

CAPITAL CASE

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

KIMANI STERLING

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

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

APPENDIX TO PETITION

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APPENDIX 1

860 Fed.Appx. 92 (Mem)

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1, generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 8th Cir. Rule 32.1A. United States Court of Appeals, Eighth Circuit.

UNITED STATES of
America, Plaintiff-Appellee,
v.
Kimani I. STERLING,
Defendant-Appellant.

No. 20-1177

Submitted: June 18, 2021

Filed: July 22, 2021

Appeal from United States District Court for the Western District of Missouri–Kansas City

Attorneys and Law Firms

Frederick A. Duchardt, Jr., Trimble, MO, for defendant-appellant.

J. Benton Hurst, Asst. U.S. Atty., Kansas City, MO (Timothy A. Garrison, U.S. Atty., on the brief), for plaintiff-appellee.

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

[Unpublished]

This case is before us following a re-sentencing on remand. In [United States v. Sterling, 942 F.3d 439 \(8th Cir. 2019\)](#), we remanded because the government had failed to prove a drug quantity above a base offense level of 24. On remand, the district court¹ found a base offense level of 24 and an applicable Guidelines range of 84–105 months. The court varied upward and imposed a 125-month term of imprisonment to run consecutively to an unrelated state murder conviction. The new sentence is identical to the

sentence originally imposed. Sterling appeals, asserting the district court committed a procedural error in failing to adequately explain the basis for its upward variance. He also asserts the sentence is substantively unreasonable. We affirm.

Because Sterling failed to object to the district court's explanation for the sentence it imposed, we review for plain error. [United States v. White, 863 F.3d 1016, 1021 \(8th Cir. 2017\)](#). In explaining its sentence, the district court is only required to give an explanation that is sufficient to satisfy us that it both considered the parties' arguments and has a reasoned basis for exercising its decision-making authority. [United States v. Clark, 998 F.3d 363, 368 \(8th Cir. 2021\)](#). We have noted that “[a] defendant who has forfeited his objection to the court's explanation ‘confronts a daunting task in convincing a court of appeals that a more detailed explanation would have resulted in a lighter sentence.’” *93 [United States v. Shoulders, 988 F.3d 1061, 1064 \(8th Cir. 2021\)](#) (citation omitted).

Here, the district court explained that it was relying on the factors set forth in 18 U.S.C. § 3553(a). A sentencing court is under no obligation to make specific findings on each factor. [United States v. Bevins, 848 F.3d 835, 840 \(8th Cir. 2017\)](#). The record demonstrates the court listened to and considered the parties' arguments. In imposing its sentence, the court emphasized the danger that Sterling posed to the public. The explanation given is adequate, and Sterling has failed to show a reasonable probability that the court would have imposed a more lenient sentence if the explanation had been more extensive.

Sterling also contends his sentence is substantively unreasonable. We review the substantive reasonableness of a sentence for an abuse of discretion. [United States v. Feemster, 572 F.3d 455, 461 \(8th Cir. 2009\)](#) (en banc). A sentencing court abuses its discretion when it “(1) fails to consider a relevant factor that should have received significant weight; (2) gives significant weight to an improper or irrelevant factor; or (3) considers only the appropriate factors but in weighing those factors commits a clear error of judgment.” [Id.](#) (cleaned up).

The district court listed several reasons for imposing an above-Guidelines sentence, including the danger Sterling posed to the community, to properly account for the crime Sterling had committed, for specific deterrence, and the need to protect the community. Each of these considerations is appropriate. The court specifically noted it was not

considering the post-conviction conduct referred to by the prosecution in its recommendation. The decision to run the sentence consecutively to an unrelated state murder conviction is in no manner unreasonable. Sterling's sentence is not substantively unreasonable.

For the foregoing reasons, we affirm.

All Citations

860 Fed.Appx. 92 (Mem)

Footnotes

1 The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

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APPENDIX 2

A-007
**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 20-1177

United States of America

Appellee

v.

Kimani I. Sterling

Appellant

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:15-cr-00408-BCW-3)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

August 24, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APPENDIX 3

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL A. SMITH, (01)
[DOB: 10/28/1990]

ANTWANETTE B. HOWARD, (02)
[DOB: 02/05/1986]

and

KIMANI I. STERLING, (03)
[DOB: 07/07/1991]

Defendants.

Case No. _____

COUNT ONE: ALL DEFENDANTS

Conspiracy to Distribute Cocaine Base

21 U.S.C. §§ 841(a)(1), (b)(1)(B), (b)(1)(C), and 846

NLT: 5 Years Imprisonment

NMT: 40 Years Imprisonment

NMT: \$5,000,000 Fine

NLT: 4 Years Supervised Release

Class B Felony

COUNTS TWO, THREE, FIVE, SIX, & TWENTY-FIVE: SMITH

Distribution of Cocaine

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNTS FOUR, SEVEN, FIFTEEN, SEVENTEEN, EIGHTEEN & TWENTY: SMITH & HOWARD

Distribution of Cocaine

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

18 U.S.C. § 2

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNTS EIGHT & TWENTY-TWO: STERLING

Distribution of Cocaine

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNTS NINE thru ELEVEN & THIRTEEN:

SMITH & STERLING

Distribution of Cocaine

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

18 U.S.C. § 2

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNTS TWELVE & TWENTY-SIX: HOWARD

& STERLING

Distribution of Cocaine Base

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

18 U.S.C. § 2

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNT FOURTEEN: SMITH & STERLING

Distribution of Cocaine Base

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

18 U.S.C. § 2

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNTS SIXTEEN, NINETEEN & TWENTY-ONE: SMITH & HOWARD

Distribution of Cocaine Base

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

18 U.S.C. § 2

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNT TWENTY-THREE: STERLING

Distribution of Cocaine Base

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

NMT: 20 Years Imprisonment

NMT: \$1,000,000 Fine

NLT: 3 Years Supervised Release

Class C Felony

COUNT TWENTY-FOUR: HOWARD
Distribution of Cocaine

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
NMT: 20 Years Imprisonment
NMT: \$1,000,000 Fine
NLT: 3 Years Supervised Release
Class C Felony

COUNT TWENTY-SEVEN: SMITH & HOWARD

Possession With Intent to Distribute Cocaine
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
18 U.S.C. § 2
NMT: 20 Years Imprisonment
NMT: \$1,000,000 Fine
NLT: 3 Years Supervised Release
Class C Felony

COUNT TWENTY-EIGHT: SMITH & HOWARD

Possession With Intent to Distribute Cocaine Base
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
18 U.S.C. § 2
NMT: 20 Years Imprisonment
NMT: \$1,000,000 Fine
NLT: 3 Years Supervised Release
Class C Felony

COUNT TWENTY-NINE: SMITH & HOWARD

Possession of a Firearm in Furtherance of a Drug Trafficking Crime
18 U.S.C. §§ 924(c)(1)(A)(i) and 2
NLT: 5 Years Imprisonment (Consecutive)
NMT: Life Imprisonment (Consecutive)
NMT: \$250,000 Fine
NLT: 5 Years Supervised Release
Class A Felony

COUNT THIRTY: SMITH
Felon in Possession of a Firearm

18 U.S.C. §§ 922(g)(1) and 924(a)(2)
NMT: 10 Years Imprisonment
NMT: \$250,000 Fine
NMT: 3 Years Supervised Release
Class C Felony

\$100 Special Assessment Each Count

DEFENDANT NO.	DEFENDANT NAME	COUNTS CHARGED
1	Darryl A. Smith	1-7, 9-11, 13-21, 25, 27-30
2	Antwanette B. Howard	1, 4, 7, 12, 15-21, 24, 26-29
3	Kimani I. Sterling	1, 8-14, 22-23, 26

I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

COUNT ONE

Between on or about May 1, 2015, and November 15, 2015, said dates being approximate, in the Western District of Missouri, the defendants, DARRYL A. SMITH, ANTWANETTE B. HOWARD, and KIMANI I. STERLING, did knowingly and intentionally combine, conspire, confederate and agree with each other and others both known and unknown to the grand jury, to distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, in an amount of twenty-eight (28) grams or more, and to distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B), and (b)(1)(C), all in violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about May 26, 2015, in the Western District of Missouri, the defendant, DARRYL A. SMITH, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THREE

On or about June 9, 2015, in the Western District of Missouri, the defendant, DARRYL A. SMITH, did knowingly and intentionally distribute a mixture or substance containing cocaine, a

Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT FOUR

On or about June 16, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FIVE

On or about June 24, 2015, in the Western District of Missouri, the defendant, DARRYL A. SMITH, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SIX

On or about July 9, 2015, in the Western District of Missouri, the defendant, DARRYL A. SMITH, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SEVEN

On or about July 17, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance,

contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT EIGHT

On or about July 28, 2015, in the Western District of Missouri, the defendant, KIMANI I. STERLING, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT NINE

On or about July 30, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and KIMANI I. STERLING, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TEN

On or about August 11, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and KIMANI I. STERLING, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT ELEVEN

On or about August 25, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and KIMANI I. STERLING, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the

provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TWELVE

On or about August 25, 2015, in the Western District of Missouri, the defendants, ANTWANETTE B. HOWARD and KIMANI I. STERLING, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THIRTEEN

On or about September 2, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and KIMANI I. STERLING, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FOURTEEN

On or about September 2, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and KIMANI I. STERLING, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FIFTEEN

On or about September 3, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and

intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT SIXTEEN

On or about September 3, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT SEVENTEEN

On or about September 10, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT EIGHTEEN

On or about September 12, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT NINETEEN

On or about September 12, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TWENTY

On or about September 22, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TWENTY-ONE

On or about September 22, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TWENTY-TWO

On or about October 6, 2015, in the Western District of Missouri, the defendant, KIMANI I. STERLING, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWENTY-THREE

On or about October 6, 2015, in the Western District of Missouri, the defendant, KIMANI I. STERLING, did knowingly and intentionally distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWENTY-FOUR

On or about October 27, 2015, in the Western District of Missouri, the defendant, ANTWANETTE B. HOWARD, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWENTY-FIVE

On or about November 14, 2015, in the Western District of Missouri, the defendant, DARRYL A. SMITH, did knowingly and intentionally distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWENTY-SIX

On or about November 14, 2015, in the Western District of Missouri, the defendants, ANTWANETTE B. HOWARD and KIMANI I. STERLING, aiding and abetting each other, did knowingly and intentionally distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TWENTY-SEVEN

On or about November 15, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute a mixture or substance containing cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TWENTY-EIGHT

On or about November 15, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute a mixture or substance containing cocaine base, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT TWENTY-NINE

On or about November 15, 2015, in the Western District of Missouri, the defendants, DARRYL A. SMITH and ANTWANETTE B. HOWARD, aiding and abetting each other, in furtherance of the drug-trafficking crime alleged in Count One, did knowingly and intentionally possess firearms, to wit: a Glock, Model 27, .40 caliber handgun, bearing Serial Number MGC515, and a Raven Arms, .25 caliber handgun, bearing Serial Number 484856, contrary to the provisions of Title 18, United States Code, Sections 924(c)(1)(A)(i) and Title 18, United States Code, Section 2.

COUNT THIRTY

On or about November 15, 2015, in the Western District of Missouri, the defendant, DARRYL A. SMITH, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, firearms, to wit: a Glock, Model 27, .40 caliber handgun, bearing Serial Number MGC515, and a Raven Arms, .25 caliber handgun, bearing

Serial Number 484856, contrary to the provisions of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

A TRUE BILL.

12/16/15
DATE

/s/ Fred L. Bibler (Deputy)
FOREPERSON OF THE GRAND JURY

/s/ Jeffrey Q. McCarther
Jeffrey Q. McCarther
Assistant United States Attorney
Narcotics & Violent Crimes Unit
Western District of Missouri

APPENDIX 4

IN THE UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)
Plaintiff)
)
v.) Case # 15-00408-03-CR-W-BCW
)
KIMANI I. STERLING)
Defendant)

**KIMANI I. STERLING'S SENTENCING MEMORANDUM
FOR RESENTENCING**

Comes now Kimani I. Sterling, by attorney, Frederick A. Duchardt, Jr., and does hereby offer the following memorandum regarding resentencing for Mr. Sterling in the above captioned cause, currently scheduled for January 25, 2020.

I. Statement of facts and description of current posture of the case

In an indictment brought on December 16, 2015, Mr. Sterling was charged, along with codefendants Darryl Smith and Antwanette Howard, with the offense, of conspiracy to distribute crack cocaine (Count 1) and was also charged with multiple offenses involving distribution of cocaine and crack cocaine (Counts 8-14, 22, 23 and 26) (Doc. 12).

Pursuant to a limited plea agreement, Mr. Sterling entered a plea of guilty to Counts 1, 8 and 22, with the expressed understanding that the other charged counts would be dismissed at time of sentencing (Doc. 117, 118, 121). The only other

agreement between the parties was that, because of his plea of guilty, Mr. Sterling should be entitled to the three-levels reduction in his offense level, pursuant to U.S.S.G 3E1.1(a) and (b), for acceptance of responsibility (Doc. 118, p. 10).

A presentence investigation report was prepared and filed with the Court (Doc. 134). In that report, FPO Paul Sedler recommended

- that findings be made in favor of three levels acceptance of responsibility credit, as agreed to by the parties (Doc. 134, p. 16, #56 and 57),
- that Mr. Sterling's criminal history category should calculate to V (Doc. 134, p. 16-21, 29-32),
- that there are no factors which would warrant an upward or downward departure from the applicable guideline range (Doc. 134, p. 27, #113, p. 29-32),
- that, Mr. Sterling should be held responsible for distribution of an amount of cocaine and crack cocaine equivalent to a range between 400 and 700 kg of marijuana, warranting a base offense level of 26 (Doc. 134, p. 15-16, #49),
- that, per the dictates of U.S.S.G. 2D1.1(b)(1), two levels should be added due to firearms possession in furtherance of the conspiracy either done by or foreseeable to Mr. Sterling (Doc. 134, p. 16, #50),
- that, the total offense level, after acceptance of responsibility credit is given, should be 25 (Doc. 134, p. 16, #58), and

- that, the applicable advisory guidelines imprisonment range should be found to be 100 to 125 months (Doc. 134, p. 26, #97).

At that time, Mr. Sterling raised objections about calculation of the drug quantity involved in the conspiracy, about the lack of propriety of adding two offense level points for firearm possession in connection Mr. Sterling's part of the conspiracy, and the about concomitant calculations of offense level and range of punishment (Doc. 134, p. 30-31). Over the objections by Mr. Sterling, this Court followed all of the recommendations in the presentence report, and sentenced Mr. Sterling to 125 months on each Count, those sentences to run concurrently with one another, but consecutive to a state sentence imposed against Mr. Sterling (Doc. 171, p. 2).

On appeal, Mr. Sterling renewed his challenges against this Court's firearm enhancement and drug quantity determinations; in a November 1, 2019, the Eighth Circuit affirmed this Court's decision to apply the two level firearm enhancement, but agreed with Mr. Sterling's contention that the there was insufficient information presented to support the offense level 26 finding, and so reversed the sentence, and remanded for resentencing. *United States v. Sterling*, 942 F.3d 439, 442-444 (8th Cir. 2019).

Accordingly, this Court has set this matter for resentencing (Doc. 215). FPO Sedler has prepared a presentence report addendum, and therein has recommended

that this Court find a total offense level of 23, a criminal history category of V, and a guidelines sentencing range of 84 to 105 months (Doc. 217, p. 1). Thus, it can be inferred that FPO Sedler

- has modified his base offense level recommendation to 24, to coincide with the Eighth Circuit determination of the matter,
- continues with his recommendation of a 2 offense level firearm enhancement, as affirmed by the Eighth Circuit,
- continues with his recommendation of a 3 offense level reduction for acceptance of responsibility, as agreed to by the parties, and
- continues with his recommendation of a criminal history category V finding.

