

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

MANUEL DE JESÚS GORDILLO-ESCANDÓN,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

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

(CA4 No. 18-4306)

Appendix to Petition for *Writ of Certiorari*

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FILED: November 10, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-4306
(6:17-cr-00206-JFA-3)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MANUEL DE JESUS GORDILLO-ESCANDON

Defendant - Appellant

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wilkinson, Judge Motz, and
Judge Bell.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-4306

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

MANUEL DE JESUS GORDILLO-ESCANDON,

Defendant – Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Bruce H. Hendricks, District Judge; Joseph F. Anderson, Jr., Senior District Judge. (6:17-cr-00206-JFA-3)

Submitted: September 11, 2020

Decided: October 14, 2020

Amended: October 19, 2020

Before WILKINSON and MOTZ, Circuit Judges, and Kenneth D. BELL, United States District Judge for the Western District of North Carolina, sitting by designation.

Affirmed by unpublished opinion. Judge Wilkinson wrote the opinion, in which Judge Motz and Judge Bell joined.

Howard W. Anderson III, LAW OFFICE OF HOWARD W. ANDERSON III, LLC, Pendleton, South Carolina, for Appellant. Sherri A. Lydon, United States Attorney, Columbia, South Carolina, D. Josev Brewer, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

WILKINSON, Circuit Judge:

In this case, the defendant-appellant, Manuel de Jesús Gordillo-Escandón, was indicted for conspiracy, possession of methamphetamine, and possession of a handgun in furtherance of drug trafficking. After a two-day trial, the jury convicted him on all three counts.* On appeal, he raises several claims, which we discuss herein. For the reasons that follow, we affirm the judgment of the district court.

I.

In December 2016, federal agents found the defendant in a Greenville County, South Carolina, hotel room with approximately 140 grams of methamphetamine, a meth pipe, and two Glock G-19 9mm handguns. In January 2017, he was indicted in state court for (1) knowingly bringing methamphetamine into the state and (2) possessing a firearm during narcotics trafficking. In June 2017, he pled guilty to two lesser-included offenses of the state counts and was sentenced to three years in prison.

On March 14, 2017, Gordillo-Escandón was indicted in the District of South Carolina for conspiracy to possess methamphetamine with intent to distribute, 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii), 846, possession of methamphetamine with intent to distribute, 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii), and possession of a handgun in furtherance of drug trafficking, 18 U.S.C. 924(c)(1)(A)(i). His original trial date was June 22, 2017. After

* Judge Anderson presided at trial, and Judge Hendricks presided over pretrial motions.

several motions, continuances, and an interlocutory appeal, *voir dire* began on February 8, 2018.

At trial, the government presented evidence as to the state of the hotel room and the location of the weapons, elicited the testimony of one of Gordillo-Escandón's co-conspirators, and put a federal agent on the stand as an expert witness in drug trafficking and firearm use. The pistols were entered into evidence. The co-conspirator testified that he had met Gordillo-Escandón to deliver methamphetamine and was out selling their methamphetamine when he was caught by police, to whom he revealed the hotel room. The Homeland Security Investigations (HSI) agent, Paul Criswell, testified that drug traffickers carry firearms for "[p]rotection for themselves, [and] protection for the product that is in their possession." J.A. 466.

The jury returned a guilty verdict on all three counts. The district court sentenced Gordillo-Escandón to the statutory minimum: 60 months as to the drug counts, to run concurrently, and 60 months as to the firearms count, to run consecutively to the drug counts. The 120-month sentence runs concurrently with the defendant's state court sentence. Following sentencing, the defendant timely appealed, and we possess jurisdiction pursuant to 28 U.S.C. § 1291.

II.

The defendant's initial challenge is to the district court's decision not to dismiss the indictment under the Speedy Trial Act (STA), 18 U.S.C. §§ 3161–74, for failure to bring him to trial within seventy non-excludable days of his initial appearance in federal court. Gordillo-Escandón's trial began 315 days after his initial appearance, but the parties

disagree as to how many days are properly excluded. We review the district court's factual findings for clear error and its legal interpretations of the STA *de novo*. See *United States v. Henry*, 538 F.3d 300, 303 (4th Cir. 2008). We conclude that, after accounting for excludable days, the defendant's trial occurred within the time limits imposed by the STA.

A.

The STA generally requires a defendant's trial to "commence within seventy days . . . from the date the defendant has appeared before a judicial officer of the court in which such charge is pending." 18 U.S.C. § 3161(c)(1). As the Supreme Court has explained, the STA exists to protect both "a defendant's right to a speedy trial" and "the public interest." *Zedner v. United States*, 547 U.S. 489, 501 (2006). In doing so, however, the statute does not create an uncompromising mandate; rather, it is flexible in "recogni[tion] that criminal cases vary widely and that there are valid reasons for greater delay in particular cases." *Id.* at 497. To that end, the STA provides a list of delays for which time is excluded from the seventy-day clock. See § 3161(h).

In this case, there were excludable delays that fall under four provisions. First, there was a "delay resulting from [an] interlocutory appeal." § 3161(h)(1)(C). Second, there were delays "resulting from . . . pretrial motion[s], from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion." § 3161(h)(1)(D). Third, there was "delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement by the court." § 3161(h)(1)(H). Last, there was delay for which "the judge granted [a] continuance on the basis of his findings that the ends of justice served by taking

such action outweigh[ed] the best interest of the public and the defendant in a speedy trial.” § 3161(h)(7)(A). Accounting for delays under these provisions, we find at a minimum 245 of the 315 days between first appearance and trial excludable.

B.

The defendant’s chief contention is with one of the ends-of-justice continuances that excluded sixteen days. At a January 19, 2018, hearing, the government requested a continuance and an exclusion of time based on the ends of justice from that day until jury selection began on February 8, 2018. *See* J.A. 183–84. The government requested the delay so that (1) the defendant could speak with law enforcement, (2) the government could prepare for trial, and (3) the government could evaluate the defendant’s statements. *See* J.A. 184. The defendant objected to the exclusion of time. *See* J.A. 184. The district court granted the motion and found “that by granting this continuance the ends of justice outweigh[ed] the best interests of the public and the defendant in a speedy trial.” J.A. 185.

The STA sets forth both procedural and substantive requirements for ends-of-justice continuances. *See* § 3161(h)(7). Subsection (A) requires that the district court must “set[] forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.” And subsection (B) provides appropriate considerations for the district court when deciding whether to grant the continuance.

There can be no doubt that the substantive requirements of section 3161(h)(7)(B) were satisfied. One factor the statute provides is “[w]hether the failure to grant such a continuance . . . would deny counsel for the defendant or the attorney for the Government

the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” § 3161(h)(7)(B)(iv). The government provided three reasons all connected to legitimate trial preparation. And there is no evidence that the Assistant U.S. Attorney was not acting with due diligence. Although almost a year had passed since the initial indictment, much of that time was occupied with the defendant’s interlocutory appeal. Thus, with the trial finally approaching, it was not unreasonable for the government attorney to need time to reacquaint himself with the case, have law enforcement meet with the defendant, and prepare.

The defendant’s more compelling argument is that the district court failed to meet the STA’s procedural requirements for an ends-of-justice continuance because the district court did not put its reasons for granting the continuance on the record. The Supreme Court has made clear that “the Act requires express findings” and “does not permit those findings to be made on remand.” *Zedner*, 547 U.S. at 506. The *Zedner* Court did provide some flexibility and allowed district courts to put findings on the record either at the grant of the continuance or at the “rul[ing] on a defendant’s motion to dismiss under § 3162(a)(2).” *Id.* at 507. But *Zedner* also forbade any harmless error review of a “[d]istrict [c]ourt’s failure to make the proscribed findings” because such an approach was “hard to square with the Act’s categorical terms.” *Id.* at 508.

In this case, the district court’s explanation, to put it gently, was not ideal. The court should have taken more care with the request for the continuance. The STA does not require elaborate findings that occupy interminable pages of transcript, but those findings should generally be more than what the district court set forth here—a mere incantation of

the words of the statute. That being said, the reasons the district court found that the ends of justice were served by the continuance were also crystal clear from the context. The colloquy between the government attorney and the court shows that this continuance was granted so that the defendant could “talk with law enforcement,” and the government could “gather[] its materials for trial and . . . evaluate Mr. Gordillo-Escandón’s statements.” J.A. 184. The grant of the continuance followed right on the heels of this colloquy; the hearing leaves no room for guess work. Not only are the reasons and justifications for the continuance quite clear, they also, as discussed *supra*, find explicit recognition in the statute. *See* § 3161(h)(7)(B)(iv) (allowing consideration of “[w]hether the failure to grant such a continuance . . . would deny . . . the attorney for the Government the reasonable time necessary for effective preparation”). Thus, the grant of the ends-of-justice continuance viewed in the context of the hearing meets the STA’s procedural requirements, and the days between January 19 and February 8 are excluded.

One other claim merits discussion. On May 15, 2017, the government filed a motion for reciprocal discovery, for which six days are excludable. The defendant contends that no time, or a maximum of one day, is excludable pursuant to this filing because it is not actually a motion, whereas the government argues that this filing tolls the STA clock until trial because it was a motion that was never answered or acted upon. Both are incorrect. The filing was a motion because it requested direction on behalf of one party as to the other from the court. *See Melendez v. United States*, 518 U.S. 120, 126 (1996) (explaining that a motion is “[a]n application made to a court or judge for purpose of obtaining a rule or order directing some act to be done in favor of the applicant” (quoting *Black’s Law*

Dictionary 1013 (6th ed. 1990))). The motion does not toll the STA clock until trial because “motions that require no hearing”—such as this one—cannot toll the clock for more than thirty days. *Henderson v. United States*, 476 U.S. 321, 329 (1986) (citing 18 U.S.C. § 3161(h)(1)(H)); *see also United States v. Sutter*, 340 F.3d 1022, 1031 (9th Cir. 2003) (holding that “a *pro forma* discovery motion” cannot be continued or under advisement indefinitely). Since *Henderson* said that for “motions [that] are so simple or routine that they do not require a hearing, necessary advisement time should be considerably less than 30 days,” six days are appropriately excluded in this case. 476 U.S. at 329 (quoting S. Rep. No. 96-212, at 34).

We find no merit in the remaining assignments of error. It is always helpful, moreover, to take a step back. The great majority of the delays in this case were not attributable to the court, nor were they attributable to the government. The delays resulted in significant measure from the flurry of motions filed by the defendant and the defendant’s interlocutory appeal. It was counsel’s right to file those motions and to take the appeal, and it was of course his duty to defend his client vigorously. He has failed, however, to persuade us that the seventy-day limit of non-excludable time between Gordillo-Escandón’s initial appearance and the beginning of his trial was exceeded. There is thus no Speedy Trial Act violation in his case.

