

No. _____

**In The
Supreme Court of the United States**

VIRGIL NICKENS,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

*On Petition for a Writ of Certiorari to the United
States Court of Appeals for the Eleventh Circuit*

MOTION TO PROCEED IN FORMA PAUPERIS

CHRISTINE A. FREEMAN
EXECUTIVE DIRECTOR
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FEDERAL DEFENDERS FOR THE
MIDDLE DISTRICT OF ALABAMA
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September 4, 2020

Petitioner, Virgil Nickens, asks leave to file his Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. Mr. Nickens has been represented by the Federal Defenders for the Middle District of Alabama by appointment, in both the District Court and at the Eleventh Circuit. The oral order appointing the Federal Defenders to represent Mr. Nickens was entered on February 23, 2017.

Respectfully Submitted,

/s/ Mackenzie S. Lund

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Counsel of Record

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Executed on September 4, 2020

APPEAL,CLOSED,WKW-VJ

**U.S. District Court
Alabama Middle District (Montgomery)
CRIMINAL DOCKET FOR CASE #: 2:17-cr-00036-SLB-GMB-1**

Case title: USA v. Nickens

Date Filed: 02/15/2017

Date Terminated: 02/01/2018

Assigned to: Honorable Judge Sharon
Lovelace Blackburn

Referred to: Honorable Judge Gray M.
Borden

Appeals court case number: 18-10423-J
USDC

Defendant (1)**Virgil Deia Nickens***TERMINATED: 02/01/2018*represented by **Federal Defender**

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Pending Counts

18:922(g)(1) UNLAWFUL
TRANSPORT OF FIREARMS, ETC.
(1)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

51 Mos Imp; 3 Yrs Sup Rel; \$100 AF

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Denise O. Simpson**

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Date Filed	#	Docket Text
02/15/2017	<u>1</u>	INDICTMENT as to Virgil Deia Nickens (1) count(s) 1. (FORFEITURE ALLEGATION) (ws) Modified on 7/11/2017 to strike forfeiture allegation (ajr,). (Entered: 02/16/2017)
02/23/2017		

		Case unsealed as to Virgil Deia Nickens pursuant to notice of arrest from USMS. (ag,) (Entered: 02/23/2017)
02/23/2017	4	MOTION for Detention by USA as to Virgil Deia Nickens. (Simpson, Denise) (Entered: 02/23/2017)
02/23/2017		Arrest of Virgil Deia Nickens (ag,) (Entered: 02/24/2017)
02/23/2017	5	CJA 23 Financial Affidavit by Virgil Deia Nickens (ag,) (Entered: 02/24/2017)
02/23/2017	6	ORAL ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Virgil Deia Nickens. Federal Defender for Virgil Deia Nickens appointed.. Entered by Honorable Judge Gray M. Borden on 2/23/2017. (ag,) (Entered: 02/24/2017)
02/23/2017	7	Minute Entry for proceedings held before Honorable Judge Gray M. Borden:Arraignment as to Virgil Deia Nickens (1) Count 1 held on 2/23/2017; Initial Appearance as to Virgil Deia Nickens held on 2/23/2017, Plea entered by Virgil Deia Nickens (1) Not Guilty on count 1. (PDF available for court use only) (Recording Time 4:24 - 4:37.) (ag,) (Entered: 02/24/2017)
02/23/2017		ORAL ORDER as to Virgil Deia Nickens: Detention Hearing set for 2/28/2017 01:30 PM in 2D before Honorable Judge Gray M. Borden. Entered by Honorable Judge Gray M. Borden on 2/23/2017. (ag,) (Entered: 02/24/2017)
02/23/2017	8	(DISREGARD) ORAL ORDER as to Virgil Deia Nickens: Detention Hearing set for 2/28/2017 11:00 AM in 2D before Honorable Judge Gray M. Borden. Entered by Honorable Judge Gray M. Borden on 2/23/2017. (ag,) Modified on 2/24/2017 (ag,). (Entered: 02/24/2017)
02/23/2017		Set Hearings as to Virgil Deia Nickens: Detention Hearing set for 2/28/2017 01:30 PM in 2D before Honorable Judge Gray M. Borden. (previously set in error for 11:00) (ag,) (Entered: 02/24/2017)
02/24/2017	9	NOTICE OF ATTORNEY APPEARANCE: Cecilia Vaca appearing for Virgil Deia Nickens (Vaca, Cecilia) (Entered: 02/24/2017)
02/27/2017	11	MOTION to Withdraw Document 4 MOTION for Detention by USA as to Virgil Deia Nickens. (Simpson, Denise) (Entered: 02/27/2017)
02/27/2017	12	NOTICE OF ATTORNEY APPEARANCE: Brandon Alexander Thomas appearing for Virgil Deia Nickens (Thomas, Brandon) (Entered: 02/27/2017)
02/28/2017	13	TEXT ORDER as to Virgil Deia Nickens, GRANTING 11 MOTION to Withdraw Document 4 MOTION for Detention filed by USA; WITHDRAWING 4 MOTION for Detention filed by USA. Bond Hearing set for 2/28/2017 01:30 PM in 2D before Honorable Judge Gray M. Borden. Entered by Honorable Judge Gray M. Borden on 2/28/2017. (NO PDF ATTACHED). (war,) (Entered: 02/28/2017)
02/28/2017	14	NOTICE OF ATTORNEY APPEARANCE: Donnie Wayne Bethel appearing for Virgil Deia Nickens (Bethel, Donnie) (Entered: 02/28/2017)
02/28/2017	15	

