

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 18, 2024

Lyle W. Cayce
Clerk

No. 23-20366
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAIME JESUS VASQUEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CR-815-2

Before WILLETT, DUNCAN, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Jaime Jesus Vazquez has appealed his guilty plea conviction of conspiracy to possess with intent to distribute more than five kilograms of a mixture or substance containing cocaine. He complains that the written judgment includes conditions of supervised release that were not orally pronounced at sentencing. *See United States v. Diggles*, 957 F.3d 551, 556-57

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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(5th Cir. 2020) (en banc). At issue here are 15 standard conditions of supervised release that were imposed in the written judgment but were not pronounced, nor were they orally adopted by reference to a standing order or other document. *See id.* at 556-59, 560-61. Because the court did not pronounce standard conditions 1 through 9 and 11 through 15, the district court abused its discretion in imposing them. *See id.* Standard condition 10 is partially consistent with the statutorily-mandated condition that the defendant not commit another federal, state, or local offense; it bars Vasquez from owning, possessing, or having access to firearms, ammunition, or destructive devices, which would violate federal law following a felony conviction. However, it broadens that restriction by extending it to other dangerous weapons and must be stricken in part.

Accordingly, standard conditions 1 through 9 and 11 through 15 should be excised from the written judgment, and standard condition 10 should be excised in part from the written judgment. Vazquez's sentence is VACATED IN PART and the case is REMANDED for the district court to amend its written judgment in accordance with the foregoing.