

United States Court of Appeals
for the Fifth Circuit

No. 25-20208

United States Court of Appeals
Fifth Circuit

FILED

September 17, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARQUAVIA CHANCENIQUE BELL,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:20-CR-179-1

Before JONES, CLEMENT, and RICHMAN, *Circuit Judges*.

PER CURIAM:*

Marquavia Chancénique Bell asks us to vacate several supervised release conditions that the district court imposed in its written judgment. She argues the court did not satisfy its oral pronouncement requirement regarding those conditions because it did not ensure she conferred with counsel about the document it orally adopted during sentencing. We affirm.

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

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I

Marquavia Chancenique Bell pleaded guilty to one count of conspiring to possess counterfeit securities and was sentenced to nine months of imprisonment, followed by a two-year term of supervised release. About a year later, jurisdiction over her supervised release was transferred from the United States District Court for the Eastern District of Texas to the Southern District of Texas. While serving her first term of supervised release, Bell committed multiple new offenses and unlawfully used a controlled substance in violation of the conditions of her supervised release. The district court held a revocation hearing, revoked her first term of supervised release, and sentenced her to nine months of imprisonment, followed by a one-year term of supervised release. While serving her second term of supervised release, Bell again violated the terms of her supervision by committing new offenses and failing to notify her probation officer within seventy-two hours of being arrested or questioned by law enforcement.

The district court held another revocation hearing to address Bell's violations. Before the hearing, the Probation Department prepared a Judge's Sentencing Options Worksheet (Options Worksheet) that included an appendix with recommended conditions for the district court, should it impose another term of supervised release. The recommended conditions included requirements related to substance abuse. The Options Worksheet also recommended: "[Bell] shall not commit another federal, state, or local crime, shall comply with the Mandatory and Standard Conditions of Supervision as approved by the Judicial Conference and adopted by this Court under General Order No. 2017-01, and shall abide by any mandatory condition(s) required by law." The Probation Department provided the Options Worksheet to the district court, Bell, and her counsel prior to the hearing.

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At the start of the hearing, the district court addressed Bell's violations of three conditions of her second term of supervised release. The court stated: "[H]old on just a minute. For some reason, I'm missing a page [of the Options Worksheet]. On your worksheet on page 1, I see the new law violation (theft). I do not see the page which contains the failure to notify and the bodily injury." Bell admitted the failure to notify and theft violations, but she did not admit the bodily injury violation. The court then heard evidence on the bodily injury violation, and concluded she did violate that condition. Before hearing from the government on sentencing, the district court stated it had "reviewed the revocation worksheets" and explained the maximum term of imprisonment, as well as the revocation imprisonment range, for Bell's violations and criminal history. After the district court heard argument from Bell's counsel and allocution from Bell, it revoked her second term of supervised release and sentenced her to eighteen months of imprisonment, followed by one year of supervised release. The court then asked if there was anything else from the parties, and the Probation Officer asked if the court "will adopt the conditions noted in the [Options Worksheet] appendix," to which the court responded "yes." Bell did not object.

The district court's written judgment pertaining to Bell's supervised release included four mandatory and fifteen standard conditions of supervision, as well as a special condition imposing requirements related to substance abuse.

II

Bell challenges the fifteen standard conditions and the substance abuse special condition that the district court included in its written judgment. However, she does not challenge the part of standard condition

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ten that is consistent with a statutorily required condition.¹ Bell argues the district court “did not orally pronounce” the substance abuse special condition and fifteen standard conditions because it did not “confirm that [she] had reviewed, or had the opportunity to review, the [Options Worksheet] and its appendix with her attorney.” She asks this court to remand to have these conditions stricken from the judgment.