		ORDER ON ARRAIGNMENT as to Virgil Deia Nickens setting an initial Pretrial Conference for 3/15/2017 10:00 AM in 4E before Judge Gray M. Borden. Jury Trial set for 4/17/2017 10:00 AM in 2B before Chief Judge William Keith Watkins. Pretrial Motions due by 3/13/2017. Discovery due from the government by 3/3/2017 and from the defendant by 3/10/2017. Signed by Honorable Judge Gray M. Borden on 2/28/17. (ajr,) Modified on 2/28/2017 to correct hearing judge (ajr,). (Entered: 02/28/2017)
02/28/2017	16	Minute Entry for proceedings held before Honorable Judge Gray M. Borden:Bond Hearing as to Virgil Deia Nickens held on 2/28/2017 (PDF available for court use only) (Recording Time FTR: 3:36 PM - 3:40 PM.) (war,) (Entered: 02/28/2017)
03/15/2017	19	Minute Entry for proceedings held before Honorable Judge Gray M. Borden:Pretrial Conference as to Virgil Deia Nickens held on 3/15/2017 (PDF available for court use only) (Recording Time FTR: 10:13 AM - 10:13 AM.) (war,) (Entered: 03/15/2017)
03/16/2017	20	PRETRIAL CONFERENCE ORDER as to Virgil Deia Nickens setting Jury Selection and Trial (ETT 2 days) for 4/17/2017 10:00 AM in 2B before Chief Judge William Keith Watkins. Proposed voir dire questions shall be filed on or before two weeks before jury selection. All motions in limine shall be filed on or before two weeks before jury selection. Proposed jury instructions shall be filed on or before one week before jury selection. Notice of Intent to Change Plea due by noon on 4/5/2017. Signed by Honorable Judge Gray M. Borden on 3/16/17. (ajr,) (Entered: 03/16/2017)
03/22/2017	21	MOTION to Seal <i>Unopposed Motion to Continue Trial</i> by Virgil Deia Nickens. (Vaca, Cecilia) (Entered: 03/22/2017)
03/27/2017	23	TEXT ORDER granting 21 Motion to Seal as to Virgil Deia Nickens (1). Entered by Chief Judge William Keith Watkins on 3/27/17. (No PDF attached) (ajr,) (Entered: 03/27/2017)
03/29/2017	25	ORDER TO CONTINUE - Ends of Justice as to Virgil Deia Nickens. Time excluded from 4/17/17 until 6/19/17; granting 22 MOTION to Continue Trial. Jury Trial set for 4/17/2017 is CONTINUED to 6/19/2017 10:00 AM in 2B before Chief Judge William Keith Watkins. The Magistrate Judge shall conduct a pretrial conference prior to the June 19, 2017 trial term. Signed by Chief Judge William Keith Watkins on 3/29/17. (ajr,) (Entered: 03/29/2017)
03/29/2017	27	ORDER as to Virgil Deia Nickens setting a Pretrial Conference for 5/31/2017 10:00 AM in 4E before Judge Gray M. Borden. Signed by Honorable Judge Gray M. Borden on 3/29/17. (ajr,) Modified on 3/30/2017 (ajr,). (Entered: 03/29/2017)
03/30/2017		Reset Hearing as to Virgil Deia Nickens: Pretrial Conference set for 5/31/2017 10:00 AM in 4E before Honorable Judge Gray M. Borden. (ajr,) (Entered: 03/30/2017)
04/06/2017	28	TEXT ORDER as to Virgil Deia Nickens: Pretrial Conference set for 5/31/17 is RESET to 6/2/2017 10:00 AM in 4E before Honorable Judge Gray M.

