

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-13858-JJ

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DERRICK LASHON HOWELL,
a.k.a. Red Man,
a.k.a. UNC,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida

Before: WILSON, NEWSOM and GRANT, Circuit Judges.

BY THE COURT:

The government's motion to dismiss this appeal as untimely is GRANTED. Derrick Howell's *pro se* notice of appeal is untimely to challenge the district court's August 20, 2017 order reducing his sentence by 24 months. Liberally construed as motions for reconsideration, Howell's motions for clarification, deemed filed on October 30, 2017, and August 3, 2018, were not timely to toll the appeal period. *See Daniels v. United States*, 809 F.3d 588, 589 (11th Cir. 2015) (stating that, under the prison mailbox rule, a *pro se* prisoner's court filing is deemed filed on the date that he delivered it to prison authorities for mailing); *United States v. Vicaria*, 963 F.2d 1412, 1413-14 (11th Cir. 1992) (explaining that, to timely toll the appeal period, a post-judgment motion for reconsideration in a criminal case must be filed within the 14-day period allotted for filing a notice

"Appendix A."

of appeal). Howell's notice of appeal was therefore due on or before Monday, September 4, 2017. See Fed. R. App. P. 4(b)(1)(A) (providing 14-day period for a criminal defendant to appeal an order or judgment); Fed. R. App. P. 26(a)(1)(C) (providing that, when the deadline for filing a notice of appeal falls "on a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday"). Thus, his notice of appeal, deemed filed on August 21, 2018, is untimely. See *Daniels*, 809 F.3d at 589; Fed. R. App. P. 4(b)(1)(A), 26(a)(1)(C). Because the government has moved to dismiss the appeal as untimely, "we must apply the time limits of Rule 4(b)." See *United States v. Lopez*, 562 F.3d 1309, 1314 (11th Cir. 2009). Accordingly, this appeal is DISMISSED.

Any other outstanding motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-13858-JJ

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DERRICK LASHON HOWELL,
a.k.a. Red Man,
a.k.a. UNC,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida

Before: WILSON, NEWSOM and GRANT, Circuit Judges.

BY THE COURT:

Derrick Lashon Howell's motion for reconsideration of our January 14, 2020 dismissal order is DENIED.

"Appendix B."

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-13858-J

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

FEB 14 2019

David J. Smith
Clerk

Plaintiff-Appellee,

UNITED STATES OF AMERICA,

versus

DERRICK LASHON HOWELL,
a.k.a. Red Man,
a.k.a. UNC,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida

ORDER:

Derrick Howell's motion for leave to proceed on appeal *in forma pauperis* is GRANTED because the appeal is not frivolous. *Napier v. Preslicka*, 314 F.3d 528, 531 (11th Cir. 2002).

/s/ Adalberto Jordan
UNITED STATES CIRCUIT JUDGE

"Appendix C."

Derrick L. Howell #64482-09

Print Full Name and BOP Reg. No.

Federal Correctional Institution, Edgefield

P.O. Box 725

Edgefield, South Carolina, 29824

(Failure to notify the Court of any changes of your address could result in dismissal of your case.)

IN THE UNITED STATES DISTRICT COURT
FOR THE North DISTRICT OF Florida
DIVISION Tallahassee

UNITED STATES OF AMERICA,
Plaintiff,

Vs.

Case No. 4:13-cr-33/MW/CAS

Derrick LaShon Howell
Defendant.

PRO SE Case Law:

BOAG v. MacDOUGALL, 454 U.S. 384, 70 L. Ed.2d 551, 1025 Ct. 700 (1982): Pleadings filed by individuals representing themselves are held to a less stringent standard than those prepared by attorneys.

HAINES v. KERNER, 404 U.S. 519, 30 L.Ed.2d 652, 92 S.Ct. 594 (1972): Pro Se Plaintiff's complaint should not be dismissed for failure to state a claim upon which relief would be granted if it appears he may be able to offer proof of his claim.

FARETTA v. CALIFORNIA, 422 U.S. 806, 45 L.Ed.2d 582, 95 S.Ct. 2612 (1975): The Sixth and Fourteenth Amendment to the Constitution guarantees the right to self-representation when a defendant voluntarily and intelligently elects to proceed without counsel.