Under the Fifth Amendment’s Due Process clause, a defendant has a “right to be present for sentencing,” “[i]ncluding a sentence in the written judgment.”² “A district court must [therefore] orally pronounce a sentence.”³ “A court may do so by orally stating the condition[s] or by reference to a list of recommended supervised release conditions from a court-wide or judge-specific standing order, or some other document.”⁴ “[O]ral pronouncement does not mean that the sentencing court must recite the conditions word-for-word.”⁵

A district court “‘must pronounce [only] those conditions that are discretionary under 18 U.S.C. § 3583(d),’ the statute that governs supervised release. If a condition is *required* by the statute, ‘making an objection futile,

¹ See *United States v. Fraga*, No. 23-40248, 2024 WL 111388, at *1 (5th Cir. Jan. 10, 2024) (unpublished) (“Federal law prohibits convicted felons from possessing firearms, ammunition, or destructive devices. And statutorily required release conditions need not be pronounced in open court.” (internal citation omitted) (first citing 18 U.S.C. § 922(g), and then citing *United States v. Diggles*, 957 F.3d 551, 559 (5th Cir. 2020) (en banc))).

² *Diggles*, 957 F.3d at 557.

³ *United States v. Grogan*, 977 F.3d 348, 351 (5th Cir. 2020) (citing *Diggles*, 957 F.3d at 556-57).

⁴ *United States v. Martinez*, 47 F.4th 364, 367 (5th Cir. 2022) (citing *Diggles*, 957 F.3d at 560-62).

⁵ *Grogan*, 977 F.3d at 352 (citing *Diggles*, 957 F.3d at 562).

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the court need not pronounce it.’”⁶ In other words, “a district court must orally pronounce at sentencing . . . any condition the imposition of which 18 U.S.C. § 3583(d) does not require.”⁷ The district court was required to pronounce the standard and special conditions at issue here because they are not mandated by § 3583(d).

Whether the district court satisfied the pronouncement requirement determines our standard of review.⁸ “If the defendant had no opportunity to object to the unpronounced conditions in the district court, we review for abuse of discretion; if he had the opportunity but failed to object, plain error review applies.”⁹

A

Bell argues the district court did not satisfy its oral pronouncement requirement because it did not confirm that she conferred with her counsel about the Options Worksheet it orally adopted, so this court should review for abuse of discretion. The government argues “Bell could have objected when the district court announced during sentencing that it was adopting

⁶ *United States v. Gomez*, 960 F.3d 173, 179 (5th Cir. 2020) (quoting *Diggles*, 957 F.3d at 562-63, 558-59).

⁷ *United States v. Quezada-Atayde*, 148 F.4th 360, 363 (5th Cir. 2025).

⁸ See *Quezada-Atayde*, 148 F.4th at 363; *United States v. Villafana-Mondragon*, 170 F.4th 360, 363 (5th Cir. 2026) (“When a defendant does not object to supervised-release conditions, our standard of review ‘depends on whether the defendant had an opportunity to object to the condition[s] at sentencing.’ If he had that chance, we review for plain error. If not, we review for abuse of discretion.” (alteration in original) (internal citations omitted) (quoting *United States v. Prado*, 53 F.4th 316, 318 (5th Cir. 2022))).

⁹ *Gomez*, 960 F.3d at 179 (internal footnote omitted) (first citing *United States v. Mudd*, 685 F.3d 473, 480 (5th Cir. 2012); and then citing *United States v. Huor*, 852 F.3d 392, 398 (5th Cir. 2017)).

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those conditions as set forth in the [Options Worksheet],” so this court should review for plain error.

We need not resolve here whether “*Diggles* imposes an additional duty on district courts . . . [to] verify defense counsel reviewed the [document containing the discretionary conditions it imposed] with” the defendant.¹⁰ Even if the court did not satisfy its oral pronouncement