		Borden. Entered by Honorable Judge Gray M. Borden on 4/6/17. (NO PDF ATTACHED) (war,) (Entered: 04/06/2017)
04/25/2017	30	ORDER as to Virgil Deia Nickens - Jury Trial set for 6/19/2017 is RESCHEDULED for 6/12/2017 10:00 AM in 2B before Chief Judge William Keith Watkins. Signed by Chief Judge William Keith Watkins on 4/25/17. (ajr,) (Entered: 04/25/2017)
05/23/2017	31	MOTION to Seal <i>Second Motion to Continue Trial</i> by Virgil Deia Nickens. (Vaca, Cecilia) (Entered: 05/23/2017)
05/25/2017	33	TEXT ORDER granting 31 Motion to Seal as to Virgil Deia Nickens (1). Entered by Chief Judge William Keith Watkins on 5/25/17. (ajr,) (No PDF attached) (Entered: 05/25/2017)
05/26/2017	34	ORDER TO CONTINUE - Ends of Justice as to Virgil Deia Nickens. Time excluded from 6/12/17 until 10/2/17; granting 32 Motion to Continue Trial. Jury Trial set for 6/12/2017 is CONTINUED to 10/2/2017 10:00 AM in 2B before Chief Judge William Keith Watkins. The Magistrate Judge shall conduct a pretrial conference prior to the October 2, 2017 trial term. Signed by Chief Judge William Keith Watkins on 5/26/17. (ajr,) (Entered: 05/26/2017)
05/26/2017	35	ORDER as to Virgil Deia Nickens - The final Pretrial Conference set for 6/2/2017 is RESET for 9/6/2017 10:00 AM in 4E before Honorable Judge Gray M. Borden. Signed by Honorable Judge Gray M. Borden on 5/26/17. (ajr,) (Entered: 05/26/2017)
05/31/2017	36	ORDER as to Virgil Deia Nickens that the Montgomery Criminal term of court, currently set for October 2, 2017, is RESCHEDULED to commence on September 18, 2017, at 10:00 a.m., in Courtroom 2B of the Frank M. Johnson Jr. U.S. Courthouse, One Church Street, Montgomery, Alabama. Signed by Chief Judge William Keith Watkins on 5/31/17. (ajr,) (Entered: 05/31/2017)
06/02/2017	37	ORDER as to Virgil Deia Nickens setting a final Pretrial Conference for 8/2/2017 10:00 AM in 4E before Honorable Judge Gray M. Borden. Signed by Honorable Judge Gray M. Borden on 6/2/17. (ajr,) (Entered: 06/02/2017)
06/22/2017	38	MOTION to Strike <i>Forfeiture Allegation</i> by USA as to Virgil Deia Nickens. (Attachments: # 1 Text of Proposed Order)(Davidson, Kevin) (Entered: 06/22/2017)
07/11/2017	39	ORDER granting 38 Motion to Strike Forfeiture Allegation as to Virgil Deia Nickens (1). Signed by Chief Judge William Keith Watkins on 7/11/17. (ajr,) (Entered: 07/11/2017)
07/11/2017	40	MOTION to Withdraw as Attorney by Kevin P. Davidson. by USA as to Virgil Deia Nickens. (Davidson, Kevin) (Entered: 07/11/2017)
07/11/2017		ORAL ORDER granting 40 Motion to Withdraw as Attorney. Kevin P Davidson withdrawn from case as to Virgil Deia Nickens (1). Entered by Chief Judge William Keith Watkins on 7/11/17. (No PDF attached) (ajr,) (Entered: 07/11/2017)
08/02/2017	41	