MOTION, for clarification of "Order" filed on
09/20/2017 Doc.# 265

Comes now, Pro Se Defendant, asking the Court to grant his Motion for the following reasons;

Filed NOV 14 17 USDC FL 4th 0234

MQ

"Appendix D."

I. Procedural History

1. On 01/28/2014, the Court sentenced the Defendant to 228 months in case no. 4:13-cr-33/MW/CAS. Count 1 - Conspiracy to Distribute and Possess with Intent to Distribute 5 kilograms or More of Cocaine; Count 2 - Possession with Intent to Distribute 5 Kilograms or More of Cocaine, Aiding and Abetting; Count 3 - Possession of a Firearm in Furtherance of Drug Trafficking; Count 7 - Money Laundering of Proceeds of Drug Trafficking, Aiding and Abetting; Count 8 - Possession with Intent to Distribute Cocaine, Aiding and Abetting.
2. On 01/29/2015, I filed my § 2255 Motion to the Courts.
3. On 01/15/2015, I filed a Motion for Extension of Time to Amend Motion for Relief - until I received sentencing transcripts.
4. On 05/15/2015, I received a letter from the Courts with questions of my eligibility of Amendment 782, with respect to Count 7 - Money Laundering.
5. On 05/29/2015, The Courts GRANTED Extension of Time to Amend Motion for Relief.

6. After receiving my sentencing transcripts, I immediately filed a Motion to inform the Courts that a mistake was made/applied with my sentence in reference to Count 7
7. On 07/07/2015, I filed a Motion to Amend and Supplement.
8. On 07/07/2015, I received an "Order" doc. # 250
9. On 05/15/2015, The Courts appointed Federal Defender Randy Murrell, then Tom Morris and both were dismissed due to conflict of interest, for representation of Amendment 782.
10. On 08/14/2015, The Courts appointed Clyde M. Taylor Jr, Pro Bono as Counsel.
11. On 06/08/2016, Mr. Taylor Jr. replied to government's opposition to reduction under Amendment 782, with a proportionate reduction of my sentence. [See Exhibit A]
12. On 08/20/2017, The Court granted less than half of the amended guideline range, which

was 33 to 52 months. Due to me transferring I received my FORWARDED MAIL (Doc. # 265) on 10/06/2017 or so, [See Exhibit B]

II. Present

I am confused with the Courts "Order" (Doc. # 265). Could you please clarify what it granted as follows;

1. The reduction in pursuant to Amendment 782, the Government conceded that Amendment 782 applied in my case, which would according to The Sentencing Commission make me entitled to the 2 Level Reduction.
2. The Court states that Sentencing is not a mathematical formula, however The Sentencing Commission gave the Courts a "Structured Guideline Formula" to adhere to.
3. If, in fact the Amendment 782 does apply to me; Why did I only receive a 24 month reduction, considering my post-conviction conduct and programming? According to Federal Defender lead attorney Randolph Murrell, I only received 28% to 30%

for my participation as a witness for the government in Ebony Brown's trial and also for the conviction of Andre Thomas 3 days before his scheduled trial. Mr. Murrell informed me that with my SK-1, the normal reduction was 40% to 50% plus, upon my cooperation that was given to numerous departments.

4. During my transfer, a box of my legal paperwork was lost. Could you please send me a copy of my § 2255 Motion?

WHEREFORE, I ask this Court to grant my motion and send me a copy of my § 2255 and Motion to Amend and Supplement.
IT IS SO PRAYED.

Respectfully Submitted,
~~Jeffery~~ October 30, 2017

CERTIFICATE OF SERVICE

I hereby state that I sent a copy of the foregoing to the following on this 30th day of October 2017 by First Class US Mail

☒ Clerk of Court ☒ AUSA ☒ Attorney
~~Jeffery~~

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

vs.

Case Nos.: 4:13cr33/MW/CAS

DERRICK LASHON HOWELL

ORDER

This Court, on its own motion, directed the parties to address whether Defendant Derrick Lashon Howell is eligible for a sentence reduction pursuant to Amendment 782. (ECF Nos. 240, 241). The Government, Mr. Howell, and appointed counsel have filed responses to this Court's order. (ECF Nos. 242, 243, 262).