This matter now comes before this Court to determine new sentences upon Counts 1, 8 and 22, to decide whether those sentences will run concurrently or consecutively with one another, and to decide whether those sentences will run concurrently or consecutively with a 22 year sentence imposed by Judge Kevin Harrell in Jackson County Missouri Case # 1516-CR04693-01.

Mr. Sterling will be urging that it would be most appropriate to impose an 84 month sentence on each Count, and to run the sentences imposed in this case concurrent with one another and concurrent with the 22 year Missouri state sentence

II. General Principles of Guidelines Sentencing Applicable to this Case

Though undersigned counsel is confident that this Court is well-familiar with the critical, guiding principles of law applicable at this stage of the proceedings, it is still well to remind, briefly, regarding those matters. Sentencing decisions in the Federal Courts have always rested within the wise province and sound discretion of the presiding District Judge, exercised after that Judge has heard the fullest information possible concerning the defendant's life and circumstances. *Pepper v. United States*, 562 U.S. 476, 480 (2011); 18 U.S.C. 3553(a); 18 U.S.C. 3661. From the late 1980's to the early 2000's, there was a hiccup, when the lower Federal Courts followed a Congressionally mandated experiment in mandatory criminal case sentencing; that ended when the Supreme Court decided that the regime offended against the Sixth Amendment right to trial by jury. *United States v. Booker*, 543 U.S. 220, 244-245 (2005).

Rather than simply do away entirely with Congress' system, or graft upon the system a means to satisfy the right to trial by jury, the Supreme Court chose instead to take two remedial steps; the first step was to convert the "guidelines" into what the title might have originally been thought to imply, an "advisory" set of principles and sentencing ranges to help a sentencing court find the vicinity of a generally appropriate sentence; the second step was to change the way in which appellate courts would judge the propriety of a particular sentence, doing away

with the mandate of correctness of a guidelines sentence, and replacing that with a standard of review judging the reasonableness of the sentence considering not only the guidelines, but also the factors set forth under 18 U.S.C. 3553(a), and then giving due deference to the sentencing decision made by the sentencing court.

United States v. Booker, 258-262.

Under this revised system, a correct calculation of the guidelines range of punishment is the proper starting point in the quest for finding an appropriate sentence. ***Gall v. United States***, 552 U.S. 38, 49-50 (2007); ***Pepper v. United States***, 488-490. 18 U.S.C. 3553(a)(4), (5) and (6) highlight the importance of the guidelines under the statutory sentencing scheme. It is then up to the sentencing Court to go from there and “... make an individualized assessment based on the facts presented.” ***Gall v. United States***, 552 U.S. 38, 49-50 (2007). And, the Court is to “tailor the sentence in light of other statutory concerns as well.” ***Pepper v. United States***, 488-490. Those other statutory concerns are also set forth under 3553(a), particularly

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed--
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and

- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available....

IV. The Reasons of law and fact why it would be appropriate for this Court to impose an 84 month sentence on each count, and order that those sentences run concurrently with one another and with the 22 year Missouri state sentence

1. Mr. Sterling respectfully suggests that, taking into account all factors, including those decided by the Eighth Circuit, this Court should impose a total sentence in this case in the range of 84 to 105 months, and specifically 84 months

Now that all things are correctly tolled, the proper base offense level for this matter is 24, a two-level firearm enhancement is added, a three-level reduction for acceptance of responsibility is deducted, and the final offense level is calculated to 23 (Doc. 217). In all of his reports, Mr. Sedler has established that the proper criminal history category for Mr. Sterling is V (Doc. 134, p. 17-21, Doc. 217). Neither party raised objection to that conclusion (Doc. 134, p. 29-32), and therefore that is now a closed matter. Also a closed matter should be Mr. Sedler's conclusion, set forth in both his preliminary and final reports, that there are no other factors present which would warrant an upward or downward departure from the applicable guideline range (Doc. 134, p. 27, #113). That too was a conclusion about which neither party raised objection (Doc. 134, p. 29-32). Therefore, there are no 18 U.S.C. 3553(a) factors which would cause the Court to deviate from the guidelines-recommended range of punishment.

Consequently, the appropriate guidelines range of punishment is 84 to 105 months. Mr. Sterling requests that this Court sentence him at the low end of the guidelines range, particularly to 84 months on each of Counts 1, 8 and 22. Per the dictates of 18 U.S.C. 3584(a), those sentences will be deemed to run concurrently, unless the Court orders that the sentences run consecutively. Mr. Sterling requests that this Court specifically order that the sentences imposed for Counts 1, 8 and 22 run concurrently with one another.

2. This Court has the authority to order that the sentence imposed in this case run concurrently with the 22 year sentence imposed by the state of Missouri

Per the dictates of 18 U.S.C. 3585(b), a defendant like Mr. Sterling, who has been brought into Federal custody on a writ from a state sentence, will not receive credit for service of time prior to imposition of his Federal sentence because that time is already being “credited against another sentence”, i.e. his previously-imposed state sentence. *Weekes v. Fleming*, 301 F.3d 1175, 1178 (10th Cir. 2002); *United States v. Campbell*, 617 F.3d 958, 961-962 (7th Cir. 2010). What this means in this case is that whatever sentence this Court now imposes will not begin until after that sentence has been imposed.

Also, per the dictates of 18 U.S.C. 3585(a), a defendant does not receive credit for his time served after sentencing until he begins service of his Federal sentence at “an official detention facility” as designated by the Bureau of Prisons. Even if a defendant is initially committed to a Federal institution, if it is later

determined that the defendant should have been returned to state custody per the terms of a writ, that initial BOP determination is held for naught. *Yearly v. Masters*, 2016 WL 5852865, *5 (S.D.W.V.2016). If the defendant somehow comes into Federal custody without a concomitant obligation for the defendant's return after Federal sentencing, that defendant may remain in Federal custody to continue service of and credit for his Federal sentence. *Weekes v. Fleming*, 1079-1082. Mr. Sterling does not fall into the latter category, and he must be returned to the State of Missouri after disposition of this case.

Even though Mr. Sterling must be returned to state custody after completion of the proceedings before this Court, he can still receive concurrent sentencing, should this Court decide to order it. Per the dictates of 18 U.S.C. 3584(a), a sentencing Court has the discretion to direct that the sentence being imposed will "run concurrently or consecutively" to any previously imposed sentence, and a specific order either way is to be carried out. *United States v. Hayes*, 535 F.3d 907, 910 (8th Cir. 2008); *Mangum v. Hallemback*, 824 F.3d 98, 100-102 (4th Cir. 2016); *Greene v. United States*, 582 F.Supp.2d 1348, 1349 (D.Utah 2008).¹ No other provisions of the law can undermine this statutorily mandated discretion

¹ With certain exceptions, there is a default that the after-imposed sentence will run consecutively to the previous sentence if the sentencing Court does not specify otherwise; that default does not come into play if the District Court makes its intentions clear with a specific order *United States v. Hayes*, *supra*; *Mangum v. Hallemback*, *supra*; *Greene v. United States*, *supra*.

regarding the determination about concurrent versus consecutive sentencing.

United States v. Campbell, *supra*. Even when, as here, the defendant is, so to speak, on loan from a state through the means of a writ of habeas corpus ad prosequendum, and is to be returned to state custody once the Federal case is completed, the BOP can still give effect to a concurrent Federal sentence order per the dictates of 18 U.S.C. 3621(b); that provision allows for the Bureau of Prisons to designate as a defendant's place of imprisonment "any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise...." ***Mangum v. Hallembeak***, 100, fn. 2. In fact, in order to facilitate implementation of these provisions of the law, the Bureau has in force a policy whereby, if a Federal sentence is ordered to run concurrently with a previously-imposed state sentence, "(t)o allow the federal sentence to commence, the Bureau of Prisons designates the state correctional institution (the primary custodian) for service of the federal sentence."²

A District Court may exercise this power to run a Federal sentence concurrent to a state sentence in any case deemed appropriate; in fact, such concurrent sentencing has been found to be an appropriate exercise of discretion

² See July 21, 2011 memo by BOP Regional Counsel, p. 4, appended hereto as Appendix A.

even for a defendant who is a career offender or who is sentenced, in both cases, for violent crimes. *Greene v. United States*, supra; *United States v. Nottingham*, 898 F.2d 390, 392, 395 (3d Cir. 1990).

3. This Court would properly exercise discretion by ordering concurrent sentencing and would abuse discretion by ordering consecutive sentencing

Mr. Sterling would begin by noting that, because of the unique set of circumstances present in this case, and the operation of law noted above, Mr. Sterling has not yet received any credit against the sentence this Court is about to impose. Therefore, it is assured that, if this Court follows Mr. Sterling's recommendation, and imposes an 84 month (7 year) sentence on January 23, 2020, Mr. Sterling would be imprisoned upon that sentence for the next seven years, until January 23, 2027. By that time, Mr. Sterling will have been continuously incarcerated for more than eleven years since the end of the charged conspiracy. That is a far greater time of imprisonment suffered by either of Mr. Sterling's codefendants, 120 months for codefendant Smith, and 30 months for codefendant Howard (Doc. 98, 185). Thus, without question, such an 84 month sentence, which would begin to run on January 23, 2020, would more than address the nature and circumstances of the offense, and the need for the sentence to reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, and afford adequate deterrence to criminal conduct. 18 U.S.C. 3553(a)(1) and (2)(A) and (B). If instead, this Court imposes consecutive

sentencing against Mr. Sterling, this 84 month sentence would not begin until the conclusion of the 22 year Missouri state sentence, and therefore would not end until sometime in the decade 2040. The fundamental unfairness of such a sentence is obvious.

What are also fundamentally unfair are the circumstances which have placed on the table the discretion about enhanced sentencing which this Court now has. The offenses for sentencing before this Court all predated the offense which gave rise to the 22 year state sentence which Mr. Sterling is serving. Nevertheless, prosecuting authorities exercised their powers in such a way that the state case was disposed first. That flipflopping of cases unfairly provided prosecutors in this case with the ability to enhance Mr. Sterling's criminal history, and ultimate sentence, using the criminal conviction for the latter-occurring state offense. And, had this case been fairly decided first in time, this Court's sentence would have been the first imposed, with no opportunity to spectacularly enhance Mr. Sterling's sentence to last until the 2040's. Under these circumstances, this Court would abuse its discretion by imposing a consecutive sentence, because the Court would thereby essentially affirm this prosecutorial sleight of hand.

Argument might be made that a consecutive sentence by this Court would be justified in light of the history and characteristics of the defendant and/or because there is some need to protect the public against further crimes of the defendant. 18

U.S.C. 3553(a)(1) and (2)(C). The trouble with that argument is that it does not take into account the principle of law set forth above, that a sentence for an offense which is within the guidelines is presumed proper. *Gall v. United States*, *supra*; *Pepper v. United States*, *supra*. Putting things a little differently, a within-guidelines-range 84 month sentence should be plenty enough to satisfy the 3553(a) factors, including the need to protect the community against further such crimes by the defendant. Consecutive sentencing would, instead, impose a gargantuan enhancement of sentence.

What this argument for consecutive sentencing actually distills down to is a complaint that the state of Missouri has not sufficiently exercised its sentencing authority against Mr. Sterling. What the government wants is for this Court to decide that the Missouri state authorities have been too lenient with Mr. Sterling, and to lengthen by seven years the 22 year sentence previously imposed for Sterling's murder conviction, all in the name of protecting the community against further crimes like this murder. This Court should reject that invitation.

On April 17, 2017, after earlier jury findings of guilt and recommendations regarding sentences, and after preparation of a presentence report about Mr. Sterling's background, Jackson County Circuit Judge Kevin Harrell sentenced Sterling to 22 years on the murder charge and 12 years on the armed criminal action charge, and chose to run those sentences concurrently (Doc. 134, p. 20, #69;

Jackson County Missouri Case # 1516-CR04693-01). Thus, Judge Harrell weighed the very same issue about future dangerousness which is brought to this Court, and in exercising the very same discretion about concurrent versus consecutive sentencing which this Court now has, Judge Harrell decided that concurrent sentencing, for a total sentence of 22 years, was appropriate. It is proper to note that the only thing which has changed in the three years since Judge Harrell entered his judgment is that Mr. Sterling has been continuously in custody, serving time he has been sentenced to.

Undoubtedly, the government will remind about their presentation made to this Court on September 4, 2018 regarding the killing of Martez Diaz; in turn, undersigned counsel would remind about his objections to that presentation, and his counterpresentation demonstrating the serious shortcomings of any accusations against Mr. Sterling (Doc. 170, 186). Undersigned counsel does hereby renew his objections against the Martez Diaz presentation for the reasons previously set forth, particularly that the government failed to timely raise those issues in the presentence investigation process, and thereby waived those arguments, and improperly prejudiced Mr. Sterling with that presentation. Undersigned counsel would further note that here we are, sixteen months later, and the State of Missouri continues to show doubt about the strength of its case by not bringing charges

against Mr. Sterling. That those charges have still not been brought fatally undercuts the government's dangerousness argument in this regard.

For all of these reasons, Mr. Sterling urges that this Court properly exercise the discretion afforded by law, and order that the sentences imposed in this Federal case run concurrently with the state sentences, totaling 22 years, which Mr. Sterling is currently serving.

VI. Conclusion

WHEREFORE, for the reasons set forth heretofore, Mr. Sterling prays that this Honorable Court impose sentence in this case totaling 84 months, and order that the total sentence in this case run concurrently with the sentences imposed in Jackson County, Missouri Case # 1516-CR04693-01.

Respectfully submitted

/s/Frederick A. Duchardt, Jr.
FREDERICK A. DUCHARDT, JR.
Bar Enrollment Number 28868
P.O. Box 216
Trimble MO 64492
Phone: 816-213-0782
Fax: 816-635-5155
ATTORNEY FOR MR. STERLING

Certificate of Service

I hereby certify that a copy of the foregoing Motion was served upon the following by e-mailing a copy of same to each

Jeffrey McCarther
Assistant United States Attorney
400 E. 9th St., Fifth Floor
Kansas City MO 64106
Email: jeffrey.mccarther@usdoj.gov

/s/Frederick A. Duchardt, Jr.
FREDERICK A. DUCHARDT, JR.

APPENDIX 5

A-039
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

KIMANI I STERLING

Date of Original Judgment: 9/4/2018

§ AMENDED JUDGMENT IN A CRIMINAL CASE
§
§
§ Case Number: 4:15-CR-00408-BCW(3)
§ USM Number: 32579-045
§ Frederick A Duchardt, Jr.
§ Defendant's Attorney

THE DEFENDANT:

<input checked="" type="checkbox"/>	pledged guilty to counts 1, 8, and 22 of the Indictment on November 3, 2017 before a U.S. Magistrate Judge, which was accepted by the Court.
-------------------------------------	--

The defendant is adjudicated guilty of these offenses:

<u>Title & Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846 – Conspiracy to Distribute 28 Grams or More of Cocaine	11/15/2015	1
21 U.S.C. §§ 841(a) and (b)(1)(C) – Distribution of Cocaine	07/28/2015	8
21 U.S.C. §§ 841(a) and (b)(1)(C) – Distribution of Cocaine	10/06/2015	22

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) 9-13, 14, 23 and 26 are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 23, 2020

Date of Imposition of Judgment

/s/Brian C. Wimes
Signature of Judge

JUDGE NAME
UNITED STATES DISTRICT COURT
Name and Title of Judge

January 23, 2020

Date

DEFENDANT: KIMANI I STERLING
CASE NUMBER: 4:15-CR-00408-BCW(3)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Federal Bureau of Prisons to be imprisoned for a total term of: 125 months on Counts 1, 8, and 22, to be served concurrently. The sentence shall be served consecutive to Case No. 1516-CR04693-01.

The court makes the following recommendations to the Federal Bureau of Prisons:

The defendant is continued to custody for serve of the sentence imposed.
 The defendant shall surrender to the United States Marshal for this district:

at a.m. p.m. on

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

On or before 2 p.m. on
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KIMANI I STERLING
CASE NUMBER: 4:15-CR-00408-BCW(3)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **five (5) years on Counts 1 and 3 years on Counts 8 and 22, all terms to run concurrently.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (*check if applicable*)
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (*check if applicable*)
5. You must cooperate in the collection of DNA as directed by the probation officer. (*check if applicable*)
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. (*check if applicable*)
7. You must participate in an approved program for domestic violence. (*check if applicable*)

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: KIMANI I STERLING
CASE NUMBER: 4:15-CR-00408-BCW(3)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at the www.uscourts.gov.

