

Case No: _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2020

JOSHUA DRAKE HOWARD,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

MOTION TO PROCEED IN FORMA PAUPERIS

Christine A. Freeman, Executive Director
Mackenzie S. Lund*
Federal Defenders, Middle District of Alabama
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**Counsel of Record*

October 25, 2021

Petitioner, Joshua Drake Howard, asks leave to file his Petition for Writ of Certiorari without prepayment of costs and to proceed *in forma pauperis* pursuant to Rule 39. Mr. Howard has been represented by the Federal Defenders for the Middle District of Alabama by appointment. An oral order appointing the Federal Defenders to represent Mr. Howard was entered on May 1, 2019. A copy of the docket sheet, which reflects entry of the oral appointment order, is attached to this motion.

Respectfully submitted,

/s/ Mackenzie S. Lund

Mackenzie S. Lund

Assistant Federal Defender

Federal Defenders for the Middle District of Alabama

817 S. Court Street

Montgomery, AL 36104

(334)-834-2099

Counsel of Record for Petitioner

Executed on October 25, 2021

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**U.S. District Court
Alabama Middle District (Dothan)
CRIMINAL DOCKET FOR CASE #: 1:19-cr-00054-WKW-WC-1**

Case title: USA v. Howard

Date Filed: 02/13/2019

Date Terminated: 02/28/2020

Assigned to: Honorable Judge William
Keith Watkins
Referred to: Honorable Judge Wallace
Capel, Jr

Appeals court case number: 20-10877-B

Defendant (1)**Joshua Drake Howard***TERMINATED: 02/28/2020*represented by **Federal Defender**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
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Pending Counts

21:841(a)(1): CONTROLLED
SUBSTANCE - SELL, DISTRIBUTE, OR
DISPENSE/FORFEITURE ALLEGATION
(1s)

18:924(c)(1)(A): VIOLENT
CRIME/DRUGS/MACHINE
GUN/FORFEITURE ALLEGATION
(2s)

18:922(k): SELL DEFACED FIREARMS
(5s)

Disposition

80 mos cc w/Ct 5s; cc w/GA St sent; 3 yrs
SR cc w/Cts 2s and 5s; \$100 SA; Forf

60 mos cs to 1s and 5s; cc w/GA St sent; 5
yrs SR cc w/Cts 1s and 5s; \$100 SA; Forf

60 mos cc w/Ct 1s; cc w/GA St sent; 3 yrs
SR cc w/Cts 1s and 2s; \$100 SA; Forf

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841(a)(1) CONTROLLED
SUBSTANCE - SELL, DISTRIBUTE, OR
DISPENSE. Forfeiture Allegation.
(1)

18:924(c)(1)(A) VIOLENT
CRIME/DRUGS/GUN. Forfeiture
Allegations.
(2)

18:922(g)(1) UNLAWFUL TRANSPORT
OF FIREARMS, ETC. Forfeiture
Allegations.
(3-4)

18:922(g)(1): UNLAWFUL TRANSPORT
OF FIREARMS, ETC./FORFEITURE
ALLEGATIONS
(3s-4s)

18:922(k) SELL DEFACED FIREARMS.
Forfeiture Allegations.
(5)

Disposition

DISMISSED on GOVERNMENT'S
MOTION

DISMISSED on GOVERNMENT'S
MOTION

DISMISSED on GOVERNMENT'S
MOTION

DISMISSED on GOVERNMENT'S
MOTION

DISMISSED on GOVERNMENT'S
MOTION

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff**USA**represented by **Brandon Wade Bates**

U S Attorney's Office

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant U S Attorney***Curtis Ivy , Jr.**

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*TERMINATED: 03/14/2019**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant U S Attorney***Robert Randolph Neeley**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant U S Attorney*

Date Filed	#	Docket Text
02/13/2019	1	INDICTMENT as to Joshua Drake Howard (1) count(s) 1, 2, 3-4, 5. Forfeiture Allegations. (ag,) (Entered: 02/14/2019)
03/13/2019		Case unsealed as to Joshua Drake Howard pursuant to Notice of Detainer Lodged from USMS (war,) (Entered: 03/13/2019)
03/13/2019	4	Detainer Lodged as to Joshua Drake Howard (war,) (Entered: 03/13/2019)
03/13/2019	5	NOTICE OF ATTORNEY APPEARANCE Brandon Wade Bates appearing for USA. (Bates, Brandon) (Entered: 03/13/2019)
03/13/2019	6	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Joshua Drake Howard. (Attachments: # 1 Text of Proposed Order)(Bates, Brandon) (Entered: 03/13/2019)
03/13/2019	7	MOTION to Withdraw as Attorney by Curtis Ivy, Jr. by USA as to Joshua Drake Howard. (Ivy, Curtis) (Entered: 03/13/2019)

