

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States v. Jaydan Dean

No. 18-50509, United States Court of Appeals for the Fifth Circuit (October 10, 2019)

SUMMARY

The Fifth Circuit affirmed a special search condition of supervised release for a felon-in-possession conviction, holding that plain error review applied because the defendant had notice and a meaningful opportunity to object. The condition—requiring submission to searches upon reasonable suspicion of a supervision violation—was reasonably related to the 18 U.S.C. § 3553(a) factors given the defendant's extensive criminal history and was narrowly tailored to avoid unnecessary deprivation of liberty. The court rejected arguments that the condition lacked an individualized factual basis or was not supported by the record, as the district court adopted the PSR and the condition served to enforce other release terms.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Edith H. Jones; Priscilla R. Owen; Jerry E. Smith
JURISDICTION	Federal
DECIDED	October 10, 2019
DOCKET	18-50509
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Western District of Texas
STANDARD OF REVIEW	Plain error
PRECEDENTIAL VALUE	published
PARTIES	Jaydan Dean v. United States of America

TOPICS

- criminal procedure
- sentencing
- search and seizure
- fourth amendment
- standard of review
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by imposing a special search condition as a condition of supervised release.

HOLDINGS

1. The district court did not commit plain error in imposing the special search condition because the condition is reasonably related to the §3553(a) factors and is narrowly tailored.

KEY QUOTATIONS

“The defendant shall submit his or her 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 shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer 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 shall be conducted at a reasonable time and in a reasonable manner.” (2)

“the court may impose any condition it deems appropriate, provided the condition is reasonably related to at least one of four factors: (1) the nature and characteristics of the offense and the history and characteristics of the defendant, (2) the deterrence of criminal conduct, (3) the protection of the public from further crimes of the defendant, and (4) the provision of needed educational or vocational training, medical care, or other correctional treatment to the defendant.” (4)

FACTUAL BACKGROUND

Dean pleaded guilty to being a felon in possession of a firearm. He had an extensive criminal history including drug possession, burglary, and firearm possession. The PSR calculated a criminal history category of VI and offense level 12. The district court sentenced him to 37 months imprisonment and 3 years supervised release, with a special condition requiring submission to searches by a probation officer upon reasonable suspicion of a violation.

PROCEDURAL HISTORY

Dean pleaded guilty to being a felon in possession of a firearm. The district court sentenced him to 37 months imprisonment and 3 years supervised release, including a special search condition. Dean appealed, challenging the search condition.

DISPOSITION

affirmed

CASES CITED

- United States v. Woods, 547 F.3d 515 (5th Cir. 2008)
- United States v. Bishop, 603 F.3d 279 (5th Cir. 2010)
- United States v. Rivas-Estrada, 906 F.3d 346 (5th Cir. 2018)
- United States v. Rouland, 726 F.3d 728 (5th Cir. 2013)
- United States v. Huor, 852 F.3d 392 (5th Cir. 2017)
- United States v. Paul, 274 F.3d 155 (5th Cir. 2001)
- United States v. Weatherston, 567 F.3d 149 (5th Cir. 2009)
- United States v. Scott, 821 F.3d 562 (5th Cir. 2016)
- United States v. Salazar, 743 F.3d 445 (5th Cir. 2014)
- United States v. Caravayo, 809 F.3d 269 (5th Cir. 2015)
- United States v. Tang, 718 F.3d 476 (5th Cir. 2013)
- United States v. Acosta-Navarro, 2019 WL 3058607 (5th Cir. 2019)
- United States v. Balla, 769 F. App'x 127 (5th Cir. 2019)
- United States v. Hathorn, 920 F.3d 982 (5th Cir. 2019)

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