Defendant's Signature _____ Date _____

DEFENDANT: KIMANI I STERLING
CASE NUMBER: 4:15-CR-00408-BCW(3)

SPECIAL CONDITIONS OF SUPERVISION

While on supervised release, the defendant shall comply with the mandatory and standard conditions that have been adopted by this Court and shall comply with the special conditions previously ordered by the Court at the prior sentencing hearing on September 4, 2018.

ACKNOWLEDGMENT OF CONDITIONS

I have read or have read the conditions of supervision set forth in this judgment and I fully understand them. I have been provided a copy of them.

I understand that upon finding of a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision. I understand additional information regarding these conditions is available at the www.uscourts.gov.

Defendant

Date

DEFENDANT: KIMANI I STERLING
 CASE NUMBER: 4:15-CR-00408-BCW(3)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties as set forth below:

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$300.00		WAIVED	N/A

It is ordered that the Defendant shall pay to the United States a special assessment of \$300.00, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

Since the Court finds the defendant does not have the ability to pay a fine, the fine is waived.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

APPENDIX 6

UNITED STATES DISTRICT COURT FOR THE **USCA8 NO.**
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

NOTICE OF APPEAL

UNITED STATES OF AMERICA	*
	*
Plaintiff/Appellant,	*
	*
	<u>15-408-03-CR-W-BCW</u>
v.	*
	District Court Docket Number
	*
KIMANI I. STERLING	*
	<u>Brian C. Wimes</u>
	*
	District Court Judge
Respondent/Appellee.	*

Notice is hereby given that Kimani I. Sterling appeals to the United States Court of Appeals for the Eighth Circuit from the Judgment entered in this action on January 23, 2020.

Respectfully submitted

/s/Frederick A. Duchardt, Jr.
FREDERICK A. DUCHARDT, JR.
MO Bar Enrollment Number 28868
P.O. Box 216
Trimble MO 64492
Phone: 816-213-0782
Fax: 816-635-5155
ATTORNEY FOR MR. STERLING

TRANSCRIPT ORDER FORM
TO BE COMPLETED BY ATTORNEY FOR APPELLANT

X Please Prepare a transcript of:

- All pre-trial proceedings
- All trial proceedings including jury selection, testimony and argument
- X Sentencing

CERTIFICATE OF COMPLIANCE

It is hereby certified

- that required privacy act redactions have been made to the foregoing,
- that this document complies with the typeface requirements of F.R.A.P. 32(a)(5) and the type-style requirements of F.R.A.P. 32(a)(6) because the document was prepared in Microsoft Word using Times New Roman 14 font style and typesize,
- that, this item contains 272 words, and therefore complies with the word limit requirements of F.R.A.P. 27(d)(2)(A),
- that, this item was converted to pdf format for filing and was properly scanned for viruses, with none being found, and
- that, copies of the foregoing were e-mailed to the following on this 24th day of January, 2020

Jeffrey McCarther
Assistant United States Attorney
United States Courthouse
400 E. 9th St.
Kansas City MO 64106
Email: jeff.mccarther@usdoj.gov

/s/Frederick A. Duchardt, Jr.
FREDERICK A. DUCHARDT, JR.

U.S. District Court
Western District of Missouri (Kansas City)
CRIMINAL DOCKET FOR CASE #: 4:15-cr-00408-BCW All
Defendants

Case title: USA v. Smith et al

Date Filed: 12/16/2015

Related Case: [4:17-cv-00895-BCW](#)

Date Terminated: 09/04/2018

Magistrate judge case number: 4:15-mj-00245-REL

Assigned to: District Judge Brian

C. Wimes

Referred to: Magistrate Judge Matt

J. Whitworth

Defendant (1)

Darryl A Smith

TERMINATED: 08/31/2017

represented by **Darryl A Smith**

28502-045

LEWISBURG

U.S. PENITENTIARY

Inmate Mail/Parcels

P.O. BOX 1000

LEWISBURG, PA 17837

PRO SE

Willis Lee Toney

4609 Paseo Blvd.

Ste. 103

Kansas City, MO 64110

(816) 924-3000

Fax: (816) 924-3001

Email: wtoneylawfirm@gmail.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

FPD

Federal Public Defender
 818 Grand Boulevard
 Suite 300
 Kansas City, MO 64106
 (816) 471-8282
 Email: belinda_bye@fd.org
TERMINATED: 01/13/2016
*Designation: Public Defender or
 Community Defender Appointment*

Robert Glen Kuchar
 Federal Public Defender's Office -
 KCMO Walnut Street
 1000 Walnut
 Ste. 600
 Kansas City, MO 64106
 816-471-8282
 Fax: 816-471-8008
 Email: bob_kuchar@fd.org
TERMINATED: 01/13/2016
*Designation: Public Defender or
 Community Defender Appointment*

Pending Counts

CONTROLLED SUBSTANCE -
 SELL, DISTRIBUTE, OR
 DISPENSE
 (1)

Disposition

Dft pleaded guilty to count(s) 1, 2, 3, and 5 of the Indictment on January 19, 2017 which is now accepted by the Court. The defendant is hereby committed to the custody of the United States Federal Bureau of Prisons to be imprisoned for a total term of: 120 months as to each of counts 1, 2, 3, and 5, to be served concurrently. Upon release from imprisonment, the defendant shall be on supervised release for a term of: four (4) years on each of Counts 1, 2, 3, and 5, terms to run concurrently with mandatory, standard and special conditions imposed. MSA: \$400.00; FINE:

Waived; No restitution. Dft advised of right to appeal remanded to custody of USM with recommendation for placement in the RDAP program and at the El Reno, OK facility.

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(2)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(3)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(5)

Highest Offense Level (Opening)

Felony

Terminated Counts

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(4)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(6)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(7)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(9-11)

Disposition

Count(s) 4, 6, 7, 9-11, 13-21, 25, and 27-30 are dismissed on the motion of the United States.

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(13)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR
DISPENSE

(14-15)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(16)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR
DISPENSE

(17-18)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(19)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR
DISPENSE

(20)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(21)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(25)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE

(27)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

DISPENSE

(28)

VIOLENT

CRIME/DRUGS/MACHINE GUN

(29)

UNLAWFUL TRANSPORT OF

FIREARMS, ETC.

(30)

Highest Offense Level

(Terminated)

Felony

Complaints

On or about November 15, 2015, in the Western District of Missouri, the defendant, DARRYL A. SMITH, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, firearms, to wit: a Glock, Model 27, .40 caliber handgun, bearing Serial Number MGC515, and a Raven Arms, .25 caliber handgun, bearing Serial Number 484856, contrary to the provisions of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Disposition

Assigned to: District Judge Brian C. Wimes

Defendant (2)

Antwanette B Howard

TERMINATED: 10/05/2017

represented by **Patrick James O'Connor**
Wagstaff & Cartmell
4740 Grand Avenue
Suite 300

Kansas City, MO 64112
(816) 701-1100
Fax: (816) 531-2372
Email: pjconnor@wcllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Gerald Gray , II
G Gray Law LLC
104 W. 9th ST
Ste 401
Kansas City, MO 64105
816-888-3145
Fax: 816-817-4683
Email: ggraylaw@outlook.com
TERMINATED: 01/10/2017
Designation: CJA Appointment

James L. LaSalle
6314 Brookside Plaza
Ste. 206A
Kansas City, MO 64113
(816) 797-2325
Fax: (816) 817-0040
Email: jameslasalle@gmail.com
TERMINATED: 04/04/2016
Designation: Retained

Michael J. Gunter
Gunter & Associates
411 E. 6th Street
Kansas City, MO 64106
(816) 866-5429
Fax: 816-984-4529
Email: mgunterlaw@gmail.com
TERMINATED: 02/14/2018
Designation: Retained

Pending Counts

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

Disposition

Amended per order entered
October 26, 2018 - Doc. # 184.

DISPENSE

(1)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

DISPENSE

(16)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

DISPENSE

(19)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

DISPENSE

(21)

Highest Offense Level (Opening)

Felony

Terminated Counts

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR

DISPENSE

(4)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR

DISPENSE

(7)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

DISPENSE

(12)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR

DISPENSE

(15)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR

Dft's term of imprisonment reduced
to 30 months. The remainder of the
J&C remains unchanged.

Disposition

Count(s) 4, 7, 12, 15, 17, 18, 20,
24, 26, 27, 28, and 29 are
dismissed on the motion of the
United States.

DISPENSE

(17-18)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR

DISPENSE

(20)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR

DISPENSE

(24)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

DISPENSE

(26-27)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR

DISPENSE

(28)

VIOLENT

CRIME/DRUGS/MACHINE GUN

(29)

Highest Offense Level

(Terminated)

Felony

Complaints

None

Disposition

Assigned to: District Judge Brian
C. Wimes

Appeals court case numbers: 18-
2974 8 circuit court of appeals, 20-
1177 8th Circuit Court of Appeals

Defendant (3)

Kimani I Sterling

TERMINATED: 09/04/2018

represented by **Frederick A Duchardt , Jr.**
P O Box 216

Trimble, MO 64492
(816) 213-0782
Fax: (816) 635-5155
Email: fduchardt@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

FPD

(See above for address)
TERMINATED: 09/01/2017
Designation: Public Defender or
Community Defender Appointment

Anita L Burns

Federal Public Defender's Office -
KCMO Walnut Street
1000 Walnut
Ste. 600
Kansas City, MO 64106
816-471-8282
Email: Anita_Burns@fd.org
TERMINATED: 09/01/2017
Designation: Public Defender or
Community Defender Appointment

Pending Counts

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE
(1)

Disposition

Dft re-sentenced to FBOP for a total term of: 125 months on Counts 1, 8, and 22, to be served concurrently. The sentence shall be served consecutively to Case No. 1516-CR04693-01. Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years on Count 1, and 3 years on Counts 8 and 22, all terms to run concurrently. Mandatory, standard and special conditions imposed. MSA: \$300; FINE: Waived; No restitution. Counts 9-13, 14, 23 and 26 are dismissed on

the motion of the United States.

Dft advised of right to appeal.

Remanded to custody of USM.

Dft re-sentenced to FBOP for a total term of: 125 months on Counts 1, 8, and 22, to be served concurrently. The sentence shall be served consecutively to Case No. 1516-CR04693-01. Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years on Count 1, and 3 years on Counts 8 and 22, all terms to run concurrently. Mandatory, standard and special conditions imposed. MSA: \$300; FINE: Waived; No restitution. Counts 9-13, 14, 23 and 26 are dismissed on the motion of the United States. Dft advised of right to appeal. Remanded to custody of USM.

Dft re-sentenced to FBOP for a total term of: 125 months on Counts 1, 8, and 22, to be served concurrently. The sentence shall be served consecutively to Case No. 1516-CR04693-01. Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years on Count 1, and 3 years on Counts 8 and 22, all terms to run concurrently. Mandatory, standard and special conditions imposed. MSA: \$300; FINE: Waived; No restitution. Counts 9-13, 14, 23 and 26 are dismissed on the motion of the United States. Dft advised of right to appeal. Remanded to custody of USM.

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE
(8)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE
(22)

Highest Offense Level (Opening)

Terminated Counts

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE
(9-13)

CONTROLLED SUBSTANCE-
SELL,DISTRIBUTE, OR
DISPENSE
(14)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE
(23)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR
DISPENSE
(26)

Disposition

Count(s) 9-13, 14, 23 and 26 are
dismissed on the motion of the
United States.

Count(s) 9-13, 14, 23 and 26 are
dismissed on the motion of the
United States.

Count(s) 9-13, 14, 23 and 26 are
dismissed on the motion of the
United States.

Count(s) 9-13, 14, 23 and 26 are
dismissed on the motion of the
United States.

**Highest Offense Level
(Terminated)**

Felony

Complaints

None

Plaintiff

USA

represented by **Jeffrey Quinn McCarther**
United States Attorney's Office-
KCMO
400 E 9th Street
Suite 5510
Kansas City, MO 64106
816-426-3122
Fax: 816-426-4328
Email:
jeffrey.mccarther@usdoj.gov

Date Filed	#	Docket Text
11/16/2015	1	COMPLAINT as to Darryl A Smith (1). (Attachments: # 1 Affidavit) (Martin, Jan) [4:15-mj-00245-REL] (Entered: 11/16/2015)
11/16/2015	2	MOTION for detention hearing by USA as to Darryl A Smith. Suggestions in opposition/response due by 12/3/2015 unless otherwise directed by the court. (Martin, Jan) [4:15-mj-00245-REL] (Entered: 11/16/2015)
11/16/2015	3	MOTION to continue detention hearing by USA as to Darryl A Smith. Suggestions in opposition/response due by 12/3/2015 unless otherwise directed by the court. (Martin, Jan) [4:15-mj-00245-REL] (Entered: 11/16/2015)
11/17/2015	4	Minute Entry for proceedings held before Magistrate Judge Robert E. Larsen: INITIAL APPEARANCE as to Darryl A Smith held on 11/17/2015. Financial Affidavit completed; FPD appointed. Bail not set. Detention and Preliminary Hearing set for 11/19/2015 02:45 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. To order a transcript of this hearing please contact LaTandra Wheeler, 816-512-5027. (Wheeler, LaTandra) [4:15-mj-00245-REL] (Entered: 11/18/2015)
11/17/2015	5	AFFIDAVIT of Financial Status of Darryl A Smith. (Wheeler, LaTandra) [4:15-mj-00245-REL] (Entered: 11/18/2015)
11/17/2015	6	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Darryl A Smith. Signed on November 17, 2015 by Magistrate Judge Robert E. Larsen.(Wheeler, LaTandra) [4:15-mj-00245-REL] (Entered: 11/18/2015)
11/18/2015	7	ORDER granting 2 motion for detention hearing as to Darryl A Smith (1); granting 3 motion to continue detention hearing as to Darryl A Smith (1). Signed on 11/18/15 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) [4:15-mj-00245-REL] (Entered: 11/18/2015)
11/19/2015		Attorney update in case as to Darryl A Smith. Attorney Robert Glen Kuchar for Darryl A Smith added. (Wheeler, LaTandra) [4:15-mj-00245-REL] (Entered: 11/19/2015)
11/19/2015	9	Minute Entry for proceedings held before Magistrate Judge Robert E.