03/14/2019	8	TEXT ORDER granting 7 Motion to Withdraw as Attorney. Curtis Ivy, Jr withdrawn from case as to Joshua Drake Howard (1).Entered by Honorable Judge Gray M. Borden on 3/14/19. (NO PDF ATTACHED) (war,) (Entered: 03/14/2019)
03/14/2019	9	ORDER granting 6 Motion for Writ of Habeas Corpus ad prosequendum as to Joshua Drake Howard (1). Signed by Honorable Judge Gray M. Borden on 3/14/19. (war,) (Entered: 03/14/2019)
03/14/2019	10	Writ of Habeas Corpus ad Prosequendum Issued as to Joshua Drake Howard for 3/26/2019: Arraignment set for 3/26/2019 10:30 AM in CR 5A before Honorable Judge Wallace Capel Jr. (war,) (Entered: 03/14/2019)
03/18/2019	11	NOTICE OF ATTORNEY APPEARANCE Robert Randolph Neeley appearing for USA. (Neeley, Robert) (Entered: 03/18/2019)
03/19/2019	12	Writ of Habeas Corpus ad Prosequendum as to Joshua Drake Howard Returned Unexecuted. (war,) (Entered: 03/20/2019)
03/21/2019	13	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Joshua Drake Howard. (Attachments: # 1 Text of Proposed Order)(Bates, Brandon) (Entered: 03/21/2019)
03/27/2019	14	ORDER granting 13 Motion for Writ of Habeas Corpus ad prosequendum as to Joshua Drake Howard (1). Signed by Honorable Judge Gray M. Borden on 3/27/19. (war,) (Entered: 03/27/2019)
03/27/2019	15	Writ of Habeas Corpus ad Prosequendum Issued as to Joshua Drake Howard for 4/30/19; Arraignment set for 4/30/2019 10:30 AM in CR 4A before Honorable Judge Gray M. Borden. (war,) (Entered: 03/27/2019)
04/10/2019	16	TEXT ORDER as to Joshua Drake Howard. The Arraignment hearing currently set for 4/30/2019 at 10:30 am in Courtroom 4A is hereby RESET for April 29, 2019 at 10:00 a.m. in Courtroom 4A, Frank M. Johnson, Jr. Federal Building and United States Courthouse Complex, One Church Street, Montgomery, Alabama before the undersigned Magistrate Judge. Signed by Honorable Judge Gray M. Borden on 4/10/2019. (cb,) (Entered: 04/10/2019)
04/19/2019	17	TEXT ORDER as to Joshua Drake Howard. Arraignment set for 4/30/2019 is hereby RESET for 5/7/2019 10:00 AM in CR 4A before Honorable Judge Gray M. Borden.Signed by Honorable Judge Gray M. Borden on 4/19/2019. (cb,) (Entered: 04/19/2019)
05/01/2019		Arrest of Joshua Drake Howard (cb,) (Entered: 05/01/2019)
05/01/2019	18	CJA 23 Financial Affidavit by Joshua Drake Howard (cb,) (Entered: 05/01/2019)
05/01/2019		ORAL MOTION to Appoint Counsel by Joshua Drake Howard. (cb,) (Entered: 05/01/2019)
05/01/2019		ORAL ORDER granting Oral Motion to Appoint Counsel: Appointed Federal Defender for Joshua Drake Howard as to Joshua Drake Howard (1). Signed by Honorable Judge Gray M. Borden on 5/1/2019. (cb,) (Entered: 05/01/2019)
05/01/2019	19	Minute Entry for Initial Appearance/Arraignment proceedings held before Honorable Judge Gray M. Borden as to Joshua Drake Howard on 5/1/2019. NOT GUILTY PLEA ENTERED AS TO COUNTS 1-5. (PDF available for court use only), (Recording Time 2:01-2:08.) (cb,) (Entered: 05/01/2019)
05/01/2019		ORAL ORDER directing the defendant to remain in custody of the US Marshal's service pending further court proceedings as to Joshua Drake Howard. Signed by