		Minute Entry for proceedings held before Honorable Judge Gray M. Borden: Pretrial Conference as to Virgil Deia Nickens held on 8/2/2017 (PDF available for court use only) (Recording Time FTR: 10:11 AM - 10:11 AM.) (war,) (Entered: 08/02/2017)
08/04/2017	<u>42</u>	SECOND PRETRIAL CONFERENCE ORDER as to Virgil Deia Nickens setting Jury Selection and Trial (ETT 2 days) for 9/18/2017 10:00 AM in CR 2B before Chief Judge William Keith Watkins. Notice of Intent to Change Plea due by noon on 9/6/2017. Signed by Honorable Judge Gray M. Borden on 8/4/17. (ajr,) (Entered: 08/04/2017)
08/30/2017	<u>45</u>	NOTICE of Unavailability of Counsel for the Government by USA as to Virgil Deia Nickens (Simpson, Denise) (Entered: 08/30/2017)
09/03/2017	<u>46</u>	Proposed Jury Instructions by USA as to Virgil Deia Nickens (Simpson, Denise) (Entered: 09/03/2017)
09/03/2017	<u>47</u>	Proposed Voir Dire by USA as to Virgil Deia Nickens (Simpson, Denise) (Entered: 09/03/2017)
09/03/2017	<u>48</u>	NOTICE Introduce Intrinsic and Other Crimes Evidence Pursuant to Fed.Evid. 404(b) by USA as to Virgil Deia Nickens (Simpson, Denise) (Entered: 09/03/2017)
09/03/2017	<u>49</u>	First MOTION in Limine Regarding Use of Evidence of References to Gang Affiliation of Gang Membership During the Trial Proceedings by USA as to Virgil Deia Nickens. (Attachments: # <u>1</u> Text of Proposed Order)(Simpson, Denise) (Entered: 09/03/2017)
09/03/2017	<u>50</u>	Second MOTION in Limine Regarding Mental Disease or Mental Condition by USA as to Virgil Deia Nickens. (Attachments: # <u>1</u> Text of Proposed Order) (Simpson, Denise) (Entered: 09/03/2017)
09/04/2017	<u>51</u>	TRIAL BRIEF by USA as to Virgil Deia Nickens (Simpson, Denise) (Entered: 09/04/2017)
09/05/2017	<u>52</u>	Proposed Voir Dire by Virgil Deia Nickens (Vaca, Cecilia) (Entered: 09/05/2017)
09/05/2017	<u>53</u>	MOTION in Limine Old Chief by Virgil Deia Nickens. (Vaca, Cecilia) (Entered: 09/05/2017)
09/05/2017	<u>54</u>	MOTION in Limine Exclude Phone Calls by Virgil Deia Nickens. (Vaca, Cecilia) (Entered: 09/05/2017)
09/05/2017	<u>55</u>	NOTICE OF ATTORNEY APPEARANCE: Natalie Carroll Rezek Olmstead appearing for Virgil Deia Nickens (Olmstead, Natalie) (Entered: 09/05/2017)
09/11/2017	<u>59</u>	Proposed Jury Instructions by Virgil Deia Nickens (Vaca, Cecilia) (Entered: 09/11/2017)
09/11/2017	<u>60</u>	RESPONSE to Motion by Virgil Deia Nickens re <u>50</u> Second MOTION in Limine Regarding Mental Disease or Mental Condition (Vaca, Cecilia) (Entered: 09/11/2017)

09/11/2017	61	RESPONSE to Motion by Virgil Deia Nickens re 49 First MOTION in Limine <i>Regarding Use of Evidence of References to Gang Affiliation of Gang Membership During the Trial Proceedings</i> (Vaca, Cecilia) (Entered: 09/11/2017)
09/12/2017	62	NOTICE OF RESPONSE TO UNITED STATES NOTICE TO INTRODUCE BOTH INTRINSIC AND OTHER CRIMES EVIDENCE PURSUANT TO FEDERAL RULE OF EVIDENCE 404(b) as to Virgil Deia Nickens re 48 Notice (Other) (Vaca, Cecilia) (Entered: 09/12/2017)
09/12/2017	63	RESPONSE to Motion by USA as to Virgil Deia Nickens re 53 MOTION in Limine <i>Old Chief</i> (Simpson, Denise) (Entered: 09/12/2017)
09/12/2017	64	RESPONSE to Motion by USA as to Virgil Deia Nickens re 54 MOTION in Limine <i>Exclude Phone Calls</i> (Simpson, Denise) (Entered: 09/12/2017)
09/12/2017	65	MOTION for Extension of Time to File <i>Government's Response to Defendant's Motion in Limine at Docket Entry 53 & 54</i> by USA as to Virgil Deia Nickens. (Attachments: # 1 Text of Proposed Order)(Simpson, Denise) (Entered: 09/12/2017)
09/13/2017	66	TEXT ORDER granting 65 Motion for Extension of Time to File Response as to Virgil Deia Nickens (1). Entered by Chief Judge William Keith Watkins on 9/13/17. (No PDF attached) (ajr,) (Entered: 09/13/2017)
09/14/2017		Case as to Virgil Deia Nickens Reassigned to Honorable Judge Sharon Lovelace Blackburn. Chief Judge William Keith Watkins no longer assigned to the case. (war,) (Entered: 09/14/2017)
09/14/2017	67	TEXT ORDER as to Virgil Deia Nickens: Telephone Conference set for 9/14/2017 02:00 PM by telephone before Honorable Judge Sharon Lovelace Blackburn. The Court will set up the call. Entered by Honorable Judge Sharon Lovelace Blackburn on 9/14/17. (war,) (Entered: 09/14/2017)
09/14/2017	68	NOTICE OF AVAILABILITY OF JURY LIST AND JURORS' PROFILES for Jury Selection and Trial commencing 9/18/2017 before Honorable Judge Sharon Lovelace Blackburn as to Virgil Deia Nickens. (Attachments: # 1 Juror Questionnaire Certification)(ajr,) (Entered: 09/14/2017)
09/14/2017	69	TEXT ORDER denying as moot 49 Motion in Limine as to Virgil Deia Nickens (1); denying as moot 53 Motion in Limine as to Virgil Deia Nickens (1); denying as moot 54 Motion in Limine as to Virgil Deia Nickens (1). Entered by Honorable Judge Sharon Lovelace Blackburn on 9/14/17. (NO PDF ATTACHED) (war,) (Entered: 09/14/2017)
09/14/2017	70	TEXT ORDER granting with leave to reconsider 50 Motion in Limine as to Virgil Deia Nickens (1). Entered by Honorable Judge Sharon Lovelace Blackburn on 9/14/17. (NO PDF ATTACHED) (war,) (Entered: 09/14/2017)
09/14/2017	71	Minute Entry for proceedings held before Honorable Judge Sharon Lovelace Blackburn:Telephone Conference as to Virgil Deia Nickens held on 9/14/2017 (PDF available for court use only) (Court Reporter Patricia G. Starkie.) (war,) (Entered: 09/14/2017)