		<p style="text-align: right;">A-060</p> <p>Larsen: DETENTION HEARING as to Darryl A Smith held on 11/19/2015, PRELIMINARY HEARING as to Darryl A Smith held on 11/19/2015. Parties stipulate to the testimony of the Affiant. Probable cause established; defendant bound over to U.S. District Court for grand jury action or other proceedings. Parties stipulate to the factual contents of the Pretrial Services Report as being the direct testimony of Pretrial Services Officer. The Court judicially notices the affidavit in support of the complaint. The Court found reason to believe that no condition or combination of conditions of release would reasonably assure: the appearance of the defendant; the safety of any other person or persons and the community; DEFENDANT ordered detained without bail pending trial; Written DETENTION ORDER to be forthcoming. To order a transcript of this hearing please contact Dorothy Myers, 816-512-5774. (Myers, Dorothy) [4:15-mj-00245-REL] (Entered: 11/19/2015)</p>
11/20/2015	<u>10</u>	ORDER OF DETENTION, CUSTODY DIRECTIVES AND ORDER AUTHORIZING TEMPORARY TRANSFER as to Darryl A Smith. Signed on 11/19/15 by Magistrate Judge Robert E. Larsen.(Wilson, Carol) [4:15-mj-00245-REL] (Entered: 11/20/2015)
11/24/2015	11	ARREST WARRANT RETURNED EXECUTED on 11/17/2015 as to Darryl A Smith. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Wells, Claudia) [4:15-mj-00245-REL] (Entered: 11/24/2015)
12/16/2015	<u>12</u>	INDICTMENTas to Darryl A Smith (1) count(s) 1-7, 9-11, 13-21, 25, 27-30, Antwanette B Howard (2) count(s) 1, 4, 7, 12, 15, 16, 17-18, 19, 20, 21, 24, 26-27, 28, 29, Kimani I Sterling (2) count(s) 1, 8-21, 24, 26-27, 28, 29,, Kimani I Sterling (3) count(s) 1, 8, 9-13, 14, 22, 23, 26. (Attachments: # <u>1</u> Criminal Cover Sheet Smith, # <u>2</u> Criminal Cover Sheet Howard, # <u>3</u> Criminal Cover Sheet Sterling) (Carr, Lori) Modified on 12/18/2015 to correct defendant numbers (Jones, Robin). (Entered: 12/17/2015)
12/16/2015	<u>13</u>	ORDER REFERRING CASE to Magistrate Judge Robert E Larsen as to Darryl A Smith, Antwanette B Howard, Kimani I Sterling. Signed on 12/16/15 by District Judge Dean Whipple.(Carr, Lori) (Entered: 12/17/2015)
12/16/2015	14	DOCUMENT DELETED ORDER REFERRING CASE to Magistrate Judge Sarah W Hays as to Darryl A Smith, Antwanette B Howard, Kimani I Sterling. Signed on 12/16/15 by District Judge Dean Whipple.(Carr, Lori) Deleted on 12/17/2015; filed in the wrong case (Carr, Lori). (Entered: 12/17/2015)

12/16/2015		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 12/16/15 as Document No. 14, ORDER REFERRING CASE to a Magistrate Judge. The document has been deleted as it was filed in the incorrect case. This is a text entry only - no document is attached. (Carr, Lori) (Entered: 12/17/2015)
12/16/2015		*** An indictment has been filed as to Darryl A Smith, Antwanette B Howard, Kimani I Sterling. ALL FUTURE FILINGS SHOULD BE MADE IN CRIMINAL CASE NUMBER 15-00408-01/03/CR-W-DW . THIS IS A TEXT ENTRY ONLY - NO DOCUMENT IS ATTACHED. (Carr, Lori) (Entered: 12/17/2015)
12/18/2015	<u>15</u>	NOTICE OF ATTORNEY APPEARANCE - James L. LaSalle appearing for Antwanette B Howard. (Attorney James L. LaSalle added to party Antwanette B Howard(pty:dft))(LaSalle, James) (Entered: 12/18/2015)
12/18/2015	<u>16</u>	MOTION for detention hearing by USA as to Antwanette B Howard, Kimani I Sterling. Suggestions in opposition/response due by 1/7/2016 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 12/18/2015)
12/18/2015	<u>17</u>	MOTION to continue detention hearing by USA as to Antwanette B Howard, Kimani I Sterling. Suggestions in opposition/response due by 1/7/2016 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 12/18/2015)
12/18/2015	<u>18</u>	ORDER granting <u>16</u> motion for detention hearing as to Antwanette B Howard (2); granting <u>17</u> motion to continue detention hearing as to Antwanette B Howard (2). Signed on 12/18/15 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 12/18/2015)
12/18/2015		ARREST of Antwanette B Howard (Chorny, Traci) (Entered: 12/18/2015)
12/18/2015	<u>19</u>	Minute Entry for proceedings held before Magistrate Judge Sarah W. Hays: INITIAL APPEARANCE as to Antwanette B Howard held on 12/18/2015- defendant advised of the charges, penalties and rights. Bail not set; a motion for detention hearing and for continuance of hearing filed by Government; granted; defendant temporarily detained pending detention hearing. Defendant remanded to the custody of the U.S. Marshal. Defendant RETAINS counsel James L. LaSalle. Arraignment set for 12/23/2015 01:30 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen., Detention Hearing set for 12/23/2015 01:30 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. To order a transcript

		A-062	of this hearing please contact Traci Chorny, 816-512-5789. (Chorny, Traci) (Entered: 12/18/2015)
12/22/2015	21	ARREST WARRANT RETURNED EXECUTED on 12/17/2015 as to Antwanette B Howard. This document contains original signatures of non attorneys and is being maintained in a paper file at the court. (Wells, Claudia) (Entered: 12/22/2015)	
12/23/2015	<u>22</u>	Minute Entry for proceedings held before Magistrate Judge Robert E. Larsen: ARRAIGNMENT as to Antwanette B Howard (2) Count 1,4,7,12,15,16,17-18,19,20,21,24,26-27,28,29 held on 12/23/2015, DETENTION HEARING as to Antwanette B Howard held on 12/23/2015. Defendant pleaded not guilty. This case is set on the 2/8/16 criminal trial docket. Defendant released on a \$ 5,000 unsecured surety bond. This case will have voluntary disclosure. Defense shall file any pretrial motions within ten days from this date; government responses due seven days after motion filed. In lieu of a scheduling conference, counsel are to meet within two weeks and submit Proposed Stipulations and Orders to chambers for filing. If parties will not be ready for trial by the scheduled docket, a motion for continuance for a date certain should be filed as soon as possible. To order a transcript of this hearing please contact Dorothy Myers, 816-512-5774. (Myers, Dorothy) (Entered: 12/28/2015)	
12/23/2015	<u>41</u>	Unsecured BOND ENTERED as to Antwanette B Howard in amount of \$ 5,000, (Myers, Dorothy) (Entered: 06/07/2016)	
12/23/2015	<u>42</u>	ORDER setting conditions of release as to Antwanette B Howard. Defendant released on a non-surety bond.. Signed on 12/23/15 by Magistrate Judge Robert E. Larsen.(Myers, Dorothy) (Entered: 06/07/2016)	
01/07/2016	<u>23</u>	ORDER: Pretrial Conference as to Darryl A Smith, Antwanette B Howard is set for 1/27/2016 09:20 AM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Signed on 1/7/16 by Magistrate Judge Robert E. Larsen.(Wilson, Carol) (Entered: 01/07/2016)	
01/08/2016	24	NOTICE OF HEARING as to Darryl A Smith. This is the official notice for this hearing. Arraignment set for 1/14/2016 01:40 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Initial Appearance set for 1/14/2016 01:40 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen.. Signed on 1/8/16 by Magistrate Judge Robert E. Larsen. This is a	

TEXT ONLY ENTRY. No document is attached.(Myers, Dorothy)
 (Entered: 01/08/2016)

01/12/2016	<u>25</u>	NOTICE OF ATTORNEY APPEARANCE - Willis Toney appearing for Darryl A Smith. (Attorney Willis Toney added to party Darryl A Smith (pty:dft)). (Toneyey, Willis) Modified event type from motion to notice and terminated motion and accompanying deadlines; attorney emailed regarding same on 1/13/2016 (Carr, Lori). (Entered: 01/12/2016)
01/13/2016	<u>26</u>	ORDER terminating counsel as to Darryl A Smith - representation by attorney FPD and Robert Glen Kuchar terminated due to entry of appearance. Signed on 1/13/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 01/13/2016)
01/14/2016	<u>27</u>	Minute Entry for proceedings held before Magistrate Judge Robert E. Larsen: ARRAIGNMENT as to Darryl A Smith (1) Count 1,2-6,7,9-11,13,14-15,16,17-18,19,20,21,25,27,28,29,30 held on 1/ 14/2016, INITIAL APPEARANCE as to Darryl A Smith held on 1/14/2016. Defendant This case will have voluntary disclosure. Defense shall file any pretrial motions within ten days from this date; government responses due seven days after motion filed. In lieu of a scheduling conference, counsel are to meet within two weeks and submit Proposed Stipulations and Orders to chambers for filing. If parties will not be ready for trial by the scheduled docket, a motion for continuance for a date certain should be filed as soon as possible. pleaded not guilty. This case is set on the 3/21/16 criminal trial docket. To order a transcript of this hearing please contact Dorothy Myers, 816-512-5774. (Myers, Dorothy) (Entered: 01/15/2016)
01/15/2016	<u>28</u>	ORDER: Accelerated Jury Trial as to Antwanette B Howard set for 3/21/2016 due to arraignment of codefendant; pretrial conference is continued. Signed on 1/15/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 01/15/2016)
01/15/2016		Pretrial conference as to Antwanette B Howard set for 1/27/16 is CANCELLED. This is a TEXT ONLY ENTRY. No document is attached. (Wilson, Carol) (Entered: 01/15/2016)
01/15/2016		Pretrial conference as to Darryl Smith is cancelled. This is a TEXT ONLY ENTRY. No document is attached. (Wilson, Carol) (Entered: 01/15/2016)
01/22/2016	<u>29</u>	MOTION AND ORDER to dismiss complaint as to Darryl A Smith,. Signed on 1/22/16 by Magistrate Judge Robert E. Larsen.(Myers, Dorothy) (Entered: 01/22/2016)

02/18/2016	30	MOTION to withdraw as attorney by James LaSalle. by Antwanette B Howard. Suggestions in opposition/response due by 3/7/2016 unless otherwise directed by the court. (LaSalle, James) (Entered: 02/18/2016)
02/21/2016	31	ORDER: Pretrial Conference as to Darryl A Smith, Antwanette B Howard is set for 3/9/2016 10:20 AM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Signed on 2/19/16 by Magistrate Judge Robert E. Larsen.(Wilson, Carol) (Entered: 02/21/2016)
02/25/2016	34	MOTION to continue <i>TRIAL AND PRE-TRIAL CONFERENCE</i> by Darryl A Smith. Suggestions in opposition/response due by 3/14/2016 unless otherwise directed by the court. (Attachments: # 1 Affidavit) (Toney, Willis) (Entered: 02/25/2016)
02/26/2016	35	ORDER granting motion to continue 34 as to Darryl A Smith (1), Antwanette B Howard (2); continuing pretrial conference. Accelerated Jury Trial set for 8/15/2016. Signed on 2/26/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 02/26/2016)
03/25/2016	36	ORDER: Status Conference as to Antwanette B. Howard set for 4/4/2016 02:00 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Defendant is to be present. Signed on 3/25/16 by Magistrate Judge Robert E. Larsen.(Wilson, Carol) (Entered: 03/25/2016)
04/04/2016	37	Minute Entry for proceedings held before Magistrate Judge Robert E. Larsen: STATUS CONFERENCE as to Antwanette B Howard held on 4/4/2016- Government counsel, defense counsel, and defendant present in person and in custody for hearing. The court called this matter to discuss Mr. LaSalle's Motion to withdraw as counsel filed 2/18/2016 as doc. 30. Discussions held regarding the issues. Upon further review, the Court will grant Counsel's motion and appoint the CJA counsel for Defendant. On April 4, 2016, defendant sworn and examined as to his/her financial ability to employ counsel. Information recorded on Affidavit of Financial Status. Court adjourned. To order a transcript of this hearing please contact Traci Chorny, 816-512-5789. (Chorny, Traci) (Main Document 37 replaced on 4/5/2016- the NEF will be regenerated.) (Chorny, Traci). (Entered: 04/04/2016)
04/04/2016	38	ORDER APPOINTING COUNSEL UNDER CJA replacing retained counsel in felony proceedings as to Antwanette B Howard. Gerald Gray, II for Antwanette B Howard added. Attorney James L. LaSalle terminated in case as to Antwanette B Howard. Signed on April 4,

		A-065 2016 by Magistrate Judge Robert E. Larsen. (Chorny, Traci) (Entered: 04/04/2016)
04/04/2016	39	AFFIDAVIT of Financial Status of Antwanette B Howard. (Chorny, Traci) (Entered: 04/04/2016)
04/04/2016	40	ORDER granting 30 motion to withdraw as attorney as to Antwanette B Howard (2); representation by James LaSalle terminated. Signed on 4/4/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 04/04/2016)
07/14/2016	43	ORDER: Pretrial Conference as to Darryl A Smith, Antwanette B Howard is set for 8/3/2016 01:40 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Please note new requirements (as of 4/29/2016) highlighted in red. Signed on 7/14/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 07/14/2016)
07/17/2016	44	First MOTION to continue <i>Trial</i> by Antwanette B Howard. Suggestions in opposition/response due by 8/4/2016 unless otherwise directed by the court. (Gray, Gerald) (Entered: 07/17/2016)
07/18/2016	45	ORDER granting motion to continue 44 as to Darryl A. Smith (1), Antwanette B Howard (2), continuing pretrial conference. Accelerated Jury Trial set for 11/28/2016. Signed on 7/18/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 07/18/2016)
10/28/2016	46	ORDER: Pretrial Conference as to Darryl A Smith, Antwanette B Howard is set for 11/16/2016 01:40 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Signed on 10/28/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 10/28/2016)
11/03/2016	47	Second MOTION to continue <i>Trial</i> by Antwanette B Howard. Suggestions in opposition/response due by 11/21/2016 unless otherwise directed by the court. (Gray, Gerald) (Entered: 11/03/2016)
11/03/2016	48	ORDER granting motion to continue 47 as to Darryl A Smith (1), Antwanette B Howard (2), continuing pretrial conference. Accelerated Jury Trial set for 1/9/2017. Signed on 11/3/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 11/03/2016)
12/07/2016	50	NOTICE OF HEARING as to Antwanette B Howard. This is the official notice for this hearing. Change of Plea Hearing set for 1/5/2017 at 1:30 PM in Courtroom 8B, Kansas City (DW) before District Judge Dean Whipple. Signed on 12/7/16 by District Judge

		Dean Whipple. This is a TEXT ONLY ENTRY. No document is attached. (Enss, Rhonda) (Entered: 12/07/2016)
12/07/2016	<u>51</u>	PRO SE MOTION to appoint counsel by Darryl A Smith. Suggestions in opposition/response due by 12/21/2016 unless service is made pursuant to FRCP 5 or as otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Houston, Kiambu). (Entered: 12/07/2016)
12/08/2016	<u>52</u>	ORDER as to Darryl A Smith directing defense counsel to meet with defendant about his complaints. Signed on 12/8/16 by Magistrate Judge Robert E. Larsen.(Wilson, Carol) (Entered: 12/08/2016)
12/09/2016	<u>53</u>	ORDER: Pretrial Conference as to Darryl A Smith is set for 12/28/2016 01:40 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Signed on 12/9/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 12/09/2016)
12/23/2016	<u>54</u>	ORDER: Pretrial Conference as to Darryl A Smith is RESET for 12/28/2016 02:40 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Signed on 12/23/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 12/23/2016)
12/28/2016	<u>55</u>	Minute Entry for proceedings held before Magistrate Judge Robert E. Larsen: PRETRIAL CONFERENCE as to Darryl A Smith held on 12/28/2016. : Parties present in person and with counsel. Pretrial Conference held. This case is not for trial. Parties have reached a plea agreement and will be contact the District Judges chambers to set a plea date. Time in court: 2:55 pm to 3:00 pm. To order a transcript of this hearing please contact Dorothy Myers, 816-512-5774. (Myers, Dorothy) (Entered: 12/28/2016)
12/29/2016	<u>56</u>	PRETRIAL CONFERENCE MEMORANDUM as to Darryl A Smith. Signed on 12/28/16 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 12/29/2016)
01/04/2017	<u>57</u>	NOTICE OF HEARING as to Darryl A Smith. This is the official notice for this hearing. Change of Plea Hearing set for 1/19/2017 01:30 PM in Courtroom 8B, Kansas City (DW) before District Judge Dean Whipple. Signed on January 4, 2017 by District Judge Dean Whipple. This is a TEXT ONLY ENTRY. No document is attached. (Moore, Terri) Modified on 1/4/2017 to correct date; NEF regenerated (Moore, Terri). (Entered: 01/04/2017)
01/04/2017	<u>60</u>	Pro Se MOTION to appoint new counsel by Antwanette B Howard. Suggestions in opposition/response due by 1/18/2017 unless service is

		<p style="text-align: right;">A-067</p> <p>made pursuant to FRCP 5 or as otherwise directed by the court. (Watson, Olivette) Motion termed on 1/10/2017 due to entry of appearance by retained counsel (Wilson, Carol). (Entered: 01/05/2017)</p>
01/05/2017	<u>59</u>	Minute Entry for proceedings held before District Judge Dean Whipple: CHANGE OF PLEA HEARING as to Antwanette B Howard NOT HELD held on 1/5/2017. The Court ordered Defendant's bond revoked and that she be taken into custody by the USMS. The Court further directs that if Defendant wishes to post another bond, the amount will be \$20,000 cash. Matter to be reset for trial. Time in court: 1:43 PM to 1:50 PM. To order a transcript of this hearing please contact Barbara Barnard, 816-512-5622. (Moore, Terri) (Entered: 01/05/2017)
01/06/2017	<u>61</u>	ORDER: Hearing as to Antwanette B. Howard (2) on pro se motion for appointment of substitute counsel set for 1/11/2017 02:00 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Signed on 1/6/17 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 01/06/2017)
01/10/2017	<u>62</u>	NOTICE OF ATTORNEY APPEARANCE - Michael J. Gunter appearing for Antwanette B Howard. (Attorney Michael J. Gunter added to party Antwanette B Howard(pty:dft))(Gunter, Michael) (Entered: 01/10/2017)
01/10/2017	<u>63</u>	ORDER terminating appointment of counsel as to Antwanette B Howard due to entry of appearance; representation by attorney Gerald Gray, II terminated; hearing set for 1/11/2017 is cancelled. Signed on 1/10/17 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 01/10/2017)
01/10/2017		Hearing as to Antwanette B. Howard (2) on pro se motion for appointment of substitute counsel set for 1/11/2017 is cancelled. This is a TEXT ONLY ENTRY. No document is attached. (Wilson, Carol) (Entered: 01/10/2017)
01/10/2017	<u>64</u>	MOTION to continue <i>trial setting</i> by Antwanette B Howard. Suggestions in opposition/response due by 1/24/2017 unless otherwise directed by the court. (Gunter, Michael) (Entered: 01/10/2017)
01/10/2017	<u>65</u>	ORDER granting motion to continue 64 as to Antwanette B Howard (2). Accelerated Jury Trial set for 5/8/2017. Signed on 1/10/17 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 01/10/2017)
01/17/2017	<u>66</u>	PRO SE MOTION for Reconsideration Of Reinstatement Of Bond by

		<p style="text-align: right;">A-068</p> <p>Antwanette B Howard. Suggestions in opposition/response due by 1/31/2017 unless otherwise directed by the court. (Watson, Olivette) (Entered: 01/17/2017)</p>
01/18/2017	67	ORDER - Defendant Antwanette B. Howards Motion for Reconsideration of Reinstatement of Bond (Doc. 66) is DENIED. A copy of this Order was sent, via U.S. Mail, to defendant at her last known address. Signed on 01/18/2016 by District Judge Dean Whipple. (Willis, Kathy) (Entered: 01/18/2017)
01/19/2017	68	Minute Entry for proceedings held before District Judge Dean Whipple: CHANGE OF PLEA HEARING held on 1/19/2017. Plea entered as to Darryl A Smith (1) Guilty to Counts 1, 2, 3, & 5. Time in court: 1:35 pm to 2:30 pm. To order a transcript of this hearing please contact Barbara Barnard, 816-512-5622. (Enss, Rhonda) (Entered: 01/19/2017)
01/19/2017	69	PLEA AGREEMENT as to Darryl A Smith (McCarther, Jeffrey) (Entered: 01/19/2017)
01/24/2017	70	MOTION for release from custody by Antwanette B Howard. Suggestions in opposition/response due by 2/7/2017 unless otherwise directed by the court. (Gunter, Michael) (Entered: 01/24/2017)
01/30/2017	71	MOTION to compel <i>Enforcement of the plea bargain</i> by Antwanette B Howard. Suggestions in opposition/response due by 2/13/2017 unless otherwise directed by the court. (Attachments: # 1 Exhibit 1)(Gunter, Michael) (Entered: 01/30/2017)
01/30/2017	72	SUGGESTIONS in support by Antwanette B Howard re 71 MOTION to compel <i>Enforcement of the plea bargain</i> (Gunter, Michael) (Entered: 01/30/2017)
02/10/2017	73	SUGGESTIONS in opposition by USA as to Antwanette B Howard re 71 MOTION to compel <i>Enforcement of the plea bargain</i> . Reply suggestions due by 2/24/2017 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 02/10/2017)
02/10/2017	74	ORDER - Defendant Antwanette B. Howards Motion to Reconsider the Courts Order of Detention (Doc. 70) is DENIED. Signed on 02/10/2017 by District Judge Dean Whipple. (Willis, Kathy) (Entered: 02/10/2017)
02/14/2017	75	NOTICE OF HEARING as to Antwanette B Howard. This is the official notice for this hearing. Motion Hearing re: Doc. No. 71 set for 2/22/2017 at 9:00 AM in Courtroom 8B, Kansas City (DW) before District Judge Dean Whipple. Signed on 2/14/17 by District Judge

		Dean Whipple. This is a TEXT ONLY ENTRY. No document is attached. (Enss, Rhonda) (Entered: 02/14/2017)
02/22/2017	<u>76</u>	Minute Entry for proceedings held before District Judge Dean Whipple: MOTION HEARING as to Antwanette B Howard held on 2/22/2017. Court denies <u>71</u> defendant's MOTION to compel <i>Enforcement of the plea bargain</i> . Time in court: 9:04 am to 9:22 am. To order a transcript of this hearing please contact Barbara Barnard, 816-512-5622. (Enss, Rhonda) (Entered: 02/22/2017)
02/22/2017	<u>77</u>	GOVERNMENT'S EXHIBIT INDEX of 2/22/17 Motion Hearing as to Antwanette B Howard. (Enss, Rhonda) (Entered: 02/23/2017)
04/10/2017	<u>78</u>	ORDER: Pretrial Conference as to Antwanette B Howard is set for 4/26/2017 03:00 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Robert E. Larsen. Signed on 4/10/17 by Magistrate Judge Robert E. Larsen. (Wilson, Carol) (Entered: 04/10/2017)
04/18/2017	79	NOTICE OF HEARING as to Antwanette B Howard. This is the official notice for this hearing. Change of Plea Hearing set for 4/24/2017 at 10:00 AM in Courtroom 8B, Kansas City (DW) before District Judge Dean Whipple. Signed on 4/18/17 by District Judge Dean Whipple. This is a TEXT ONLY ENTRY. No document is attached. (Enss, Rhonda) (Entered: 04/18/2017)
04/18/2017		Pretrial Conference as to Antwanette Howard set for 4/26/2017 is cancelled. This is a TEXT ONLY ENTRY. No document is attached. (Wilson, Carol) (Entered: 04/18/2017)
04/19/2017		NOTICE OF HEARING CANCELLATION as to Antwanette B Howard. The Change of Plea scheduled for 4/24/2017 at 10:00 AM has been cancelled and will be reset at a later date. Signed on April 19, 2017 by District Judge Dean Whipple. This is a TEXT ONLY ENTRY. No document is attached. (Moore, Terri) (Entered: 04/19/2017)
04/19/2017	80	ADMINISTRATIVE TRANSFER. With the consent of the Honorable Dean Whipple, this case is randomly reassigned to the Honorable Brian C. Wimes for all further proceedings. This is a TEXT ONLY ENTRY. No document is attached. (Jones, Robin) (Entered: 04/19/2017)
05/04/2017	81	NOTICE OF HEARING as to Antwanette B Howard. This is the official notice for this hearing. Change of Plea Hearing set for 05/24/2017 at 12:45 PM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 05/04/17 by District Judge

		Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 05/04/2017)
05/04/2017	82	AMENDED NOTICE OF HEARING as to Antwanette B Howard. This is the official notice for this hearing. The Change of Plea Hearing set for 05/24/2017 at 12:45 has been RESET for 05/10/2017 at 01:00 PM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 05/04/17 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 05/04/2017)
05/10/2017	85	PLEA AGREEMENT as to Antwanette B Howard (McCarther, Jeffrey) (Entered: 05/10/2017)
05/10/2017	86	Minute Entry for proceedings held before District Judge Brian C. Wimes: CHANGE OF PLEA HEARING held on 5/10/2017. Plea entered as to Antwanette B Howard (2) Guilty Count 1, 16, 19 and 21. Sentencing set for 8/31/2017 at 9:00 a.m., in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Time in court: 1:05 p.m. to 1:20 p.m. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657. (Baldwin, Joella) (Entered: 05/10/2017)
05/12/2017	87	NOTICE OF HEARING as to Darryl A Smith. This is the official notice for this hearing. Sentencing set for 08/31/2017 at 09:30 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 05/12/17 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 05/12/2017)
08/04/2017	91	LETTER from Antwanette Howard as to Antwanette B Howard (Attachments: # 1 Envelope) (Ellis, Lindsey) (Entered: 08/04/2017)
08/10/2017	92	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Kimani I Sterling. Suggestions in opposition/response due by 8/24/2017 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 08/10/2017)
08/10/2017		Writ of Habeas Corpus ad Prosequendum issued forthwith as to Kimani I Sterling. This is a text entry only - no document is attached. (Martin, Jan) (Entered: 08/10/2017)
08/23/2017	93	ARREST WARRANT RETURNED EXECUTED on 8/18/17 as to Kimani I Sterling. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Woods, Gloria) (Entered: 08/23/2017)

08/29/2017	<u>94</u>	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: INITIAL APPEARANCE as to Kimani I Sterling held on 8/29/2017. Defendant advised of the charges, penalties and rights. Defendant will be appointed the Federal Public Defender and they will assist the defendant with filling out the Financial Affidavit (CJA 23 form) which will then be filed in ECF. Bail not set; Defendant appears on a WRIT and is therefore not eligible for BOND. Defendant remanded to the custody of the US Marshal. (Arraignment set for 9/1/2017 01:30 PM in Courtroom 6D, Kansas City (REL) before Magistrate Judge Matt J. Whitworth.) Time in court: 3:40 pm to 3:50 pm. To order a transcript of this hearing please contact Jan Martin, 816-512-5774. (Martin, Jan) (Entered: 08/30/2017)
08/29/2017	<u>95</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Kimani I Sterling. Signed on 8/29/2017 by Magistrate Judge Matt J. Whitworth.(Martin, Jan) (Entered: 08/30/2017)
08/29/2017		Attorney update in case as to Kimani I Sterling. Attorney Anita L Burns for Kimani I Sterling added. (Martin, Jan) (Entered: 08/30/2017)
08/30/2017		PRETRIAL SERVICES OFFICER Tim Hair assigned for defendant Kimani I Sterling. This is a text entry only - no document is attached. (Mills, Mary) (Entered: 08/30/2017)
08/31/2017	96	MINUTE ENTRY of proceedings held this date before District Judge Brian C. Wimes. SENTENCING continued . Dft is present, represented by retained counsel, Michael Gunter. AUSA: Jeff McCarther; Probation: Paul Sedler. Court grants defense oral motion to continue Sentencing and to file additional pleadings as stated on the record. NOTICE OF HEARING as to Antwanette B Howard. This is the official notice for this hearing. Sentencing RESET for 10/5/2017 at 2:30 p.m. in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Additional pleadings to be submitted on or before September 8, 2017. Signed on 8/31/17 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 08/31/2017)
08/31/2017	97	Minute Entry for proceedings held before District Judge Brian C. Wimes: SENTENCING held on 8/31/2017 for Darryl A Smith (1). Dft pleaded guilty to count(s) 1, 2, 3, and 5 of the Indictment on January 19, 2017 which is now accepted by the Court. Count(s) 4, 6, 7, 9-11, 13-21, 25, and 27-30 are dismissed on the motion of the United States. Counsel appearing for USA: Jeff McCarther. Counsel appearing for Defendant: Willis Toney, retained. Pretrial/Probation Officer: Paul

		<p style="text-align: right;">A-072</p> <p>Sedler. Time in court: 9:35 a.m. to 9:58 a.m. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 08/31/2017)</p>
08/31/2017	<u>98</u>	JUDGMENT and COMMITMENT as to Darryl A Smith (1). The defendant is hereby committed to the custody of the United States Federal Bureau of Prisons to be imprisoned for a total term of: 120 months as to each of counts 1, 2, 3, and 5, to be served concurrently. Upon release from imprisonment, the defendant shall be on supervised release for a term of: four (4) years on each of Counts 1, 2, 3, and 5, terms to run concurrently with mandatory, standard and special conditions imposed. MSA: \$400.00; FINE: Waived; No restitution. Dft advised of right to appeal remanded to custody of USM with recommendation for placement in the RDAP program and at the El Reno, OK facility. Signed on 8/31/17 by District Judge Brian C. Wimes.(Baldwin, Joella) (Entered: 08/31/2017)
08/31/2017	<u>99</u>	TRANSFER ORDER as to Darryl A Smith, Antwanette B Howard and Kimani I Sterling. With the consent of the Court En Banc, the referral judge for this case is hereby transferred to Magistrate Judge Matt J. Whitworth for all further proceedings. Signed on August 31, 2017 by Chief District Judge Greg Kays. (Attachments: # <u>1</u> Transfer List) (Jones, Robin) (Entered: 08/31/2017)
09/01/2017	<u>100</u>	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: ARRAIGNMENT as to Kimani I Sterling (3) Count 1,8,9-13,14,22,23,26 held on 9/1/2017. Defendant entered a plea of not guilty to each count of the indictment applicable to him. Defendant ordered committed back to custody of U.S. Marshal, and will be returned into State Custody. Written Order forthcoming. CJA counsel will be appointed for defendant due to a conflict with the Federal Public Defender's office. Case ordered set for trial on the joint criminal jury trial docket which commences October 30, 2017. Scheduling conference will be set at a later date. The Government is reminded that ECF calculates deadlines under civil rules and those deadlines do not apply to this case. Failure to file a response within 7 days of the filing of the motion, regardless of when ECF says a response is due, may result in the motion being granted as unopposed. Time in court: 11:35 am to 11:45 am. To order a transcript of this hearing please contact Jan Martin, 816-512-5774. (Martin, Jan) (Entered: 09/01/2017)
09/01/2017	<u>101</u>	ORDER APPOINTING COUNSEL UNDER CJA replacing FPD in felony proceedings as to Kimani I Sterling. Frederick A Duchardt, Jr

		A-073 for Kimani I Sterling. Signed on 9/1/2017 by Magistrate Judge Matt J. Whitworth.(Martin, Jan) (Entered: 09/01/2017)
09/11/2017	102	NOTICE OF HEARING as to Kimani I Sterling. This is the official notice for this hearing. Jury Trial as to Kimani I Sterling set for 10/30/2017 08:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Pretrial Conference as to Kimani I Sterling is set for 10/16/2017 02:00 PM in Courtroom 6D, Kansas City (MJW) before Magistrate Judge Matt J. Whitworth. Scheduling Conference set for 9/26/2017 02:15 PM in Courtroom 6D, Kansas City (MJW) before Magistrate Judge Matt J. Whitworth. Signed on 09/11/2017 by Magistrate Judge Matt J. Whitworth.(HDR) (Entered: 09/11/2017)
09/14/2017	<u>103</u>	ORDER as to Kimani I Sterling re <u>100</u> Arraignment. Defendant's oral motion to return to state custody is granted. The United States Marshal is ordered to return Defendant to state custody. Signed on 09/14/2017 by Magistrate Judge Matt J. Whitworth.(HDR) Modified on 9/15/2017 to reflect 4 certified copies of order hand delivered to the USM. (Travis, Kendra) (Entered: 09/14/2017)
09/21/2017	<u>104</u>	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Kimani I Sterling. Suggestions in opposition/response due by 10/5/2017 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 09/21/2017)
09/21/2017	<u>105</u>	ORDER granting <u>104</u> motion for Writ of Habeas Corpus ad prosequendum as to Kimani I Sterling (3) Signed on 9/21/2017 by Magistrate Judge Matt J. Whitworth. (Martin, Jan) (Entered: 09/21/2017)
09/21/2017		Writ of Habeas Corpus ad Prosequendum issued for 9/25/2017 as to Kimani I Sterling. Certified copies of writ and ORDER forwarded to the USMS for service. This is a text entry only - no document is attached.(Martin, Jan) (Entered: 09/21/2017)
09/26/2017		ORDER granting 9/26/2017 oral motion of defendant Kimani I Sterling to withdraw request for return to state custody <u>103</u> . At the 9/26/2017 Scheduling Conference defendant Sterling made an oral motion to withdraw his request for return to state custody. Upon consideration, the Court grants defendant Sterling's oral motion withdrawing his request for return to state custody. Accordingly, Defendant Kimani I Sterling is to be held in federal custody. Signed on 09/26/2017 by Magistrate Judge Matt J. Whitworth. This is a TEXT ONLY ENTRY. No document is attached. (HDR) (Entered: 09/26/2017)

09/26/2017	106	MOTION to continue <i>case for trial</i> by Kimani I Sterling. Suggestions in opposition/response due by 10/10/2017 unless otherwise directed by the court. (Attachments: # 1 Appendix Speedy Trial Right Waiver) (Duchardt, Frederick) (Entered: 09/26/2017)
09/26/2017	107	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: SCHEDULING CONFERENCE as to Kimani I Sterling held on 9/26/2017. Counsel appearing for USA: Jeffrey McCarther. Counsel appearing for Defendant: Frederick Duchardt, Jr. Defendant's counsel plans on filing a continuance motion. Defendant's counsel orally motions the court to withdraw his request for return to state custody. Order forthcoming. Time in court: 2:15 pm to 2:25 pm. To order a transcript of this hearing please contact Jan Martin, 816-512-5774. This is a TEXT ONLY ENTRY. No document is attached. (Martin, Jan) (Entered: 09/27/2017)
09/26/2017	109	SCHEDULING ORDER as to Kimani I Sterling. Signed on 09/26/2017 by Magistrate Judge Matt J. Whitworth.(HDR) (Entered: 09/27/2017)
09/27/2017	108	Writ of Habeas Corpus ad Prosequendum returned unexecuted as to Kimani I Sterling. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Travis, Kendra) (Entered: 09/27/2017)
09/27/2017	110	ORDER granting motion to continue 106 as to Kimani I Sterling (3). Accelerated Jury Trial as to Kimani I Sterling set for 12/4/2017 08:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Pretrial Conference as to Kimani I Sterling is set for 11/13/2017 02:00 PM in Courtroom 6D, Kansas City (MJW) before Magistrate Judge Matt J. Whitworth. Signed on 09/26/2017 by Magistrate Judge Matt J. Whitworth. (HDR) (Entered: 09/27/2017)
09/28/2017	111	Writ of Habeas Corpus ad Prosequendum returned unexecuted as to Kimani Sterling as defendant already in Federal custody. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Woods, Gloria) (Entered: 09/28/2017)
10/05/2017	113	Minute Entry for proceedings held before District Judge Brian C. Wimes: SENTENCING held on 10/5/2017 for Antwanette B Howard (2), Count(s) 1, 16, 19, and 21. Counts 4, 7, 12, 15, 17, 18, 20, 24, 26, 27, 28, and 29 are dismissed on the motion of the United States. Court takes up objections as stated on the record. Counsel make statements; dft makes statements. Counsel appearing for USA: Jeff McCarther.

		<p style="text-align: right;">A-075</p> <p>Counsel appearing for Defendant: Michael Gunter, Retained. Pretrial/Probation Officer: Paul Sedler. Time in court: 2:38 p.m. to 3:04 p.m. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 10/05/2017)</p>
10/05/2017	<u>114</u>	JUDGMENT and COMMITMENT as to Antwanette B Howard (2), Count(s) 1, 16, 19, and 21. The dft pleaded guilty to count(s) 1, 16, 19, and 21 of the Indictment on May 10, 2017. Dft sentenced to FBOP for 60 months as to counts 1, 16, 19, and 21, to be served concurrently; followed by 4 years' supervised release. This consists of 4 years on each of Counts 1, 16, 19, and 21, the terms to run concurrently. Mandatory, standard and special conditions are imposed. MSA: \$400.00; fine waived; no restitution. Dft advised of right to appeal; remanded to custody of USM. Signed on 10/5/17 by District Judge Brian C. Wimes.(Baldwin, Joella) (Entered: 10/05/2017)
10/20/2017	<u>115</u>	MOTION to vacate under 28 U.S.C. 2255 filed by Antwanette B Howard. (Richard, Tracey) Civil case 4:17-cv-00895-BCW opened. Modified on 10/19/2018 per order dismissing case enter this date in 4:17-CV-00895-BCW. (Baldwin, Joella). (Entered: 10/23/2017)
11/02/2017	116	*AMENDED NOTICE OF HEARING as to Kimani I Sterling.** This is the official notice for this hearing. . Pretrial Conference as to Kimani I Sterling is reset for 11/3/2017 11:15 AM in Courtroom 6D, Kansas City (MJW) before Magistrate Judge Matt J. Whitworth. This is a TEXT ONLY ENTRY. No document is attached. (Martin, Jan) (Entered: 11/02/2017)
11/03/2017	<u>117</u>	REPORT AND RECOMMENDATIONS on Plea of Guilty as to Kimani I Sterling Objections to R&R due by 11/17/2017 unless otherwise directed by the court.. Signed on 11/3/2017 by Magistrate Judge Matt J. Whitworth.(HDR) (Entered: 11/03/2017)
11/03/2017	<u>118</u>	PLEA AGREEMENT as to Kimani I Sterling (McCarther, Jeffrey) (Entered: 11/03/2017)
11/03/2017	<u>119</u>	ORDER as to Kimani I Sterling. Marshal Service is hereby ORDERED to return Kimani I. Sterling to state custody. Signed on 11/3/2017 by Magistrate Judge Matt J. Whitworth.(HDR) Modified on 11/3/2017 four certified copies of order hand delivered to USM. (Travis, Kendra) (Entered: 11/03/2017)
11/03/2017	120	NOTICE OF HEARING as to Kimani I Sterling. This is the official notice for this hearing. Sentencing set for 03/01/2018 at 09:00 AM in

		A-076 Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes.. Signed on 11/03/17 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 11/03/2017)
11/03/2017	121	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: CHANGE OF PLEA HEARING as to Kimani I Sterling held on 11/3/2017. Defendant appears to change his plea from not guilty to guilty on Count(s) 1,8 and 22 of the Indictment. Defendant advised of rights, waiver of rights by a guilty plea and maximum penalty. Plea agreement filed. Court finds defendant's plea is free & voluntary; factual basis presented. Court orders a Pre-sentence Investigation Report. ORDERED that the United States Marshal return defendant Kimani I. Sterling to state custody. It is further ORDERED that the Government ensure that defendant Kimani I. Sterling is returned to federal custody prior to any hearing that may be set in his case. Court will enter a report and recommendation Time in court: 11:10 am to 11:50 am. To order a transcript of this hearing please contact Jan Martin, 816-512-5774. (Martin, Jan) (Entered: 11/03/2017)
11/03/2017	129	Consent to Entry of Felony Plea Before Magistrate by Kimani I Sterling. (Martin, Jan) (Entered: 12/29/2017)
11/06/2017		PROBATION OFFICER Paul B. Sedler assigned to prepare presentence investigation report for defendant Kimani I Sterling. This is a text entry only - no document is attached. (Way, Quentin) (Entered: 11/06/2017)
11/07/2017	122	PRO SE MOTION for return of seized property filed by Antwanette B Howard. Suggestions in opposition/response due by 11/21/2017 unless otherwise directed by the court. (Attachments: # 1 Envelope)(Melvin, Greg) (Entered: 11/08/2017)
11/09/2017	123	ELECTRONIC TRANSCRIPT as to Kimani I Sterling of HEARING ON CHANGE OF PLEA held November 3, 2017 before Judge Matt J. Whitworth. Court Reporter: Lissa Whittaker, 816-914-3613, rapidtranscript@gmail.com. Number of pages: 26. NOTICE RE: REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.mow.uscourts.gov . Please read this policy carefully. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. Notice of Intent to File Redaction of Transcripts due by 11/16/2017 unless otherwise directed by the

court. Release of Transcript Restriction set for 2/5/2018.(Whittaker, Lissa) (Entered: 11/09/2017)

11/09/2017	124	JUDGMENT RETURNED executed as to Darryl A Smith on 10/25/17. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Woods, Gloria) (Entered: 11/09/2017)
11/15/2017	125	Writ of Habeas Corpus ad Prosequendum returned executed on 11/08/17 as to Kimani I Sterling. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Woods, Gloria) (Entered: 11/15/2017)
11/21/2017	<u>126</u>	ELECTRONIC TRANSCRIPT as to Antwanette B Howard of Change of Plea held 5/10/2017 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 16. NOTICE RE: REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.mow.uscourts.gov. Please read this policy carefully. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. Notice of Intent to File Redaction of Transcripts due by 11/28/2017 unless otherwise directed by the court. Release of Transcript Restriction set for 2/16/2018. (Halasey, Denise) (Entered: 11/21/2017)
11/21/2017	<u>127</u>	ELECTRONIC TRANSCRIPT as to Antwanette B Howard of Sentencing held 10/5/2017 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 15. NOTICE RE: REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.mow.uscourts.gov. Please read this policy carefully. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. Notice of Intent to File Redaction of Transcripts due by 11/28/2017 unless otherwise directed by the court. Release of Transcript Restriction set for 2/16/2018. (Halasey, Denise) (Entered: 11/21/2017)
12/01/2017	<u>128</u>	MOTION for Copies by Darryl A Smith. Suggestions in opposition/response due by 12/15/2017 unless otherwise directed by

		the court. (Attachments: # 1 Envelope)(Crocker, Susan) (Entered: 12/01/2017) A-078
01/03/2018	130	PRO SE MOTION for Copies by Darryl A Smith. Suggestions in opposition/response due by 1/17/2018 unless otherwise directed by the court. (Attachments: # 1 Envelope)(Crocker, Susan) (Entered: 01/03/2018)
01/11/2018	131	MOTION to withdraw as attorney by Michael Gunter. by Antwanette B Howard. Suggestions in opposition/response due by 1/25/2018 unless otherwise directed by the court. (Gunter, Michael) (Entered: 01/11/2018)
02/02/2018	132	ORDER denying 128 130 motions for copies of sentencing transcripts, plea agreement and statement of reasons as to Darryl A Smith (1). The Court having considered said motions, it is found that defendant has no matters presently pending before the Court. Copy mailed to Darryl A Smith, EL RENO FEDERAL CORRECTIONAL INSTITUTION, P.O. BOX 1500, EL RENO, OK 73036. Signed on 02/02/18 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 02/02/2018)
02/05/2018	133	PRO SE MOTION Requesting copies of court paper documents or J&C by Darryl A Smith. Suggestions in opposition/response due by 2/20/2018 unless otherwise directed by the court. (Attachments: # 1 Envelope)(Travis, Kendra) (Entered: 02/06/2018)
02/07/2018	134	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Kimani I Sterling. Document is available to applicable parties only. Authorized users enter CM/ECF login and password first for authentication. Click here for instructions. (Attachments: # 1 Supplement Transmittal Letter) (Jensen, Kay) (Entered: 02/07/2018)
02/09/2018	136	ORDER finding as moot 133 PRO SE MOTION Requesting copies of court paper documents or J&C filed by Darryl A Smith (1). Per Order 132 the Court has denied motion for copies since it is found that defendant has no matters presently pending before the Court. Signed on 02/09/18 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 02/09/2018)
02/14/2018	137	ORDER granting 131 motion to withdraw as attorney. Michael J. Gunter withdrawn from case. as to Antwanette B Howard (2) Signed on 2/14/2018 by Magistrate Judge Matt J. Whitworth. (Martin, Jan) (Entered: 02/14/2018)

02/14/2018	138	ORDER APPOINTING COUNSEL UNDER CJA A-079 appointed in other proceedings including, but not limited to probation, supervised release hearing, material witness, grand jury witness as to Antwanette B Howard.. Signed on 2/14/2018 by Magistrate Judge Matt J. Whitworth.(Martin, Jan) (Entered: 02/14/2018)
02/20/2018	139	SENTENCING MEMORANDUM by Kimani I Sterling. (Attachments: # 1 Appendix Appendix A-BOP Memorandum) (Duchardt, Frederick) (Entered: 02/20/2018)
02/26/2018	140	MOTION to continue <i>Sentencing Hearing</i> by USA as to Kimani I Sterling. Suggestions in opposition/response due by 3/12/2018 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 02/26/2018)
02/27/2018	141	ORDER granting motion to continue 140 as to Kimani I Sterling (3). The Sentencing has been RESET for 04/13/2018 at 10:00 AM in Courtroom 7D, Kansas City before District Judge Brian C. Wimes. Signed on 02/27/18 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 02/27/2018)
03/23/2018	142	SENTENCING MEMORANDUM by USA as to Kimani I Sterling (McCarther, Jeffrey) (Entered: 03/23/2018)
03/29/2018	143	OBJECTION TO SENTENCING MEMORANDUM by Kimani I Sterling. <i>with suggestions</i> (Related document 142) (Duchardt, Frederick) (Entered: 03/29/2018)
03/31/2018	144	MOTION for orders for issuance of subpoena duces tecum and for payment of costs therefor, with suggestions by Kimani I Sterling. Suggestions in opposition/response due by 4/16/2018 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 03/31/2018)
04/06/2018	145	ORDER granting 144 MOTION for orders for issuance of subpoena duces tecum as to Kimani I Sterling (3). Signed on 04/06/18 by District Judge Brian C. Wimes. (Carritt, Shelly) (Entered: 04/06/2018)
04/06/2018	146	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Kimani I Sterling. Suggestions in opposition/response due by 4/20/2018 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 04/06/2018)
04/09/2018	147	ORDER granting 146 motion for Writ of Habeas Corpus ad prosequendum as to Kimani I Sterling (3) Signed on 4/9/2018 by Magistrate Judge Matt J. Whitworth. (Martin, Jan) (Entered: 04/09/2018)

04/09/2018		Writ of Habeas Corpus ad Prosequendum issued for forthwith as to Kimani I Sterling. This is a text entry only - no document is attached. (Martin, Jan) (Entered: 04/09/2018)
04/09/2018	148	***Remark as to Kimani I Sterling: Certified copies of order 145, subpoena and USM 285 delivered to USM. Certified copies of order 147 delivered to USM on this date.(Travis, Kendra) (Entered: 04/09/2018)
04/13/2018	149	MINUTE ENTRY: Parties appear for sentencing. Court grants defense oral motion to continue sentencing as to Kimani I. Sterling. Sentencing RESET for 7/12/2018 at 9:00 a.m. in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 4/13/18 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 04/13/2018)
04/19/2018	<u>150</u>	PRO SE MOTION Requesting docket sheet and legal paperwork for Darryl A Smith. Suggestions in opposition/response due by 5/3/2018 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope) (Travis, Kendra) (Entered: 04/20/2018)
04/23/2018	151	ORDER denying <u>150</u> PRO SE MOTION Requesting docket sheet and legal paperwork as to Darryl A Smith (1). The Court having considered said motion, it is found that defendant has no matters presently pending before the Court. Signed on 04/23/18 by District Judge Brian C. Wimes. Copy mailed to Darryl A Smith, 28502-045, EL RENO FEDERAL CORRECTIONAL INSTITUTION, P.O. BOX 1500, EL RENO, OK 73036. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 04/23/2018)
05/01/2018	<u>152</u>	MOTION for return to state custody pending sentencing by Kimani I Sterling. Suggestions in opposition/response due by 5/15/2018 unless otherwise directed by the court. (Attachments: # <u>1</u> Appendix Appendix-Sterling Rights Waiver)(Duchardt, Frederick) (Entered: 05/01/2018)
05/07/2018	<u>153</u>	ORDER granting <u>152</u> MOTION for return to state custody pending sentencing as to Kimani I Sterling (3). Signed on 05/07/18 by District Judge Brian C. Wimes. (Carritt, Shelly) Modified on 5/8/2018 4 certified copies of order delivered to USM on this date. (Travis, Kendra) (Entered: 05/07/2018)
06/13/2018	154	Writ of Habeas Corpus ad Prosequendum returned executed on 5/9/18 as to Kimani I Sterling. This document contains original signatures of non attorneys and is being maintained in a paper file at the court. (Woods, Gloria) (Entered: 06/13/2018)

06/22/2018	155	Second MOTION to continue <i>case for sentencing</i> by Kimani I Sterling. Suggestions in opposition/response due by 7/6/2018 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 06/22/2018)
06/25/2018	156	ORDER granting motion to continue 155 as to Kimani I Sterling (3). Sentencing has been RESET for 08/09/2018 at 09:00 AM in Courtroom 7D, Kansas City before District Judge Brian C. Wimes. Signed on 06/25/18 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 06/25/2018)
07/19/2018	157	Second MOTION to continue <i>matter for sentencing</i> by Kimani I Sterling. Suggestions in opposition/response due by 8/2/2018 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 07/19/2018)
07/20/2018	158	ORDER granting motion to continue 157 as to Kimani I Sterling (3). Sentencing RESET from 8/9/18 to 9/4/2018 at 9:00 a.m., in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 7/20/18 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 07/20/2018)
08/12/2018	159	(Ex Parte) EX PARTE MOTION for travel authorization by Kimani I Sterling. Suggestions in opposition/response due by 8/27/2018 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 08/12/2018)
08/13/2018	160	(Ex Parte) EX PARTE MOTION for Subpoena Duces Tecum to Caldwell County Detention Center by Kimani I Sterling. Suggestions in opposition/response due by 8/27/2018 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 08/13/2018)
08/13/2018	161	ORDER EX PARTE granting 159 motion as to Kimani I Sterling (3). Signed on 08/13/18 by District Judge Brian C. Wimes. (Carritt, Shelly) (Entered: 08/13/2018)
08/13/2018	162	ORDER EX PARTE granting 160 motion as to Kimani I Sterling (3). Signed on 08/13/18 by District Judge Brian C. Wimes. (Carritt, Shelly) Modified on 8/14/2018 four certified copies of order hand delivered to USM per order of the court. (Travis, Kendra) (Entered: 08/13/2018)
08/15/2018	163	TRANSFER ORDER as to Kimani I Sterling. The referral judge for this case is hereby transferred from Magistrate Judge Matt J.

		A-082 Whitworth to the docket of Magistrate Judge Sarah W. Hays. All referral duties and authorities set out in the original Order of Reference remain in effect. Signed on 08/15/2018 by Chief District Judge Greg Kays. This is a TEXT ONLY ENTRY. No document is attached. (Wang, Zan) (Entered: 08/15/2018)
08/27/2018	164	PRESENTENCE INVESTIGATION REPORT ADDENDUM (Sealed) as to Kimani I Sterling. (Related document(s) 134) (Jensen, Kay) (Entered: 08/27/2018)
08/28/2018	165	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Kimani I Sterling. Suggestions in opposition/response due by 9/11/2018 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 08/28/2018)
08/28/2018	166	ORDER granting 165 motion for Writ of Habeas Corpus ad prosequendum as to Kimani I Sterling (3) Signed on August 28, 2018 by Magistrate Judge Sarah W. Hays. (Chorny, Traci) (Entered: 08/28/2018)
08/28/2018		Writ of Habeas Corpus ad Prosequendum issued for Tuesday, September 4, 2018, at 9:00 a.m. as to Kimani I Sterling. This is a text entry only - no document is attached. **Certified copies of the writ, motion and order have been hand-delivered to the US Marshals**. (Chorny, Traci) (Entered: 08/28/2018)
08/31/2018	167	PROPOSED EXHIBIT LIST <i>For Sentencing Hearing</i> by USA as to Kimani I Sterling (McCarther, Jeffrey) (Entered: 08/31/2018)
08/31/2018	168	PROPOSED WITNESS LIST by USA as to Kimani I Sterling (McCarther, Jeffrey) (Entered: 08/31/2018)
09/04/2018	169	TRANSFER ORDER as to Kimani I Sterling. The referral judge for this case is hereby transferred from Magistrate Judge Sarah W. Hays to the docket of Magistrate Judge Lajuana M. Counts. All referral duties and authorities set out in the original Order of Reference remain in effect. Signed on 09/04/2018 by Chief District Judge Greg Kays. (Attachments: # 1 Attachment A)(Wang, Zan) Modified on 9/4/2018 to correct judge (Jones, Robin). (Entered: 09/04/2018)
09/04/2018	170	Minute Entry for proceedings held before District Judge Brian C. Wimes: SENTENCING held on 9/4/2018 for Kimani I Sterling (3), Count(s) 1, 22, 8. The defendant pleaded guilty to counts 1, 8, and 22 of the Indictment on November 3, 2017 before a U.S. Magistrate Judge, which is accepted by the Court. Dft sentenced to FBOP for a total term of: 125 months on Counts 1, 8, and 22, to be served

		concurrently. The sentence shall be served consecutively to Case No. 1516-CR04693-01. Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years on Count 1, and 3 years on Counts 8 and 22, all terms to run concurrently. Mandatory, standard and special conditions imposed. MSA: \$300; FINE: Waived; No restitution. Counts 9-13, 14, 23 and 26 are dismissed on the motion of the United States. Dft advised of right to appeal. Remanded to custody of USM. Defense oral motion to return dft to state custody granted; motion and order to issue. Time in court: 9:12 a.m. to 2:25 p.m. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657. (Baldwin, Joella) (Entered: 09/04/2018)
09/04/2018	171	JUDGMENT and COMMITMENT as to Kimani I Sterling (3), Count(s) 1, 22, 8.Signed on 9/4/18 by District Judge Brian C. Wimes. (Baldwin, Joella) (Entered: 09/04/2018)
09/04/2018	172	GOVERNMENT'S (Sentencing) EXHIBIT INDEX as to Kimani I Sterling. (Baldwin, Joella) (Entered: 09/04/2018)
09/04/2018	173	DEFENDANT'S (Sentencing) EXHIBIT INDEX as to Kimani I Sterling. (Baldwin, Joella) (Entered: 09/04/2018)
09/04/2018	174	MOTION for Return to State Custody by Kimani I Sterling. Suggestions in opposition/response due by 9/18/2018 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 09/04/2018)
09/05/2018	175	ORDER granting 174 MOTION for Return to State Custody as to Kimani I Sterling (3). Signed on 09/05/18 by District Judge Brian C. Wimes. (Carritt, Shelly) Modified on 9/5/2018 to reflect four certified copies of this Order have been hand delivered to the U.S. Marshals Service on 9/5/18.(Ellis, Lindsey). (Entered: 09/05/2018)
09/10/2018	176	MOTION for Leave to appeal in forma pauperis by Kimani I Sterling. Suggestions in opposition/response due by 9/24/2018 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 09/10/2018)
09/13/2018	177	ORDER granting 176 motion for leave to appeal in forma pauperis as to Kimani I Sterling (3). Signed on 09/13/18 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Carritt, Shelly) (Entered: 09/13/2018)
09/13/2018	178	NOTICE OF APPEAL by Kimani I Sterling re 171 Judgment and Commitment. Filed in forma pauperis. (Duchardt, Frederick) (Entered: 09/13/2018)
09/13/2018	179	Transmission of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail as to Kimani I Sterling to US

Court of Appeals. Related Document [178](#) Notice of Appeal - Final Judgment. (Terry, Jason) (Entered: 09/13/2018)

09/13/2018	180	USCA Case Number from 8 circuit court of appeals is 18-2974 for 178 Notice of Appeal - Final Judgment filed by Kimani I Sterling as to Kimani I Sterling. Briefing schedule entered by the Court of Appeals is attached. Transcript due by 10/3/2018. (Attachments: # 1 Schedule) (Terry, Jason) (Entered: 09/13/2018)
09/19/2018	181	Writ of Habeas Corpus ad Prosequendum returned executed on 9/9/18 as to Kimani I Sterling. This document contains original signatures of non attorneys and is being maintained in a paper file at the court. (Woods, Gloria) (Entered: 09/19/2018)
09/27/2018	182	Transmitted documents on Appeal as to Kimani I Sterling to US Court of Appeals re 178 Notice of Appeal - Final Judgment (Terry, Jason) (Entered: 09/27/2018)
10/24/2018	183	MOTION for Order(SEALED) by USA as to Antwanette B Howard. Suggestions in opposition/response due by 11/7/2018 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 10/24/2018)
10/26/2018	184	EX PARTE ORDER granting 183 Motion for Order (Sealed) as to Antwanette B Howard (2). Signed on 10/26/18 by District Judge Brian C. Wimes. (Carritt, Shelly) (Entered: 10/26/2018)
10/26/2018	185	AMENDED JUDGMENT AND COMMITMENT as to Antwanette B Howard (2), Counts 1, 16, 19, 21. Amended per order entered October 26, 2018 - Doc. # 184. Dft's term of imprisonment reduced to 30 months as to each of Counts 1, 16, 19, and 21, terms to run concurrent. The remainder of the J&C remains unchanged. Signed on 10/26/18 by District Judge Brian C. Wimes.(Baldwin, Joella) (Main Document 185 replaced on 10/26/2018) (Baldwin, Joella). (Entered: 10/26/2018)
10/26/2018		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 10/26/18 as Document No. 185, Amended Judgment and Commitment. Typographical errors corrected and NEF regenerated: Incorrect defense attorney, duplicate Count 1 and to list the Judge's name; otherwise, the document remains unchanged. This is a text entry only - no document is attached. (Baldwin, Joella) (Entered: 10/26/2018)
11/05/2018	186	ELECTRONIC TRANSCRIPT as to Kimani I Sterling of Sentencing held 9/4/2018 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 148. NOTICE RE: REDACTION OF TRANSCRIPTS:

		Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.mow.uscourts.gov . Please read this policy carefully. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. Notice of Intent to File Redaction of Transcripts due by 11/13/2018 unless otherwise directed by the court. Release of Transcript Restriction set for 1/31/2019. (Halasey, Denise) (Entered: 11/05/2018)
11/05/2018	<u>187</u>	Transmitted document on Appeal as to Kimani I Sterling to US Court of Appeals re <u>178</u> Notice of Appeal - Final Judgment (Terry, Jason) (Entered: 11/05/2018)
12/20/2018	188	JUDGMENT RETURNED executed as to Antwanette B Howard on 12/10/18. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Woods, Gloria) (Entered: 12/20/2018)
03/20/2019	189	ORDER denying as moot <u>122</u> motion for order for return of property as to Antwanette B Howard (2), based on the government's e-mail response that this issue has been resolved. Signed on 3/20/19 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 03/20/2019)
03/21/2019	190	ORDER REFERRING CASE to District Judge Stephen R Bough for Re-Entry Court as to Antwanette B Howard. Signed on 3/21/19 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Diefenbach, Tracy) (Entered: 03/21/2019)
03/21/2019	191	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 3/21/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 03/21/2019)
03/22/2019	<u>193</u>	ORDER MODIFYING Conditions of Supervised Release as to Antwanette B Howard. Related document 192 Pretrial Report/Probation Memorandum. Signed on 3/22/19 by District Judge Brian C. Wimes.(Baldwin, Joella) (Entered: 03/22/2019)
04/04/2019	194	Minute Entry for proceedings held before Magistrate Judge Lajuana M. Counts: Re-Entry Court as to Antwanette B Howard held on 4/4/2019. This is a TEXT ONLY ENTRY. No document is attached (Chorny, Traci) (Entered: 04/04/2019)
04/18/2019	195	Minute Entry for proceedings held before District Judge Stephen R.

		A-086 Bough: Re-Entry Court as to Antwanette B Howard held on 4/18/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 04/18/2019)
05/02/2019	196	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 5/2/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 05/03/2019)
05/03/2019	<u>197</u>	ORDER (SEALED) as to Antwanette B Howard. Signed on 5/2/19 by District Judge Stephen R. Bough.(Diefenbach, Tracy) (Entered: 05/03/2019)
05/16/2019	198	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 5/16/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 05/16/2019)
06/06/2019	199	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 6/6/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 06/07/2019)
06/07/2019	<u>200</u>	ORDER (SEALED) as to Antwanette B Howard Signed on 6/6/19 by District Judge Stephen R. Bough.(Diefenbach, Tracy) (Entered: 06/07/2019)
06/20/2019	201	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 6/20/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 06/20/2019)
07/18/2019	202	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 7/18/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 07/18/2019)
08/01/2019	203	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 8/1/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 08/01/2019)
08/15/2019	204	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 8/15/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 08/16/2019)

09/05/2019	205	<p style="text-align: right;">A-087</p> <p>Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 9/5/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 09/05/2019)</p>
09/19/2019	206	Minute Entry for proceedings held before Magistrate Judge Lajuana M. Counts: Re-Entry Court as to Antwanette B Howard held on 9/19/2019. This is a TEXT ONLY ENTRY. No document is attached (Chorny, Traci) (Entered: 09/19/2019)
10/03/2019	207	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 10/3/2019. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 10/03/2019)
11/01/2019	<u>208</u>	JUDGMENT AND/OR OPINION of USCA as to Kimani I Sterling re <u>178</u> Notice of Appeal - Final Judgment This is a preliminary judgment and/or opinion of U.S. Court of Appeals; jurisdiction is not recovered until the mandate is issued by the appellate court. It is hereby ordered and adjudged that the judgment of the district court in this cause is reversed in part and the cause is remanded to the district court for proceedings consistent with the opinion of this court. (Attachments: # <u>1</u> Opinion)(Terry, Jason) (Entered: 11/01/2019)
11/22/2019	<u>209</u>	MANDATE of USCA as to Kimani I Sterling re <u>178</u> Notice of Appeal - Final Judgment with mandate issued on 11/22/2019. (Terry, Jason) (Entered: 11/22/2019)
11/22/2019	<u>210</u>	ORDER APPOINTING COUNSEL UNDER CJA appointed in felony proceedings as to Kimani I Sterling. Frederick A Duchardt, Jr for Kimani I Sterling. Signed on 11/22/19 by Magistrate Judge Sarah W. Hays. (Richard, Tracey) (Entered: 11/22/2019)
12/03/2019	<u>211</u>	APPLICATION FOR WRIT of Habeas Corpus ad Prosequendum as to Kimani I Sterling (Duchardt, Frederick) (Entered: 12/03/2019)
12/04/2019	<u>212</u>	ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM as to Kimani I Sterling re <u>211</u> Application for Writ of Habeas Corpus ad Prosequendum. Signed on 12/4/19 by District Judge Brian C. Wimes.(Baldwin, Joella) (Entered: 12/04/2019)
12/04/2019		Writ of Habeas Corpus ad Prosequendum issued. This is a text entry only - no document is attached.(Baldwin, Joella) (Entered: 12/04/2019)
12/04/2019	213	***Remark as to Kimani I Sterling: Certified copy of order, writ and

		A-088 USM 285 hand delivered to the USM per order of the court on this date. (Kern, Kendra) (Entered: 12/04/2019)
12/05/2019	214	Minute Entry for proceedings held before Magistrate Judge Lajuana M. Counts: Re-Entry Court as to Antwanette B Howard held on 12/5/2019. This is a TEXT ONLY ENTRY. No document is attached (Chorny, Traci) (Entered: 12/05/2019)
12/19/2019	215	NOTICE OF HEARING as to Kimani I Sterling. This is the official notice for this hearing. Resentencing set for 1/23/2020 02:00 PM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 12/19/19 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 12/19/2019)
01/09/2020	216	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 1/9/2020. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 01/10/2020)
01/13/2020	217	PRESENTENCE INVESTIGATION REPORT ADDENDUM (Sealed) as to Kimani I Sterling. Document is available to applicable parties only. Authorized users enter PACER login and password first for authentication. (Related document(s) 134) (Rawski, Sandra) (Entered: 01/13/2020)
01/13/2020	219	DELETED - At the request of counsel - filed in error - SENTENCING MEMORANDUM by Kimani I Sterling. (Duchardt, Frederick) Modified on 1/13/2020 (Baldwin, Joella). (Entered: 01/13/2020)
01/13/2020	220	SENTENCING MEMORANDUM by Kimani I Sterling. (Duchardt, Frederick) (Entered: 01/13/2020)
01/13/2020		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 1/13/2020 as Document No. 219, Sentencing Memorandum. The document has been deleted as the incorrect document was filed. Counsel has refiled the correct document as Doc. # 220. This is a text entry only - no document is attached. (Baldwin, Joella) (Entered: 01/13/2020)
01/16/2020	221	PRESENTENCE INVESTIGATION REPORT ADDENDUM (Sealed) as to Kimani I Sterling. Document is available to applicable parties only. Authorized users enter PACER login and password first for authentication. (Related document(s) 134) (Rawski, Sandra) (Entered: 01/16/2020)
01/17/2020	222	PRO SE MOTION for multiple copies by Darryl A Smith.