		Honorable Judge Gray M. Borden on 5/1/2019. (cb,) (Entered: 05/01/2019)
05/02/2019	20	NOTICE OF ATTORNEY APPEARANCE: Stephen P. Ganter appearing for Joshua Drake Howard (Ganter, Stephen) (Entered: 05/02/2019)
05/02/2019	21	ORDER ON ARRAIGNMENT as to Joshua Drake Howard, (Incorporating ORDER TO CONTINUE - Ends of Justice as to Joshua Drake Howard Time excluded from 5/2/19 until 9/30/2019). Pretrial Conference set for 7/10/2019 10:00 AM in CR 4A before Honorable Judge Gray M. Borden. Jury Selection and Jury Trial set for 9/30/2019 10:00 AM in Dothan, Alabama before Honorable Judge William Keith Watkins. Pretrial Motions due by 7/8/2019. Government's Discovery due by 5/1/19; Defendant's Discovery due by 5/8/2019. Signed by Honorable Judge Gray M. Borden on 5/2/19. (war,) (Entered: 05/02/2019)
06/25/2019		Case as to Joshua Drake Howard Reassigned to Honorable Judge Wallace Capel, Jr. Honorable Judge Gray M. Borden no longer assigned to the case. (war,) (Entered: 06/25/2019)
06/27/2019	27	ORDER as to Joshua Drake Howard: Pretrial Conference set for 7/10/2019 at 10:00 AM before Honorable Judge Borden is RESET to 09:30 AM in CR 5A before Honorable Judge Wallace Capel Jr. Signed by Honorable Judge Wallace Capel, Jr on 6/27/19. (war,) (Entered: 06/27/2019)
07/03/2019	28	MOTION to Suppress by Joshua Drake Howard. (Ganter, Stephen) (Entered: 07/03/2019)
07/03/2019	29	NOTICE of Filing Exhibits as to Joshua Drake Howard re 28 MOTION to Suppress (Ganter, Stephen) (Entered: 07/03/2019)
07/08/2019	30	ORDER TO SHOW CAUSE as to Joshua Drake Howard re 28 MOTION to Suppress filed by Joshua Drake Howard; Government's Show Cause Response due by 7/16/2019. Suppression Hearing set for 7/19/2019 11:00 AM in CR 5A before Honorable Judge Wallace Capel Jr. If Defendant is in custody, the United States Marshal shall produce Defendant for this proceeding. The Clerk of Court shall provide a court reporter for this proceeding if one is available. Signed by Honorable Judge Wallace Capel, Jr on 7/8/19. (war,) (Entered: 07/08/2019)
07/10/2019	32	Minute Entry for proceedings held before Honorable Judge Wallace Capel, Jr:Pretrial Conference as to Joshua Drake Howard held on 7/10/2019 (PDF available for court use only) (Recording Time 9:35 - 9:40.) (kcf,) (Entered: 07/10/2019)
07/10/2019	34	PRETRIAL CONFERENCE ORDER as to Joshua Drake Howard: Jury Selection and Jury Trial (ETT 2-3 days) set for 9/30/2019 10:00 AM in Dothan, Alabama before Honorable Judge William Keith Watkins. Voir Dire due by 9/16/2019; Proposed Jury Instructions due by 9/23/2019; Motions in Limine due by 9/16/2019 and Notice of Intent to Change Plea due by noon on 9/18/2019. Signed by Honorable Judge Wallace Capel, Jr on 7/10/19. (war,) (Entered: 07/10/2019)
07/16/2019	37	RESPONSE to Motion by USA as to Joshua Drake Howard re 28 MOTION to Suppress (Bates, Brandon) (AUSA Corrected Main Document 37 replaced on 7/17/2019) (war,). (Entered: 07/16/2019)
07/19/2019	38	Minute Entry for proceedings held before Honorable Judge Wallace Capel, Jr:Motion Hearing as to Joshua Drake Howard held on 7/19/2019 re 28 MOTION to Suppress filed by Joshua Drake Howard (PDF available for court use only) (Court Reporter Blanton Callen.) (Attachments: # 1 Witness List, # 2 Gvt Exht List, # 3 Gvt Exhibits, # 4 Dft Exht List, # 5 Dft Exhibits) (kcf,) (Entered: 07/22/2019)
08/07/2019	39	SUPERSEDING INDICTMENT as to Joshua Drake Howard (1) count(s) 1s, 2s, 3s-4s, 5s. Forfeiture Allegations (kcf,) (Entered: 08/08/2019)

