

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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JOHN GABRIEL TREVINO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

APPENDIX

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/s/ Christy Posnett Martin

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Appendix A Opinion of Fifth Circuit, CA No. 23-11180, *United States v. Trevino*, 125 F.4th 198 (5<sup>th</sup> Cir. Dec. 31, 2024).

Appendix B Amended Judgment and Sentence of the United States District Court for the Northern District of Texas, entered November 16, 2023. *United States v. Trevino*, Dist. Court 5:19-CR-031.

## APPENDIX A

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

December 31, 2024

Lyle W. Cayce  
Clerk

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No. 23-11180

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOHN GABRIEL TREVINO,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:19-CR-31-1

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

ANDREW S. OLDHAM, *Circuit Judge:*

I

As a 32-year-old man, John Gabriel Trevino engaged in a sexual relationship with a 14-year-old child. After someone discovered pornographic images of her on his phone, he was charged with one count of production of child pornography, one count of enticement of a minor, and one count of possession of child pornography. *See* 18 U.S.C. §§ 2251(a); 2422(b); 2252A(a)(5)(b). Trevino pled guilty to one count of production of child



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pornography and received a sentence of 235 months in prison to be followed by 25 years of supervised release.

At Trevino's sentencing hearing, the district court pronounced his term of supervised release subject to certain "standard conditions." ROA.202. These 13 standard conditions were contained in the written judgment, but not orally pronounced at sentencing.<sup>1</sup> Trevino appealed on the basis that the standard conditions were discretionary under 18 U.S.C. § 3583(d) and must thus be pronounced orally at sentencing. *See United States v. Diggles*, 957 F.3d 551, 556 (2020) (en banc).

A panel of this court agreed. *See United States v. Trevino*, No. 19-11202, 2022 WL 17691623 at \*1 (5th Cir. Dec. 14, 2022). The panel vacated the judgment and remanded to the district court "to allow the unpronounced standard conditions to be removed from the written judgment." *Ibid.* The district court issued an amended written judgment on February 1, 2023, omitting the standard conditions in accordance with this court's mandate. Later, Trevino's probation officer petitioned the court to modify his sentence and reimpose the standard conditions, believing them "necessary to adequately supervise the defendant upon his release from custody." ROA.127-129. Because Trevino opposed the modification, the district court ordered a hearing.<sup>2</sup>

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<sup>1</sup> At the time of Trevino's first sentencing, this court's precedent required oral pronouncement of only "discretionary" and "special" conditions. *See United States v. Martinez*, 250 F.3d 941, 942 (5th Cir. 2001) (per curiam); *United States v. Vega*, 332 F.3d 849, 853 n.8 (5th Cir. 2003) (per curiam). *United States v. Diggles*, 957 F.3d 551 (2020) (en banc) was handed down after Trevino filed his notice of appeal. *See id.*

<sup>2</sup> The hearing solely concerned whether to reimpose the standard conditions of supervision. *See* ROA.212 ("This is not a resentencing hearing.").

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At the hearing, Trevino lodged three objections to the reimposition of the standard conditions of supervised release. First, he contended that the modification was “premature,” as his term of supervised release has not yet commenced. ROA.217. Second, he contended that reimposing the conditions was “inconsistent with the mandate from the Fifth Circuit.” ROA.218. And finally, he contended that Standard Condition No. 10, which prohibits Trevino from possessing firearms and other weapons during supervised release, violates the Second Amendment. The district court overruled all three objections and reimposed the standard conditions after oral pronouncement.

## II

Trevino renews each of his three, preserved objections on appeal. We review a district court’s modification of supervised release conditions for abuse of discretion. *See United States v. Doyle*, 865 F. 3d 214, 214–15 n.1 (5th Cir. 2017). An abuse of discretion occurs when a district court “bases its decision on an error of law or a clearly erroneous assessment of the evidence.” *United States v. Chapple*, 847 F.3d 227, 229 (5th Cir. 2017) (quotation omitted).