The Government concedes that Amendment 782 applies but states that it "vehemently opposes" any further reduction in Defendant's sentence. Mr. Howell, through counsel, seeks at minimum a 35 month reduction, arguing that this would be proportional to his original sentence.

Sentencing is not a mathematical formula. While Mr. Howell is not entitled to a sentence reduction, after a review of the record, and giving particular

Case Nos.: 4:13cr33/MW/CAS

page 1 of 2

EXHIBIT-B
Received 10-17-17
OR SO.

Page 2 of 2

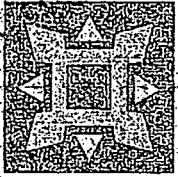
consideration to factors including but not limited to Defendant's age and his conduct in prison, this Court finds that a 24 month reduction is appropriate.

Accordingly, it is **ORDERED**:

Defendant Derrick Lashon Howell's sentence on Counts One, Two, Seven and Eight is reduced, pursuant to Amendment 782, from 180 months to a term of 156 months. The consecutive 48 month sentence on Count Three remains unchanged, and his total term of imprisonment is 204 months. All other provisions of this Court's Judgment and Sentence imposed on January 31, 2014 (ECF No. 183) shall remain in full force and effect.

SO ORDERED on August 20, 2017.

s/Mark E. Walker
United States District Judge



Taylor & Taylor ATTORNEYS

2303 Ponce De Leon Blvd, Suite L

St. Augustine, FL 32084

Tel - 904.687.1630

Fax - 904.342.6296

Clyde M. Taylor, Jr.
ct@taylor-taylor-law.com

Clyde M. Taylor III
bc@taylor-taylor-law.com

Bradley A. Waldrop
bwaldrop@taylor-taylor-law.com

September 26, 2017

Mr. Derrick L. Howell #64482-019

LEGAL MAIL-OPEN ONLY IN INMATE PRESENCE

FCI - Edgefield

P.O. Box 725, Unit A-4

Edgefield, S.C. 29824-0725

Re: Letter dated September 11, 2017

Dear Derrick:

Per your request, I have enclosed copies of seven (7) letters this office received from you from September 28, 2015 thru September 11, 2017.

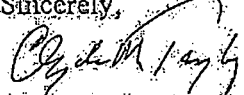
To clarify dates, your letter of May 29, 2016 was the only letter wherein you asked my opinion as to the amount of time we should request off of your sentence. That letter refers to 52 vs. 33 months. I wondered at the time if you had misinterpreted what I intended to do, based upon my earlier letter to you dated May 3, 2016 (copy enclosed).

In my *Reply to Government's Opposition to a Sentence Reduction* (copy enclosed), I asked for a 65 month sentence reduction or greater. See highlighted portions of page three of Reply. If you are suggesting I should have asked for more than 65 months, the order of the Court indicated the reduction was not to be based on the formula I suggested. In fact, the Court stated, under the discretion it had, you were not entitled to a 782 reduction.

The Court may have made a scrivener's error in the Order in your case on page one where it refers to counsel "... seeks at minimum a 35 month reduction, arguing this would be proportional to his original sentence" (copy also enclosed). Since I did seek a proportional reduction, which was 65 months, I suggest the "35" in the order was meant to be "65". In any event, what I asked for was not a "lower" reduction and you had not objected to my proportional request argument.

You are free to file a Motion to Clarify the Order, and could argue if the Court actually was granting a 24 month reduction based upon a belief we asked for 35 months, would it have granted a higher reduction if it had realized the request was for 65 months. I doubt it.

Sincerely,


Clyde M. Taylor, Jr.

CMTJr:cc
Enclosures

Derrick L. Howard #64482-019

Federal Correctional Institution Edgefield

P.O. Box 725 Unit A4

Edgefield, S.C. 29824 - 0725



64482-019
Clerk U.S. District Court
Suite 322
111 N Adams ST
Tallahassee, FL 32301-7730
United States



IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 4:13cr33-MW/GRJ-1

DERRICK HOWELL,

Defendant.

