440, 2026 U.S. App. LEXIS 18227, at *1 (5th Cir. June 23, 2026) (citing *Villafana-Mondragon*).

This new rule is a step too far. With the safeguard gone, the rule violates a defendant’s due process rights to be present at sentencing and to mount a defense. *See Villafana-Mondragon*, 170 F.4th at 366 (Douglas, J., dissenting) (“When the court has not confirmed that the defendant has reviewed the PSR and therefore has notice, the defendant has not been given opportunity to object—a threshold requirement for

oral in-court adoption.”). “The sentencing hearing is a critical stage of a criminal case—usually *the* critical stage these days when well over 95% of federal defendants plead guilty[.]” *Diggles*, 957 F.3d at 558. “Including a sentence in the written judgment that the judge never mentioned when the defendant was in the courtroom is ‘tantamount to sentencing the defendant *in absentia*.’” *Id.* at 557 (citation omitted). Supervised release conditions are as much a part of a defendant’s sentence as imprisonment. Indeed, violations can lead to serious consequences, including revocation and additional imprisonment. *See* 18 U.S.C. § 3583(e)(3). In some cases, revocation is mandatory. *E.g.*, 18 U.S.C. § 3583(g).

In making such an enormous change, the Fifth Circuit’s rationale is thin: Federal Rule of Criminal Procedure 32 does not create an “absolute requirement” that a sentencing judge ask whether the defendant has reviewed the PSR. *United States v. Lezama-Ramirez*, 173 F.4th 191, 194 (5th Cir. 2026) (quoting *United States v. Esparza-Gonzalez*, 268 F.3d 272, 274 (5th Cir. 2001)). This cannot carry the day for two reasons. First, Rule 32 does impose such a requirement. Fed. R. Crim. P. 32(i)(1)(A). Second, even if Rule 32 did not, it is axiomatic in our system that when a rule of procedure conflicts with a constitutional right, the Constitution must prevail. The Fifth Circuit now treats the pronouncement requirement as a meaningless formality, an approach that it, until recently, vehemently opposed. *Diggles*, 957 F.3d at 560-61 & n.5.

Because the Fifth Circuit's new rule truncates a criminal defendant's right to be present at sentencing and, in turn, violates the Fifth Amendment's due process guarantees, this Court should grant the petition.

CONCLUSION

Petitioner respectfully requests that this Court grant *certiorari* to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted,

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