¹⁰ *Villafana-Mondragon*, 170 F.4th at 362; see *Quezada-Atayde*, 148 F.4th at 363 (“Where a sentencing court has first confirmed that the defendant received and reviewed the PSR with his counsel and ‘orally adopt[ed]’ a list of supervised release conditions contained in a standing order or the defendant’s PSR, the pronouncement requirement is satisfied.” (alteration in original) (quoting *Diggles*, 957 F.3d at 563)); *United States v. Green*, No. 24-30608, 2025 WL 1735720, at *1 (5th Cir. June 23, 2025) (unpublished) (“As the district court did not confirm that Green reviewed the proposed supervised release conditions in the [PSR], we review for abuse of discretion because the district court did not provide Green an opportunity to object.” (citing *United States v. Martinez*, 47 F.4th 364, 366 (5th Cir. 2022)); *United States v. Richard*, No. 21-30179, 2023 WL 4559369, at *2 (5th Cir. July 17, 2023) (unpublished) (stating that to satisfy the oral pronouncement requirement, “[t]he district court must . . . ‘ensure, as it does with the PSR, that the defendant had an opportunity to review [the document] with counsel’ before adopting the conditions listed in the document” (second alteration in original) (quoting *Diggles*, 957 F.3d at 561 n.5)); *United States v. Griffin*, No. 21-50294, 2022 WL 17175592, at *2 (5th Cir. Nov. 23, 2022) (unpublished) (“A district court does not adequately notify a defendant of the conditions to afford an opportunity to object where it fails to ask the defendant if he reviewed the PSR and does not refer to a standing order or to mandatory and standard conditions. But where the district court confirms that the defendant has reviewed the PSR and announces that it is adopting the PSR, which recommends the standard conditions, the requirement is fulfilled.” (first citing *United States v. Jackson*, No. 20-50922, 2022 WL 738668, at *2 (5th Cir. Mar. 11, 2022) (unpublished); and then citing *United States v. Martinez*, 15 F.4th 1179, 1181 (5th Cir. 2021))); *Jackson*, 2022 WL 738668, at *2 (recognizing that “the district court did not ask [the defendant] whether he had reviewed the PSR with his counsel” when considering whether the pronouncement requirement was satisfied); *United States v. Chavez*, No. 20-50550, 2022 WL 767033, at *4 (5th Cir. Mar. 14, 2022) (unpublished) (“A district court satisfies the oral pronouncement requirement by” “ensur[ing] that the defendant had an opportunity to review [the] list” “of recommended conditions from a standing order or some other document” “with counsel and orally adopt[s] it when the defendant is in court and can object.” (citing *Diggles*, 957 F.3d at 560-63 & n.5)); but see *United States v. Baez-Adriano*, 74 F.4th 292, 304 (5th Cir. 2023) (recognizing that it is “well-grounded and legally sound procedure” for a district court to

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requirement, it did not abuse its discretion when it imposed the discretionary conditions contained in its written judgment.

B

Usually when “we are reviewing for abuse of discretion, the decisive question . . . is whether the gap between ‘the oral pronouncement and the written judgment is a conflict or merely an ambiguity that can be resolved by reviewing the rest of the record.’”¹¹ But Bell makes no argument that “the in-court [oral] pronouncement differs from the [written] judgment.”¹² Bell’s “real argument is that the district court erred because it ‘never confirmed that [she] had reviewed, or had the opportunity to review, the [Options Worksheet] with [her] counsel.’”¹³ When a district court orally adopts a PSR

explicitly confirm with the defendant that he or she saw the document containing discretionary conditions and “had the opportunity to review it with defense counsel,” but also acknowledging that this court’s “jurisprudence reflects that the [district] court satisfies its pronouncement requirement when it merely makes oral reference to the court’s [discretionary] conditions detailed in a standing order”); *United States v. Martinez-Rivera*, No. 24-20031, 2025 WL 985711, at *1-2 & n.1 (5th Cir. Apr. 2, 2025) (unpublished) (reviewing for plain error because the defendant “did not object to the district court’s failure to verify that he had read the PSR,” and concluding that there is no conflict between the oral pronouncement and written judgment when the district court did not “confirm[] that [the defendant] had reviewed, or had the opportunity to review, the PSR and its appendix with his counsel,” as prescribed by Federal Rule of Criminal Procedure 32(i)(1)(A), and explaining that *Diggles* “does not state that a failure to adhere to [Rule 32(i)(1)(A)] creates a conflict between a district court’s oral pronouncement and written judgment”); *United States v. Mojano-Rodriguez*, No. 24-20487, 2025 WL 2556261, at *1 (5th Cir. Sept. 5, 2025) (unpublished) (considering Rule 32(i)(1)(A)’s requirement that the district court verify the defendant conferred with counsel about the PSR and reviewing “for plain error” because the defendant “did not object to the district court’s failure to observe Rule 32”).