ORDER DENYING MOTION FOR CLARIFICATION

This Court has considered, without hearing, Defendant's *pro se* Motion for Clarification. ECF No. 272. This Court entered its Order on August 20, 2017, reducing Defendant's sentence by a period of 24 months pursuant to Amendment 782. ECF No. 265. Defendant filed his Notice of Appeal on October 20, 2017. ECF No. 266. Defendant alleges in his present motion that he should have received a larger reduction. This Court considered all the factors prior to determining Mr. Howell's reduction and stated with sufficient particularity that a 24 month reduction was appropriate. The motion for clarification is **DENIED**. To the extent Defendant seeks copies, he must contact the Clerk's office and pay for copies.

SO ORDERED on November 16, 2017.

s/Mark E. Walker
United States District Judge

"Appendix E."

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 4:13cr33-MW/GRJ-1

DERRICK LASHON HOWELL,

Defendant.

ORDER ON MOTION FOR CLARIFICATION

Defendant was adjudicated guilty of five criminal counts and sentenced to a total of 228 months' imprisonment. ECF No. 183. This Court, on its own motion, found that a 24-month reduction of Defendant's term of imprisonment was appropriate in light of Amendment 782. ECF No. 265. Defendant now moves for clarification of this Court's actions. See ECF No. 280. Ironically, it is unclear exactly what Defendant seeks clarification of; nevertheless, this Court will do its best to clarify:

Mr. Howell, this Court held that you were eligible for, but not "entitled" to, a sentence reduction. In other words, although you qualified for a sentence reduction, you did not have an absolute right to a sentence reduction. Nevertheless, this Court found that a 24-month reduction was "appropriate." In other words, even though you did not have a right to a sentence reduction, this Court found that a reduction was suitable under your circumstances.

Insofar as this Court has just provided clarification, Defendant's motion, ECF No. 280, is GRANTED. Defendant's motion is DENIED to the extent it seeks any further relief other than the clarification provided in this order.

SO ORDERED on August 8, 2018.

s/Mark E. Walker
Chief United States District Judge

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

April 27, 2020

Derrick L. Howell
#64482-019
PO Box 725
Edgefield, SC 29824-0725

RE: Howell v. United States

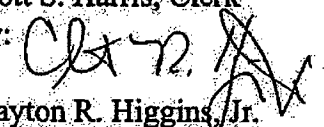
Dear Mr. Howell:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked April 2, 2020 and received April 9, 2020. The application is returned for the following reason(s):

The application is returned in light of the Court's Order of March 19, 2020.

Sincerely,
Scott S. Harris, Clerk

By:


Clayton R. Higgins, Jr.
(202) 479-3019

"Appendix G."

Enclosures

DECLARATION OF FACTS

I, Derrick LaShon Howell, the defendant/Appellant herein, do hereby De-
under the penalty of Perjury pursuant to 28 U.S.C. § 1746, based on the per-
sonal knowledge, belief, and information that the below statements are true
and correct to which I am competent to testify in a Court of Law:

1. I received a Response to Dismiss my Brief as untimely pursuant to Fed. R.
App. P. 27 and 11th Cir. rule 27-1, on October 28, 2019, dated October 23
2019 from the government of the Northern District of Florida, Tallahassee
Division.
2. On November 1, 2019 this institution went on TOTAL LOCKDOWN and did not
resume normal operations until November 5, 2019. During this time there
was NO ACCESS to the Law Library or copy machines.
3. I arrived at Edgefield F.C.I. on August 24, 2017.
4. At the time the District Court sent me the Order DENYING my § 2255
(Doc. 263) and the Order Partially granting a Reduction(Doc. 265) under
Amendment 782 dated August 20, 2017, I was in transit at Atlanta's D.C.U.
awaiting to be transferred to Edgefield F.C.I.
5. I did not receive my " FORWARDED MAIL " that included the Order(Doc. 265)
until October 6, 2017, which I informed this Court and the District Court
of my circumstances for the purposes of an Extension of Time to apply for
the Certificate(s) of Appealability and to seek other possible avenues of
relief.
6. I also at that time received past dated letters from undersigned counsel
Clyde Taylor who represented me on my § 3582(c)(2) motion. These letters
were dated starting September 26, 2017, showing that I had not yet received
any " FORWARDED MAIL " from his office as well until October 6, 2017.

"Appendix H."

(See Exhibit "___").

