

## **APPENDICES**

### **8<sup>th</sup> Circuit Court of Appeals - *United States v. Gabriel Mangum*, 21-2513**

A - Judgment (Aug. 9, 2022)

B - Per Curium Opinion (Aug. 9, 2022)

C - Order Appointing Criminal Justice Act Counsel (July 8, 2021)

### **United States District Court for Northern District of Iowa**

#### ***United States v. Gabriel Mangum*, No. 1:20-cr-00097-CJW-MAR**

D - Notice of Appeal (July 7, 2021)

E - Judgment (June 30, 2021)

### **Relevant Constitutional and Statutory Provisions**

F – 5<sup>th</sup> Amendment to United States Constitution and 18 U.S.C. 751

**8<sup>th</sup> Circuit Court of Appeals - *United States v. Gabriel Mangum*, 21-2513**

A - Judgment (Aug. 9, 2022)

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 21-2513

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United States of America

Plaintiff - Appellee

v.

Gabriel Mangum

Defendant - Appellant

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Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids  
(1:20-cr-00097-CJW-1)

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**JUDGMENT**

Before SHEPHERD, ERICKSON, and STRAS, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

August 09, 2022

Order Entered in Accordance with Opinion:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**8<sup>th</sup> Circuit Court of Appeals - *United States v. Gabriel Mangum*, 21-2513**

**B - Per Curium Opinion (Aug. 9, 2022)**

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 21-2505

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United States of America

*Plaintiff - Appellee*

v.

Gabriel Mangum

*Defendant - Appellant*

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No. 21-2513

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United States of America

*Plaintiff - Appellee*

v.

Gabriel Mangum

*Defendant - Appellant*

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No. 21-2514

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United States of America

*Plaintiff - Appellee*

v.

Gabriel Mangum

*Defendant - Appellant*

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Appeal from United States District Court  
for the Northern District of Iowa - Cedar Rapids

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Submitted: April 11, 2022

Filed: August 9, 2022

[Unpublished]

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Before SHEPHERD, ERICKSON, and STRAS, Circuit Judges.

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PER CURIAM.

After escaping from a residential reentry center, Gabriel Mangum received consecutive prison sentences: one for escaping from custody, 18 U.S.C. § 751(a), and another for violating the conditions of supervised release, 18 U.S.C. § 3583(e)(3). As he concedes, “[b]oth [of his] arguments” on appeal “are squarely foreclosed by existing precedent.”

The first is an argument that residing in a reentry center is not “custody.” *See* 18 U.S.C. § 751(a). As we have already held, however, escape from custody includes an “unauthorized departure from [a] residential reentry facility.” *United States v. Goad*, 788 F.3d 873, 876 (8th Cir. 2015). Although Mangum asks us to overrule *Goad*, “one panel may not overrule an earlier decision by another.” *United States v. Anwar*, 880 F.3d 958, 971 (8th Cir. 2018) (citation omitted).

Nor can we say that imposing consecutive sentences violated double jeopardy. *See* U.S. Const. amend. V. We have long held that “the same conduct can result in both a revocation of a defendant’s supervised release and a separate criminal conviction without raising double jeopardy concerns.” *United States v. Wilson*, 939

F.3d 929, 931 (8th Cir. 2019). Nothing in *United States v. Haymond*, 139 S. Ct. 2369 (2019) (plurality opinion), is to the contrary. See *Wilson*, 939 F.3d at 932–33 (distinguishing *Haymond* on the ground that the revocation sentence was mandatory).

We accordingly affirm the judgment of the district court.<sup>1</sup>

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<sup>1</sup>The Honorable C.J. Williams, United States District Judge for the Northern District of Iowa.

**8<sup>th</sup> Circuit Court of Appeals - *United States v. Gabriel Mangum*, 21-2513**

C - Order Appointing Criminal Justice Act Counsel (July 8, 2021)



**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 21-2513

United States of America

Appellee

v.

Gabriel Mangum

Appellant

No: 21-2514

United States of America

Appellee

v.

Gabriel Mangum

Appellant

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Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids  
(1:20-cr-00097-CJW-1)  
(1:17-cr-00056-CJW-1)

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**ORDER**

Attorney Rockne Ole Cole is hereby appointed to represent appellant in these appeals under the Criminal Justice Act. Information regarding the CJA appointment and vouchering process in eVoucher will be emailed to counsel shortly.