09/15/2017	72	TEXT ORDER as to Virgil Deia Nickens: Directing counsel to be present in Courtroom 2B on 9/18/17 at 10:00 AM to begin the Jury Selection process; Jury Trial to begin thereafter on 9/18/2017 in Courtroom 2A before Honorable Judge Sharon Lovelace Blackburn. Entered by Honorable Judge Sharon Lovelace Blackburn on 9/15/17. (NO PDF ATTACHED). (war,) (Entered: 09/15/2017)
09/15/2017	73	MOTION to Continue <i>Government's Emergency Motion to Continue Trial Proceedings</i> by USA as to Virgil Deia Nickens. (Attachments: # 1 Text of Proposed Order)(Simpson, Denise) (Entered: 09/15/2017)
09/15/2017	75	ORDER TO CONTINUE - Ends of Justice as to Virgil Deia Nickens, GRANTING 73 MOTION to Continue <i>Government's Emergency Motion to Continue Trial Proceedings</i> filed by USA; Trial scheduled for 9/18/17 will be reset by separate order. Signed by Honorable Judge Sharon Lovelace Blackburn on 9/15/17. (war,) (Entered: 09/15/2017)
09/21/2017	79	ORDER TO CONTINUE - Ends of Justice as to Virgil Deia Nickens. Time excluded from 9/18/17 until 10/30/17. Jury Trial previously set for 9/18/2017 is RESET to 10/30/2017 at 10:00 a.m. in CR 2A before Honorable Judge Sharon Lovelace Blackburn. Signed by Honorable Judge Sharon Lovelace Blackburn on 9/21/17. (ajr,) (Entered: 09/21/2017)
10/02/2017		Motions No Longer Referred as to Virgil Deia Nickens: 57 MOTION to SEAL (kcf,) (Entered: 10/02/2017)
10/24/2017	82	NOTICE OF AVAILABILITY OF JURY LIST AND JURORS' PROFILES for Jury Selection and Trial commencing 10/30/2017 before Honorable Judge Sharon Lovelace Blackburn as to Virgil Deia Nickens. (Attachments: # 1 Juror Questionnaire Certification)(ajr,) (Entered: 10/24/2017)
10/24/2017	83	NOTICE OF ATTORNEY APPEARANCE Joshua J. Wendell appearing for USA. (Wendell, Joshua) (Entered: 10/24/2017)
10/26/2017	85	MOTION to Seal by Virgil Deia Nickens. (Attachments: # 1 Proposed Order) (ajr,) (Entered: 10/26/2017)
10/27/2017	93	MOTION to Seal by Virgil Deia Nickens. (cb,) (Entered: 10/30/2017)
10/29/2017	89	MOTION Request for In Camera Inspection by USA as to Virgil Deia Nickens. (Attachments: # 1 Text of Proposed Order)(Simpson, Denise) (Entered: 10/29/2017)
10/29/2017	90	MOTION to Dismiss by Virgil Deia Nickens. (Olmstead, Natalie) (Additional attachment(s) added on 10/30/2017: # 1 Dft Exht 1, # 2 Dft Exht 2, # 3 Dft Exht 3, # 4 Dft Exht 4, # 5 Dft Exht 5) (kcf,). (Entered: 10/29/2017)
10/30/2017	94	JUROR QUESTIONNAIRE CERTIFICATION as to Virgil Deia Nickens (kcf,) (Entered: 10/30/2017)
10/30/2017		ORAL ORDER granting 93 Motion to Seal Document as to Virgil Deia Nickens (1). Entered by Honorable Judge Sharon Lovelace Blackburn on 10/30/2017. (kcf,) (Entered: 10/31/2017)