### A

First, Trevino’s premature-modification argument. The district court modified his sentence pursuant to 18 U.S.C. § 3583(e)(2). The statute permits the court to, after considering the factors set out in 18 U.S.C. § 3553(a), “modify . . . the conditions of supervised release at any time prior to the expiration or termination of the term of supervised release.” 18 U.S.C. § 3583(e)(2). The statute’s plain text does not require the district court to wait until the supervised release term has begun. *Cf. United States v. Ferguson*, 369 F.3d 847, 850–51 (5th Cir. 2004) (interpreting § 3583 according to its plain meaning). Recognizing § 3583(e)’s broad sweep, our court has held that a district court may modify conditions of supervised release even without

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any “change in circumstance or compelling cause.” *United States v. Caillier*, 80 F.4th 564, 568 (5th Cir. 2023) (quotation omitted). Moreover, Congress knew how to add a prematurity requirement, as evidenced by the adjoining subsection that allows the district court to *terminate* supervised release only after the defendant serves at least one year of the supervised-release term. *See* 18 U.S.C. § 3583(e)(1). We decline to read into § 3583(e)(2) a prematurity requirement that Congress omitted.

True, we have held that prisoners cannot move to modify their supervised-release conditions based on future, unknown, or contingent events. *See, e.g., United States v. Ehret*, No. 21-40916, 2023 WL 3220915 (5th Cir. May 3, 2023) (per curiam); *United States v. Zimmerman*, 481 Fed. App’x 199, 201 (5th Cir. 2012) (per curiam). Thus, for example, a prisoner cannot claim that a supervised-release term unduly prejudices his future employment until he starts serving his supervised-release term and can show a non-speculative form of prejudice. *See United States v. Hatton*, 539 F. App’x 639, 639 (5th Cir. 2013) (per curiam).

But the fact that *prisoners* cannot use speculative future events to challenge their supervised-release terms does not mean *district courts* are disabled from making modifications under § 3583(e)(2) before that term begins. District courts, like the one in this case, find facts as they exist at the time of sentencing. Trevino offers no basis to conclude those facts were based on impermissible speculation. And the text of § 3583(e)(2) does nothing to preclude the district court’s modification decision.

## B

Trevino’s mandate rule argument similarly fails. The district court fully complied with this court’s mandate when it issued an amended judgment without the standard conditions omitted from Trevino’s first oral sentence. Months later, Trevino’s probation officer *sua sponte* petitioned the

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court for a modification of the supervised-release conditions. The mandate rule poses no obstacle to that petition or the district court's reimposition of the standard conditions.

Trevino's first panel judgment remanded to the district court "to allow the unpronounced standard conditions to be removed from the written judgment." *Trevino*, 2022 WL 17691623 at \*1. This decretal language mirrors that of other post-*Diggles* cases. See, e.g., *United States v. Martinez*, 47 F.4th 364, 368 (5th Cir. 2022) (remanding "for amendment of the written judgment by removing the unpronounced standard conditions"); *United States v. Richard*, No. 21-30179, 2023 WL 4559369 at \*3 (5th Cir. 2023) (per curiam) (same). It has thus become standard practice for panels of this court to direct verdicts for criminal defendants in cases where oral and written sentences conflict. See *United States v. Griffin*, No. 21-50294, 2022 WL 17175592 at \*7-\*9 (5th Cir. Nov. 23, 2022) (Oldham, J., dissenting).

The mandate rule "compels compliance on remand with the dictates of a superior court and forecloses relitigation of issues expressly or impliedly decided by the appellate court." *United States v. Lee*, 358 F.3d 315, 321 (5th Cir. 2004). In Trevino's first appeal, a panel of this court determined his first sentencing was deficient for failure to pronounce oral conditions and remanded for revision in accordance with that flaw. *Trevino*, 2022 WL 17691623 at \*1. The district court fully complied. On resentencing, the district court did not revisit the issue of whether Trevino's first hearing complied with *Diggles*. Instead, it decided a new issue: whether, with the defendant properly present, those standard conditions should be applied.<sup>3</sup>

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<sup>3</sup> "When further trial-court proceedings are appropriate after remand, the appellate mandate commonly leaves the trial court free to decide matters that were not resolved on appeal." WRIGHT & MILLER, 18B FED. PRAC. & PROC. JURIS. § 4478.3 (3d ed.).