7. I immediately emailed Mr. Taylor and my wife Kimberly Howell to call and or email him to seek advice on how I/we should go about challenging the decision of the Court to only GRANT me a 24-month reduction.
8. Under the advice of counsel without no instructions from him(See Exhibit "___"), I then filed a Motion For Clarification, which I assumed to be docket entry 276 since it was filed around the same time as my notice of appeal, plus the fact I had not heard anything from the Court.
9. During the months of June to October 2017, my mother Janice Howell underwent 3 Major Surgeries that resulted in the amputation of her leg all the way up to her knee and a Stint being placed in her to aid proper bloodflow to her heart. After months of intense suffering she died on November 1, 2017 in the hospital in Orlando Florida, due to complications from years of smoking. Being her oldest child and the fact that of not being able to see her the last year of her life because she was too ill to travel, it took a toll on me mentally and emotionally. However, I did not lose concentration of my legal obligations to pursue relief.
10. As time was ticking and my conscience being aware that I had not received a Response from the District Court, I asked my wife to call the Clerk of Court's and see if there was any record of them receiving my Motion For Clarification and it being docketed. The Clerk informed her that there was no record of such motion being received by them.
11. In December of 2017, I wrote the District Court requesting a Docket Sheet. Weeks later I received a "LOCKED" docket sheet that was a Civil Docket Sheet unbeknown to me, showing no record of the Court receiving my Motion.
(See Exhibit "___").

12. I did not know at the time that the Clerk of Court sent me the wrong Docket Sheet and that I was suppose to be sent a " CRIMINAL DOCKET SHEET ".
13. Weeks later my wife called the Clerk to follow up on if the Court had received my motion, the Clerk told her that all my files were forwarded to Appellate Court.
14. Institutional Records will show that during the Months of January, March and April/May and June, that Edgefield went on TOTAL LOCKDOWN STATUS due to continuous racial and inmate improper pruned activity. This resulted in weeks at a time of NO ACCESS TO THE LAW LIBRARY OR ADJUSTED INMATE MOVEMENT. It was at this time I used every available resource to contact my wife via email only at times so that she could contact the Court and notify them of my circumstances. Her last attempt in early March of 2018, she was told again that my records were longer in the District Court.
15. In March of 2018, I wrote the Court again asking if it had received my motion so that I could clarify for grounds to appeal, but did not receive a response to my letter.
16. I " NEVER " received the Order(Doc. 273) DENYING my motion; nor did I ever receive any confirmation of Order(Doc. 272). And to this day I have have not seen the Docket Entries after months of me and my wife inquiring about them.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been mailed to Robert G. Davies, at 21 East Garden Street, Suite 400, Pensacola Fla., 32502 this the ____ day of November, 2019.