10/30/2017		ORAL ORDER granting 89 Motion/Request for In Camera Inspection as to Virgil Deia Nickens (1). Entered by Honorable Judge Sharon Lovelace Blackburn on 10/30/2017. (kcf,) (Entered: 10/31/2017)
10/30/2017		ORAL ORDER denying 90 Motion to Dismiss as to Virgil Deia Nickens (1). Entered by Honorable Judge Sharon Lovelace Blackburn on 10/30/2017. (kcf,) (Entered: 10/31/2017)
10/30/2017		Minute Entry for proceedings held before Honorable Judge Sharon Lovelace Blackburn: Voir Dire and Jury Selection as to Virgil Deia Nickens held on 10/30/2017 (See final trial minutes for PDF) (Court Reporter Kim Pruitt.) (kcf,) (Entered: 11/01/2017)
10/30/2017		Minute Entry for proceedings held before Honorable Judge Sharon Lovelace Blackburn: Status Conference as to Virgil Deia Nickens held on 10/30/2017 (See final trial minutes for PDF) (Court Reporter Kim Pruitt.) (kcf,) (Entered: 11/01/2017)
10/31/2017		ORAL MOTION for Acquittal by Virgil Deia Nickens. (kcf,) (Entered: 11/02/2017)
10/31/2017		Renewed ORAL MOTION to Dismiss by Virgil Deia Nickens. (kcf,) (Entered: 11/02/2017)
10/31/2017		ORAL ORDER denying ORAL Motion for Acquittal as to Virgil Deia Nickens (1); denying Renewed Motion to Dismiss as to Virgil Deia Nickens (1). Entered by Honorable Judge Sharon Lovelace Blackburn on 10/31/2017. (kcf,) (Entered: 11/02/2017)
10/31/2017		Minute Entry for proceedings held before Honorable Judge Sharon Lovelace Blackburn: Jury Trial Begun as to Virgil Deia Nickens held on 10/31/2017 (See final minute entry for PDF) (Court Reporter Haley A. Tunnell.) (kcf,) (Entered: 11/02/2017)
11/01/2017		Renewed ORAL MOTION for Acquittal by Virgil Deia Nickens. (kcf,) (Entered: 11/02/2017)
11/01/2017		ORAL ORDER denying Renewed ORAL Motion for Acquittal as to Virgil Deia Nickens (1). Entered by Honorable Judge Sharon Lovelace Blackburn on 11/1/2017. (kcf,) (Entered: 11/02/2017)
11/01/2017	98	Redacted Indictment as to Virgil Deia Nickens. (kcf,) (Entered: 11/02/2017)
11/01/2017	99	Court's Instructions to the Jury as to Virgil Deia Nickens (kcf,) (Entered: 11/02/2017)
11/01/2017	100	JURY VERDICT as to Virgil Deia Nickens (1) Guilty on Count 1. (kcf,) (Entered: 11/02/2017)
11/01/2017		ORAL ORDER as to Virgil Deia Nickens remanding defendant to the custody of the USMS. Entered by Honorable Judge Sharon Lovelace Blackburn on 11/1/2017. (kcf,) (Entered: 11/02/2017)
11/01/2017	101	Minute Entry for proceedings held before Honorable Judge Sharon Lovelace Blackburn: Jury Trial as to Virgil Deia Nickens Completed on 11/1/2017 (PDF