III.

The defendant also claims that his speedy trial rights under the Interstate Agreement on Detainers Act (IADA) were violated. In the relevant part, the IADA requires that “trial . . . be commenced within one hundred and twenty days of the arrival of the prisoner in the

receiving State.” 18 U.S.C. app. 2, § 2 art. IV(c). Like the STA, the IADA does not hold an iron-like grip on trial proceedings; it too “contains tolling provisions for certain events.” *United States v. Peterson*, 945 F.3d 144, 153 (4th Cir. 2019) (quoting *United States v. Winters*, 600 F.3d 963, 970 (8th Cir. 2010)). “[F]or good cause shown in open court,” a court “may grant any necessary or reasonable continuance.” 18 U.S.C. app. 2, § 2 art. IV(c). The IADA also provides for the tolling of the clock “whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter. *Id.* at art. VI(a).

When applying the IADA, we have counseled that, though “the STA and IADA may have slightly different wordings, their time clocks have broadly harmonious aims,” so the statute should be considered *in pari materia* with the STA. *Peterson*, 945 F.3d at 155; *see also United States v. Odom*, 674 F.2d 228, 231 (4th Cir. 1982) (“Whenever possible, the interpretation of the Acts should not be discordant.”). Thus, the ends-of-justice continuances that toll the STA clock also toll the IADA clock “[b]ecause the IADA’s ‘good cause’ standard is not materially different from the STA’s ‘ends-of-justice’ standard.” *Peterson*, 945 F.3d at 154. Likewise, the “unable to stand trial” provision of the IADA applies to “those periods of delays caused by the defendant’s own actions.” *Id.* (second quotation quoting *United States v. Ellerbe*, 372 F.3d 462, 468 (D.C. Cir. 2004)). In *Peterson*, we held that this includes periods “when a district court is adjudicating pretrial motions raised by the defense.” *Id.* The same logic leads us to exclude the time necessary to resolve the defendant’s interlocutory appeal—that too was delay caused by the defendant’s actions.

Taken together, these provisions justify stopping the IADA clock for all 245 days excluded under the STA. Because this brings Gordillo-Escandón's trial date well within 120 days of his arrival in federal custody as required by the IADA, we affirm the district court's judgment on this score.

IV.

Next, the defendant argues that the district court erred by failing to ask the venire the defense's proposed questions about whether they could follow jury instructions about the presumption of innocence and the right to remain silent. District courts have broad discretion in conducting *voir dire*, so we review challenges to the choice of questions for abuse of discretion. *United States v. Robinson*, 804 F.2d 280, 283 (4th Cir. 1986).

The defendant argues that the court's failure to ask his two requested questions about the presumption of innocence and the right to remain silent constitutes an abuse of discretion. However, we have already rejected any *per se* rule that a failure to ask these kinds of questions constitutes an abuse of discretion. *See id.* at 281; *see also United States v. Jeffery*, 631 F.3d 669, 673–74 (4th Cir. 2011). Rather, the district court acts well within its discretion when it (1) instructs the jury on these points of law, *Robinson*, 804 F.2d at 281, and (2) asks generally about the venire members' ability to follow the law and the jury instructions, *Jeffery*, 631 F.3d at 672–73 & n.2.

In the instant case, the trial judge did both. During *voir dire*, the court asked the prospective jurors about whether they could “be fair and impartial to both sides” and whether they could “render [their] verdict solely on the evidence presented at trial and in the context of the law as the Judge instructs you, disregarding any ideas or beliefs that you

may have previously had about the law.” J.A. 208. At trial, the judge instructed the jury that the defendant has a presumption of innocence, that the government is required to prove guilt beyond a reasonable doubt, and that the defendant has a right to remain silent. *See* J.A. 270–71, 279–80, 535–38.

What matters most is not a laundry list of questions, but whether the jury is instructed on the broad principles that animate our justice system. In light of “the broad deference traditionally and wisely granted trial courts in their conduct of *voir dire*,” the questions asked, and instructions given, we find that the district court did not abuse its discretion. *United States v. Lancaster*, 96 F.3d 734, 741 (4th Cir. 1996) (en banc).

V.

In this appeal, the defendant renews the same double jeopardy claim that we decided against him in his interlocutory appeal. *See United States v. Gordillo-Escandón*, 706 F. App’x 119 (4th Cir. 2017) (per curiam). He again claims that successive prosecutions for the same crime by different sovereigns violate the Fifth Amendment’s Double Jeopardy Clause. We review double jeopardy claims *de novo*. *United States v. Schnittker*, 87 F.3d 77, 81 (4th Cir. 2015).

Since the parties filed their briefs in this case, the Supreme Court has definitively answered this question. In *Gamble v. United States*, the Court re-affirmed its longstanding precedent that, as separate sovereigns, a state government or the federal government “may prosecute a defendant” under its statutes even if the other government “has prosecuted him for the same conduct under” its own laws. 139 S. Ct. 1960, 1964 (2019). Thus, we follow the Supreme Court and do not disturb our prior adjudication of this claim.

VI.

The defendant next contends that there was not sufficient evidence to show that he used his firearm in furtherance of a drug trafficking crime. Reviewing the sufficiency of the evidence, we uphold the jury verdict “if there is substantial evidence, taking the view most favorable to the government, to support it.” *United States v. Wills*, 346 F.3d 476, 498 (4th Cir. 2003) (quoting *Glasser v. United States*, 315 U.S. 60, 80 (1942)).

The defendant argues that it is not enough for the government to show mere presence of a firearm at the scene of a drug trafficking crime in order to establish that the firearm was used “in furtherance of . . . such crime,” as proscribed by 18 U.S.C. § 924(c)(1)(A). Rather, he claims that the government must prove that there is “a nexus between the guns discovered and the underlying offense.” *United States v. Krouse*, 370 F.3d 965, 968 (9th Cir. 2004). Gordillo-Escandón maintains that the government failed to establish that nexus because there was no evidence that the guns were operable, that they were military-style, that he had touched the guns, or that they arrived in the hotel room in conjunction with the drugs.

We have considered this contention before. In *United States v. Lomax*, we held that “§ 924(c) requires the government to present evidence indicating that the possession of a firearm furthered, advanced, or helped forward a drug trafficking crime.” 293 F.3d 701, 705 (4th Cir. 2002). We also said that “whether the firearm served such a purpose is ultimately a factual question,” one for which deference is due the fact finder below. *Id.* Relevant factors for the jury to consider are “the type of drug activity that is being conducted, accessibility of the firearm, the type of weapon, whether the weapon is stolen,

the status of the possession (legitimate or illegal), whether the gun is loaded, proximity to drugs or drug profits, and the time and circumstances under which the gun is found.” *Id.* (quoting *United States v. Ceballos-Torres*, 218 F.3d 409, 414–15 (5th Cir. 2000)).

In this case, there was more than sufficient evidence introduced at trial to support the jury’s conclusion that the handgun was used “in furtherance” of drug trafficking. The type of drug activity was a multi-state, multi-individual trafficking operation—wholesale distribution, not retail sales. *See* J.A. 349, 351–56, 360–61, 389–92, 463–67. Larger quantities of product equate to more money changing hands, which means a greater profit to be derived from robbing one of the parties. Thus, Gordillo-Escandón’s operation is the kind that would be furthered through possession of a firearm. The weapon was found underneath the defendant’s pillow—both hidden and easily accessible. *See* J.A. 291. When law enforcement arrived in the hotel room in which the defendant stayed, he was lying in bed, proximate to the handgun. *See* J.A. 288. The proximate and accessible, yet hidden, nature of the gun would allow the defendant first to assess a possible threat before revealing that he was armed and then to deploy the weapon quickly if the threat called for it. Gordillo-Escandón’s weapon was a 9mm Glock handgun. *See* J.A. 322. Unlike a long gun, a handgun is well-suited to close-quarters self-defense in a drug trafficking operation. It fires accurately at short range and does not occupy much space. Finally, the methamphetamine was in the drawer of a dresser at the foot of the defendant’s bed—proximate to the gun. *See* J.A. 298–99. This proximity would make the gun useful should another person try to steal the drugs.

Given this abundance of evidence, the defendant's contention that there was insufficient evidence to show that he possessed in the handgun in furtherance of his drug trafficking is without merit. We therefore decline to disturb the jury's verdict.

VII.

Lastly, we turn our attention to the defendant's Confrontation Clause claim. We review potential violations of the Confrontation Clause *de novo* but also subject them to harmless error review. *United States v. Mouzone*, 687 F.3d 207, 213 (4th Cir. 2012).

Gordillo-Escandón argues that HSI agent Paul Criswell's trial testimony violated the Confrontation Clause because he brought in otherwise inadmissible hearsay from his conversations with informants and cooperators. As part of his job, agent Criswell regularly interviewed drug informants and targets of drug investigations, from whom he learned how drug organizations traffic and distribute narcotics. *See* J.A. 456–58. The defendant does not question the agent's qualifications.

Criswell testified as to how drug operations are structured, what roles different individuals in an operation perform, and why those individuals carry firearms. *See* J.A. 463–67. He explained that drug traffickers carry firearms for “protection for themselves, [and] protection for the product that is in their possession.” J.A. 466. He said that they keep those weapons “on their person, or . . . in close proximity to where they could access them if they needed to utilize them.” J.A. 467. Criswell also testified that the most common weapons used are handguns and assault rifles, the former because they are easily concealable. J.A. 467.

The defendant contends that Criswell was “little more than a conduit or transmitter for testimonial hearsay, rather than . . . a true expert whose considered opinion sheds light on some specialized factual situation,” which *Crawford v. Washington*, 541 U.S. 36 (2004), forbids. *United States v. Johnson*, 587 F.3d 625, 635 (4th Cir. 2009). That is incorrect. Like the experts in *Johnson*, whose testimony did not violate the Confrontation Clause, Criswell “never made direct reference to the content of [his] interviews or even stated with any particularity what [he] learned from those interviews.” *Id.* Certainly, his understanding of why drug traffickers carry firearms was “the product of the accumulation of experience over many years of investigation of narcotic organizations and contacts with the informants and witnesses who operate within them.” *Id.* at 635–36. But “[t]he fact that [his] expertise was in some way shaped by [his] exposure to testimonial hearsay does not mean that the Confrontation Clause was violated when [he] presented [his] independent assessments to the jury.” *Id.* at 636. Importantly, there were no statements or specific evidence regarding the case against Gordillo-Escandón that formed the basis of the agent’s understanding. *See United States v. Ayala*, 601 F.3d 256, 275 (4th Cir. 2010) (finding no Confrontation Clause violation for expert testimony on MS-13 “gang’s general nature as a violent organization” because the testimony was “not about the defendants in particular”).

Since the Confrontation Clause was not violated, we have no need to apply the harmless error analysis and do not disturb the district court’s decision on this issue.

VIII.

The defendant was given a fair trial in all respects, and there was ample evidence to support the jury’s verdict. The district court’s judgment is therefore affirmed.

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,) CR. NO. 6:17-CR-206
) GREENVILLE, SC
) FEBRUARY 14, 2018
)
VERSUS)
)
MANUEL DE JESUS)
GORDILLO-ESCANDON)
DEFENDANT.)
_____)

BEFORE THE HONORABLE JOSEPH F. ANDERSON, JR.
SENIOR UNITED STATES DISTRICT COURT JUDGE
JURY TRIAL
VOLUME I

APPEARANCES:

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STENOTYPE/COMPUTER-AIDED TRANSCRIPTION
*** **

1 --

2 THE COURT: Mr. Anderson, you are fully protected
3 on your objection to the State Court conviction coming
4 in.

5 MR. ANDERSON: I thank you, Judge.

6 THE COURT: And just to reiterate what we said on
7 Monday, all of Judge Hendricks' rulings, pretrial in
8 this case, are reaffirmed by me, you are fully
9 protected on appeal. You have properly raised all
10 issues previously raised in this case. In other words,
11 a substitution of Judges does not start the clock over,
12 in other words.

13 MR. ANDERSON: Thank you, Judge. In terms of
14 the issue that we are talking about, I would -- again, I
15 understand Your Honor has ruled that the jury is allowed
16 to know that Mr. Gordillo pleaded guilty in State Court,
17 but he pleaded guilty to two lesser included offenses
18 than those charged in the Indictment. And I would say
19 that as they instruct the jury all the time that an
20 Indictment is not evidence on everything. So, again,
21 Your Honor's ruling, the sentencing sheets can come in,
22 but I don't think that the indictments, which are two
23 charges which he did not plead guilty, can come in.
24 And we are going to have the plea colloquy, which will
25 establish that his guilty plea comes out of the events

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	January 19, 2018
)	
- versus -)	Greenville, SC
)	
MANUEL DE JESUS)	6:17-206-3
GORDILLO-ESCANDON,)	
Defendant.)	

TRANSCRIPT OF MOTION HEARING

BEFORE THE HONORABLE BRUCE HOWE HENDRICKS
UNITED STATES DISTRICT JUDGE, presiding

A P P E A R A N C E S:

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Court Reporter:	KAREN E. MARTIN, RMR, CRR 300 E. Washington Street Room 304 Greenville, SC 29601

The proceedings were taken by mechanical stenography and
the transcript produced by computer.

Karen E. Martin, RMR, CRR
US District Court
District of South Carolina

1 brief recess so I can think about it.

2 **MR. ANDERSON:** Thank you, Judge.

3 (WHEREUPON, a short break was taken.)

4 **MR. ANDERSON:** Judge, if I could correct one
5 thing that I just said? In response to your question
6 about whether I filed a notice of demand for jury
7 selection, I said no. And that is true as far as it goes.
8 But I do note that when I filed the withdrawal on
9 December 19th to make sure that there were no pending
10 motions, in that withdrawal document Mr. Gordillo-Escandon
11 did specifically assert his right to a speedy trial. But
12 so that would be the only thing that's on the docket in
13 response to Your Honor's question. But I think I misspoke
14 earlier. Thank you.

15 **THE COURT:** All right. If y'all could step back
16 up to the podium, Mr. Anderson. Having read and
17 considered the argument of the parties, and regarding the
18 renewed motion to dismiss, the Court now is going to make
19 the following ruling. As always, the Court reserves the
20 right to place written findings and conclusions on the
21 record should they become necessary.

22 The renewed motion to dismiss is denied. First,
23 with respect to the alleged Speedy Trial Act violation,
24 there is none. The defendant previously attempted to
25 argue a Speedy Trial Act violation over his own motion for

1 continuance.

2 After the previous motion to dismiss was denied,
3 the defendant filed an interlocutory appeal, thus delaying
4 resolution of this case by his own litigation strategy.
5 The appeal was unsuccessful, as could have been predicted
6 by age old, unassailable precedent. The mandate was
7 returned December the 19th of 2017.

8 Now, after adding at least 146 days of delay
9 through his own conduct, the defendant complains of the
10 gap in time between the return of the mandate in the
11 filing of his renewed motion. The argument is baseless
12 and smacks of transparent attempt at gamesmanship and
13 shell game strategy.

14 In the ultimate attempt to have his cake and eat
15 it too, on the same day in July 2017, the defendant filed
16 both a notice of appeal and a motion demanding speedy
17 trial on the same day. Later, realizing the appeal had
18 been mooted by operation of statute, 18, United States
19 Code, Section 36 -- 3161(H)(1)(c), the speedy trial
20 demand, he withdrew that demand on December the 19th of
21 2017.

22 The upshot of all this, Mr. Anderson, is the
23 uncontrovertible point that the defendant himself is the
24 only party responsible for delayed resolution of this
25 case. Suffice it to say, the Court's previously granted

1 continuance persisted through the first available pretrial
2 conference since the defendant took his interlocutory
3 appeal. And all delay through and including January 16th,
4 2018, is excludable under Title 18, United States Code,
5 Section 3161(H)(7)(a).

6 For all the same reasons just listed, the
7 defendant's second theory that his right to a speedy trial
8 under the Sixth Amendment has been violated is also denied
9 as baseless. The Court finds that the Barker factors
10 weigh heavily against the defendant in that the delay has
11 not been uncommonly long; that he, alone, is responsible
12 for the delay; and that he has demonstrated no cognizable
13 prejudice.

14 Finally, with respect to the defendant's theory
15 that the Interstate Agreement on Detainers Act compels
16 dismissal, it does not. There is no conceivable
17 interpretation of the IADA applied to the procedural
18 posture of this case that could lead to a conclusion that
19 the 180-day time period has expired. As confirmed by the
20 United States Supreme Court, the 180-day clock does not
21 begin to run until the prisoner in question has caused to
22 be delivered to the prosecutor and the court written
23 notice of the place of his imprisonment and his request
24 for a final disposition of the indictment.

25 The defendant's first indication of IADA was in

1 his December the 19th, 2017, filing withdrawing his
2 previous motion demanding speedy trial. In his
3 perfunctory reference to the IADA in that filing even
4 counts as the applicable notice, the time period has
5 obviously not yet expired.

6 Even if the Court were to somehow find, which it
7 does not, that the defendant had satisfied the IADA notice
8 requirement at the earliest possible time, July 25th of
9 2017, his first federal court experience -- appearance
10 after having pled guilty in state court, the Court would
11 still be compelled to find that the 120-day time period
12 has not expired. The Fourth Circuit held in United States
13 vs. Odom that delay excludable under the Speedy Trial Act
14 is also excludable under the IADA 120-day clock. Simply
15 put, there is no IADA violation in this case.
16 Accordingly, defendant's renewed motion to dismiss the
17 indictment with prejudice is denied.

18 Does either party have anything to add?

19 Mr. US Attorney?

20 **MR. BREWER:** Your Honor, the Government would --
21 I think there's one more procedural matter, Your Honor.
22 As a function of the determination by the Court as to
23 Mr. Anderson's motion to dismiss, I do think that a motion
24 for continuance is in order. But for the purposes of the
25 time between now and the jury selection that's actually

1 set in this case, Your Honor, the Government would make
2 that motion based on the ends of justice and that the --
3 those interests outweigh those of the public in -- or the
4 interests of the public outweigh those of the defendant in
5 terms of speedy trial with respect to the remaining days
6 between now and jury selection that's been set, Your
7 Honor.

8 Mr. Gordillo-Escandon's actually set to talk
9 with law enforcement today. And the Government is still
10 in the process of gathering its materials for trial and
11 looks to evaluate Mr. Gordillo-Escandon's statements in
12 addition, Your Honor. And for those reasons, the
13 Government would ask for a continuance through jury
14 selection, Your Honor.

15 **THE COURT:** Mr. Anderson?

16 **MR. ANDERSON:** Judge, I would -- for the reasons
17 stated in my motion, I would oppose any excluding time
18 under the Speedy Trial Act or the IADA. Our jury roster
19 is what it is. And I don't hear the United States
20 Attorney saying that he wants to change the date of the
21 jury selection. So I'm not entirely sure what it is that
22 he wants.

23 To the extent that he's asking
24 Mr. Gordillo-Escandon to waive his rights to a speedy
25 trial, we would object. But in light of Your Honor's

1 ruling, it doesn't sound like that the Government needs to
2 make its motion anyway.

3 **THE COURT:** The Government's -- the Court's
4 going to grant the Government's motion. The Court finds
5 that by granting this continuance the ends of justice
6 outweigh the best interests of the public and the
7 defendant in a speedy trial.

8 Jury selection is February the 8th. Judge
9 McDonald will be presiding over that jury selection.
10 Trial will be February the 12th.

11 Does the defendant consent to the US Magistrate
12 Judge presiding over the jury selection?

13 **MR. ANDERSON:** Yes, Your Honor. And it -- if I
14 can look at my calendar here.

15 **THE COURT:** Does the Government consent to US
16 Magistrate Judge Kevin McDonald presiding over the jury
17 selection?

18 **MR. BREWER:** The Government does, Your Honor.

19 **THE COURT:** Okay.

20 **MR. ANDERSON:** One small wrinkle that may arise
21 in this case, after the Fourth Circuit issued its opinion,
22 we did file a petition for cert with the US Supreme Court.
23 Normally, the Government waives its right to respond
24 because the Supreme Court only hears about a hundred cases
25 a year. It tried to do that in this case. The Supreme

1 Court called for a response. So they didn't accept the
2 Government's waiver. The Government's response is due on
3 the 8th. And so, in fact, today the court is considering
4 as chambers conference the original petition. But given
5 the request for response, I think it's going to be
6 continued. And so I just alert the Court that I don't
7 know when the Supreme Court will review the Government's
8 response. But, obviously, if the Supreme Court does grant
9 cert, then jurisdiction would transfer back up to
10 Washington and we might sort of have an issue. It hasn't
11 happened yet, but I just raise that now so that we're not
12 all surprised if --

13 **THE COURT:** Mr. US Attorney?

14 **MR. BREWER:** It just doesn't have -- it just
15 doesn't have any relevance until and when cert is actually
16 granted, Your Honor. The return of the mandate lifts the
17 tolling effect that the appeal had on this case. And the
18 case itself can proceed until or when cert is granted in
19 this case. So it's just not relevant at this point.

20 **THE COURT:** Thank you.

21 **MR. ANDERSON:** All right. Thank you, Judge.
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,) CR. NO. 6:17-CR-206-3
) GREENVILLE, SC
) July 25, 2017
)
VERSUS)
)
MANUEL DE JESUS-GORDILLO-)
ESCANDON,)
)
DEFENDANT.)
_____)

BEFORE THE HONORABLE BRUCE HOWE HENDRICKS
UNITED STATES DISTRICT COURT JUDGE
MOTION HEARING

APPEARANCES:

FOR THE GOVERNMENT: D. JOSEV BREWER, AUSA
UNITED STATES ATTORNEY's office
55 BEATTIE PLACE
SUITE 700
GREENVILLE, SC 29601

FOR THE DEFENDANT: HOWARD W. ANDERSON, III, ESQ.
HOWARD W. ANDERSON, III LAW
OFFICE
P. O. BOX 661
PENDLETON, SC 29670

COURT REPORTER: DEBRA R. BULL, RPR, CRR
UNITED STATES COURT REPORTER
300 E. WASHINGTON STREET
SUITE 303
GREENVILLE, SC 29601

STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

*** **

1 Mr. Anderson is asking in this case, it would actually
2 operate as an automatic adjudication of guilt
3 essentially against Mr. Gordillo-Escandon because we
4 have sn underlying guilty plea in the State. So, if
5 Your Honor was to actually extend Full Faith and Credit
6 in the way asked, Your Honor the Government would
7 respectfully recommend it would be an outcome he doesn't
8 want. But that is not the status of the law and that is
9 not certainly what the Government would be proposing,
10 Your Honor.

11 THE COURT: Okay. Well, thank you, everybody.

12 MR. ANDERSON: Judge, if I could just respond to
13 one thing. It is my understanding that the plea offer
14 that the Solicitor made in State court had an expiration
15 date on it. And there was no guarantee that after the
16 expiration date that it would ever be revived. And I
17 think that it is because of that that rather than roll
18 the dice and hope that if you got an acquittal here that
19 the offer would be revived, it is my understanding that
20 that was the reason for going forward in State court was
21 because of the expiration date of the offer.

22 THE COURT: I appreciate that and I understand.
23 Thank you for that. Thanks to both parties for your
24 great briefing and argument on this. It was very
25 succinct and the fact of writing, the Court will now go

1 ahead and rule and of course reserve the right to place
2 written findings and conclusions on the record at any
3 time.

4 The motion to dismiss the indictment with
5 prejudice is denied. The Defendant seeks dismissal of
6 the indictment pending currently on two bases: One,
7 undue delay; and two, dual prosecution in State court,
8 which prosecution has already resulted in conviction and
9 sentencing. The relevant facts are not in dispute and
10 the issues presented today are purely legal.

11 With respect to the alleged undue delay, the
12 Court finds, first, that there has been no violation of
13 the Speedy Trial Act in this matter. The Defendant's
14 counsel joined in a continuance request on May 23rd,
15 2017, prior to the expiration of the speedy trial clock,
16 which that request was granted for the ends of justice
17 and more specifically for the effective preparation of
18 counsel; therefore, the period of delay resulting from
19 the continuance is excludable under 18, United States
20 Code, Section 3161(h).

21 As convincingly briefed by the Government, the
22 Fourth Circuit holding in *United States versus Keith*
23 provides effective reasoning for why a Defendant in
24 asserting a Speedy Trial Act violation should not be
25 able to take advantage of the period of time covered by

1 a continuance after having requested that continuance
2 and after having been granted the continuance for the
3 ends of justice.

4 Second, the Court finds that no Rule 48(b)
5 dismissal is merited in this case. In making his Rule
6 48(b) arguments, Defendant recites some unspecified and
7 unexplained delay in pressing Federal charges.

8 Concerning pre-indictment delay, there was none. The
9 Government has effectively shown that the case was
10 indicted at the session of the grand jury immediately
11 following the date on which agents with the Department
12 of Homeland Security brought the case to the United
13 States Attorney's Office for consideration.

14 Concerning post-indictment delay, there has been
15 one continuance in this case on Defendant's own motion,
16 as already discussed. And more importantly, Defendant
17 has not shown any prejudice he might have suffered from
18 alleged undue delay and 48(b) dismissal is not justified
19 in this case. Also the Court would bring the party's
20 attention to *United States versus Automated Med. Labs.,*
21 *Inc.*, at 770 F.2d 399.

22 With respect to dual prosecution, the Court
23 finds first that continued Federal prosecution does not
24 violate the Fifth Amendment's double jeopardy clause.
25 The well-known Dual Sovereignty Doctrine applies here

1 and the case cited by the Defendant in support of his
2 double jeopardy arguments actually reaffirms the
3 permissibility of separate prosecutions by different
4 sovereigns for the same conduct.

5 And you might find some further authority for
6 that point at *Puerto Rico versus Sanchez Valle* at 136
7 Supreme Court 1863. This is not to say that
8 Defendant's counsel is inept in raising the issue as he
9 was validly pursuing his professional duties to his
10 client and may indeed subjectively believe that Dual
11 Sovereignty Doctrine is unfair fundamentally. It is
12 only to say that at this point it is still settled law
13 that parallel prosecutions by State and Federal
14 Governments, even for the same underlying conduct, raise
15 no specter of a double jeopardy violation.

16 Second, the Court finds that continued Federal
17 prosecution of this case does not constitute a violation
18 of the Full Faith and Credit Act, Section 1738, Title
19 28, United States Code amended in 1948 requires Federal
20 courts to give to State judicial proceedings the same
21 Full Faith and Credit as they have by law or usage in
22 the Courts of such state. The Defendant pled guilty in
23 State court to the conduct underlying the Federal
24 charges pending here. Ironically, the logical
25 consequences of applying this Full Faith and Credit

1 argument to the Defendant's State court judgment would
2 be to require a guilty finding in this Court, not as
3 Defendant suggests to prohibit Federal prosecution. Of
4 course, no one is proposing such an outcome as it would
5 offend bedrock principles of the presumption of
6 innocence. But, suffice it to say, the Full Faith and
7 Credit Act does not compel any outcome as between
8 separate sovereigns and successive criminal
9 prosecutions. If it did, the dual sovereignty doctrine
10 would have been invalidated long ago. It has not been
11 invalidated and this basis for the Defendant's motion
12 lacks merit. So, accordingly, Defendant's motion to
13 dismiss the indictment with prejudice is hereby denied.

14 Does either party have anything they would like
15 to add?

16 MR. ANDERSON: Judge, I just, for the record,
17 according to SCDC, my client is eligible for parole at
18 the end of December of this year and his projected
19 release date is October 18th for his max out sentence.
20 And knowing, you know, in the hopes that I am right
21 about convincing Justice Ginsburg that -- in hoping that
22 she can convince her colleagues on the Court to agree
23 with here through her persuasive rhetoric and just
24 knowing how long that process takes, I would ask Your
25 Honor to go ahead and set a firm trial date in this case

1 so that if I am right he doesn't have to spend more time
2 in prison than is appropriate. And I know you have
3 already continued it to the October term, but needless
4 to say, I would object to any further continuances and
5 ask that you tell counsel that they have a firm trial
6 date so that if I am right that he doesn't have to spend
7 more time in prison than is appropriate.

8 THE COURT: Thank you.

9 MR. BREWER: Your Honor, sort of sheepishly, Your
10 Honor's order very specifically indicated the original
11 bases for the continuance that the ends of justice
12 outweighed the public's interest in a speedy trial.
13 Your Honor, if I could -- if I would ask the Court for
14 an additional or an amendment to that order, an
15 additional part of that order that very specifically
16 again reiterated or clarified Your Honor's ruling that
17 day that the grounds articulated by defense counsel
18 constituted ends of justice for purposes of trial
19 preparation that outweigh those of the public's
20 interest, Your Honor.

21 THE COURT: I believe that I have stated that in
22 the ruling, but to the extent I didn't, the ruling is
23 amended to incorporate the language in the fashion that
24 you suggest. The continuance was for the preparation
25 of Defendant's case and it was made at the request of

1 counsel. And so my ruling will be amended to reflect
2 your request.

3 MR. BREWER: Thank you, Your Honor. Your order
4 in its original language did that.

5 Thank you.

6 MR. ANDERSON: Judge, for planing purposes for the
7 trial, I think this case will be one to two days; is
8 that right, Mr. Brewer?

9 MR. BREWER: I think that is exactly right.

10 MR. ANDERSON: It is pretty straightforward the
11 facts in this case.

12 THE COURT: Are there any other matters we need
13 to take up at this time?

14 MR. ANDERSON: None for the defense, Your Honor.

15 THE COURT: Okay. Thank you both for your
16 excellent briefing and arguments. Appreciate it.

17 (Whereupon, Court concluded at 2:43 p.m.)

18 *** END OF REQUESTED TRANSCRIPT ***

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	May 23, 2017
)	
- versus -)	Greenville, SC
)	
DIEGO JAVIER BELTRAN,)	6:17-206-1
FERMIN MATA-BUSTOS,)	6:17-206-2
MANUEL DE JESUS)	6:17-206-3
GORDILLO-ESCANDON,)	
SAVANNAH ROSE SCHWARTZ,)	6:17-206-4
Defendants.)	

TRANSCRIPT OF PRETRIAL CONFERENCE

BEFORE THE HONORABLE BRUCE HOWE HENDRICKS
UNITED STATES DISTRICT JUDGE, presiding

A P P E A R A N C E S:

For the Government:	D. JOSEV BREWER, AUSA US Attorney's Office 55 Beattie Place, Ste. 700 Greenville, SC 29601
For Defendant Beltran:	JESSICA SALVINI, ESQ. 101 West Park Avenue Greenville, SC 29601
For Defendant Mata-Bustos:	LORA C. BLANCHARD, ESQ. Federal Public Defender 75 Beattie Place, Ste. 950 Greenville, SC 29601
For Def. Gordillo-Escandon:	HOWARD W. ANDERSON III, ESQ. PO Box 661 Pendleton, SC 29670
For Defendant Schwartz:	THOMAS J. QUINN, ESQ. 109 Laurens Road Building 4, Suite D Greenville, SC 29607

Court Reporter:

KAREN E. MARTIN, RMR, CRR
300 E. Washington Street
Room 304
Greenville, SC 29601

The proceedings were taken by mechanical stenography and
the transcript produced by computer.

1 Tuesday, May 23, 2017

2 **MR. BREWER:** May it please the Court, Judge?
3 The next matter on your docket is 6:17-206, United States
4 of America vs. Ms. Savannah Rose Schwartz, Mr. Diego
5 Javier Beltran, Mr. Fermin Mata-Bustos and Mr. Manuel De
6 Jesus Gordillo-Escandon. Ms. Schwartz is represented by
7 Mr. Thomas Quinn, Mr. Beltran is represented by
8 Ms. Jessica Salvini, Mr. Mata-Bustos is represented by
9 Ms. Lora Blanchard, and Mr. De Jesus Gordillo-Escandon is
10 represented by Mr. Howard Anderson.

11 **THE COURT:** Okay.

12 Mr. Quinn, what's your position?

13 **MR. QUINN:** Your Honor, as far as Ms. Schwartz
14 is concerned, we would ask that she be screened for the
15 Bridge Program. We discussed that yesterday with
16 Mr. Webber and he said he would get her screened and try
17 to get us an answer today or tomorrow.

18 **THE COURT:** But the Government's position?

19 **MR. BREWER:** Is Government has no objection to
20 an initial screening, Your Honor. But the Government has
21 not as of yet consented to actual admission, but has no
22 objection to an initial screen.

23 **THE COURT:** Okay. We'll do that. We don't know
24 where it will go. They've got to be screened but everyone
25 has to be on board. But we'll go ahead and do that.

1 Ms. Salvini?

2 MS. SALVINI: Your Honor, on behalf of
3 Mr. Beltran, he's present here in the courtroom. He's
4 assisted by a Spanish interpreter.

5 THE COURT: Okay.

6 Have we sworn Madam Interpreter?

7 THE INTERPRETER: Yes, Your Honor.

8 THE COURT: All right. Madam Interpreter, make
9 sure I'm going slow enough.

10 THE INTERPRETER: Thank you, Your Honor.

11 MS. SALVINI: We're going to be seeking a
12 continuance this morning. We're still currently
13 negotiating to see if we can reach an agreement that would
14 result in a plea.

15 THE COURT: Okay.

16 MS. SALVINI: I've discussed that with my
17 client. He consents to a continuance being granted. He
18 understands his right to a speedy trial. So that's what
19 we would be asking the Court to do today.

20 THE COURT: Okay. All right then.

21 Mr. Anderson?

22 MR. ANDERSON: I thank you, Your Honor. We
23 would join in the request for a continuance. In part,
24 there were some delays in getting the interpreter
25 qualified with Greenville County's security at the jail.

1 I've now surmounted those hurdles, so I was able to meet
2 with him once with an interpreter. Of course, I met with
3 him a couple of times using my own Spanish. But we are
4 still waiting on some of the discovery from the
5 Government. So I think that we would need one more
6 continuance. I'd be ready but I don't anticipate that we
7 would ask for anymore continuances beyond the August term
8 or whatever your next term is.

9 **THE COURT:** Okay.

10 And Ms. Blanchard?

11 **MS. BLANCHARD:** Your Honor, Mr. Mata-Bustos also
12 joins in that motion for continuance. I have discussed
13 with him his rights and he does waive his right to a
14 speedy trial.

15 **THE COURT:** Okay.

16 Any objection by the Government to continuing
17 the whole matter for one term?

18 **MR. BREWER:** None, Your Honor. Hopefully, it
19 will be a plea. And we do have some lab results
20 outstanding to the defendants. So we'll work hard to do
21 that.

22 Your Honor, just as a procedural matter,
23 Ms. Schwartz will need to be continued as well during her
24 initial screening.

25 **THE COURT:** We'll go ahead and continue the

entire matter to the next term. Thank you all.

MR. BREWER: Thank you, Judge.

MS. BLANCHARD: Thank you, Your Honor.

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

s/Karen E. Martin

6/23/2017

Karen E. Martin, RMR, CRR

Date

**U.S. District Court
District of South Carolina (Greenville)
CRIMINAL DOCKET FOR CASE #: 6:17-cr-00206-JFA-3**

Case title: USA v. Beltran et al

Date Filed: 03/14/2017

Date Terminated: 05/09/2018

Assigned to: Honorable Joseph F Anderson,
Jr

Appeals court case numbers: 17-4481
4CCA, 18-4306 4CCA

Defendant (3)

Manuel De Jesus Gordillo-Escandon
TERMINATED: 05/09/2018

represented by **Howard Walton Anderson , III**
Howard W Anderson III Law Office
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Pendleton, SC 29670
864-643-5790
Email: howard@hwalawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:846 CONSPIRACY TO DISTRIBUTE
CONTROLLED SUBSTANCE
methamphetamine. FORFEITURE
(1)

21:841(a)(1),(b)(1)(B) and 18:2
CONTROLLED SUBSTANCE - SELL,
DISTRIBUTE, OR DISPENSE
methamphetamine. FORFEITURE
(2)

18:924(c)(1)(A) and 18:2 VIOLENT
CRIME/DRUGS/MACHINE GUN.
FORFEITURE
(4)

Disposition

Defendant sentenced to the Bureau of Prisons for a term of 120 months. This term consists of 60 months as to Counts 1 and 2 to be served concurrently and 60 months consecutive as to Count 4. Supervised Release for a term of 4 years with conditions. This terms consists of 4 years as to Count 1, 2 and 4 to run concurrently. Special Assessment of \$300.00.

Defendant sentenced to the Bureau of Prisons for a term of 120 months. This term consists of 60 months as to Counts 1 and 2 to be served concurrently and 60 months consecutive as to Count 4. Supervised Release for a term of 4 years with conditions. This terms consists of 4 years as to Count 1, 2 and 4 to run concurrently. Special Assessment of \$300.00.

Defendant sentenced to the Bureau of Prisons for a term of 120 months. This term consists of 60 months as to Counts 1 and 2 to be served concurrently and 60 months

consecutive as to Count 4. Supervised Release for a term of 4 years with conditions. This terms consists of 4 years as to Count 1, 2 and 4 to run concurrently. Special Assessment of \$300.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **D Josev Brewer**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
03/14/2017	<u>2</u>	INDICTMENT (Sealed Grand Jury Ballot attached) as to Diego Javier Beltran (1) count(s) 1, 2, 4, Fermin Mata-Bustos (2) count(s) 1, 2, 4, Manuel De Jesus Gordillo-Escandon (3) count(s) 1, 2, 4, Savannah Rose Schwarz (4) count(s) 1, 3. (Attachments: # <u>1</u> Grand Jury Ballot) (jtho,) (Entered: 03/15/2017)
03/14/2017	<u>16</u>	ORDER FOR ISSUANCE OF INDICTMENT WARRANT as to Manuel De Jesus Gordillo-Escandon. Signed by Magistrate Judge Kevin McDonald on 3/14/17.(jtho,) (Entered: 03/15/2017)
03/14/2017	<u>18</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Manuel De Jesus Gordillo-Escandon for as needed. Signed by Magistrate Judge Kevin McDonald on 3/14/17. (jtho,) (Entered: 03/15/2017)
03/14/2017	22	NOTICE OF HEARING as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz: Arraignment set for 3/30/2017 10:00 AM in Greenville #3, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Magistrate Judge Kevin McDonald. (jtho,) (Entered: 03/15/2017)

03/22/2017	23	Case Reassigned as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz to Judge Honorable Bruce Howe Hendricks. Judge Unassigned - CRI no longer assigned to the case. (pcas,) (Entered: 03/22/2017)
03/30/2017	24	Arrest of Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz. Clerk notified by: USM. (ncha,) (Entered: 03/30/2017)
03/30/2017	25	Minute Entry for proceedings held before Magistrate Judge Kevin McDonald: Arraignment as to Diego Javier Beltran (1) Count 1,2,4 and Fermin Mata-Bustos (2) Count 1,2,4 and Manuel De Jesus Gordillo-Escandon (3) Count 1,2,4 and Savannah Rose Schwarz (4) Count 1,3 held on 3/30/2017. Defendants present in custody. Counsel appointed as to each defendant. Defendants Beltran and Schwarz waived reading of indictment and penalties. Indictment and penalties reviewed for Defendants Mata-Bustos and Gordillo-Escandon. Plea of not guilty entered on behalf of each defendant. Bond addressed as to each defendant. Court Reporter Debra Bull. Court Interpreter:Elizabeth Giersberg. Language: Spanish. (ncha,) (Entered: 03/30/2017)
03/30/2017	27	TEXT CJA 20 as to Manuel De Jesus Gordillo-Escandon: Appointment of Attorney Howard Walton Anderson, III for Manuel De Jesus Gordillo-Escandon entered by Magistrate Judge Kevin McDonald on 3/30/2017.(ncha,) (Entered: 03/30/2017)
03/30/2017	30	ORAL ORDER OF DETENTION as to Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon entered by Magistrate Judge Kevin McDonald on 3/30/2017. Bond is not an issue due to immigration status as to each defendant.(ncha,) (Entered: 03/30/2017)
03/30/2017	32	Letter as to Manuel De Jesus Gordillo-Escandon in re: notice of election of reciprocal discovery (Anderson, Howard) (Entered: 03/30/2017)
03/31/2017	36	Warrant Returned Executed on 03/30/2017 in case as to Manuel De Jesus Gordillo-Escandon. (bwalters-USMS,) (Entered: 03/31/2017)
04/03/2017	37	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Manuel De Jesus Gordillo-Escandon for 4/4-5; 4/11-14; 5/1; 5/5; 6/21-7/2/17 (Anderson, Howard) (Entered: 04/03/2017)
05/05/2017	40	SCHEDULING NOTICE as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz Bar Meeting set for 5/22/2017 4:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Pretrial Conference set for 5/23/2017 09:30 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Change of Plea Hearing set for 5/23/2017 09:30 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Jury Selection set for 6/22/2017 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks (Attachments: # 1 Judge Hendricks Standing Order for Criminal Matters, # 2 Joint Strike Form)(fbos,) (Entered: 05/05/2017)
05/15/2017	41	MOTION for Discovery <i>Reciprocal</i> by USA as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz. No proposed order(Brewer, D) (Entered: 05/15/2017)
05/22/2017	42	Minute Entry for proceedings held before Honorable Bruce Howe Hendricks: Bar Meeting as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus

		Gordillo-Escandon, Savannah Rose Schwarz held on 5/22/2017. Court Reporter Karen Martin. CJA Time 1:00. (fbos,) (Entered: 05/23/2017)
05/23/2017	43	ORAL MOTION to Continue by Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz. No proposed order(fbos,) (Entered: 05/23/2017)
05/23/2017	44	Minute Entry for proceedings held before Honorable Bruce Howe Hendricks: TEXT-ORDER granting 43 Motion to Continue until next term of court as to Diego Javier Beltran (1), Fermin Mata-Bustos (2), Manuel De Jesus Gordillo-Escandon (3), Savannah Rose Schwarz (4); Pretrial Conference as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz held on 5/23/2017. Court Reporter Karen Martin. Court Interpreter:Elizabeth Carico. Language: Spanish. CJA Time 3:00. (fbos,) (Entered: 05/23/2017)
06/20/2017	48	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Manuel De Jesus Gordillo-Escandon for 7/11-14, 7/17, 9/5, 9/22 (after 3 pm) - 9/29/17 (Anderson, Howard) (Entered: 06/20/2017)
06/23/2017	49	SCHEDULING NOTICE as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz Bar Meeting set for 7/24/2017 3:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Pretrial Conference set for 7/25/2017 10:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Change of Plea Hearing set for 7/25/2017 10:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Jury Selection set for 8/17/2017 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks (Attachments: # 1 Judge Hendricks Standing Order for Criminal Matters, # 2 Joint Strike Form)(fbos,) (Entered: 06/23/2017)
06/23/2017	50	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz held on 5/23/17, before Judge Bruce H. Hendricks. Court Reporter/Transcriber Karen E. Martin, Telephone number/E-mail 864-201-8411, Karen_E_Martin@scd.uscourts.gov. 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 from the court reporter or through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 7/14/2017. Redacted Transcript Deadline set for 7/24/2017. Release of Transcript Restriction set for 9/21/2017. (kmartin) (Entered: 06/23/2017)
06/26/2017	51	MOTION to Dismiss <i>indictment with prejudice</i> by Manuel De Jesus Gordillo-Escandon. No proposed order (Attachments: # 1 Exhibit report of arrest, # 2 Exhibit state arrest warrants, # 3 Exhibit state sentences)(Anderson, Howard) (Entered: 06/26/2017)
06/26/2017	52	Proposed Voir Dire by Manuel De Jesus Gordillo-Escandon (Anderson, Howard) (Entered: 06/26/2017)
06/27/2017	53	TEXT-ORDER as to Manuel De Jesus Gordillo-Escandon that the United States Attorney file a response within 14 Days days of the filing date of this order. Response due to 51 MOTION to Dismiss <i>indictment with prejudice</i> Response to Motion due by 7/11/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45.. Signed by Honorable Bruce Howe Hendricks on 6/27/17.(fbos,) (Entered: 06/27/2017)

06/28/2017	54	NOTICE OF RESCHEDULED HEARING as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz Bar Meeting scheduled for Monday, July 24, 2017 at 3:00PM cancelled and rescheduled to: Bar Meeting set for 7/25/2017 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (fbos,) (Entered: 06/28/2017)
07/11/2017	55	RESPONSE in Opposition by USA as to Manuel De Jesus Gordillo-Escandon re 51 MOTION to Dismiss <i>indictment with prejudice</i> (Attachments: # 1 Exhibit A - ROI 12/30/16, # 2 Exhibit B - Synopsis ROI 12/30/16, # 3 Exhibit C - Greenville County Indictment, # 4 Exhibit D - Greenville County Sentencing Sheet)(Brewer, D) (Entered: 07/11/2017)
07/19/2017	56	NOTICE OF HEARING ON MOTION in case as to Manuel De Jesus Gordillo-Escandon 51 MOTION to Dismiss <i>indictment with prejudice</i> : Motion Hearing set for 7/25/2017 10:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (fbos,) (Entered: 07/19/2017)
07/21/2017	57	NOTICE OF CANCELLATION OF HEARING: Pre-Trial and Motion Hearing scheduled for Tuesday, July 25, 2017 at 10:00AM as to Manuel De Jesus Gordillo-Escandon; Attorneys are advised that your presence at the Bar Meeting scheduled for 9:00AM on Tuesday, July 25, 2017 is required; (fbos,) Modified on 7/21/2017 (fbos,). (Entered: 07/21/2017)
07/21/2017	58	NOTICE OF HEARING as to Manuel De Jesus Gordillo-Escandon Change of Plea Hearing set for 7/25/2017 2:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Pretrial Conference set for 7/25/2017 2:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (fbos,) (Entered: 07/21/2017)
07/21/2017	59	NOTICE OF HEARING ON MOTION in case as to Manuel De Jesus Gordillo-Escandon 51 MOTION to Dismiss <i>indictment with prejudice</i> : Motion Hearing set for 7/25/2017 2:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (fbos,) (Entered: 07/21/2017)
07/24/2017	61	Writ of Habeas Corpus ad Prosequendum Issued as to Manuel De Jesus Gordillo-Escandon for as needed from SCDC. Signed by Magistrate Judge Kevin McDonald on 7/24/2017.(ncha,) (Entered: 07/24/2017)
07/25/2017	66	Minute Entry for proceedings held before Honorable Bruce Howe Hendricks:TEXT-ORDER denying 51 Motion to Dismiss as to Manuel De Jesus Gordillo-Escandon (3); Motion Hearing as to Manuel De Jesus Gordillo-Escandon held on 7/25/2017 re 51 MOTION to Dismiss <i>indictment with prejudice</i> filed by Manuel De Jesus Gordillo-Escandon. Court Reporter Debra Bull. Court Interpreter:Elizabeth Giersberg. Language: Spanish. CJA Time 1:15. (fbos,) Modified to edit text on 7/26/2017 (fbos,). (Entered: 07/25/2017)
07/25/2017	67	Minute Entry for proceedings held before Honorable Bruce Howe Hendricks: Bar Meeting as to Manuel De Jesus Gordillo-Escandon held on 7/25/2017, Pretrial Conference as to Manuel De Jesus Gordillo-Escandon held on 7/25/2017. Court Reporter Debra Bull. (fbos,) (Entered: 07/25/2017)
07/25/2017	68	TEXT-ORDER TO CONTINUE - Ends of Justice as to Manuel De Jesus Gordillo-Escandon Time excluded from 8/19/17 until 10/26/17.. Signed by Honorable Bruce Howe Hendricks on 7/25/17.(fbos,) (Entered: 07/25/2017)
07/26/2017	71	NOTICE OF APPEAL OF FINAL JUDGMENT by Manuel De Jesus Gordillo-Escandon

		re 66 Order on Motion to Dismiss, Motion Hearing,, - The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov . If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. Appeal Number 17-4481. (Anderson, Howard) Modified to all 4CCA Case Number on 7/28/2017 (fbos,). (Entered: 07/26/2017)
07/26/2017	72	ORDER as to Manuel De Jesus Gordillo-Escandon that the United States Attorney file a response within 14 days of the filing date of this order. Response due to 69 MOTION for Speedy Trial Response to Motion due by 8/9/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45.. Signed by Honorable Bruce Howe Hendricks on 7/26/17.(fbos,) (Entered: 07/26/2017)
07/26/2017	69	MOTION for Speedy Trial, MOTION to Sever Defendant by Manuel De Jesus Gordillo-Escandon. No proposed order(fbos,) Modified correct filing number on 7/26/2017 (fbos,). (Entered: 07/26/2017)
07/26/2017	73	Transmittal Sheet for Notice of Appeal to USCA as to Manuel De Jesus Gordillo-Escandon to US Court of Appeals re 71 Notice of Appeal - Final Judgment, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (fbos,) (Entered: 07/26/2017)
07/28/2017	75	USCA Case Number as to Manuel De Jesus Gordillo-Escandon 17-4481 for 71 Notice of Appeal - Final Judgment, filed by Manuel De Jesus Gordillo-Escandon. (fbos,) (Entered: 07/28/2017)
07/28/2017	76	ORDER of USCA appointing Howard Walton Anderson, III counsel as to Manuel De Jesus Gordillo-Escandon re 71 Notice of Appeal - Final Judgment, (fbos,) (Entered: 07/28/2017)
08/03/2017	77	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Manuel De Jesus Gordillo-Escandon. Bar Meeting for date of 5/22/17 before Judge Bruce H. Hendricks, re 71 Notice of Appeal - Final Judgment, Court Reporter/Transcriber Karen E. Martin, Telephone number/E-Mail 864-201-8411, Karen_E_Martin@scd.uscourts.gov. 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 from the court reporter or through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <i>Does this satisfy all appellate orders for this reporter? N</i> Redaction Request due 8/24/2017. Redacted Transcript Deadline set for 9/5/2017. Release of Transcript Restriction set for 11/1/2017. (kmartin) (Entered: 08/03/2017)
08/03/2017	78	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Manuel De Jesus Gordillo-Escandon. Pretrial Conference for date of 5/23/17 before Judge Bruce H. Hendricks, re 71 Notice of Appeal - Final Judgment, Court Reporter/Transcriber Karen E. Martin, Telephone number/E-Mail 864-201-8411, Karen_E_Martin@scd.uscourts.gov. 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 from the court reporter or through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <i>Does this satisfy all appellate orders for this reporter? Y</i> Redaction Request due 8/24/2017. Redacted Transcript Deadline set for 9/5/2017. Release of Transcript Restriction set for 11/1/2017. (kmartin) (Entered: 08/03/2017)

08/04/2017	79	RESPONSE in Opposition by USA as to Manuel De Jesus Gordillo-Escandon re 69 MOTION for Speedy Trial MOTION to Sever Defendant (Brewer, D) (Entered: 08/04/2017)
08/07/2017	80	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Manuel De Jesus Gordillo-Escandon. Motion for dates of July 25, 2017 before Judge Bruce Howe Hendricks, re 71 Notice of Appeal - Final Judgment, Court Reporter/Transcriber D Bull, Telephone number/E-Mail debra_bull@scd.uscourts.gov. 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. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <i>Does this satisfy all appellate orders for this reporter? Y</i> Redaction Request due 8/28/2017. Redacted Transcript Deadline set for 9/7/2017. Release of Transcript Restriction set for 11/6/2017. (dbull,) (Entered: 08/07/2017)
09/23/2017	82	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Manuel De Jesus Gordillo-Escandon for Oct. 11-17, Nov. 13, Dec. 28, 2017 - Jan. 12, 2018 (Anderson, Howard) (Entered: 09/23/2017)
09/29/2017	83	SCHEDULING NOTICE as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon Pretrial Conference set for 10/24/2017 10:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Change of Plea Hearing set for 10/24/2017 10:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Jury Selection set for 10/26/2017 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Magistrate Judge Kevin McDonald (Attachments: # 1 Judge Hendricks Standing Order for Criminal Matters, # 2 Joint Strike Form)(fbos,) (Entered: 09/29/2017)
10/18/2017	90	MOTION stay proceedings as to Gordillo-Escandon pending receipt of CA4 mandate re 71 Notice of Appeal - Final Judgment, by Manuel De Jesus Gordillo-Escandon. No proposed order(Anderson, Howard) (Entered: 10/18/2017)
10/19/2017	91	TEXT-ORDER granting 90 Motion Stay pending receipt of Appeal mandate as to Manuel De Jesus Gordillo-Escandon (3). Signed by Honorable Bruce Howe Hendricks on 10/19/17.(fbos,) (Entered: 10/19/2017)
10/20/2017	93	NOTICE OF CANCELLATION OF HEARING: Pre-Trial, Change of Plea and Jury Selection scheduled for Tuesday, October 24, 2017 at 10:00AM as to Manuel De Jesus Gordillo-Escandon (fbos,) (Entered: 10/20/2017)
12/13/2017	100	USCA OPINION as to Manuel De Jesus Gordillo-Escandon for 71 Notice of Appeal - Final Judgment, filed by Manuel De Jesus Gordillo-Escandon. Decision of Appeals Court Affirms district court's denial of defendant's motion to dismiss indictment Decision of District Court. Awaiting mandate. (fbos,) (Entered: 12/13/2017)
12/19/2017	101	USCA MANDATE and Judgment affirming district court as to Manuel De Jesus Gordillo-Escandon re 71 Notice of Appeal - Final Judgment, (Attachments: # 1 Judgment)(fbos,) (Entered: 12/19/2017)
12/19/2017	102	WITHDRAWAL of Motion by Manuel De Jesus Gordillo-Escandon re 69 MOTION for Speedy Trial MOTION to Sever Defendant filed by Manuel De Jesus Gordillo-Escandon (Anderson, Howard) (Entered: 12/19/2017)
12/27/2017	103	Appeal Remark as to Manuel De Jesus Gordillo-Escandon re 71 Notice of Appeal - Final