X: _____
Derrick L. Howell

REG NO... 64482-019 NAME... HOWELL, DERRICK LASHON
CATEGORY: ARS FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
EDG	A-DES	DESIGNATED, AT ASSIGNED FACIL	08-23-2017 1040	CURRENT
B03	RELEASE	RELEASED FROM IN-TRANSIT FACIL	08-23-2017 1040	08-23-2017 1040
B03	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	08-23-2017 0553	08-23-2017 1040
ATL	HLD REMOVE	HOLDOVER REMOVED	08-23-2017 0553	08-23-2017 0553
ATL	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	08-17-2017 1454	08-23-2017 0553
B03	RELEASE	RELEASED FROM IN-TRANSIT FACIL	08-17-2017 1454	08-17-2017 1454
B03	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	08-17-2017 0957	08-17-2017 1454
ATL	ADMIN REL	ADMINISTRATIVE RELEASE	08-17-2017 0957	08-17-2017 0957
ATL	A-ADMIN	ADMINISTRATIVE ADMISSION	08-17-2017 0949	08-17-2017 0957
B02	RELEASE	RELEASED FROM IN-TRANSIT FACIL	08-17-2017 0949	08-17-2017 0949
B02	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	08-17-2017 0708	08-17-2017 0949
ASH	TRANSFER	TRANSFER	08-17-2017 0708	08-17-2017 0708
ASH	A-DES	DESIGNATED, AT ASSIGNED FACIL	03-19-2014 1625	08-17-2017 0708
B02	RELEASE	RELEASED FROM IN-TRANSIT FACIL	03-19-2014 1625	03-19-2014 1625
B02	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	03-19-2014 0650	03-19-2014 1625
ATL	HLD REMOVE	HOLDOVER REMOVED	03-19-2014 0650	03-19-2014 0650
ATL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	02-27-2014 1000	03-19-2014 0650
B16	RELEASE	RELEASED FROM IN-TRANSIT FACIL	02-27-2014 1000	02-27-2014 1000
B16	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	02-27-2014 0323	02-27-2014 1000
TAL	HLD REMOVE	HOLDOVER REMOVED	02-27-2014 0323	02-27-2014 0323
TAL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	02-13-2014 1718	02-27-2014 0323
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	02-13-2014 1027	02-13-2014 1718
TAL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	01-28-2014 1529	02-13-2014 1027
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	01-28-2014 0815	01-28-2014 1529
TAL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	01-17-2014 1207	01-28-2014 0815
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	01-17-2014 0818	01-17-2014 1207
TAL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	07-09-2013 1836	01-17-2014 0818
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	07-09-2013 0750	07-09-2013 1836
TAL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	07-08-2013 1812	07-09-2013 0750
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	07-08-2013 0916	07-08-2013 1812
TAL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	05-13-2013 0740	07-08-2013 0916
TAL	ADM CHANGE	RELEASE FOR ADMISSION CHANGE	05-13-2013 0730	05-13-2013 0740
TAL	A-PRE	PRE-SENT ADMIT, ADULT	05-10-2013 1605	05-13-2013 0730
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	05-10-2013 0837	05-10-2013 1605
TAL	A-PRE	PRE-SENT ADMIT, ADULT	03-14-2013 1404	05-10-2013 0837
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	03-14-2013 0925	03-14-2013 1404
TAL	A-PRE	PRE-SENT ADMIT, ADULT	03-12-2013 1343	03-14-2013 0925
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	03-12-2013 0851	03-12-2013 1343
TAL	A-PRE	PRE-SENT ADMIT, ADULT	02-25-2013 1527	03-12-2013 0851
TAL	COURT	COURT APPEARANCE W/SCHED RETRN	02-25-2013 0913	02-25-2013 1527
TAL	A-PRE	PRE-SENT ADMIT, ADULT	02-22-2013 1307	02-25-2013 0913

"Appendix I."

K - I am not sure when Derrick sent you the letter you sent me. I wrote him on Monday, 8/21/17 advising his sentenced had been reduced by 24 months. I presume he would have received that letter by 8/25 or 26. When did he send the letter to you?

As to his question of why the court took so long to act on our 782 motion, I do not know, and there is no harm in this "delay" as the sentence is not close to expiration at this time. As to questions about the 2255 motion, since I am not familiar with it, and do not know if action has been taken on it I cannot speculate.

As I told your husband I am disappointed we only got 24 months but it is better than nothing. Clyde

On Aug 29, 2017, at 7:50 PM, khowell1010@gmail.com wrote:

Hi Mr. Taylor,

I have copied a letter my husband wrote for you below:

Mr. Taylor

I wanted to touch basis with you and address a few questions and get some clarity on a serious concern that has been puzzling me in reference to my 3582(c)(2)Motion. For the last 3 or 4 months or so I have been in the Law Library diligently searching caseloads and learning about my case ,to aid me on my mission to get the relief that is due to me .During my extensive research I have discovered that Judge Walker has reviewed approximately 27 or so 2255 Petitions and NO 3582 (c)(2)Motions, on the record.But my nephew Deltroiz Grimsley received his reduction within 6 to 8 months of filing .I dont know if you are familiar with MY unlawful Sentence for Money Laundering Charge,but I have already responded to the Courts on that as well.Can you explain the reason for the Judges unduly delay on making a decision on my pending 3582(c)(2)Motion ,that has been pending since May 2015??? Does that decision have ANYTHING to do with his delay in reviewing my 2255 Petition under RULE 4??? Is it correct that The Courts must FIRST address MY 2255 before they can go to the 3582 (c)(2)??? Could you please enlighten me on these matters and get bak with me or my wife at your earliest convenience.