		available for court use only) (Court Reporter Haley A. Tunnell.) (Attachments: # 1 Ntc of Designation, # 2 Witness List, # 3 Court Exh List, # 4 Court Exhts, # 5 Gvt Exht List, # 6 Dft Exht List) (kcf,) (Entered: 11/02/2017)
11/03/2017	103	ORDER as to Virgil Deia Nickens Sentencing is set for 1/30/2018 at 12:00 PM before Honorable Judge Sharon Lovelace Blackburn, as further set out. Signed by Honorable Judge Sharon Lovelace Blackburn on 11/3/2017. (kcf,) (Entered: 11/03/2017)
01/05/2018		Set/Reset Hearings as to Virgil Deia Nickens: Sentencing set for 1/30/2018 12:00 PM in CR 2A before Honorable Judge Sharon Lovelace Blackburn. (jct,) (Entered: 01/05/2018)
01/23/2018	104	NOTICE of Filing Sentencing Exhibits as to Virgil Deia Nickens (Vaca, Cecilia) (Additional attachment(s) added on 1/30/2018: # 1 Defendant's Sentencing Exhibits) (ajr,). (Entered: 01/23/2018)
01/23/2018	107	SENTENCING MEMORANDUM by Virgil Deia Nickens. (ajr,) (Entered: 01/29/2018)
01/24/2018	105	SENTENCING MEMORANDUM by USA as to Virgil Deia Nickens. (ajr,) (Entered: 01/25/2018)
01/26/2018	106	MOTION for Variance <i>Downward</i> by Virgil Deia Nickens. (Vaca, Cecilia) (Entered: 01/26/2018)
01/30/2018	108	Minute Entry for proceedings held before Honorable Judge Sharon Lovelace Blackburn: Sentencing held on 1/30/2018 as to Virgil Deia Nickens. (Exhibits 1-7 attached to doc. 104 . (PDF available for court use only) (Court Reporter Risa Entrekin.) (ajr,) (Entered: 01/30/2018)
01/31/2018	109	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Virgil Deia Nickens. (ajr,) (Entered: 01/31/2018)
02/01/2018	110	JUDGMENT as to Virgil Deia Nickens (1), Count(s) 1, 51 Mos Imp; 3 Yrs Sup Rel; \$100 AF. Signed by Honorable Judge Sharon Lovelace Blackburn on 2/1/18. (ajr,) (Entered: 02/02/2018)
02/02/2018	112	NOTICE OF ATTORNEY APPEARANCE: Mackenzie S. Lund appearing for Virgil Deia Nickens (Lund, Mackenzie) (Entered: 02/02/2018)
02/02/2018	113	NOTICE OF APPEAL by Virgil Deia Nickens re 110 Judgment (Lund, Mackenzie) (Entered: 02/02/2018)
02/05/2018	114	Appeal Instructions sent to Attorney Mackenzie S. Lund counsel for VIRGIL DEIA NICKENS, re 113 Notice of Appeal - Final Judgment. A copy of the Transcript Information Form must be mailed to each court reporter from whom you are requesting a transcript. (Attachments: # 1 TRANSCRIPT INFORMATION FORM)(ydw,) (Entered: 02/05/2018)
02/05/2018	115	Transmission of Notice of Appeal, 1 INDICTMENT, AND 110 JUDGMENT, and Docket Sheet to US Court of Appeals re 113 Notice of Appeal - Final Judgment. (Attachments: # 1 DOCKET SHEET)(ydw,) (Entered: 02/05/2018)
02/07/2018	116	

		USCA Case Number as to Virgil Deia Nickens 18-10423-J for 113 Notice of Appeal - Final Judgment filed by Virgil Deia Nickens. (ydw,) (Entered: 02/07/2018)
02/07/2018	117	TRANSCRIPT INFORMATION FORM by Virgil Deia Nickens for proceedings held on 10/30-11/1/17; 1/30/18 before Judge Sharon Lovelace Blackburn, (Lund, Mackenzie) (Entered: 02/07/2018)
02/09/2018	118	Transcript Acknowledgment received from Court Reporter Risa Entrekin on 11th Circuit Appeal No. 18-10423-J. (ydw,) (Entered: 02/09/2018)
02/20/2018	119	NOTICE OF FILING OF OFFICIAL SENTENCING PROCEEDINGS TRANSCRIPT (PDF ACCESS RESTRICTED FOR 90 DAYS) as to Virgil Deia Nickens for dates of 01/30/2018 before Judge Sharon Lovelace Blackburn, re 113 Notice of Appeal - Final Judgment Court Reporter/Transcriber Risa L. Entrekin, Telephone number 334 240-2405. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 3/13/2018. Redacted Transcript Deadline set for 3/23/2018. Release of Transcript Restriction set for 5/21/2018. (ydw,) Transcript released 5/23/18. Modified on 5/23/2018 (dph,). (Entered: 02/21/2018)
02/21/2018	120	Transcript Notification received from Court Reporter Risa Entrekin on 11th Circuit Appeal No. 18-10423-J. (ydw,) (Entered: 02/21/2018)
03/09/2018	121	USCA Appeal Remark re 18-10423-J, 113 Notice of Appeal - Final Judgment: Court Reporter acknowledgment not filed. Letter issued to Court Reporter Unknown Reporter as to Appellant Virgil Deia Nickens. Transcript is due to be filed in District Court 30 days from 02/07/2018. (ydw,) (Entered: 03/13/2018)
03/14/2018	122	Transcript Acknowledgment received from Court Reporter Haley Tunnell on 11th Circuit Appeal No. 18-10423-J (ydw,) (Entered: 03/14/2018)
03/16/2018	123	USCA Appeal Remark re 18-10423-J, 113 Notice of Appeal - Final Judgment : Letter issued to Kim Pruitt (Court Reporter) stating an extension of time has been granted to and including 3/26/2018. (dmn,) (Entered: 03/21/2018)
03/20/2018	125	TRANSCRIPT of JURY SELECTION (PUBLIC PDF ACCESS RESTRICTED) as to Virgil Deia Nickens held on October 30, 2017, before Judge Sharon Lovelace Blackburn. Court Reporter/Transcriber Kim Pruitt, Telephone number 205-397-2397. (dmn,) (Entered: 03/21/2018)
03/27/2018	126	TRANSCRIPT of 124 Sealed HEARING ON UNRESOLVED PRETRIAL ISSUES PROCEEDINGS Transcript as to Virgil Deia Nickens (ydw,) (Main Document 126 replaced on 3/28/2018 to make A correction on the style page) (ydw,). Modified on 3/28/2018 (ydw,). (Entered: 03/27/2018)
03/28/2018	127	NOTICE OF FILING OF OFFICIAL VOLUME I JURY TRIAL PROCEEDINGS TRANSCRIPT (PDF ACCESS RESTRICTED FOR 90 DAYS) as to Virgil Deia Nickens for dates of 10/31/2017 before Judge