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Trevino's contrary interpretation of *Diggles* would create anomalies in criminal law. This court routinely remands for resentencing without instructing district courts to render a directed verdict for the defendant, including where serious substantive errors have occurred. *See, e.g., United States v. Del Carpio Frescas*, 932 F.3d 324, 333 (5th Cir. 2019) (remanding for resentencing after district court incorrectly calculated offense level); *United States v. Rojas-Luna*, 522 F.3d 502, 507 (5th Cir. 2008) (remanding for resentencing after district court violated *Apprendi v. New Jersey*, 530 U.S. 466 (2000)); *United States v. Wright*, 533 F.2d 214, 215 (5th Cir. 1976) (remanding for resentencing where trial court retaliated against defendants asserting constitutional rights).<sup>4</sup> There is no justification for our different treatment of *Diggles* violations.

Finally, the district court's resentencing protected Trevino's right of allocution. "Our jurisprudence ensures that the pronouncement requirement is not a meaningless formality by insisting on giving the defendant notice of his sentence and providing him an opportunity to object." *United States v. Chavez*, No. 20-50550, 2022 WL 767033 at \*5 (5th Cir. 2022) (citation omitted). Trevino had both at his resentencing hearing.

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<sup>4</sup> *See also, e.g., United States v. Chavez*, No. 20-50550, 2022 WL 767033 at \*5 (5th Cir. 2022) ("While we must remand with instructions to amend the judgment to exclude the unpronounced conditions, we note that in certain circumstances the district court may later modify and enlarge the conditions of supervised release. As long as the district court adheres to the procedural protections of these authorities, we see nothing that prevents the court from modifying Chavez's conditions of supervised release to include the Western District's standard conditions and the two special conditions that it previously did not pronounce.") (citation omitted); *accord United States v. Garcia-Marcelo*, No. 21-50700, 2022 WL 3684613 at \*5 n.2 (5th Cir. Aug. 25, 2022); *United States v. Hernandez*, No. 21-40161, 2022 WL 1224480 at \*4 (5th Cir. Apr. 26, 2022).

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C

Trevino raises three objections to the district court’s reimposition of Standard Condition No. 10. All three fail. We explain (1) that the condition reasonably relates to the factors set forth in 18 U.S.C. § 3553(a). We next conclude (2) that it does not involve a greater deprivation of liberty than reasonably necessary. Finally, we explain (3) that the Supreme Court’s holding in *Bruen v. New York State Rifle & Pistol Association*, 144 S. Ct. 2111 (2022), does not render the condition unconstitutional.

1

When imposing conditions of supervised release, the district court must consider certain factors enumerated in 18 U.S.C. § 3553(a), including the nature of the offense and the need to protect the public from future crimes. *Ibid.*; 18 U.S.C. § 3585(d)(1). Any conditions of supervised release need only relate to one of the enumerated factors. *United States v. Gordon*, 838 F.3d 597, 604 (5th Cir. 2016). The district court found Trevino’s crime “violent.” ROA.222. And the district court considered the factors set forth in § 3553(a) before reimposing the condition. It is therefore no abuse of discretion to determine that a “violent” offender cannot possess a firearm. Although the underlying felony did not involve use of a firearm, that is not a requirement to impose the condition, and Trevino offers no authority to the contrary.

2

A condition of supervised release may “impose no greater deprivation of liberty than is reasonably necessary” to advance the considerations set forth in § 3553(a). *United States v. Caravayo*, 809 F.3d 269, 274 (5th Cir. 2015). Given the district court’s finding that Trevino committed a “violent” crime, it did not abuse its discretion in applying Standard Condition No. 10. Preventing a violent offender from possessing a firearm is surely the

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minimum deprivation of liberty necessary to protect the public from further violations.