Thank

You,
Derrick Howell

Sent from my iPhone

On Jun 6, 2017, at 11:32 AM, Clyde M. Taylor, Jr. <ct@taylor-taylor-law.com> wrote:

Thank You. C

On Jun 6, 2017, at 11:22 AM, Kimberly Howell <khowell1010@gmail.com> wrote:

Good afternoon Mr. Taylor,

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Derrick LaShon Howell,
Appellant.

-vs-

UNITED STATES OF AMERICA,
Appellee.

AFFIDAVIT OF: KIMBERLY ADAMS HOWELL

I, Kimberly Adams Howell do hereby Certify, Declare, Affirm and Depose that the following statements below are based on my personal knowledge, belief, and information are true and correct to which I am competent to testify in a Court of law:

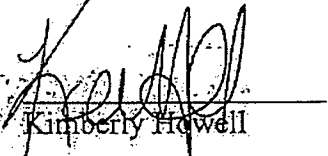
1. I am over 18 years of age.
2. I am the wife of Appellant Derrick LaShon Howell of 11 years.
3. On or about October 6, 2017 Derrick emailed me from Edgefield F.C.I. and informed that he had just received an Order denying his 2255 motion along with an Order GRANTING him a 24-month reduction from the 782 Amendment.
4. Derrick told me not to worry and that he was appealing his 2255 and the Court's decision to only grant him 24-months because his Co-Defendant got his full 782 Amendment Reduction, but there was a TIME LIMIT that he had to ask for to get an Extension because of him just receiving the Orders from his transfer. He told me that he had to do some research and get help with the appeal process and would be needing me to help him with the process.
5. On or about October 16, 2017 Derrick told me that he filed a Notice of Appeal and that He was filing a Motion for Clarification in the next few days for the Court's decision to only reduce his sentence by 24- months.
6. On or about December 15, 2017 emailed me and told me that he had received a response from the Court in reference to his 2255 back in October but had not received a confirmation that it received his Motion for Clarification. Derrick asked me to call the District Clerk of Courts and give them his case # and ask if they had received his Motion for Clarification that he sent back in October. I called seeking the status of his Motion and the Clerk told me that there was no record showing that their office received any such motion and to check back with them because of the influx of holiday mail processes.

"Appendix K."

7. On or about March 20, 2018, Derrick emailed me and asked me to once again call the District Clerk of court's office and check on the status of his Motion for Clarification; again a Clerk told me that there was nothing showing in the system that a Motion had been received or filed.

8. On or about March 23, 2018, Derrick sent me an email to forward to Mr. Taylor the attorney that represented him on his 3582 motion, he asked me to forward an email to him in reference to a Motion that he had prepared that he was sending to the Court, and wanted to get his opinion, but Mr. Taylor never responded to the email.

Further I sayeth Naught.


Kimberly Howell

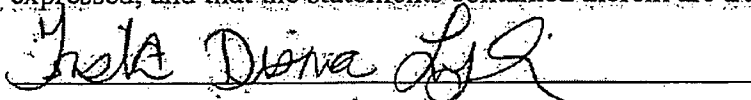
1/27/2020
Date.

NOTARY FORM

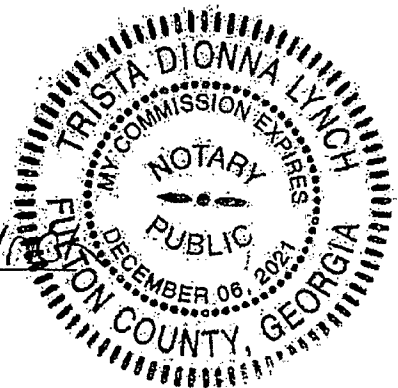
STATE OF GA)

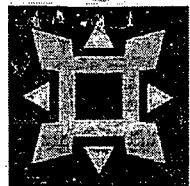
COUNTY OF Fulton)

I, Trista Dionna Lynch, a Notary Public, do hereby certify that on this 27 day of January, 2020, personally appeared before me Trista Lynch known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.


