

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

May 15, 2018
DCO-078

No. 17-3407

UNITED STATES OF AMERICA

v.

CASEY O'DELL,
Appellant

(M.D. Pa. No. 1-16-cr-00082-002)

Present: JORDAN, SHWARTZ and KRAUSE, Circuit Judges

1. Motion by Appellee to Dismiss Appeal Based Upon a Waiver of the Right to Appeal Contained in the Plea Agreement;
2. Response by Appellant to Appellee's Motion to Dismiss Appeal Based Upon a Waiver of the Right to Appeal Contained in the Plea Agreement;
3. Pro Se Motion by Appellant for Appointment of New Counsel;
4. Letter from Appellee addressing whether "the Rule 11 colloquy satisfies Fed. R. Crim. P. 11(b)(1)(N)";
5. Response from Appellant to Appellee's letter regarding the Rule 11 colloquy.

Respectfully,
Clerk/tmm

ORDER

The foregoing motion by Appellee to dismiss the appeal based upon a waiver of the right to appeal contained in the plea Agreement is granted. We nonetheless remind the District Court of the importance of compliance with Fed. R. Civ. P. 11(b)(1)(N) and questioning a defendant at a Rule 11 proceeding about

his understanding of the appellate waiver in a plea agreement. The pro se motion by appellant for the appointment of new counsel is denied as moot.

By the Court,

s/Patty Shwartz
Circuit Judge

Dated: June 26, 2018
tmm/cc: Jonathan W. Crisp, Esq.
Stephen R. Cerutti, II, Esq.
Meredith A. Taylor, Esq.