July 08, 2021

Order Entered under Rule 27A(a):  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**United States District Court for Northern District of Iowa**  
***United States v. Gabriel Mangum*, No. 1:20-cr-00097-CJW-MAR**

D - Notice of Appeal (July 7, 2021)

IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, ) No. 1:20-CR-00097-CJW-  
) MAR  
Plaintiff, )  
) NOTICE OF APPEAL  
vs. )  
)  
)  
GABRIEL MANGUM, )  
)  
Defendant. )  
)

COMES NOW, Defendant, through counsel, and hereby pursuant to Federal Rules of Appellate Procedure 4, appeals each and every adverse finding in the judgment entered on June 30, 2021 at Docket 54. Defendant was previously found to be *in forma pauperis* and qualified for Court appointed counsel under the Criminal Justice Act.

RESPECTFULLY SUBMITTED,  
/s/ Rockne Cole

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**ATTORNEY FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I, Rockne Cole, certify that a copy of the above was served on all parties of record via EM-ECF on July 7, 2021  
/s/ Rockne Cole

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**United States District Court for Northern District of Iowa**  
***United States v. Gabriel Mangum*, No. 1:20-cr-00097-CJW-MAR**  
E - Judgment (June 30, 2021)

# UNITED STATES DISTRICT COURT

Northern District of Iowa

UNITED STATES OF AMERICA

v.

GABRIEL MANGUM

) **JUDGMENT IN A CRIMINAL CASE**

) Case Number: **0862 1:20CR00097-001**

) USM Number: **10895-029**

Rockne Cole

Defendant's Attorney

ORIGINAL JUDGMENT

AMENDED JUDGMENT

Date of Most Recent Judgment:

### THE DEFENDANT:

pleaded guilty to count(s) 1 of the Indictment filed on November 4, 2020

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:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 751	Escape From Custody	07/30/2019	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.

**C.J. Williams**  
**United States District Court Judge**

Name and Title of Judge

**June 29, 2021**

Date of Imposition of Judgment



Signature of Judge

**June 30, 2021**

Date

DEFENDANT: **GABRIEL MANGUM**  
CASE NUMBER: **0862 1:20CR00097-001**

**PROBATION**

The defendant is hereby sentenced to probation for a term of:

**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **15 months on Count 1 of the Indictment. It is ordered that the term of imprisonment for the instant offense be served consecutively to the undischarged terms of imprisonment imposed for the cases set forth in paragraph 30 (United States District Court, Northern District of Iowa, Docket No.: 09-CR-2008-1-LRR) and paragraph 32 (United States District Court, Northern District of Iowa, Docket No.: 17-CR-00056-1-CJW) of the presentence report, pursuant to USSG §5G1.3(d).**

The court makes the following recommendations to the Federal Bureau of Prisons:  
**It is recommended that the defendant be designated to the federal correctional institution (FCI) in Sandstone, Minnesota, or as close to the defendant's family in Sioux City, Iowa, or Waterloo, Iowa, as possible; commensurate with the defendant's security and custody classification needs.**

**It is recommended that the defendant participate in the Bureau of Prisons' 500-Hour Comprehensive Residential Drug Abuse Treatment Program or an alternate substance abuse treatment program.**

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

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

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

The defendant must surrender for service of sentence at the institution designated by the Federal Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

as notified by the United States 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: **GABRIEL MANGUM**  
CASE NUMBER: **0862 1:20CR00097-001**

### **SUPERVISED RELEASE**

- Upon release from imprisonment, the defendant will be on supervised release for a term of:  
**1 year on Count 1 of the Indictment.**

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### **MANDATORY CONDITIONS OF SUPERVISION**

- 1) The defendant must not commit another federal, state, or local crime.
- 2) The defendant must not unlawfully possess a controlled substance.
- 3) The defendant must refrain from any unlawful use of a controlled substance.  
The defendant 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 the defendant poses a low risk of future controlled substance abuse. *(Check, if applicable.)*
- 4)  The defendant must cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- 5)  The defendant 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 the defendant resides, works, and/or is a student, and/or was convicted of a qualifying offense. *(Check, if applicable.)*
- 6)  The defendant must participate in an approved program for domestic violence. *(Check, if applicable.)*

The defendant 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: **GABRIEL MANGUM**  
CASE NUMBER: **0862 1:20CR00097-001**

## STANDARD CONDITIONS OF SUPERVISION

As part of the defendant's supervision, the defendant must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for the defendant's 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 the defendant's conduct and condition.