3

Although the Supreme Court has yet to address the constitutionality of § 922(g)(1), it has continued to emphasize that laws disarming “felons” are “presumptively lawful.” *United States v. Rahimi*, 144 S. Ct. 1889, 1902 (2024) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 626–27 n.26 (2008)). We recently applied these standards to § 922(g)(1) and held the statute is facially constitutional. *See United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024) (applying *Salerno* and upholding § 922(g)(1)). And *Bruen* itself emphasized that the Second Amendment protects the right of “law-abiding” citizens to possess and carry firearms. 144 S. Ct. at 2122. We therefore reject Trevino’s facial challenge to § 922(g)(1).

\* \* \*

The judgment of the district court is therefore AFFIRMED.

## APPENDIX B



**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF TEXAS LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

**JOHN GABRIEL TREVINO**

§ **THIRD AMENDED JUDGMENT**  
 § **IN A CRIMINAL CASE**  
 §  
 § Case Number: **5:19-CR-00031-H-BQ(1)**  
 § USM Number: **58813-177**  
 § **David E. Sloan**  
 § Defendant's Attorney

DATE OF ORIGINAL JUDGMENT: October 25, 2019.

REASON FOR AMENDMENT: **Adding standard conditions of supervised release following hearing on U.S. Probation's request to modify conditions of supervision. (See page 4 of this judgment.)**

**THE DEFENDANT:**

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	<b>1 of the indictment filed February 13, 2019.</b>
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:2251A.F 18 U.S.C. § 2251(a) Production Of Child Pornography	03/17/2018	1

The defendant is sentenced as provided in pages 2 through 8 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  Remaining count(s) 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.

**November 16, 2023**

Date of Imposition of Judgment

Signature of Judge

**James Wesley Hendrix**  
**United States District Judge**

Name and Title of Judge

**November 16, 2023**

Date

DEFENDANT: JOHN GABRIEL TREVINO  
CASE NUMBER: 5:19-CR-00031-H-BQ(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: 235 months as to count 1 to run concurrent with any sentence imposed in Case No. 2018-415,357 pending in the 140<sup>th</sup> District Court, Lubbock County, Texas.

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

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: JOHN GABRIEL TREVINO  
CASE NUMBER: 5:19-CR-00031-H-BQ(1)

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **Twenty-five (25) 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: JOHN GABRIEL TREVINO  
CASE NUMBER: 5:19-CR-00031-H-BQ(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.txnp.uscourts.gov](http://www.txnp.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: JOHN GABRIEL TREVINO  
CASE NUMBER: 5:19-CR-00031-H-BQ(1)

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall participate in sex offender treatment services, as directed by the probation officer, until successfully discharged. These services may include psycho-physiological testing (i.e. clinical polygraph, plethysmograph, and the ABEL screen) to monitor the defendant's compliance, treatment progress, and risk to the community. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$50.00 per month.
2. The defendant shall have no contact with the victim(s) or the victim's family, directly or indirectly without prior approval by the probation officer.
3. The defendant shall have no unsupervised contact with persons under the age of 18, nor shall the defendant loiter near places where children may frequently congregate. The defendant shall neither seek nor maintain employment or volunteer work at any location and/or activity where persons under the age of 18 congregate and the defendant shall not date or befriend anyone who has children under the age of 18, without prior permission of the probation officer.
4. The defendant shall not possess, have access to, or utilize a computer or Internet connection device, including, but not limited to Xbox, PlayStation, Nintendo, or similar device, without permission of the probation officer.
5. The defendant shall neither possess nor have under his control any sexually oriented, or sexually stimulating materials of adults or children. The defendant shall not patronize any place where such material is available.



DEFENDANT: JOHN GABRIEL TREVINO  
CASE NUMBER: 5:19-CR-00031-H-BQ(1)

**CRIMINAL MONETARY PENALTIES**

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	\$100.00	\$ .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. 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:

\* 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.

DEFENDANT: JOHN GABRIEL TREVINO  
CASE NUMBER: 5:19-CR-00031-H-BQ(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 payments of \$ \_\_\_\_\_ due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance  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 20 (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:  
**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.**

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.
  - Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
  - 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.

DEFENDANT: JOHN GABRIEL TREVINO  
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**FORFEITED PROPERTY**

Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), it is hereby ordered that defendant's interest in the following property is condemned and forfeited to the United States: Silver iPhone, Model A1586, bearing IMEI 355393079659405.