08/08/2019	41	ORDER to Produce Prisoner for Arraignment as to Joshua Drake Howard. Arraignment set for 8/27/2019 at 9:30 AM in CR 5A before Honorable Judge Wallace Capel Jr. Signed by Honorable Judge Wallace Capel, Jr on 8/8/2019. (kcf,) (Entered: 08/08/2019)
08/14/2019	42	TRANSCRIPT of Suppression Hearing Proceeding (PDF ACCESS RESTRICTED FOR 90 DAYS.) held on 7/19/19 before Judge Hon. Wallace Capel, Jr. as to Joshua Drake Howard. Court Reporter/Transcriber Blanton Callen, Telephone number 334.412.3507. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 9/4/2019. Redacted Transcript Deadline set for 9/16/2019. Release of Transcript Restriction set for 11/12/2019. (war,) Modified on 6/16/2020 (dph,). Transcript not released. Transcript redacted. (Entered: 08/14/2019)
08/14/2019	43	NOTICE of Intent to Request Redaction of 42 Transcript,, by Stephen P. Ganter in case as to Joshua Drake Howard (Ganter, Stephen) (Entered: 08/14/2019)
08/14/2019	44	Transcript Redaction Request in case as to Joshua Drake Howard re 42 Transcript,, filed by attorney Stephen P. Ganter (Ganter, Stephen) (Entered: 08/14/2019)
08/16/2019	45	MOTION to Dismiss <i>Original Indictment</i> by USA as to Joshua Drake Howard. (Bates, Brandon) (Entered: 08/16/2019)
08/19/2019	46	ORDER granting 45 Motion to Dismiss to the extent that the government is granted leave to file its dismissal of the original indictment as to Joshua Drake Howard (1). Signed by Honorable Judge William Keith Watkins on 8/19/19. (war,) (Entered: 08/19/2019)
08/19/2019	47	NOTICE of Dismissal of Indictment by USA as to Joshua Drake Howard re 45 MOTION to Dismiss <i>Original Indictment</i> , 46 Order on Motion to Dismiss, 1 Indictment (Bates, Brandon) (Entered: 08/19/2019)
08/19/2019		DISMISSAL OF COUNTS on Government Motion as to Joshua Drake Howard. (See Doc 47) (war,) (Entered: 08/20/2019)
08/22/2019	48	ORDER as to Joshua Drake Howard: 1. The trial is rescheduled from September 30, 2019 to the term of court commencing September 16, 2019.2. Jury selection will be held on September 16, 2019 at 10:00 a.m. Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama. The trial location will be set later by separate order.3. The deadline for Defendant to notify the court of a change in plea is rescheduled from September 18, 2019 to September 3, 2019.4. The Magistrate Judge shall conduct a pretrial conference no later than August 29, 2019. Signed by Honorable Judge William Keith Watkins on 8/22/19. (war,) (Entered: 08/22/2019)
08/22/2019	49	ORDER as to Joshua Drake Howard: Pretrial Conference set for 8/27/2019 11:30 AM in CR 5A before Honorable Judge Wallace Capel Jr. Signed by Honorable Judge Wallace Capel, Jr on 8/22/19. (war,) (Entered: 08/22/2019)
08/26/2019	50	REPORT AND RECOMMENDATIONS as to Joshua Drake Howard re 28 MOTION to Suppress ; Objections to R&R due by 9/9/2019. Signed by Honorable Judge Wallace Capel, Jr on 8/26/19. (war,) (Entered: 08/26/2019)
08/27/2019	51	Minute Entry for proceedings held before Honorable Judge Wallace Capel, Jr: Arraignment as to Joshua Drake Howard (1) Counts 1s,2s,3s-4s,5s held on 8/27/2019, Plea entered by

		Joshua Drake Howard Not Guilty on counts 1s-5s. (PDF available for court use only) (Recording Time 9:36 - 9:36.) (kcf,) (Entered: 08/27/2019)
08/27/2019	52	Minute Entry for proceedings held before Honorable Judge Wallace Capel, Jr:Pretrial Conference as to Joshua Drake Howard held on 8/27/2019 (PDF available for court use only) (Recording Time 9:36 - 9:38.) (kcf,) (Entered: 08/27/2019)
08/27/2019	53	MOTION to Continue trial by USA as to Joshua Drake Howard. (Bates, Brandon) (Entered: 08/27/2019)
08/28/2019	54	TEXT ORDER as to Joshua Drake Howard re 53 MOTION to Continue trial filed by USA: Defendant's Response due by 8/30/2019. Entered by Honorable Judge William Keith Watkins on 8/28/19. (NO PDF ATTACHED). (war,) (Entered: 08/28/2019)
08/28/2019	55	SECOND PRETRIAL CONFERENCE ORDER as to Joshua Drake Howard: Jury Selection set for 9/16/2019 10:00 AM in CR 2B before Honorable Judge William Keith Watkins. Jury Trial (ETT 2 days) set for 9/16/2019 in Dothan, AL or other court location before Honorable Judge William Keith Watkins. Notice of Intent to Change Plea due by noon on 9/3/2019. Signed by Honorable Judge Wallace Capel, Jr on 8/28/19. (war,) (Entered: 08/28/2019)
08/30/2019	56	RESPONSE TO COURT ORDER by Joshua Drake Howard re 54 Order, Set Deadlines (Ganter, Stephen) (Entered: 08/30/2019)
09/04/2019	57	ORDER TO CONTINUE - (Incorporating Ends of Justice as to Joshua Drake Howard Time excluded from 9/16/19 until 12/2/2019); GRANTING 53 MOTION to Continue trial filed by USA. Jury Selection and Jury Trial set for 9/16/19 is CONTINUED to 12/2/2019 10:00 AM in Dothan, Alabama before Honorable Judge William Keith Watkins. The Magistrate Judge shall conduct a pretrial conference prior to the December 2, 2019, trial term. Signed by Honorable Judge William Keith Watkins on 9/4/2019. (war,) Modified on 9/4/2019 (war,). (Entered: 09/04/2019)
09/09/2019	60	ORDER as to Joshua Drake Howard: Pretrial Conference set for 10/16/2019 09:30 AM in CR 5A before Honorable Judge Wallace Capel Jr. Signed by Honorable Judge Wallace Capel, Jr on 9/9/19. (war,) (Entered: 09/09/2019)
09/09/2019	61	RESPONSE TO COURT ORDER by Joshua Drake Howard re 50 REPORT AND RECOMMENDATIONS as to Joshua Drake Howard re 28 MOTION to Suppress (Ganter, Stephen) (Entered: 09/09/2019)
09/13/2019	62	ORDER as to Joshua Drake Howard: Pretrial Conference set for 10/16/2019 at 9:30 AM is RESET to 10/16/19 at 08:45 AM in CR 5A before Honorable Judge Wallace Capel Jr. Signed by Honorable Judge Wallace Capel, Jr on 9/13/19. (war,) (Entered: 09/13/2019)
10/16/2019	63	Minute Entry for proceedings held before Honorable Judge Wallace Capel, Jr:Pretrial Conference as to Joshua Drake Howard held on 10/16/2019 (PDF available for court use only) (Recording Time 8:48 - 8:49.) (kcf,) (Entered: 10/16/2019)
10/17/2019	64	THIRD PRETRIAL CONFERENCE ORDER as to Joshua Drake Howard: Jury Selection and Jury Trial set for 12/2/2019 10:00 AM in Dothan, Alabama before Honorable Judge William Keith Watkins. Notice of Intent to Change Plea due by noon on 11/20/2019. Signed by Honorable Judge Wallace Capel, Jr on 10/17/19. (war,) (Entered: 10/17/2019)
11/15/2019	65	MEMORANDUM OPINION and ORDER 1) ADOPTING REPORT AND RECOMMENDATIONS 50 as MODIFIED; 2) Defendants objections (Doc. # 61) are OVERRULED; and 3) Defendants motion to suppress (Doc. # 28) is DENIED Joshua

		Drake Howard. Signed by Honorable Judge William Keith Watkins on 11/15/19. (war,) (Entered: 11/15/2019)
11/20/2019	66	NOTICE OF INTENT TO CHANGE PLEA by Joshua Drake Howard (Ganter, Stephen) (Entered: 11/20/2019)
11/20/2019	67	ORDER as to Joshua Drake Howard re 66 Notice of Intent to Change Plea: Change of Plea Hearing set for 11/25/2019 02:00 PM in CR 5B before Honorable Judge Susan Russ Walker; It is further ORDERED that the government shall provide to the court a copy of any plea agreement no less than two hours prior to the time set for the change of plea proceeding. The Clerk of Court is DIRECTED to provide a court reporter for this proceeding if available. If the defendant is in custody, the United States Marshal or the person having custody of the defendant shall produce the defendant for this proceeding. Counsel for the defendant is DIRECTED to confer with the defendant prior to the proceeding set in this order. Signed by Honorable Judge Susan Russ Walker on 11/20/19. (war,) (Entered: 11/20/2019)
11/25/2019	68	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Joshua Drake Howard (cs,) (Entered: 11/25/2019)
11/25/2019	69	PLEA AGREEMENT as to Joshua Drake Howard (cs,) (Entered: 11/25/2019)
11/25/2019	70	PLEA AGREEMENT ADDENDUM as to Joshua Drake Howard (cs,) (Entered: 11/25/2019)
11/25/2019		ORDER Accepting Guilty Plea and Adjudicating the Defendant Guilty as to Count(s) 1s, 2s & 5s of the Superseding Indictment as to Joshua Drake Howard. Entered by Honorable Judge Susan Russ Walker on 11/25/2019. (cs,) (Entered: 11/25/2019)
11/25/2019		ORAL ORDER REMANDING Defendant to the custody of U. S. Marshal pending further proceedings as to Joshua Drake Howard. Entered by Honorable Judge Susan Russ Walker on 11/25/2019. (cs,) (Entered: 11/25/2019)
11/25/2019	71	Minute Entry for proceedings held before Honorable Judge Susan Russ Walker: Change of Plea Hearing as to Joshua Drake Howard held on 11/25/2019. Plea entered by Joshua Drake Howard (1) Guilty Count(s) 1s,2s,5s. (PDF available for court use only) (Recording Time FTR 2:02 - 2:17.) (cs,) (Entered: 11/25/2019)
11/25/2019		Terminate Deadlines and Hearings pursuant to plea entered on 11/25/19 as to Joshua Drake Howard: (cs,) (Entered: 11/25/2019)
12/03/2019	72	MOTION for Preliminary Forfeiture of Property by USA as to Joshua Drake Howard. (Attachments: # 1 Text of Proposed Order)(Neeley, Robert) (Entered: 12/03/2019)
12/05/2019	73	ORDER OF Preliminary FORFEITURE granting 72 Motion for Preliminary FORFEITURE OF PROPERTY as to Joshua Drake Howard (1); The clerk of the court is ORDERED to note entry of this order in writing on the Judgment in a Criminal Case and forward a certified copy of this Order to the United States Attorneys Office. Signed by Honorable Judge William Keith Watkins on 12/5/19. (war,) (Entered: 12/05/2019)
12/05/2019	74	ORDER as to Joshua Drake Howard: Sentencing set for 2/26/2020 10:30 AM in CR 2B before Honorable Judge William Keith Watkins. Signed by Honorable Judge William Keith Watkins on 12/5/19. (war,) (Entered: 12/05/2019)
02/19/2020	75	SENTENCING MEMORANDUM by Joshua Drake Howard. (Attachments: # 1 Exhibit List, # 2 Exhibits 1-13)(war,) (Entered: 02/20/2020)
02/26/2020		ORAL MOTION for Reduction in Criminal Offense Level for Acceptance of

		Responsibility by USA as to Joshua Drake Howard. (war,) (Entered: 02/26/2020)
02/26/2020		ORAL ORDER granting ORAL Motion for Reduction in Criminal Offense Level for Acceptance of Responsibility as to Joshua Drake Howard (1). Entered by Honorable Judge William Keith Watkins on 2/26/20. (war,) (Entered: 02/26/2020)
02/26/2020		ORAL MOTION to Dismiss Count 3s and 4s of the Superseding Indictment by USA as to Joshua Drake Howard. (war,) (Entered: 02/26/2020)
02/26/2020		ORAL ORDER granting ORAL Motion to Dismiss Counts 3s and 4s of the Superseding Indictment as to Joshua Drake Howard (1). Entered by Honorable Judge William Keith Watkins on 2/26/20. (war,) (Entered: 02/26/2020)
02/26/2020		ORAL MOTION that Order of Preliminary Forfeiture be made a part of final judgment by USA as to Joshua Drake Howard. (war,) (Entered: 02/26/2020)
02/26/2020		ORAL ORDER granting ORAL Motion that Order of Preliminary Forfeiture be made a part of final judgment as to Joshua Drake Howard (1). Signed by Honorable Judge William Keith Watkins on 2/26/20. (war,) (Entered: 02/26/2020)
02/26/2020	76	Minute Entry for proceedings held before Honorable Judge William Keith Watkins: Sentencing held on 2/26/2020 as to Joshua Drake Howard. (PDF available for court use only) (Court Reporter Jordan Groves.) (Attachments: # 1 Witness List) (war,) (Entered: 02/26/2020)
02/26/2020	77	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Joshua Drake Howard (war,) (Entered: 02/27/2020)
02/28/2020	78	JUDGMENT as to Joshua Drake Howard (1), Count(s) 1, 2, 3-4, 3s-4s, 5, DISMISSED on GOVERNMENT'S MOTION; Count(s) 1s, 80 mos cc w/Ct 5s; cc w/GA St sent; 3 yrs SR cc w/Cts 2s and 5s; \$100 SA; Forf; Count(s) 2s, 60 mos cs to 1s and 5s; cc w/GA St sent; 5 yrs SR cc w/Cts 1s and 5s; \$100 SA; Forf; Count(s) 5s, 60 mos cc w/Ct 1s; cc w/GA St sent; 3 yrs SR cc w/Cts 1s and 2s; \$100 SA; Forf. Signed by Honorable Judge William Keith Watkins on 2/28/20. (war,) (Entered: 02/28/2020)
02/28/2020	80	MOTION for Final Forfeiture of Property by USA as to Joshua Drake Howard. (Attachments: # 1 Text of Proposed Order)(Neeley, Robert) (Entered: 02/28/2020)
03/02/2020	81	MEMORANDUM OPINION as to Joshua Drake Howard. Signed by Honorable Judge William Keith Watkins on 3/2/20. (ws,) (Entered: 03/02/2020)
03/02/2020	82	NOTICE OF ATTORNEY APPEARANCE: Mackenzie S. Lund appearing for Joshua Drake Howard (Lund, Mackenzie) (Entered: 03/02/2020)
03/03/2020	83	NOTICE OF APPEAL by Joshua Drake Howard re 78 Judgment. Mr. Howard was previously found to be indigent and entitled to appointed counsel. (Oral Order Granting Motion to Appoint Counsel, dated May 1, 2019). He is therefore entitled, under 18 U.S.C. 3006A(d)(7), to proceed with this appeal without prepayment of fees, costs, or security, and without filing the affidavit required under 28 U.S.C. 1915(a).(Lund, Mackenzie) Modified on 3/3/2020 to include additional text. (dmn,) (Entered: 03/03/2020)
03/03/2020	84	Appeal Instructions sent to attorney Mackenzie Lund re 83 Notice of Appeal - Final Judgment. A copy of the Transcript Information Form must be mailed to each court reporter from whom you are requesting a transcript. (Attachments: # 1 Transcript Information Form)(dmn,) (Entered: 03/03/2020)
03/03/2020	85	Transmission of 83 Notice of Appeal - Final Judgment, 78 Judgment, 39 Superseding Indictment, and Docket Sheet to US Court of Appeals. (Attachments: # 1 Docket Sheet