Notary Public, State of GA

Name, Typed or Printed: Trista Dionna Lynch
My Commission Expires: December 06, 2021





Taylor & Taylor

ATTORNEYS

2303 Ponce De Leon Blvd, Suite L

St Augustine, FL 32084

Tel - 904.687.1630

Fax - 904.342.6296

☐ Clyde M. Taylor, Jr.
ct@taylor-taylor-law.com

☐ Clyde M. Taylor III
bc@taylor-taylor-law.com

☐ Bradley A. Waldrop
bwaldrop@taylor-taylor-law.com

August 21, 2017

Mr. Derrick Lashon Howell #64482-019
LEGAL MAIL-OPEN ONLY IN INMATE PRESENCE

USP Atlanta

U.S. Penitentiary

Atlanta, GA 30315

Re: Resentencing

Dear Derrick:

The Court, apparently over the weekend, entered an order reducing your sentence, but only by 24 months, not the greater figures we had requested. Enclosed is the paperwork from the Court for your review.

Judge Walker is quite thorough in his case review and orders from each case. I do not see any basis for further legal efforts to obtain more relief for you. It is clear your 2255 motion was not well received by the Court.

However, because of what we were able to send to the Court, including your prison conduct, the Court did give you a reduction. See page two of that Order.

At this point, my representation under the CJA appointment is at an end. I will be closing your file shortly, so if you want copies of that which I have, including your letters to me, please advise in writing and I will get the file (such as it is) to you.

I wish you well.

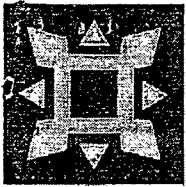
Sincerely,

Clyde M. Taylor, Jr.

CMTJr:cc

Enclosures

"Appendix L."



Taylor & Taylor

ATTORNEYS

2303 Ponce De Leon Blvd, Suite L
St Augustine, FL 32084
Tel - 904.687.1630
Fax - 904.342.6296

□ Clyde M. Taylor, Jr.
ct@taylor-taylor-law.com

□ Clyde M. Taylor III
bc@taylor-taylor-law.com

□ Bradley A. Waldrop
bwaldrop@taylor-taylor-law.com

November 7, 2017

Mr. Derrick L. Howell #64482-019
LEGAL MAIL-OPEN ONLY IN INMATE PRESENCE
FCI - Edgefield
P.O. Box 725, Unit A-4
Edgefield, SC 29824-0725

Re: Request for file information

Dear Derrick:

In response to your request, postmarked November 2, 2017, I found two Progress Reports in my file. One is dated September 23, 2015, the other May 14, 2016.

Both reports are enclosed herein. I have not kept copies of these reports as I am closing your file. Therefore please take care of these, otherwise to request copies from Ashland will be a pain.

As to your file, if you want it for your records, please advise in writing as to where it is to be sent and we will scan a copy for our files and mail the hard copy to you or your designee.

Good luck with your continued efforts for relief.

Sincerely,

Clyde M. Taylor, Jr.

CMTJr:cc

Enclosures

"Appendix M."

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

U.S. District Clerk of Courts
111 N. Adams St. Suite 400
Tallahassee, Florida 32301

November 20, 2019

Case Style: Derrick Howell v. U.S.A.

Dist. Ct. Docket No: 4:13-cr-00033-MW-GJS-1

I am requesting a complete copy of my
Criminal Docket Sheet for case number

4:13-cr-0003-MW-GJS-1.

Sincerely,

Derrick L. Howell

X: ~~L. Howell~~

Date: November 20, 2019

Derrick L. Howell #64482-019

Edgefield, F.C.I.

P.O. Box 725 Unit A-2

Edgefield, S.C. 29824-0725

RCVD USDC FLND TL
NOV 25 '19 PM3:29

Appendix "O"

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

U.S. District Clerk of Courts
111 N. Adams St. Suite 400
Tallahassee, Florida 32301

January 20, 2020

Case Style: Derrick Lashon Howell v. U.S.A.

Dist. Ct. Docket No. 4:13-cr-00033-MW-SRJ-1

I am requesting a copy of the Order denying my Motion For Clarification (Doc. -273) filed by this Court on November 16, 2017. Also I'm requesting an actual copy of my Motion For Clarification (Doc. -272) that I filed. Could you please include a copy of the envelope that was electronically filed and stamped on the day it was received?

Sincerely,
Derrick L. Howell
~~X: [Signature]~~
Date: January 20, 2020

Derrick L. Howell
64482-019
Edgefield, F.C.I.
P.O. Box 725. Unit A-2
Edgefield, S.C. 29824-0725