

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

March 19, 2019

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

No. 16-4165

ANTHONY WAYNE BETTCHER,

Defendant - Appellee.

ORDER

Before **PHILLIPS**, **McHUGH**, and **MORITZ**, Circuit Judges.

Appellee's petition for rehearing is denied.

The petition for rehearing en banc was transmitted to all of the judges of the court who are in regular active service. As no member of the panel and no judge in regular active service on the court requested that the court be polled, that petition is also denied.

The motion to file an amicus brief filed by the Kansas Federal Public Defender is granted.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 21, 2018

**Elisabeth A. Shumaker
Clerk of Court**

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

ANTHONY WAYNE BETTCHER,

Defendant - Appellee.

No. 16-4165
(D.C. No. 2:15-CR-00623-DB-1)
(D. Utah)

JUDGMENT

Before **PHILLIPS, McHUGH, and MORITZ**, Circuit Judges.

This case originated in the District of Utah and was argued by counsel.

The judgment of that court is reversed. The case is remanded to the United States District Court for the District of Utah for further proceedings in accordance with the opinion of this court.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk