

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2020

Petitioner

RONALD G. WHITEHOUSE
vs.

THE UNITED STATES OF AMERICA

Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

APPENDICES A-G

Ronald G. Couch
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APPENDIX A

**OPINION OF THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT in No. 20-10633; UNITED STATES V. RONALD
GEORGE WHITEHOUSE;**

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 21, 2021

No. 20-10633
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RONALD GEORGE WHITEHOUSE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CR-364-9

Before CLEMENT, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Ronald George Whitehouse was convicted of conspiracy to possess with intent to distribute a controlled substance, namely a substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(C). Whitehouse was sentenced

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10633

below the advisory sentencing range to 224 months of imprisonment and three years of supervised release. On appeal, he contends that the district court erred when it determined that he was accountable for the approximately 9.78 kilograms of methamphetamine carried by his co-conspirator.

Our review is for clear error. *See United States v. Barfield*, 941 F.3d 757, 761 (5th Cir. 2019), *cert. denied*, 140 S. Ct. 1282 (2020). We will affirm the district court's finding so long as "it is plausible in light of the record as a whole." *United States v. Betancourt*, 422 F.3d 240, 246 (5th Cir. 2005) (internal quotation marks and citation omitted).

Whitehouse fails to show that the district court's findings were not supported by reliable evidence. *See United States v. Hinojosa*, 749 F.3d 407, 414-15 (5th Cir. 2014); *United States v. Zuniga*, 720 F.3d 587, 591-92 (5th Cir. 2013); *United States v. Vela*, 927 F.2d 197, 201 (5th Cir. 1991). Furthermore, he failed to demonstrate that the facts in his presentence report (PSR) were materially untrue and did not present evidence rebutting the information contained in the PSR. *See United States v. Trujillo*, 502 F.3d 353, 357 (5th Cir. 2007).

The quantity of methamphetamine carried by the co-conspirator was corroborated by the investigation. Considering that Whitehouse drove approximately ten hours round-trip to pick up the co-conspirator, who was a stranger to him, at the request of Whitehouse's source of supply, it was plausible for the district court to determine that the 9.78 kilograms of methamphetamine carried by the co-conspirator was reasonably foreseeable to Whitehouse. *See Hinojosa*, 749 F.3d at 414-15; *United States v. Caldwell*, 448 F.3d 287, 290 (5th Cir. 2006). Whitehouse has thus failed to show that the district court's relevant conduct drug quantity determination was clearly erroneous. *See Barfield*, 941 F.3d at 761; *see also Betancourt*, 422 F.3d at 246.

AFFIRMED.

APPENDIX B

DOCKET ENTRIES: UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS-FORT WORTH

U.S. District Court
Northern District of Texas (Fort Worth)
CRIMINAL DOCKET FOR CASE #: 4:19-cr-00364-P-9

Case title: USA v. Quezada et al
Magistrate judge case number: 4:19-mj-00783-BJ

Date Filed: 12/11/2019
Date Terminated: 06/16/2020

Assigned to: Judge Mark Pittman

Appeals court case number:
20-10633 United States Court of
Appeals Fifth Circuit

Defendant (9)

Ronald George Whitehouse
TERMINATED: 06/16/2020

represented by **Ronald G Couch**
Law Office of Ronald G Couch
5005 Colleyville Boulevard #217
Colleyville, TX 76034
817-514-4918
Fax: 817-514-4919
Email: ronaldcouch@juno.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment
Bar Status: Admitted/In Good Standing

Pending Counts

21 USC § 846 CONSPIRACY TO
DISTRIBUTE CONTROLLED
SUBSTANCE
(2)

Disposition

BOP - 224 months; S/R - 3 years; MSA - \$100.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

21:846 Conspiracy to possess with intent to distribute controlled substance; 21:841(a)(1) and (b)(1)(B) Possession with intent to distribute controlled substance;

Disposition**Plaintiff**

USA

represented by **Shawn Smith-DOJ**
US Attorney's Office
801 Cherry St
Burnett Plaza Suite 1700 Unit #4
Fort Worth, TX 76102-6882
817-252-5200
Fax: 817-252-5455
Email: shawn.smith2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney's Office
Bar Status: Admitted/In Good Standing

Date Filed	#	Docket Text
10/23/2019		Arrest of Juan Pablo Quezada, Gerald Sergio Cortinez, Carol Monic Barajas, Marco Barajas, Leslie Mayuly Kingrasaphone, Leslie Marie Rios, Oscar Ortiz, Jr, Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Esther Sandoval-Flores, Christopher Anthony Avila, Jean Stanley Comstock, Jovany Zavala-Quintana, Aaron Christopher Pena, James Alfred Gibson, II, Marc Blane Baccus, Kasi Rae Medina (jah) [4:19-mj-00783-BJ] (Entered: 10/24/2019)
10/24/2019	45 (p.10)	MOTION for Pretrial Detention filed by USA as to Juan Pablo Quezada, Gerald Sergio Cortinez, Carol Monic Barajas, Marco Barajas, Leslie Mayuly Kingrasaphone, Leslie Marie Rios, Angelica Jimenez Patino, Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Esther Sandoval-Flores, Christopher Anthony Avila, Jean Stanley Comstock, Jovany Zavala-Quintana, Aaron Christopher Pena, James Alfred Gibson, II, Marc Blane Baccus, Kasi Rae Medina (jah) Modified on 10/25/2019 (jah). [4:19-mj-00783-BJ] (Entered: 10/25/2019)
10/24/2019	26	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Jeffrey L. Cureton: Initial Appearance as to Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Christopher Anthony Avila, Jean Stanley Comstock, Jovany Zavala-Quintana, Aaron Christopher Pena, James Alfred Gibson, II, Marc Blane Baccus, Kasi Rae Medina held on 10/24/2019. Date of Arrest: 10/23/2019 Defts executed financial affidavits; o/appointing attorney entered for all Defts; preliminary & detention hearing set for Tuesday 10/29/19 at 10:00 a.m. for Defts 11, 12, & 13; Preliminary & detention hearing set Tuesday 10/29/19 at 2:30 p.m. for Defts 18, 23, 24, 27, 30, 31, & 32; all hearings will be before Magistrate Judge Cureton; o/temp detention entered as to all defts; all defts remanded to custody. Attorney Appearances: AUSA - Shawn Smith; Defense - N/A. (No exhibits) Time in Court - :07. (Court Reporter: Digital File - REMOTE) (Interpreter N/A.) (USPO

		Mouret.) (jah) [4:19-mj-00783-BJ] (Entered: 10/24/2019)
10/24/2019	47	ELECTRONIC ORDER OF TEMPORARY DETENTION as to Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse. Detention & Preliminary Hearing set for 10/29/2019 10:00 AM before Magistrate Judge Jeffrey L. Cureton. (Ordered by Magistrate Judge Jeffrey L. Cureton on 10/24/2019) (jah) [4:19-mj-00783-BJ] (Entered: 10/25/2019)
10/24/2019	<u>16</u> (p.9)	CJA 20 Order appointing attorney. Attorney Ronald G Couch for Ronald George Whitehouse appointed. This appointment continues through any appeal unless counsel is relieved by court order for good cause shown - See Miscellaneous Order 3 Criminal Justice Act Plan. Within one week, the court will contact you via email and provide a link to the eVoucher System. Any work done on an appeal must be billed per circuit instructions. For questions, consult the CJA Attorney Information page or use the directory to contact the courtroom deputy of the appointing judge. Copies of public documents filed prior to this appointment may be obtained via PACER. (Ordered by Magistrate Judge Jeffrey L. Cureton on 10/24/2019) (jah) [4:19-mj-00783-BJ] (Entered: 10/24/2019)
10/24/2019	<u>36</u>	(Document Restricted) CJA 23 Financial Affidavit by Ronald George Whitehouse (jah) [4:19-mj-00783-BJ] (Entered: 10/25/2019)
10/25/2019	<u>87</u> (p.12)	Arrest Warrants Returned Executed on 10/23/19 as to Gerald Sergio Cortinez, Carol Monic Barajas, Leslie Marie Rios, Ronald George Whitehouse, Christopher Anthony Avila. (jah) [4:19-mj-00783-BJ] (Entered: 10/29/2019)
10/29/2019	<u>93</u> (p.17)	NOTICE OF ATTORNEY APPEARANCE by Ronald G Couch appearing for Ronald George Whitehouse (jah) [4:19-mj-00783-BJ] (Entered: 10/29/2019)
10/29/2019	98	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Jeffrey L. Cureton: Preliminary & Detention Hearing not held on 10/29/2019 as to Ronald George Whitehouse. Dft orally waives both hearings; Court finds PC; Dft allowed to reopen detention at later date; o/detention pending trial entered; Dft continued in custody. Attorney Appearances: AUSA - Shawn Smith; Defense - Ronald Couch. (No exhibits) Time in Court - :06. (Court Reporter: Digital File) (USPO Honstein.) (jah) [4:19-mj-00783-BJ] (Entered: 10/29/2019)
10/29/2019	<u>99</u> (p.18)	ORDER OF DETENTION PENDING TRIAL granting <u>45</u> (p.10) Motion for Detention as to Ronald George Whitehouse (13) (Ordered by Magistrate Judge Jeffrey L. Cureton on 10/29/2019) (jah) [4:19-mj-00783-BJ] (Entered: 10/29/2019)
10/30/2019	<u>119</u> (p.19)	Joint MOTION to Continue <i>Time to File Indictment</i> filed by USA as to Ronald George Whitehouse (Smith-DOJ, Shawn) [4:19-mj-00783-BJ] (Entered: 10/30/2019)
11/01/2019	136	ELECTRONIC ORDER granting <u>117</u> <u>118</u> <u>119</u> (p.19) <u>120</u> <u>121</u> <u>122</u> <u>123</u> <u>124</u> <u>125</u> <u>126</u> Joint Motions to Continue Time to Indict as to Leslie Marie Rios (7); Chelsea Michelle Doyal (12); Ronald George Whitehouse (13); Christopher Anthony Avila (18); Jean Stanley Comstock (23); Jovany Zavala-Quintana (24); Aaron Christopher Pena (27); James Alfred Gibson II (30); Marc Blane Baccus (31); Kasi Rae Medina (32); until December 12, 2019 for the reasons stated in the joint motions and because the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendants in a speedy trial. see 18 USC 3161 (h)(7)(A) and (h)(7)(B)(iv) and (h)(7)(B)(I). (Ordered by Magistrate Judge Jeffrey L. Cureton on 11/1/2019) (jah) [4:19-mj-00783-BJ] (Entered: 11/01/2019)
12/11/2019		

	<u>207</u> (p.22)	FELONY INFORMATION as to Juan Pablo Quezada (1) count(s) 1, Marco Barajas (2) count(s) 2, Fredrick Anthony Billiot, III (3) count(s) 2, Leslie Mayuly Kingrasaphone (4) count(s) 2, Leslie Marie Rios (5) count(s) 2, Oscar Ortiz, Jr (6) count(s) 2, Lisa Michelle Wicker (7) count(s) 2, Chelsea Michelle Doyal (8) count(s) 2, Ronald George Whitehouse (9) count(s) 2, Christopher Anthony Avila (10) count(s) 1, Carter Duvall Starr (11) count(s) 2, Jean Stanley Comstock (12) count(s) 2, Jovany Zavala-Quintana (13) count(s) 2, Aaron Christopher Pena (14) count(s) 2, Joshua Lem Allen Conn (15) count(s) 2, James Alfred Gibson, II (16) count(s) 2, Marc Blane Baccus (17) count(s) 2, Kasi Rae Medina (18) count(s) 2, Gerardo Lara Reyes (19) count(s) 2, Angelica Jimenez Patino (20) count(s) 3, Gerald Sergio Cortinez (21) count(s) 1, Esther Sandoval-Flores (22) count(s) 2. (wrb) (Entered: 12/11/2019)
12/11/2019	<u>209</u> (p.27)	Standing ORDER Concerning Paper Filing in Cases Assigned to District Judge John McBryde...see order for specifics. (Ordered by Senior Judge John McBryde on 12/11/2019) (wrb) (Entered: 12/11/2019)
12/12/2019	<u>213</u> (p.30)	ORDER as to Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Carter Duvall Starr, Jean Stanley Comstock: Arraignment set for 1/16/2020 10:30 AM before Senior Judge John McBryde. (Ordered by Senior Judge John McBryde on 12/12/2019) (wxc) (Entered: 12/12/2019)
12/18/2019	<u>218</u> (p.31)	ORDER granting 217 ... Came on for consideration the unopposed motion of defendant LISA MICHELLE WICKER, to continue guilty plea hearing. The court ORDERS that the motion be, and is hereby, granted and that the arraignment of the Information and proposed guilty plea hearing of defendants, Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Carter Duvall Starr, and Jean Stanley Comstock, should all be rescheduled. (Ordered by Senior Judge John McBryde on 12/18/2019) (wxc) (Entered: 12/18/2019)
12/18/2019		Hearing Modification: hearings terminated and reset. Arraignment set for 2/13/2020 10:30 AM before Senior Judge John McBryde. (wxc) (Entered: 12/18/2019)
02/13/2020	<u>344</u> (p.33)	Sentencing Scheduling Order as to Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse: Presentence Investigation Report due by 4/27/2020. Objections to Presentence Investigation Report due by 5/11/2020. Presentence Investigation Addendum due by 5/26/2020. Objections to Presentence Investigation Addendum due by 6/1/2020. Sentencing set for 6/19/2020 10:00 AM before Senior Judge John McBryde. (Ordered by Senior Judge John McBryde on 2/13/2020) (wxc) (Entered: 02/13/2020)
02/13/2020	<u>348</u> (p.37)	Minute Entry for proceedings held before Senior Judge John McBryde: Guilty Plea at Arraignment Hearing as to Ronald George Whitehouse held on 2/13/2020. Plea entered by Ronald George Whitehouse (9) Guilty Count 2. Defendant detention continued. Govt read the Information and Waiver of Indictment for the record. Attorney Appearances: AUSA - Shawn Smith; Defense - Ronald G. Couch. (No exhibits) Time in Court - :34. (Court Reporter: Debbie Saenz) (wxc) (Entered: 02/13/2020)
02/13/2020	<u>349</u> (p.38)	WAIVER OF INDICTMENT by Ronald George Whitehouse (wxc) (Entered: 02/13/2020)
02/13/2020	<u>350</u> (p.258)	PLEA AGREEMENT as to Ronald George Whitehouse (wxc) (Entered: 02/13/2020)
02/13/2020		Factual Resume as to Ronald George Whitehouse (wxc) (Entered: 02/13/2020)

	<u>351</u> (p.39)	
02/14/2020	<u>354</u> (p.41)	NOTICE Regarding Acceptance of Responsibility filed by USA as to Ronald George Whitehouse. (tln) (Entered: 02/14/2020)
03/19/2020	<u>374</u> (p.43)	Partial Suspension of Standing Order of 1/15/19 - The directive in paragraph 1 requiring that no document be filed by electronic means, and the directive in paragraph 2 requiring that paper copies of electronically filed documents be delivered to the clerk for filing, are suspended until 5/1/2020. (Ordered by Senior Judge John McBryde on 3/19/2020) (Order has been served on registered users of the ECF system)(lrl) (Entered: 03/19/2020)
04/21/2020	<u>407</u> (p.44)	Unopposed MOTION for Extension of Time filed by Ronald George Whitehouse with Brief/Memorandum in Support. (Couch, Ronald) (Entered: 04/21/2020)
04/22/2020	<u>411</u> (p.46)	ORDER denying <u>407</u> (p.44) Motion for Extension to File Objections to PSR as to Ronald George Whitehouse (9). (Ordered by Senior Judge John McBryde on 4/22/2020) (tln) (Entered: 04/23/2020)
04/30/2020	<u>425</u> (p.47)	Partial Suspension of Standing Order of 1/15/19 - The directive in paragraph 1 requiring that no document be filed by electronic means, and the directive in paragraph 2 requiring that paper copies of electronically filed documents be delivered to the clerk for filing, are suspended until 6/8/2020. (Ordered by Senior Judge John McBryde on 4/30/2020) (Order has been served on registered users of the ECF system) (cea) (Entered: 04/30/2020)
05/21/2020	<u>469</u> (p.48)	Unopposed MOTION for Leave to File Sentencing Memorandum filed by Ronald George Whitehouse (Couch, Ronald) (Entered: 05/21/2020)
05/21/2020	<u>470</u> (p.51)	ORDER as to Ronald George Whitehouse (9): The court ORDERS that Whitehouse's <u>469</u> (p.48) motion for leave be, and is hereby, granted, and Whitehouse be, and is hereby, granted leave to submit by May 26, 2020, his sentencing memorandum. (Ordered by Senior Judge John McBryde on 5/21/2020) (pef) (Entered: 05/21/2020)
05/25/2020	<u>478</u> (p.52)	Special Order 3-338 - Transfer of cases: Defendant Juan Pablo Quezada, Gerald Sergio Cortinez, Marco Barajas, Frederick Anthony Billiot, III, Leslie Mayuly Kingrasaphone, Leslie Marie Rios, Oscar Ortiz, Jr, Angelica Jimenez Patino, Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Esther Sandoval-Flores, Christopher Anthony Avila, Carter Duvall Starr, Jean Stanley Comstock, Jovany Zavala-Quintana, Aaron Christopher Pena, Joshua Lem Allen Conn, James Alfred Gibson, II, Marc Blane Baccus, Kasi Rae Medina, and Gerardo Lara Reyes reassigned to Judge Mark Pittman. (Ordered by Chief Judge Barbara M. G. Lynn on 5/25/2020) (lrl) (Entered: 05/25/2020)
06/09/2020	<u>563</u> (p.53)	ORDER as to Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse: The court ORDERS that the sentencing hearing of defendants LISA MICHELLE WICKER, CHELSEA MICHELLE DOYAL and RONALD GEORGE WHITEHOUSE be and are hereby, rescheduled for 10:00 a.m. on June 16, 2020, before the undersigned in the 4th Floor Courtroom of the United States Courthouse, Fort Worth, Texas. (Ordered by Judge Mark Pittman on 6/9/2020) (pef) (Entered: 06/09/2020)
06/16/2020	<u>614</u> (p.54)	Minute Entry for proceedings held before Judge Mark Pittman: Sentencing held on 6/16/2020 for Ronald George Whitehouse (9), Count 2, BOP - 224 months; S/R - 3 years; MSA - \$100.00. Attorney Appearances: AUSA - Shawn Smith; Defense -

		Ronald Couch, Appointed. (Exhibits admitted) Time in Court - :36. (Court Reporter: Monica Guzman) (Interpreter N/A.) (USPO Whitfill.) (pef) (Entered: 06/16/2020)
06/16/2020	<u>615</u> (p.55)	Court's Exhibit and Witness List from Sentencing held 06/16/2020 as to Ronald George Whitehouse. (pef) (Entered: 06/16/2020)
06/16/2020	<u>616</u> (p.56)	Order Setting Additional Terms of Supervised Release as to Ronald George Whitehouse. (Ordered by Judge Mark Pittman on 6/16/2020) (pef) (Entered: 06/16/2020)
06/16/2020	<u>617</u> (p.57)	Notice of Right to Appeal Sentence as to Ronald George Whitehouse. (pef) (Entered: 06/16/2020)
06/16/2020	<u>624</u> (p.58)	JUDGMENT as to Ronald George Whitehouse (9), Count 2, BOP - 224 months; S/R - 3 years; MSA - \$100.00. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at Exhibit Guide). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (Ordered by Judge Mark Pittman on 6/16/2020) (pef) (Entered: 06/17/2020)
06/22/2020	<u>639</u> (p.63)	NOTICE OF APPEAL to the Fifth Circuit by Ronald George Whitehouse. T.O. form to appellant electronically at Transcript Order Form or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. IMPORTANT ACTION REQUIRED: Provide an electronic copy of any exhibit you offered during a hearing or trial that was admitted into evidence to the clerk of the district court within 14 days of the date of this notice. Copies must be transmitted as PDF attachments through ECF by all ECF Users or delivered to the clerk on a CD by all non-ECF Users. See detailed instructions here . (Exception: This requirement does not apply to a Defendant proceeding pro se.) Please note that if original exhibits are in your possession, you must maintain them through final disposition of the case. (Couch, Ronald) (Entered: 06/22/2020)
06/23/2020	<u>648</u> (p.65)	Received letter from United States Court of Appeals Fifth Circuit No. 20-10633. We have docketed the appeal and ask you to use the case number above in future inquiries. (tle) (Entered: 06/23/2020)
06/23/2020		USCA Case Number as to Ronald George Whitehouse 20-10633 for 639 (p.63) Notice of Appeal, filed by Ronald George Whitehouse. (tle) (Entered: 06/23/2020)
07/07/2020	<u>684</u> (p.192)	Notice of Filing of Official Electronic Transcript of Initial Appearance (Remote) Proceedings as to Juan Pablo Quezada, Gerald Sergio Cortinez, Marco Barajas, Leslie Mayuly Kingrasaphone, Leslie Marie Rios, Angelica Jimenez Patino, Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Esther Sandoval-Flores, Christopher Anthony Avila, Jean Stanley Comstock, Jovany Zavala-Quintana, Aaron Christopher Pena, James Alfred Gibson, II, Marc Blane Baccus, Kasi Rae Medina held on 10/24/2019 before Judge Jeffrey L. Cureton. Parties are notified of their duty to review and request redaction of the transcript. See Misc Order (MO) 61 and Special Order (SO) 19-1 . If the transcript contains information that should be redacted under SO 19-1, contact the Operations Assistance Team at (214)753-2240 immediately. If the transcript contains personal identifiers that must be redacted under MO 61, Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1, or if the transcript contains the name of a minor child victim or a minor child witness that must be redacted under 18 U.S.C. § 3509, file a Redaction Request - Transcript within 21 days. If no action is taken, the entire transcript will be made available through

		<p>PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (18 pages) Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972-786-3063. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 7/28/2020. Redacted Transcript Deadline set for 8/7/2020. Release of Transcript Restriction set for 10/5/2020. (Rehling, Kathy) (Entered: 07/07/2020)</p>
07/21/2020	<u>729</u> (p.210)	<p>Notice of Filing of Official Electronic Transcript of Initial Appearance (Remote) Proceedings as to Juan Pablo Quezada, Gerald Sergio Cortinez, Marco Barajas, Leslie Mayuly Kingrasaphone, Leslie Marie Rios, Angelica Jimenez Patino, Lisa Michelle Wicker, Chelsea Michelle Doyal, Ronald George Whitehouse, Esther Sandoval-Flores, Christopher Anthony Avila, Jean Stanley Comstock, Jovany Zavala-Quintana, Aaron Christopher Pena, James Alfred Gibson, II, Marc Blane Baccus, Kasi Rae Medina held on 10/24/2019 before Judge Jeffrey L. Cureton. Parties are notified of their duty to review and request redaction of the transcript. See <u>Misc Order (MO) 61</u> and <u>Special Order (SO) 19-1</u>. If the transcript contains information that should be redacted under SO 19-1, contact the Operations Assistance Team at (214)753-2240 immediately. If the transcript contains personal identifiers that must be redacted under MO 61, Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1, or if the transcript contains the name of a minor child victim or a minor child witness that must be redacted under 18 U.S.C. § 3509, file a <u>Redaction Request - Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (18 pages) Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972-786-3063. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 8/11/2020. Redacted Transcript Deadline set for 8/21/2020. Release of Transcript Restriction set for 10/19/2020. (Rehling, Kathy) (Entered: 07/21/2020)</p>
07/23/2020	<u>742</u> (p.228)	<p>Notice of Filing of Official Electronic Transcript of Sentencing Proceedings as to Ronald George Whitehouse held on 6/16/2020 before Judge Mark T. Pittman. Parties are notified of their duty to review and request redaction of the transcript. See <u>Misc Order (MO) 61</u> and <u>Special Order (SO) 19-1</u>. If the transcript contains information that should be redacted under SO 19-1, contact the Operations Assistance Team at (214)753-2240 immediately. If the transcript contains personal identifiers that must be redacted under MO 61, Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1, or if the transcript contains the name of a minor child victim or a minor child witness that must be redacted under 18 U.S.C. § 3509, file a <u>Redaction Request - Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (28 pages) Court Reporter/Transcriber Monica Guzman, Telephone number 817-850-6681 or mguzman.csr@yahoo.com. A copy of the transcript may be purchased from the court reporter or viewed at the clerk's office. Redaction Request under SO 19-1, due immediately. Redaction Request due 8/13/2020. Redacted Transcript Deadline set for 8/24/2020. Release of Transcript Restriction set for 10/21/2020. (mwg) (Entered: 07/23/2020)</p>
07/27/2020	<u>750</u> (p.73)	<p>REDACTED COMPLAINT as to Juan Pablo Quezada, Gerald Sergio Cortinez, Marco Barajas, Frederick Anthony Billiot, III, Leslie Mayuly Kingrasaphone, Leslie Marie Rios, Oscar Ortiz, Jr, Angelica Jimenez Patino, Lisa Michelle Wicker, Chelsea</p>

		<p>Michelle Doyal, Ronald George Whitehouse, Esther Sandoval-Flores, Christopher Anthony Avila, Carter Duvall Starr, Jean Stanley Comstock, Jovany Zavala-Quintana, Aaron Christopher Pena, Joshua Lem Allen Conn, James Alfred Gibson, II, Marc Blane Baccus, Kasi Rae Medina, Gerardo Lara Reyes. [4:19-MJ-783]In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> and <u>Judge Specific Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. (jah) (Entered: 07/27/2020)</p>
07/31/2020	<u>752</u> <u>(p.191)</u>	<p>Electronic Copy of Admitted Hearing or Trial Exhibit(s) by Ronald George Whitehouse re: <u>639 (p.63)</u> Notice of Appeal, filed by Ronald George Whitehouse. Exhibits are available for public inspection at the clerk's office. (Attachments: # <u>1</u> (Defendant Exhibit A (Front & Back)) (tle) (Entered: 07/31/2020)</p>

APPENDIX C

THE INDICTMENT

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2019 DEC 11 PM 12:29

DEPUTY CLERK *62*

UNITED STATES OF AMERICA

v.

JUAN PABLO QUEZADA	(01)
MARCO BARAJAS	(02)
FREDRICK ANTHONY BILLIOT III	(03)
LESLIE MAYULY KINGRASAPHONE	(04)
LESLIE MARIE RIOS	(05)
OSCAR ORTIZ, JR.	(06)
LISA MICHELLE WICKER	(07)
CHELSEA MICHELLE DOYAL	(08)
RONALD GEORGE WHITEHOUSE	(09)
CHRISTOPHER ANTHONY AVILA	(10)
CARTER DUVALL STARR	(11)
JEAN STANLEY COMSTOCK	(12)
JOVANY ZAVALA-QUINTANA	(13)
AARON CHRISTOPHER PENA	(14)
JOSHUA LEM ALLEN CONN	(15)
JAMES ALFRED GIBSON II	(16)
MARC BLANE BACCUS	(17)
KASI RAE MEDINA	(18)
GERARDO LARA REYES	(19)
ANGELICA JIMENEZ PATINO	(20)
GERALD SERGIO CORTINEZ	(21)
ESTHER SANDOVAL-FLORES	(22)

Case No.

4-19CR-364-AINFORMATION

The United States Attorney Charges:

Count One

Conspiracy to Possess with Intent to Distribute a Controlled Substance
(Violation of 21 U.S.C. § 846)

Beginning in or before March 2019, and continuing until in and around September 2019, in the Fort Worth Division of the Northern District of Texas, and elsewhere,

defendants **Juan Pablo QUEZADA, Gerald Sergio CORTINEZ, and Christopher Anthony AVILA**, along with others known and unknown, did knowingly and intentionally combine, conspire, confederate, and agree to engage in conduct in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), namely to possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of Methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 846 (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)).

Count Two

Conspiracy to Possess with Intent to Distribute a Controlled Substance
(Violation of 21 U.S.C. § 846)

Beginning in or before March 2019, and continuing until in and around September 2019, in the Fort Worth Division of the Northern District of Texas, and elsewhere, defendants **Marco BARAJAS, Fredrick Anthony BILLIOT III, Leslie Mayuly KINGRASAPHONE, Leslie Marie RIOS, Oscar ORTIZ Jr., Lisa Michelle WICKER, Chelsea Michelle DOYAL, Ronald George WHITEHOUSE, Carter Duvall STARR, Jean Stanley COMSTOCK, Jovany ZAVALA-QUINTANA, Aaron Christopher PENA, Josh Lem Allen CONN, James Alfred GIBSON II, Marc Blane BACCUS, Kasi Rae MEDINA, Gerardo Lara REYES, and Esther Sandoval-FLORES**, along with others known and unknown, did knowingly and intentionally combine, conspire, confederate, and agree to engage in conduct in violation of 21 U.S.C §§ 841(a)(1) and (b)(1)(C), namely to possess with intent to distribute a mixture and substance containing a detectable amount of Methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 846 (21 U.S.C. §§ 841(a)(1) and (b)(1)(C)).

Count Three

Conspiracy to Commit Money Laundering
(Violation of 18 U.S.C. § 1956(h))

Beginning in or before January 2019 and continuing until in and around September 2019, in the Fort Worth Division of the Northern District of Texas, and elsewhere, defendant **Angelica Jimenez PATINO**, along with others known and unknown, did knowingly and intentionally conspire and agree with others known and unknown, to commit certain offenses against the United States in violation of 18 U.S.C. § 1956, to wit:

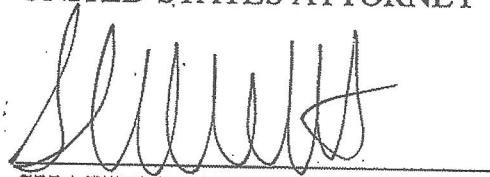
1. To knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is drug trafficking, in violation of 21 U.S.C. § 846 (21 U.S.C. § 841(a)(1)), with the intent to promote the carrying on of specified unlawful activity, that is drug trafficking, in violation of 21 U.S.C. § 846 (21 U.S.C. § 841(a)(1)), and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity in violation of 18 U.S.C. § 1956(a)(1)(A)(i); and

2. To knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which transactions involved the proceeds of a specified unlawful activity, that is, drug trafficking, in violation of 21 U.S.C. § 846 (21 U.S.C. § 841(a)(1)), knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, ownership, control and source of the proceeds

of the specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions, represented the proceeds of some form of unlawful activity in violation of 18 U.S.C. § 1956(a)(1)(B)(i).

In violation of 18 U.S.C. § 1956(h).

ERIN NEALY COX
UNITED STATES ATTORNEY



SHAWN SMITH
Assistant United States Attorney
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APPENDIX D

PSR (PORTIONS)

24. During this conversation, **Whitehouse** was requesting Quezada provide 4 ounces of methamphetamine for **Whitehouse's** "homeboy," Ryan. The next day, on June 10, 2019, **Whitehouse** called Quezada to request he come to **Whitehouse's** residence because "I got your cash," adding, "I got your whole 42 or whatever," referencing the \$4,200 discussed the day prior.
25. On July 6, 2019, at the direction of Quezada, Zavala-Quintana traveled to California to retrieve a shipment of methamphetamine. This was corroborated by an intercepted telephone call between Quezada and Zavala-Quintana in which Zavala-Quintana informed, "I am here in West South Central right now," and asked, "What you say you were gonna get for the 85? Was it ten?" Quezada responded, "Ten kilos. I pay him 28 for each one and pay him 8 thousand and left owing him 20 thousand in three or four days." In this conversation, Quezada was advising Zavala-Quintana he was retrieving a shipment of 10 kilograms, or 10,000 grams of methamphetamine in exchange for \$8,500. On July 7, 2019, Quezada received several incoming picture text messages from Zavala-Quintana detailing a Greyhound bus itinerary which showed Zavala-Quintana arriving back in Fort Worth on July 9, 2019. Agents attempted to intercept the Greyhound bus; however, it was later learned Zavala-Quintana got off of the bus in Amarillo, Texas, and was picked up by **Whitehouse**, who drove him to **Whitehouse's** residence, located at 3601 Selk Avenue in Fort Worth. Zavala-Quintana was picked up by Quezada and C. Barajas, and the methamphetamine was later delivered to Quezada's customers, including **Whitehouse**. **Whitehouse** participated in the retrieval and transportation of 10 kilograms of methamphetamine, and is accountable for 9,780 grams of methamphetamine (actual) (10,000 grams multiplied by 97.8 percent).
26. On July 12, 2019, Quezada received a phone call from **Whitehouse** in which **Whitehouse** stated, "I'm gonna need a four pack. I got the money for it," and Quezada replied, "Come to my house, man." Based on this conversation, Quezada agreed to sell **Whitehouse** 4 ounces of methamphetamine. On July 14, 2019, **Whitehouse** placed a call to Quezada and requested another "four pack," or 4 ounces of methamphetamine, and Quezada agreed. Based on this conversation, Quezada agreed to sell **Whitehouse** another 4 ounces of methamphetamine, for a total of 8 ounces, or 226.8 grams of methamphetamine (28.35 grams multiplied by 8). Since it is likely this methamphetamine was supplied by the shipment retrieved by Zavala-Quintana on July 9, 2019, **Whitehouse** will not be held accountable for these transactions to avoid double-counting.

Guideline Calculations

27. As outlined in the Information and stipulated to in his Factual Résumé, "Ronald **Whitehouse** has heard" Quezada personally distributed methamphetamine to customers. In this manner, Quezada and **Whitehouse** conspired with each other and others to possess methamphetamine.

28. Whitehouse was involved in the conspiracy to possess and distribute methamphetamine and his involvement in this criminal conduct was in furtherance of the jointly undertaken conspiracy. USSG §1B1.3, comment.(n.3(D)). Therefore, Whitehouse is accountable for 9,780 grams, or 9.78 kilograms of methamphetamine (actual) he assisted Zavala-Quintana in transporting to Quezada (paragraph 25), which had been imported from Mexico.

Victim Impact

29. This is a Title 21 offense and there is no identifiable victim other than society at large.

Adjustment for Obstruction of Justice

30. The probation officer has no information indicating the defendant impeded or obstructed justice.

Adjustment for Acceptance of Responsibility

31. The defendant was interviewed on March 6, 2020, in the presence of his attorney. During the interview, the defendant admitted the facts he stipulated to in the Factual Résumé are true, and he is guilty of this offense. Regarding his involvement in this offense, the defendant stated, "I wouldn't mess with these kind of people no more. I never sold the drugs; I just used the drugs."

32. The defendant has clearly demonstrated acceptance of responsibility for his offense within the meaning of USSG §3E1.1(a). Two offense levels will be subtracted for acceptance of responsibility. Furthermore, on February 14, 2020, Assistant U.S. Attorney Shawn Smith filed a Notice Regarding Acceptance of Responsibility confirming the defendant assisted the government in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial. The timeliness of his notification to enter a plea of guilty permitted the government and the Court to allocate their resources efficiently. One additional offense level will be subtracted for acceptance of responsibility, for a total of 3 levels. USSG §3E1.1(a) & (b).

Offense Level Computation

33. The offense of conviction concluded on September 31, 2019. The 2018 Guidelines Manual was used to determine the defendant's offense level. USSG §1B1.11.

Count 2: Conspiracy to Possess With Intent to Distribute a Controlled Substance

34. **Base Offense Level:** The base offense level for a violation of 21 U.S.C. §§ 846 & 841(a)(1) & (b)(1)(C) is found in USSG §2D1.1 of the guidelines. Pursuant to USSG §2D1.1(a)(5), the base offense level is determined by using the Drug Quantity Table set forth in Subsection (c). The defendant is accountable for 9.78 kilograms of methamphetamine (actual). Pursuant to USSG §2D1.1(c)(1), if the offense involved 4.5 kilograms or more of methamphetamine (actual), the base offense level is 38.

APPENDIX E

PSR OBJECTIONS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

§
§
§
§

v.

CAUSE NO. 4:17-CR- 364-A(09)

RONALD GEORGE WHITEHOUSE

§

OBJECTION TO PRESENTENCE INVESTIGATION REPORT

TO THE HONORABLE JOHN McBRYDE, UNITED STATES DISTRICT COURT JUDGE
FOR THE NORTHERN DISTRICT OF TEXAS:

Now comes, RONALD GEORGE WHITEHOUSE, Defendant, through counsel, Ronald G. Couch, and files these his Objections to the Presentence Report filed on as follows:

I.

The defendant objects to paragraph 25, page 8, of the PSR for the following reason.

II.

While Defendant Whitehouse acknowledges picking up Zavala-Quintana on the day in question in Amarillo, Texas. Defendant Whitehouse was not aware that Zavala-Quintana was carrying methamphetamine on his person or in a bag. Whitehouse as not arrested for possession of any methamphetamine alleged to have been transported by Zavala. Zavala is not a reliable witness as he is a codefendant and there is no evidence to corroborate what Zavala claims. Defendant Whitehouse also denies that he received any of the alleged methamphetamine from Quezada as alleged in the last few lines in para. 25.

The allegations contained in para. 25, which the Defendant contests, is apparently the only incident the Government has to put Whitehouse in the conspiracy. Without some type of

corroboration that Whitehouse was aware of the drugs presence in his car, it is manifestly unfair, and unjust to place Whitehouse at level 38 based the say so of Zavala, a co-defendant. Defendant Whitehouse also objects to para. 34 which places the Base Offense Level of 38.

PRAYER

Wherefore, premises considered, Defendant prays this Honorable Court grant his Objection to PSR and make the appropriate sentencing calculations.

Respectfully submitted,

RONALD G. COUCH
Attorney at Law

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CERTIFICATE OF SERVICE

I, RONALD G. COUCH, hereby certify that on May 10, 2020, I electronically filed the foregoing PSR Objections with the clerk for the U.S. District Court, Northern District of Texas, using the electronic filing system for the court. The electronic case filing system sent a "Notice of Electronic Filing" to AUSA Shawn Smith.

/s/Ronald G. Couch
RONALD G. COUCH

APPENDIX F

SENTENCING HEARING (PORTIONS)

1 review both of those with Mr. Whitehouse?

2 **MR. COUCH:** Yes, sir.

3 **THE COURT:** What about the Government?

4 **MR. SMITH:** Yes, Your Honor.

5 **THE COURT:** Did the Government timely receive those?

6 **MR. SMITH:** Yes, Your Honor.

7 **THE COURT:** Mr. Couch, you have lodged one objection
8 to paragraph 25, I believe, in the presentence investigation
9 report related to defendant's relationship with some of the
10 other coconspirators in this case, I believe.

11 **MR. COUCH:** Yes, sir.

12 **THE COURT:** I've had an opportunity to review your
13 objection, as well as the Government's response, and I'm
14 inclined to overrule that objection. However, now is your
15 opportunity to present any evidence or argument that you have
16 with regards to that objection. So, go ahead.

17 **MR. SMITH:** Thank you. Our issue is whether or not
18 10 kilos and a bag belonging to Zavala-Quintana was
19 foreseeable to Mr. Whitehouse. As I understand the facts,
20 Pablo Quezada asked Mr. Whitehouse to go to Amarillo to drive
21 his nephew, Zavala-Quintana, back to Fort Worth. That's all
22 the details that I know of. There's not in the PSR to explain
23 it, other than the fact that he picked him up and drove him
24 back.

25 The issue is him carrying a bag with 10 kilos in it,

1 whether that was foreseeable to my client. One of the main
2 problems I had, and I think I put it in my objection, was the
3 bag was never recovered, as far as I know, no one was arrested
4 with the bag, the bag was never seized, the bag was never
5 inspected. There's no information that there was anything in
6 the bag, except for the allegation, apparently by
7 Zavala-Quintana that he had 10 kilos. That's my big
8 objection. How do we know what was in it and how do we know
9 how much was in it? And the answer is we don't.

10 The evidence is a naked allegation by
11 Mr. Zavala-Quintana that's apparently that's what was in
12 the bag and my client should have known about it.

13 One of the things I did this morning was talk to
14 Ms. French, the officer who did the report, and asked her what
15 the age of Mr. Zavala-Quintana is, she told me he's 22. He's
16 a young man. My client is 39. So, this all happened last
17 year. We can assume Mr. Zavala-Quintana was 21 years old.
18 But the age between those two people, and I think that's also
19 a consideration as to whether it's reasonable to foresee what
20 would be in the bag.

21 This is a young man, and that should be one factor
22 in considering whether or not that he could be seen as a
23 person capable of carrying that much under the circumstances.
24 We don't know the circumstances. As far as I know he picked
25 him up, maybe, I think, because Quintana Zavala (sic) or

1 Zavala-Quintana had an argument with his father up there in
2 Amarillo and he left, I'm not sure. I don't think anybody
3 knows what happened. But the point is, nobody looked at the
4 bag, it wasn't intercepted.

5 So, I've linked some cases related to this. One is
6 *United States vs. Gregory Mitchell*, 964 F.2d 454, and talks in
7 detail about the foreseeability and whether or not my client
8 should have foreseen what was in the bag. And one of the
9 statements the Court made is it's well established that the
10 Court must consider the extent to which larger quantities,
11 drug enterprise -- excuse me, must consider the extent to
12 which a larger drug enterprise is reasonably foreseeable to
13 defendants involved in the small or isolated transaction.
14 That comes from *United States vs. Mickens* 926 F.2d 1323 cert
15 denied.

16 So, that's a factor to whether larger quantities are
17 more foreseeable or less foreseeable. In my opinion, the
18 larger the quantity the less it's foreseeable. It might be
19 foreseeable for Zavala-Quintana to carry an ounce of meth or 1
20 kilo. But when it gets up to 10 kilos, then the question
21 becomes whether or not that's foreseeable. And I submit that
22 that wasn't foreseeable.

23 We also have the fact situation that Mr. Whitehouse
24 wasn't planning to go to Amarillo to pick up this young man.
25 He got a call from Juan Pablo to go pick him up, so he did.

1 And there's no testimony either, that I know of anywhere, that
2 can establish that that quantity should have been -- that it
3 was even there, let alone my client should have known about
4 it.

5 So, that's our -- that's our big complaint about
6 that. And I don't -- I don't think it's fair to find him
7 reasonably foreseeable that that amount of drugs was carried
8 by that young man that he never met before. As far as we know
9 they're strangers.

10 So, that's our -- that's our objection to that
11 issue.

12 **THE COURT:** All right. You brought up some
13 interesting points.

14 I'd like to hear the Government's response.

15 **MR. SMITH:** Yes, Your Honor. So, obviously, the
16 presiding paragraphs and the subsequent paragraph to paragraph
17 25 detail Whitehouse's relationship -- drug relationship with
18 Quezada, and that's identified in Whitehouse's conduct
19 starting at paragraph 20.

20 The investigation part, which is the proceeding
21 page, starting with -- starting with paragraph 17 summarizes
22 the investigation. So, that's the facts, Your Honor.

23 Of the specifics, of course, are delineated in the
24 criminal complaint, specifically as it relates to this event,
25 this July 5 and 6 event -- July 5th and 6th, starts on

1 paragraph 105 of the criminal complaint. And it details the
2 complaint that -- it details wire intercepts, intake
3 intercepts, intercepts on Juan Pablo Quezada's phone and the
4 intercepts between Juan Pablo Quezada and Zavala-Quintana.

5 And they specifically say, in paragraph 107, of the
6 criminal complaint, I'm here in west south central right
7 now -- that's, of course, west south central, Los Angeles.
8 All set. Zavala-Quintana asks, What did you say you were
9 going to get for the 85, was it 10? Juan Pablo Quezada
10 replied, 10 kilos, I paid him 28 for each one, I paid him
11 8,000 and left owing him 20,000 in three or four days.

12 So, they're very explicit in the contemporaneous
13 phone call they're talking about 10 kilos, that's the going
14 rate -- or 10 kilos of methamphetamine for Juan Pablo Quezada.

15 Zavala-Quintana debriefs to that effect, it's
16 consistent to what we've already known. That's the proffer
17 that the defendant, I guess, the defendant discussed, didn't
18 know where that would come. Well, it's obvious both the
19 defendant and Zavala-Quintana proffered about it and we
20 intercepted text messages, it was real time what was going on,
21 the source. Juan Pablo Quezada's primary source was in
22 California, he had a secondary one here in Dallas, Dallas
23 area. But the primary source, for whatever reason, was in
24 California. He was -- continuously went to California to
25 bring back 10 kilos at that time, not 20, on one of those

1 tips.

2 And for whatever reason Juan Pablo Quezada directed
3 Whitehouse to go pick up Zavala-Quintana from Amarillo and he
4 brought him back. He was obviously there for a reason, he's
5 got a bag, so it should be reasonably foreseeable to him, to
6 the defendant, to Mr. Whitehouse, what's going on here,
7 there's no mystery. He had been -- defendant Whitehouse, in
8 relationship with Juan Pablo Quezada.

9 **THE COURT:** All right. I appreciate the argument,
10 Mr. Couch. I think you brought up some interesting points,
11 and I am familiar with the case law that you cited today.
12 However, after reviewing the presentence investigation report
13 and hearing the arguments that have been set forth today, both
14 by you and the Government, I am going to make my final ruling
15 with regards to your objection to paragraph 29, and I am going
16 to overrule that objection.

17 And therefore with that in mind, I will adopt as my
18 final findings of fact and statements of fact made in the
19 presentence report subject to and including the changes and
20 qualifications made by the addendum to the presentence report
21 and that I made in response to the objections to the
22 presentence report.

23 And after having considered the conclusions
24 expressed by the probation officer in the presentence report
25 as to the appropriate guideline calculations, and after

APPENDIX G

FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

“No person shall be held to answer for a capital, or otherwise infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces or in the Militia, when in actual service in time of War or public danger nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use, without just compensation.”