¹¹ *United States v. Currier*, 160 F.4th 656, 660 (5th Cir. 2025) (quoting *United States v. Woods*, 102 F.4th 760, 767 (5th Cir. 2024)).

¹² *Diggles*, 957 F.3d at 557.

¹³ *Martinez-Rivera*, 2025 WL 985711, at *2.

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with the conditions imposed in the written judgment, we have held that we may “‘draw reasonable inferences from court documents, the defendant’s statements, and counsel’s statements to determine whether the defendant has been given an opportunity to read the PSR with . . . counsel[,]’ sufficient to understand that the conditions imposed at sentencing [were] the ones that were disclosed in the PSR.”¹⁴ Although the district court adopted a different document here, the Options Worksheet, we may likewise draw reasonable inferences from the record.

The record reflects that Bell would have understood the conditions imposed. The standard and special conditions imposed were the exact same or very similar to those imposed in Bell’s first revocation judgment.¹⁵ Thirteen of the fifteen standard conditions were recommended in the PSR connected with her original sentencing hearing and were found in all three judgments (her original judgment and both revocation judgments), and Bell filed no objections to the PSR. All three judgments included special conditions regarding drug testing, and both revocation judgments more broadly addressed substance abuse. Bell was before the same district judge for both revocation hearings, which were approximately a year-and-a-half apart. The Options Worksheet that Bell and her counsel had prior to the hearing included every condition the district court imposed, and it specifically referenced the district court’s 2017 standing order, which

¹⁴ *United States v. Lezama-Ramriez*, 173 F.4th 191, 194 (5th Cir. 2025) (first alteration in original) (internal citation omitted) (quoting *United States v. Esparza-Gonzalez*, 268 F.3d 272, 274 (5th Cir. 2001)); see *Villafana-Mondragon*, 170 F.4th at 364-65 & n.3.

¹⁵ See, e.g., *Currier*, 160 F.4th at 658, 660-61 (concluding the district court did not abuse its discretion when it failed to pronounce conditions it imposed in its written judgment that were “duplicative” of the original judgment).

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outlined every condition imposed.¹⁶ Notably, “[a]t no point during the sentencing did [Bell] express that [she] had not reviewed the [Options Worksheet] with [her] counsel.”¹⁷ The district court referenced the Options Worksheet at least three times during the hearing, and Bell never objected. Even when the Probation Officer explicitly asked the court: “Will the Court adopt the conditions noted in the appendix [of the Options Worksheet]?,” and the court said “yes,” Bell made no objection.¹⁸

On this record, it would be difficult to conclude that Bell did not understand or anticipate the conditions imposed. It is evident Bell had a “sufficient . . . understand[ing] that the conditions imposed at sentencing [were] the ones that were disclosed in the [Options Worksheet].”¹⁹ The district court did not abuse its discretion.

* * *

For the foregoing reasons, we AFFIRM Bell’s sentence.

¹⁶ *In re Conditions of Prob. & Supervised Release*, Gen. Order No. 2017-01 (S.D. Tex. Jan. 6, 2017), https://www.txs.uscourts.gov/sites/txs/files/general-orders/2017-01_0.pdf (last visited Sept. 15, 2026).

¹⁷ *Lezama-Ramirez*, 173 F.4th at 195.

¹⁸ See *United States v. Martinez*, 47 F.4th 364, 367 (5th Cir. 2022) (“A court may” “notif[y] the defendant at sentencing that conditions are being imposed” “by orally stating the condition or by reference to a list of recommended . . . conditions from a court-wide or judge-specific standing order, or some other document.” (citing *United States v. Diggles*, 957 F.3d 551, 560-62 (5th Cir. 2020) (en banc))).

¹⁹ *Lezama-Ramirez*, 173 F.4th at 194.