		Judgment, filed by Manuel De Jesus Gordillo-Escandon : Letter from Supreme Court of the United States informing the 4CCA that this case was placed on the Supreme Court's Docket on December 20, 2017 at No. 17-7177. (fbos,) (Entered: 12/27/2017)
01/02/2018	104	SCHEDULING NOTICE as to Manuel De Jesus Gordillo-Escandon Pretrial Conference set for 1/16/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Change of Plea Hearing set for 1/16/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Jury Selection set for 2/8/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks (Attachments: # 1 Judge Hendricks Standing Order for Criminal Matters, # 2 Joint Strike Form)(fbos,) (Entered: 01/02/2018)
01/12/2018	107	MOTION to Dismiss (<i>Renewed</i>) by Manuel De Jesus Gordillo-Escandon. No proposed order (Attachments: # 1 Memo in Support, # 2 SCDC Detainer Record)(Anderson, Howard) (Entered: 01/12/2018)
01/15/2018	108	RESPONSE in Opposition by USA as to Manuel De Jesus Gordillo-Escandon re 107 MOTION to Dismiss (<i>Renewed</i>) (Brewer, D) (Entered: 01/15/2018)
01/16/2018	109	NOTICE OF HEARING ON MOTION in case as to Manuel De Jesus Gordillo-Escandon 107 MOTION to Dismiss (<i>Renewed</i>) : Motion Hearing set for 1/17/2018 1:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (fbos,) (Entered: 01/16/2018)
01/16/2018	111	Minute Entry for proceedings held before Honorable Bruce Howe Hendricks: Pretrial Conference as to Manuel De Jesus Gordillo-Escandon held on 1/16/2018. Trial scheduled for February 12th. Court Reporter Karen Martin. Court Interpreter:Elizabeth Carico. Language: Spanish. CJA Time 1:00. (fbos,) Modified to identify correct interpreter on 1/22/2018 (fbos,). (Entered: 01/22/2018)
01/17/2018	110	NOTICE OF RESCHEDULED HEARING as to Manuel De Jesus Gordillo-Escandon Motion Hearing scheduled for Wednesday, January 17, 2018 at 1:00PM cancelled and rescheduled to: Motion Hearing set for 1/19/2018 08:30 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (fbos,) (Entered: 01/17/2018)
01/19/2018	113	Minute Entry for proceedings held before Honorable Bruce Howe Hendricks: denying 107 Motion to Dismiss as to Manuel De Jesus Gordillo-Escandon (3); Motion Hearing as to Manuel De Jesus Gordillo-Escandon held on 1/19/2018 re 107 MOTION to Dismiss (<i>Renewed</i>) filed by Manuel De Jesus Gordillo-Escandon. Jury Selection on February 8, 2017. Jury Trial scheduled to begin February 12, 2018. Court Reporter Karen Martin. Court Interpreter:Elizabeth Giersberg. Language: Spanish. CJA Time 1:00. (fbos,) (Entered: 01/23/2018)
01/23/2018	115	NOTICE OF HEARING as to Manuel De Jesus Gordillo-Escandon Jury Selection set for 2/8/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Magistrate Judge Kevin McDonald Jury Trial set for 2/12/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (Attachments: # 1 Judge Hendricks Standing Order for Criminal Matters, # 2 Joint Strike Form)(fbos,) (Entered: 01/23/2018)
01/23/2018	116	SCHEDULING NOTICE as to Manuel De Jesus Gordillo-Escandon Pretrial Conference set for 2/6/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Change of Plea

		Hearing set for 2/6/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. Jury Selection set for 2/8/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks (Attachments: # 1 Judge Hendricks Standing Order for Criminal Matters, # 2 Joint Strike Form)(fbos,) (Entered: 01/23/2018)
01/26/2018	118	NOTICE OF RESCHEDULED HEARING as to Manuel De Jesus Gordillo-Escandon Jury Trial scheduled for Monday, February 12, 2018 at 9:00AM cancelled and rescheduled to: Jury Trial set for 2/14/2018 09:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Bruce Howe Hendricks. (Attachments: # 1 Judge Hendricks Standing Order for Criminal Matters, # 2 Joint Strike Form)(fbos,) (Entered: 01/26/2018)
01/30/2018	121	NOTICE OF CANCELLATION OF HEARING: Pre-Trial scheduled for Tuesday, February 6, 2018 at 9:00AM as to Manuel De Jesus Gordillo-Escandon (fbos,) (Entered: 01/30/2018)
01/30/2018	122	NOTICE OF HEARING as to Manuel De Jesus Gordillo-Escandon Pretrial Conference set for 2/14/2018 1:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Joseph F Anderson Jr. Jury Trial set for 2/14/2018 2:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Joseph F Anderson Jr. (fbos,) (Entered: 01/30/2018)
01/30/2018	123	Case Reassigned as to Manuel De Jesus Gordillo-Escandon to Judge Honorable Joseph F Anderson, Jr. Judge Honorable Bruce Howe Hendricks no longer assigned to the case. (pcas,) (Entered: 01/30/2018)
02/01/2018	124	NOTICE of Intent to Use Evidence by USA as to Manuel De Jesus Gordillo-Escandon (Brewer, D) (Entered: 02/01/2018)
02/05/2018	125	MOTION in Limine <i>To Exclude References to Potential Sentences Cooperating Witnesses Face</i> by USA as to Manuel De Jesus Gordillo-Escandon. No proposed order(Brewer, D) (Entered: 02/05/2018)
02/05/2018	126	MOTION for Reconsideration re 113 Order on Motion to Dismiss,,, Motion Hearing,,, 66 Order on Motion to Dismiss,,, Motion Hearing,,, by Manuel De Jesus Gordillo-Escandon. No proposed order (Attachments: # 1 Exhibit Email)(Anderson, Howard) (Entered: 02/05/2018)
02/05/2018	127	RESPONSE in Opposition by Manuel De Jesus Gordillo-Escandon re 125 MOTION in Limine <i>To Exclude References to Potential Sentences Cooperating Witnesses Face</i> (Anderson, Howard) (Entered: 02/05/2018)
02/08/2018	128	Minute Entry for proceedings held before Magistrate Judge Kevin McDonald: JURY SELECTION as to Manuel De Jesus Gordillo-Escandon held on 2/8/2018. Court Reporter Debra Bull. Court Interpreter:Elizabeth Carico. Language: Spanish. CJA Time 2:00. (fbos,) (Entered: 02/08/2018)
02/11/2018	129	OBJECTIONS byManuel De Jesus Gordillo-EscandonFermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon (Anderson, Howard) (Entered: 02/11/2018)
02/11/2018	130	PRETRIAL MEMORANDUM <i>On Admissibility of Prior State Court Convictions</i> by USA as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz (Attachments: # 1 Exhibit State Court Documents, # 2 Exhibit State Plea Colloquy)(Brewer, D) (Entered: 02/11/2018)
02/11/2018	131	OBJECTIONS byManuel De Jesus Gordillo-Escandon to 128 Jury Selection,

		(Attachments: # 1 Requested Voir Dire Submitted to Magistrate Judge, # 2 Email Correspondence with Chambers)(Anderson, Howard) (Entered: 02/11/2018)
02/11/2018	132	RESPONSE in Opposition by USA as to Diego Javier Beltran, Fermin Mata-Bustos, Manuel De Jesus Gordillo-Escandon, Savannah Rose Schwarz re 126 MOTION for Reconsideration re 113 Order on Motion to Dismiss,,, Motion Hearing,, 66 Order on Motion to Dismiss,,, Motion Hearing,, (Brewer, D) (Entered: 02/11/2018)
02/12/2018	133	WAIVER of of personal presence at telephonic pretrial conference by Manuel De Jesus Gordillo-Escandon (Anderson, Howard) (Entered: 02/12/2018)
02/12/2018	134	Minute Entry for proceedings held via telephone before Honorable Joseph F Anderson, Jr: granting in part and denying in part 125 Motion in Limine as to Manuel De Jesus Gordillo-Escandon (3); denying 126 Motion for Reconsideration as to Manuel De Jesus Gordillo-Escandon (3); Pretrial Conference as to Manuel De Jesus Gordillo-Escandon held on 2/12/2018. Trial to begin 2/14/2018 at 1:00 pm. Court Reporter Kathleen Richardson. Court Interpreter:none present; defendant waived presence. CJA Time 3:45-4:15. (mdea) (Entered: 02/12/2018)
02/14/2018	135	Minute Entry for proceedings held before Honorable Joseph F Anderson, Jr: Jury Trial Begun as to Manuel De Jesus Gordillo-Escandon held on 2/14/2018. TEXT-ORDER that all witnesses be sequestered. Court Reporter Debra Bull. Court Interpreter:Antonio Gavilanez and Martin Pollock. Language: Spanish. CJA Time 12:30. (fbos,) (Entered: 02/14/2018)
02/15/2018	136	Proposed Jury Instructions by Manuel De Jesus Gordillo-Escandon (Anderson, Howard) (Entered: 02/15/2018)
02/15/2018	137	Proposed Jury Instructions by Manuel De Jesus Gordillo-Escandon (Anderson, Howard) (Entered: 02/15/2018)
02/15/2018	138	ORAL MOTION to designate an Agent as an Expert by USA as to Manuel De Jesus Gordillo-Escandon. No proposed order(fbos,) (Entered: 02/16/2018)
02/15/2018	139	ORAL MOTION for Directed Judgment of Acquittal by Manuel De Jesus Gordillo-Escandon. No proposed order(fbos,) (Entered: 02/16/2018)
02/15/2018	140	ORAL MOTION for Directed Judgment of Acquittal by Manuel De Jesus Gordillo-Escandon. No proposed order(fbos,) (Entered: 02/16/2018)
02/15/2018	141	ORAL MOTION for Expedited PreSentence Report by Manuel De Jesus Gordillo-Escandon. No proposed order(fbos,) (Entered: 02/16/2018)
02/15/2018	142	Minute Entry for proceedings held before Honorable Joseph F Anderson, Jr: terminating 41 Motion for Discovery as to Manuel De Jesus Gordillo-Escandon (3); granting 138 Motion to designate an Agent as an Expert by USA as to Manuel De Jesus Gordillo-Escandon (3); denying 139 Motion for Acquittal as to Manuel De Jesus Gordillo-Escandon (3); denying 140 Motion for Acquittal as to Manuel De Jesus Gordillo-Escandon (3); taking under advisement 141 Motion for Expedited PreSentence Report as to Manuel De Jesus Gordillo-Escandon (3); Jury Trial Completed as to Manuel De Jesus Gordillo-Escandon held on 2/15/2018. Court Reporter Debra Bull. Court Interpreter:Antonio Gavilanez and Elizabeth Giersberg. Language: Spanish. CJA Time 7:15. (fbos,) (Entered: 02/16/2018)
02/15/2018	143	EXHIBIT LIST (fbos,) (Entered: 02/16/2018)
02/15/2018	144	ORDER RETURNING EXHIBITS as to Manuel De Jesus Gordillo-Escandon. Signed by Honorable Joseph F Anderson, Jr on 2/15/18.(fbos,) (Entered: 02/16/2018)