		and Appeal Record)(dmn,) (Entered: 03/03/2020)
03/03/2020	86	ORDER OF Final FORFEITURE granting 80 Motion for Final FORFEITURE OF PROPERTY as to Joshua Drake Howard (1); The Clerk of the Court shall forward a certified copy of this Order to the United States Attorneys Office. Signed by Honorable Judge William Keith Watkins on 3/3/20. (war,) (Entered: 03/03/2020)
03/05/2020	87	USCA Case Number 20-10877-F for 83 Notice of Appeal - Final Judgment, filed by Joshua Drake Howard. Fee Status: IFP Granted. (dmn,) (Entered: 03/05/2020)
03/11/2020	88	TRANSCRIPT INFORMATION FORM by Joshua Drake Howard with the following notation: "I AM ORDERING A TRANSCRIPT OF THE FOLLOWING PROCEEDINGS: Sentence 2/26/20 before Honorable Judge Watkins, Court Reporter: Jordan Groves; Plea 11/25/19 before Honorable Judge Walker, FTR, re 83 Notice of Appeal - Final Judgment. (Lund, Mackenzie) Modified on 3/11/2020 to include additional text. (dmn,) (Entered: 03/11/2020)
03/11/2020	89	Transcript Acknowledgment Part II received from Court Reporter Blanton Callen on 11th Circuit Appeal No. 20-10877-FF. Satisfactory arrangements for paying the cost of the transcript were completed on 3/11/2020. (dmn,) (Entered: 03/11/2020)
04/10/2020	90	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CHANGE OF PLEA proceedings (PDF ACCESS RESTRICTED FOR 90 DAYS) as to Joshua Drake Howard for dates of November 25, 2019 before Judge Susan Russ Walker, re 83 Notice of Appeal - Final Judgment. Court Reporter/Transcriber Blanton Callen, Telephone number 334-412-3507. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 5/1/2020. Redacted Transcript Deadline set for 5/11/2020. Release of Transcript Restriction set for 7/9/2020. (dmn,) Modified on 8/21/2020 (dph,). Transcript released. (Entered: 04/13/2020)
04/13/2020	91	USCA OVERDUE TRANSCRIPT LETTER to Unknown Reporter re Appeal Number 20-10877-F, 83 Notice of Appeal - Final Judgment: Transcripts were due to be filed on 4/10/2020 by Court Reporter Unknown Reporter and are overdue. A 10% discount is required after 5/11/2020. A 20% discount is required after 6/10/2020. Consistent with FRAP 11(b)(1)(D), the district judge is being served with a copy of this letter. (Note: Court Reporter Jordan Graves is noted on MD/AL docket for Sentencing and Blanton Callen filed Transcript for Change of Plea on 4/10/2020.) (dmn,) Modified on 4/14/2020 to correct E on appeal number to F. (dmn,) (Entered: 04/14/2020)
04/14/2020	92	Transcript Acknowledgment Part II received from Court Reporter Jordan Groves on 11th Circuit Appeal No. 20-10877-F. Satisfactory arrangements for paying the cost of the transcript were completed on 4/14/2020. (dmn,) (Entered: 04/14/2020)
05/13/2020	93	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of SENTENCING Proceedings (PDF ACCESS RESTRICTED FOR 90 DAYS) as to Joshua Drake Howard for dates of February 26, 2020 before Judge William Keith Watkins, re 83 Notice of Appeal - Final Judgment. Court Reporter/Transcriber Jordan Groves, Telephone number 334-425-8652. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 6/3/2020. Redacted Transcript Deadline set for 6/15/2020. Release of Transcript Restriction set for 8/11/2020. (dmn,) Modified on 8/21/2020 (dph, Transcript released. (Entered: 05/14/2020)

05/13/2020	94	Transcript Acknowledgment Part III received from Court Reporter Jordan Groves on 11th Circuit Appeal No. 20-10877-F. Transcript has been completed and filed with the district court on 5/13/2020. (dmn,) (Entered: 05/14/2020)
06/16/2020	95	REDACTED TRANSCRIPT of Suppression 42 Transcript as to Joshua Drake Howard of proceeding held on 7/19/19, before Judge Wallace Capel, Jr.. Court Reporter/Transcriber Blanton Callen. (war,) (Entered: 06/16/2020)
10/23/2020		Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Middle District of Alabama certifies that the record is complete for purposes of this appeal re: 83 Notice of Appeal - Final Judgment, Appeal No. 20-10877-BB. The entire record on appeal is available electronically with the exception of: Doc. 38 , Govt Exhibit 3, Disc of Body Cam; and Defendant Exhibit 5, 7/13/18 Traffic Stop Disc. Counsel notified exhibits need to be returned to the Clerk of Court, MD/AL for appeal purposes. (dmn,) (Entered: 10/23/2020)
11/12/2020	96	Transmitted Record on Appeal as to Joshua Drake Howard to US Court of Appeals re 83 Notice of Appeal - Final Judgment, USCA Case Number 20-10877-B: One envelope containing FRAP Exceptions: (2) DVDs: Doc. 38 , Govt Exhibit 3, Disc of Body Cam; and Defendant Exhibit 5, 7/13/18 Traffic Stop Disc. (dmn,) (Entered: 11/12/2020)
05/27/2021	97	Per Curiam Opinion received from USCA on 11th Circuit Appeal No. 20-10877-BB as to Appellant Joshua Drake Howard. Decision: AFFIRMED. Opinion type: Non-Published. The opinion is also available through the Court's Opinions page at this link http://www.ca11.uscourts.gov/opinions . (dmn,) (Entered: 05/27/2021)
06/25/2021	98	JUDGMENT Entered 5/27/2021 issued as Mandate of USCA as to Joshua Drake Howard re 83 Notice of Appeal - Final Judgment, 11th Circuit Appeal No. 20-10877-BB: It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court. (dmn,) (Entered: 06/25/2021)
06/29/2021	99	Appeal Record Returned by USCA as to Joshua Drake Howard: One Envelope of Exhibits: One Accordion Folder consisting of: (2) DVDs, Doc. 38 , Govt Exhibit 3, Disc of Body Cam; and Defendant Exhibit 5, 7/13/18 Traffic Stop Disc. (dmn,) (Entered: 06/29/2021)

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