		HONORABLE SHARON LOVELACE BLACKBURN,, re 113 Notice of Appeal - Final Judgment Court Reporter/Transcriber Haley Tunnell, Telephone number (205) 397-2397. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 4/18/2018. Redacted Transcript Deadline set for 4/30/2018. Release of Transcript Restriction set for 6/26/2018. (ydw,) (Entered: 03/28/2018)
03/28/2018	128	NOTICE OF FILING OF OFFICIAL VOLUME II JURY TRIAL PROCEEDINGS TRANSCRIPT (PDF ACCESS RESTRICTED FOR 90 DAYS) as to Virgil Deia Nickens for dates of 11/1/2017 before Judge Sharon Lovelace Blackburn, re 113 Notice of Appeal - Final Judgment Court Reporter/Transcriber Haley Tunnell, Telephone number (205) 397-2397. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 4/18/2018. Redacted Transcript Deadline set for 4/30/2018. Release of Transcript Restriction set for 6/26/2018. (ydw,) (Entered: 03/28/2018)
04/19/2018	129	MOTION FOR ACCESS TO THE COMPLETE RECORD FOR PURPOSES OF APPEAL by Virgil Deia Nickens. (Lund, Mackenzie) (Entered: 04/19/2018)
05/10/2018	130	MOTION to UNSEAL re 126 Redacted Transcript by Virgil Deia Nickens. (Lund, Mackenzie) (Entered: 05/10/2018)
05/10/2018	131	NOTICE <i>ADDITIONAL INFORMATION AND REQUEST FOR EXPEDITED RULING</i> as to Virgil Deia Nickens (Lund, Mackenzie) (Entered: 05/10/2018)
05/14/2018	132	ORDER as to Virgil Deia Nickens that the Government shall show cause in writing, not later than May 15, 2018, why the Motion for Access to the Complete Record for Purposes of Appeal (Doc. 129) and Motion to Unseal (Doc. 130) should not be granted. Signed by Honorable Judge Gray M. Borden on 5/14/18. (ajr,) (Entered: 05/14/2018)
05/15/2018	133	RESPONSE TO ORDER TO SHOW CAUSE by USA as to Virgil Deia Nickens (Simpson, Denise) (Entered: 05/15/2018)
05/17/2018	134	ORDER denying 129 Motion for Access to Complete Record for Purposes of Appeal as to Virgil Deia Nickens (1); denying 130 Motion to Unseal as to Virgil Deia Nickens (1) as further set out in order. Signed by Honorable Judge Gray M. Borden on 5/17/18. (ajr,) (Entered: 05/17/2018)
05/31/2018	135	NOTICE OF APPEAL of Magistrate Judge's Order to District Judge by Virgil Deia Nickens as to 134 Order on Motion for Miscellaneous Relief,, (Lund, Mackenzie) (Entered: 05/31/2018)
08/15/2018	136	ORDER as to Virgil Deia Nickens AFFIRMING 134 the Magistrate Judge Order on Motion to Unseal and Motion for Access to the Record. Signed

		by Honorable Judge Sharon Lovelace Blackburn on 8/15/18. (war,) (Entered: 08/15/2018)
08/15/2018	137	NOTICE OF APPEAL by Virgil Deia Nickens re 136 Order (Lund, Mackenzie) (Entered: 08/15/2018)
08/15/2018	138	Appeal Instructions re 137 Notice of Appeal - Order CR. A copy of the Transcript Information Form must be mailed to each court reporter from whom you are requesting a transcript. (Attachments: # 1 TRANSCRIPT INFORMATION FORM)(ydw,) (Entered: 08/16/2018)
08/16/2018	139	Transmission of Notice of Appeal, 1 INDICTMENT, 110 JUDGMENT, 134 ORDER denying 129 Motion for Access to Complete Record for Purposes of Appeal as to Virgil Deia Nickens (1), 136 ORDER, and Docket Sheet to US Court of Appeals re 137 Notice of Appeal - Order CR (Attachments: # 1 DOCKET SHEET)(ydw,) (Entered: 08/16/2018)

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