02/15/2018	145	Jury Instructions as to Manuel De Jesus Gordillo-Escandon (fbos,) (Entered: 02/16/2018)
02/15/2018	146	Jury List as to Manuel De Jesus Gordillo-Escandon (fbos,) (Entered: 02/16/2018)
02/15/2018	148	JURY VERDICT as to Manuel De Jesus Gordillo-Escandon (3) Guilty on Count 1,2,4. (fbos,) (Entered: 02/16/2018)
02/26/2018	149	Sealed Document in re document 128 (Anderson, Howard) (Entered: 02/26/2018)
02/26/2018	150	Letter as to Manuel De Jesus Gordillo-Escandon in re: filing under seal juror questionnaires [dkt. 149] (Anderson, Howard) (Entered: 02/26/2018)
03/15/2018	151	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Manuel De Jesus Gordillo-Escandon for 3/21/18; 3/27/18; 4/16/18; 4/26-27/18; 5/10-18/18 (Anderson, Howard) (Entered: 03/15/2018)
03/21/2018	153	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of telephone conference as to Manuel De Jesus Gordillo-Escandon held on February 12, 2018, before Judge Joseph F. Anderson, Jr.. Court Reporter/Transcriber Kathleen Richardson, RMR, CRR, Telephone number/E-mail Kathleen_Richardson@scd.uscourts.gov. 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. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 4/11/2018. Redacted Transcript Deadline set for 4/23/2018. Release of Transcript Restriction set for 6/19/2018. (kari,) (Entered: 03/21/2018)
03/21/2018	154	Letter as to Manuel De Jesus Gordillo-Escandon in re: waiver of Fed. R. Crim. Pro. 32(e) (2) right to wait 35 days after disclosure of PSR to sentencing (Anderson, Howard) (Entered: 03/21/2018)
03/21/2018	155	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Manuel De Jesus Gordillo-Escandon for 3/27 -30/18; 4/16/18; 4/26-27/18; 5/10-18/18 (Anderson, Howard) (Entered: 03/21/2018)
04/11/2018	157	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Pretrial Conference Proceedings as to Manuel De Jesus Gordillo-Escandon held on 1/16/18, before Judge Bruce H. Hendricks. Court Reporter/Transcriber Karen E. Martin, Telephone number/E-mail 864-201-8411, Karen_E_Martin@scd.uscourts.gov. 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. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 5/2/2018. Redacted Transcript Deadline set for 5/14/2018. Release of Transcript Restriction set for 7/10/2018. (kmartin,) (Entered: 04/11/2018)
04/11/2018	158	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing Proceedings as to Manuel De Jesus Gordillo-Escandon held on 1/19/18, before Judge Bruce H. Hendricks. Court Reporter/Transcriber Karen E. Martin, Telephone number/E-mail 864-201-8411, Karen_E_Martin@scd.uscourts.gov. 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. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 5/2/2018. Redacted Transcript Deadline set for 5/14/2018. Release of Transcript Restriction set for 7/10/2018. (kmartin,) (Entered: 04/11/2018)
04/20/2018	161	NOTICE OF HEARING as to Manuel De Jesus Gordillo-Escandon Sentencing set for

		4/27/2018 11:00 AM in Greenville #3, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Honorable Joseph F Anderson Jr. <u>SPECIAL NOTE REGARDING CHARACTER WITNESSES</u> : Judge Anderson requests that all testimony from character witnesses be in writing and filed with the Clerk no later than 24 hours prior to the sentencing hearing.(mflo,) (Entered: 04/20/2018)
04/27/2018	163	Minute Entry for proceedings held before Honorable Joseph F Anderson, Jr: Sentencing held on 4/27/2018 as to Manuel De Jesus Gordillo-Escandon. Court Reporter Jenny Williams. Court Interpreter:Elizabeth Giersberg. Language: Spanish. CJA Time 1:00. (fbos,) (Entered: 04/27/2018)
05/08/2018	164	SUBSEQUENT NOTICE OF APPEAL by Manuel De Jesus Gordillo-Escandon. 4CCA Case Number 18-4306. (Anderson, Howard) Modified to as 4CCA Case Number on 5/10/2018 (fbos,). (Entered: 05/08/2018)
05/09/2018	165	JUDGMENT as to Manuel De Jesus Gordillo-Escandon (3), Count(s) 1, 2, 4, Defendant sentenced to the Bureau of Prisons for a term of 120 months. This term consists of 60 months as to Counts 1 and 2 to be served concurrently and 60 months consecutive as to Count 4. Supervised Release for a term of 4 years with conditions. This terms consists of 4 years as to Count 1, 2 and 4 to run concurrently. Special Assessment of \$300.00.. Signed by Honorable Joseph F Anderson, Jr on 5/2/2018. (fbos,) (Entered: 05/09/2018)
05/09/2018	167	Transmittal Sheet for Notice of Appeal to USCA as to Manuel De Jesus Gordillo-Escandon to US Court of Appeals re 164 Subsequent Notice of Appeal - Final Judgment The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (fbos,) (Entered: 05/09/2018)
05/10/2018	170	USCA Case Number as to Manuel De Jesus Gordillo-Escandon 18-4306 for 164 Subsequent Notice of Appeal - Final Judgment filed by Manuel De Jesus Gordillo-Escandon. (fbos,) (Entered: 05/10/2018)
05/10/2018	171	ORDER of USCA appointing Howard W. Anderson, III to represent Manuel De Jesus Gordillo-Escandon re 164 Subsequent Notice of Appeal - Final Judgment (fbos,) (Entered: 05/10/2018)
05/24/2018	179	Appeal Remark as to Manuel De Jesus Gordillo-Escandon re 71 Notice of Appeal - Final Judgment, filed by Manuel De Jesus Gordillo-Escandon : Fourth Circuit Transcript Order Form; (fbos,) (Entered: 05/24/2018)
07/02/2018	187	ORDER of USCA EXTENDING DEADLINE FOR FILING TRANSCRIPT by Debra Bull until 7/30/18 without sanctions as to Manuel De Jesus Gordillo-Escandon re 164 Subsequent Notice of Appeal - Final Judgment (fbos,) (Entered: 07/02/2018)
08/07/2018	201	ORDER of USCA extending deadline for filing transcript by Debra Bull until 8/13/18 without sanctions as to Manuel De Jesus Gordillo-Escandon re 164 Subsequent Notice of Appeal - Final Judgment. Future extension requests will not be viewed favorably by the court. (fbos,) (Entered: 08/07/2018)
08/09/2018	202	Transcript Containing Juror Information filed as to Manuel De Jesus Gordillo-Escandon Jury Selection for dates of February 8, 2018 before Judge Kevin F. McDonald, re 164 Subsequent Notice of Appeal - Final Judgment Court Reporter/Transcriber D Bull, Telephone number/E-mail 803-518-6828. <i>Does this satisfy all appellate orders for this reporter? N</i> (dbull,) (Entered: 08/09/2018)

08/09/2018	203	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Manuel De Jesus Gordillo-Escandon. Jury Trial Volume I for dates of February 14, 2018 before Judge Joseph F. Anderson, Jr., re 164 Subsequent Notice of Appeal - Final Judgment Court Reporter/Transcriber D Bull, Telephone number/E-Mail debra_bull@scd.uscourts.gov. 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. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <i>Does this satisfy all appellate orders for this reporter? N</i></p> <p>Redaction Request due 8/30/2018. Redacted Transcript Deadline set for 9/10/2018. Release of Transcript Restriction set for 11/7/2018. (dbull,) (Entered: 08/09/2018)</p>
08/09/2018	204	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Manuel De Jesus Gordillo-Escandon. Jury Trial Volume II for dates of February 15, 2018 before Judge Joseph F. Anderson, Jr., re 164 Subsequent Notice of Appeal - Final Judgment Court Reporter/Transcriber D Bull, Telephone number/E-Mail debra_bull@scd.uscourts.gov. 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. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <i>Does this satisfy all appellate orders for this reporter? Y</i></p> <p>Redaction Request due 8/30/2018. Redacted Transcript Deadline set for 9/10/2018. Release of Transcript Restriction set for 11/7/2018. (dbull,) (Entered: 08/09/2018)</p>

PACER Service Center			
Transaction Receipt			
08/20/2018 16:21:13			
PACER Login:	ha3285:4001147:0	Client Code:	
Description:	Docket Report	Search Criteria:	6:17-cr-00206-JFA
Billable Pages:	15	Cost:	1.50



Howard Anderson <howard@hwalawfirm.com>

Activity in Case 6:17-cr-00206-BHH USA v. Beltran et al Order on Motion for Miscellaneous Relief

Howard Anderson <howard@hwalawfirm.com>

Fri, Dec 15, 2017 at 1:38 PM

To: "Fred_Bostic@scd.uscourts.gov" <Fred_Bostic@scd.uscourts.gov>

Cc: "Brewer, Joe (USASC)" <Joe.Brewer2@usdoj.gov>

Mr. Bostic:

The Fourth Circuit today issued its mandate, which will be docketed shortly. Can you please check with chambers to see whether I need to file anything to get us back on the active docket or will the mandate suffice? Given the unusual procedural posture, I didn't want the case to get lost.

Best,
Howard

[Quoted text hidden]

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Howard W. Anderson III

*Licensed in AK, GA, IL, IN, NC, SC, & TN

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