- 1) The defendant must report to the probation office in the federal judicial district where the defendant is authorized to reside within 72 hours of the time the defendant was sentenced and/or released from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed. The defendant must also appear in court as required.
- 3) The defendant must not knowingly leave the federal judicial district where the defendant is authorized to reside without first getting permission from the court or the probation officer.
- 4) The defendant must answer truthfully the questions asked by the defendant's probation officer.
- 5) The defendant must live at a place approved by the probation officer. If the defendant plans to change where the defendant lives or anything about the defendant's living arrangements (such as the people the defendant lives with), the defendant 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, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) The defendant must allow the probation officer to visit the defendant at any time at the defendant's home or elsewhere, and the defendant must permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
- 7) The defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, the defendant must try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about the defendant's work (such as the defendant's position or the defendant's job responsibilities), the defendant 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, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) The defendant must not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant must notify the probation officer within 72 hours.
- 10) The defendant 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) The defendant 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) As directed by the probation officer, the defendant must notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and must permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 13) The defendant must follow the instructions of the probation officer related to the conditions of supervision.



DEFENDANT: **GABRIEL MANGUM**  
CASE NUMBER: **0862 1:20CR00097-001**

**SPECIAL CONDITIONS OF SUPERVISION**

*The defendant must comply with the following special conditions as ordered by the Court and implemented by the United States Probation Office:*

1. **The defendant must submit the defendant’s person, property, house, residence, vehicle, papers, computers [as defined in 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 must warn any other occupants that the premises may be subject to searches pursuant to this condition. The United States Probation Office may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.**
2. **The defendant must participate in a mental health evaluation. The defendant must complete any recommended treatment program, and follow the rules and regulations of the treatment program. The defendant must take all medications prescribed to the defendant by a licensed medical provider.**
3. **The defendant must participate in an evaluation for anger management and/or domestic violence. The defendant must complete any recommended treatment program, and follow the rules and regulations of the treatment program.**
4. **The defendant must participate in a substance abuse evaluation. The defendant must complete any recommended treatment program, which may include a cognitive behavioral group, and follow the rules and regulations of the treatment program. The defendant must participate in a program of testing for substance abuse. The defendant must not attempt to obstruct or tamper with the testing methods.**
5. **The defendant must not use or possess alcohol. The defendant is prohibited from entering any establishment that holds itself out to the public to be a bar or tavern without the prior permission of the United States Probation Office.**
6. **If not employed at a lawful type of employment as deemed appropriate by the United States Probation Office, the defendant must participate in employment workshops and report, as directed, to the United States Probation Office to provide verification of daily job search results or other employment related activities. In the event the defendant fails to secure employment, participate in the employment workshops, or provide verification of daily job search results, the defendant may be required to perform up to 20 hours of community service per week until employed.**
7. **Immediately following release from custody, the defendant must reside in a Residential Reentry Center for a period of up to 120 days, or until discharged by the United States Probation Office, after consultation with the Court. This placement will be in the pre-release component with work release privileges. While a resident of the Residential Reentry Center, the defendant must abide by all rules and regulations of the facility. The defendant must report to the Residential Reentry Center at a time and date to be determined by the Bureau of Prisons, the Residential Reentry Center, and the United States Probation Office.**

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them. Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition of supervision.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States Probation Officer/Designated Witness

\_\_\_\_\_  
Date





DEFENDANT: **GABRIEL MANGUM**  
CASE NUMBER: **0862 1:20CR00097-001**

### SCHEDULE OF PAYMENTS

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

- A  \$ **100** due immediately;
- 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:

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 will 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 must pay the cost of prosecution.
- The defendant must pay the following court cost(s):
- The defendant must 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.

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## **F - Relevant Constitutional and Statutory Provisions**

## **5<sup>th</sup> Amendment to the United States Constitution**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; **nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb**; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## **18 U.S.C. § 751 – Escape from Custody**

(a) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined

under this title or imprisoned not more than five years, or both; or if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

**(b)** Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any **institution or facility in which he is confined by direction of the Attorney General**, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under [section 5034 of this title](#), be fined under this title or imprisoned not more than one year, or both. Nothing herein contained shall be construed to affect the discretionary authority vested in the Attorney General pursuant to [section 5032 of this title](#).