Suggestions in opposition/response due by 1/31/2020 unless otherwise directed by the court. (Attachments: # [1](#) Envelope)(Kern, Kendra) (Entered: 01/21/2020)

01/23/2020	223	<p>Minute Entry for proceedings held before District Judge Brian C. Wimes: RE-SENTENCING held on 1/23/2020 for Kimani I Sterling (3). Dft re-sentenced to FBOP for a total term of: 125 months on Counts 1, 8, and 22, to be served concurrently. The sentence shall be served consecutively to Case No. 1516-CR04693-01. Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years on Count 1, and 3 years on Counts 8 and 22, all terms to run concurrently. Mandatory, standard and special conditions imposed. MSA: \$300; FINE: Waived; No restitution. Counts 9-13, 14, 23 and 26 are dismissed on the motion of the United States. Dft advised of right to appeal. Remanded to custody of USM. Counsel appearing for USA: Jeff McCarther. Counsel appearing for Defendant: Fred Duchardt. Pretrial/Probation Officer: Paul Sedler. Time in court: 2:05 p.m. to 2:35 p.m. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. This is a TEXT ONLY ENTRY. No document is attached. (Baldwin, Joella) (Entered: 01/23/2020)</p>
01/23/2020	224	<p>AMENDED JUDGMENT AND COMMITMENT as to Kimani I Sterling. Signed on 1/23/2020 by District Judge Brian C. Wimes. (Kern, Kendra) (Entered: 01/23/2020)</p>
01/23/2020	225	<p>AMENDED STATEMENT OF REASONS (Sealed) as to Kimani I Sterling.</p> <p>Per United States Judicial Conference policy, only authorized recipients shall be provided a copy of the Statement of Reasons absent express prior written authorization from this Court. Distribution is limited to the applicable defense counsel, the AUSA, the Financial Litigation Unit of the U.S. Attorneys Office, and Probation/Pretrial Services. Defense counsel are specifically prohibited from providing a copy of the Statement of Reasons to any defendant for any reason. Pro se defendants are also prohibited from obtaining a copy of the Statement of Reasons.</p> <p>NOTICE: Document is available to applicable parties only. Authorized users enter PACER login and password first for authentication. The case AUSA shall forward this document to the Financial Litigation Unit of the U.S. Attorney's Office.</p>

		<p style="text-align: right;">A-090</p> <p>Signed on 1/23/2020 by District Judge Brian C. Wimes.(Kern, Kendra) (Entered: 01/23/2020)</p>
01/23/2020	226	<p>REASON FOR AMENDMENT TO JUDGMENT - Form AO 245C Sheet 8 (Sealed) as to Kimani I Sterling.</p> <p>NOTICE: This form is not for public disclosure and is filed under seal any time an amended judgment is filed.</p> <p>Signed on 1/23/2020 by District Judge Brian C. Wimes.(Kern, Kendra) (Entered: 01/23/2020)</p>
01/23/2020	227	MOTION for leave of court to proceed in forma pauperis on appeal of resentencing by Kimani I Sterling. Suggestions in opposition/response due by 2/6/2020 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 01/23/2020)
01/24/2020	228	ORDER granting 227 motion to proceed on appeal <i>informa pauperis</i> as to Kimani I Sterling (3.) Signed on 1/24/2020 by District Judge Brian C. Wimes. (Baldwin, Joella) (Entered: 01/24/2020)
01/24/2020	229	NOTICE OF APPEAL by Kimani I Sterling re 224 Amended Judgment and Commitment. Filed in forma pauperis. Filer certifies that transcripts have been or will be ordered. (Duchardt, Frederick) (Entered: 01/24/2020)
01/24/2020	230	Transmission of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail as to Kimani I Sterling to US Court of Appeals. Related Document 229 Notice of Appeal - Final Judgment. (Terry, Jason) (Entered: 01/24/2020)
01/28/2020	231	USCA Case Number from 8th Circuit Court of Appeals is 20-1177 for 229 Notice of Appeal - Final Judgment filed by Kimani I Sterling as to Kimani I Sterling. Briefing schedule entered by the Court of Appeals is attached. Transcript due by 2/18/2020. (Attachments: # 1 Schedule) (Terry, Jason) (Entered: 01/28/2020)
02/06/2020	235	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 2/6/2020. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 02/11/2020)
02/07/2020	232	ORDER (SEALED) as to Antwanette B Howard. Signed on 2/7/20 by District Judge Stephen R. Bough.(Diefenbach, Tracy) (Entered: 02/07/2020)
02/07/2020	233	PRO SE MOTION requesting copies of complaint,plea agreement and

		A-091 sentencing transcripts by Darryl A Smith. Suggestions in opposition/response due by 2/21/2020 unless otherwise directed by the court. (Attachments: # 1 Envelope)(Kern, Kendra) (Entered: 02/10/2020)
02/10/2020	234	ORDER (SEALED) as to Antwanette B Howard. Signed on 2/11/2020 by District Judge Stephen R. Bough.(Diefenbach, Tracy) (Entered: 02/11/2020)
02/18/2020	236	ELECTRONIC TRANSCRIPT as to Kimani I Sterling of Resentencing held 1/23/2020 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 19. NOTICE RE: REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.mow.uscourts.gov. Please read this policy carefully. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. Notice of Intent to File Redaction of Transcripts due by 2/25/2020 unless otherwise directed by the court. Release of Transcript Restriction set for 5/18/2020. (Halasey, Denise) (Entered: 02/18/2020)
02/19/2020	237	Transmitted documents on Appeal as to Kimani I Sterling to US Court of Appeals re 229 Notice of Appeal - Final Judgment (Terry, Jason) (Entered: 02/19/2020)
03/05/2020	238	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 3/5/2020. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 03/05/2020)
06/04/2020	239	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 6/4/2020. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 06/04/2020)
07/20/2020	240	PRO SE MOTION for compassionate release by Darryl A Smith. Suggestions in opposition/response due by 8/3/2020 unless otherwise directed by the court. (Attachments: # 1 Envelope)(Kern, Kendra) (Entered: 07/21/2020)
07/20/2020	241	PRO SE MOTION for compassionate release by Darryl A Smith. Suggestions in opposition/response due by 8/3/2020 unless otherwise

		<p style="text-align: right;">A-092</p> <p>directed by the court. (Attachments: # 1 Envelope)(Kern, Kendra) (Entered: 07/21/2020)</p>
07/21/2020		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 7/20/2020 as Document No. 240, Motion for Compassionate Release. The document has been deleted as it was filed in the incorrect case. This is a text entry only - no document is attached. (Crocker, Susan) (Entered: 07/21/2020)
07/28/2020	242	SUGGESTIONS in opposition by USA as to Darryl A Smith re 241 MOTION for compassionate release . Reply suggestions due by 8/11/2020 unless otherwise directed by the court. (McCarther, Jeffrey) (Entered: 07/28/2020)
08/06/2020	243	Minute Entry for proceedings held before District Judge Stephen R. Bough: Re-Entry Court as to Antwanette B Howard held on 8/6/2020. This is a TEXT ONLY ENTRY. No document is attached (Diefenbach, Tracy) (Entered: 08/07/2020)
08/07/2020	244	ORDER of Completion of Re-Entry Court as to Antwanette B Howard. Signed on 8/6/20 by District Judge Stephen R. Bough. (Diefenbach, Tracy) (Entered: 08/07/2020)
12/22/2020	245	<p>Order on Motion for Sentence Reduction (Compassionate Release) as to Darryl A Smith. DENIED after complete review of the motion on the merits. Signed on 12/22/20 by District Judge Brian C. Wimes. (Kern, Kendra)</p> <p>Copy of order mailed to: Darryl A Smith 28502-045 LEWISBURG U.S. PENITENTIARY Inmate Mail/Parcels P.O. BOX 1000 LEWISBURG, PA 17837. (Entered: 12/22/2020)</p>
02/01/2021	246	<p>ELECTRONIC TRANSCRIPT as to Darryl A Smith of Sentencing held 8-31-2017 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 16. NOTICE REGARDING REDACTION OF TRANSCRIPTS: If redaction is determined to be necessary, each party shall inform the Court, by filing a Notice of Intent to Redact within 7 calendar days of this filing, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The redaction policy is located on our website at www.mow.uscourts.gov. Please read this policy carefully.</p> <p>If necessary, Notice of Intent to Redact is due by 2/8/2021 unless otherwise directed by the court. Notice of Items to be Redacted is</p>

A-093
due by 2/22/2021 unless otherwise directed by the court. Release of Transcript Restriction set for 5/3/2021. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.

(Halasey, Denise) (Entered: 02/01/2021)

07/22/2021	247	JUDGMENT AND/OR OPINION of USCA as to Kimani I Sterling re 229 Notice of Appeal - Final Judgment This is a preliminary judgment and/or opinion of U.S. Court of Appeals; jurisdiction is not recovered until the mandate is issued by the appellate court. It is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court. (Attachments: # 1 Opinion)(Terry, Jason) (Entered: 07/22/2021)
08/31/2021	248	MANDATE of USCA as to Kimani I Sterling re 229 Notice of Appeal - Final Judgment with mandate issued on 08/31/2021. (Terry, Jason) (Entered: 08/31/2021)

PACER Service Center			
Transaction Receipt			
11/17/2021 17:45:17			
PACER Login:	fduchardt	Client Code:	
Description:	Docket Report	Search Criteria:	4:15-cr-00408-BCW
Billable Pages:	30	Cost:	3.00
Exempt flag:	Exempt	Exempt reason:	Exempt CJA

**General Docket
Eighth Circuit Court of Appeals**

Court of Appeals Docket #: 20-1177 **Docketed:** 01/28/2020
United States v. Kimani Sterling **Termed:** 07/22/2021
Appeal From: U.S. District Court for the Western District of Missouri - Kansas City
Fee Status: In Forma Pauperis

Case Type Information:

- 1) Criminal
- 2) Direct Criminal
- 3) null

Originating Court Information:

District: 0866-4 : [4:15-cr-00408-BCW-3](#)

Court Reporter: Denise Catherine Halasey, Court Reporter

Court Reporter: Jan Martin, Court Reporter

Trial Judge: Brian C. Wimes, U.S. District Judge

Magistrate: Matt Jeffrey Whitworth, U.S. Magistrate Judge

Date Filed: 12/16/2015

Date Order/Judgment:

01/23/2020

Date NOA Filed:

01/24/2020

Date Rec'd COA:

01/24/2020

Prior Cases:

[18-2974](#) **Date Filed:** 09/13/2018 **Date Disposed:** 11/01/2019 **Disposition:** Reversed and Remanded

Current Cases:

None

United States of America
Plaintiff - Appellee

John Benton Hurst, Assistant United States Attorney
Direct: 816-426-3122
[NTC Asst. U.S. Atty]
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400 E. Ninth Street
Kansas City, MO 64106-2149

V.

Kimani I. Sterling (State Prisoner: 1242146)
Defendant - Appellant

Frederick A. Duchardt, Jr.
Direct: 816-213-0782
[NTC CJA Appointment]
P.O. Box 216
Trimble, MO 64492

Kimani I. Sterling
[NTC Pro Se]
JEFFERSON CITY CORRECTIONAL CENTER
8200 No More Victims Road
Jefferson City, MO 65101-0000

United States of America

Plaintiff - Appellee

v.

Kimani I. Sterling

Defendant - Appellant

01/28/2020	<input type="checkbox"/>	CRIMINAL case docketed. [4875220] [20-1177] (CJO) [Entered: 01/28/2020 08:24 AM] 4 pg, 108.3 KB
01/28/2020	<input type="checkbox"/>	Originating court document filed consisting of notice of appeal, docket entries, Report and Recommendation dated 11/03/2017, Judgment dated 09/04/2018, and Amended Judgment dated 01/23/2020. [4875252] [20-1177] (CJO) [Entered: 01/28/2020 08:59 AM]
01/28/2020	<input type="checkbox"/>	CLERK ORDER:Appointing Mr. Frederick A. Duchardt, Jr. for Mr. Kimani I. Sterling under the Criminal Justice Act. [4875262] [20-1177] (CJO) [Entered: 01/28/2020 09:08 AM]
01/28/2020	<input type="checkbox"/>	CRIMINAL BRIEFING SCHEDULE SET AS FOLLOWS: PSI report due 02/18/2020. Transcript due 02/18/2020. Brief of appellant Kimani I. Sterling due 03/03/2020. Appellee(s) brief is due 21 days from the date the court issues the Notice of Docket Activity filing the appellant(s) brief. Appellant reply brief is due 7 days from the date the court issues the Notice of Docket Activity filing the appellee's brief. [4875267] [20-1177] (CJO) [Entered: 01/28/2020 09:13 AM]
03/02/2020	<input type="checkbox"/>	APPEARANCE filed by Jeffrey Q. McCarther for Appellee United States of America w/service 03/02/2020 [4886763] [20-1177] (JQM) [Entered: 03/02/2020 02:36 PM]
03/03/2020	<input type="checkbox"/>	MOTION for extension of time to file brief until 03/31/2020, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling w/service 03/03/2020. [4887504] [20-1177] (FAD) [Entered: 03/03/2020 07:48 PM]
03/04/2020	<input type="checkbox"/>	CLERK ORDER:Granting in Part [4887504-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr. [4887533] Brief of Kimani I. Sterling due 03/24/2020 [4887533] [20-1177] (CRJ) [Entered: 03/04/2020 08:13 AM]
03/04/2020	<input type="checkbox"/>	RECORD FILED - RESENT TRANS, 1 volumes, Location STL, Comments: Copy do not return to the District Court at end of case, Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 01/23/2020, No. of Pgs.: 19, Court Reporter: Halasey, Denise Catherine [4887867] [20-1177] (STL) [Entered: 03/04/2020 02:25 PM]
03/04/2020	<input type="checkbox"/>	RECORD FILED - SEALED PSI REPORT, 1 volumes, Location STL, Comments: 1 volume, 3 copies of Sealed PSI Report and Addendums, Source Location: USDC / WMKC [4887868] [20-1177] (STL) [Entered: 03/04/2020 02:26 PM]
03/23/2020	<input type="checkbox"/>	MOTION for extension of time to file brief until 03/27/2020, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling w/service 03/23/2020. [4894665] [20-1177] (FAD) [Entered: 03/23/2020 08:24 PM]
03/24/2020	<input type="checkbox"/>	CLERK ORDER: Granting [4894665-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr. Brief of Kimani I. Sterling due 03/27/2020. [4894685] [20-1177] (HAG) [Entered: 03/24/2020 08:05 AM]
03/27/2020	<input type="checkbox"/>	APPELLANT brief of Mr. Kimani I. Sterling submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. Only direct recipients on accounts can open this document. [4896608] [20-1177] (FAD) [Entered: 03/27/2020 03:38 PM]
03/27/2020	<input type="checkbox"/>	Addendum of APPELLANT submitted for review by Mr. Kimani I. Sterling. To open/view this addendum, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4896613] [20-1177] (FAD) [Entered: 03/27/2020 03:41 PM]
03/27/2020	<input type="checkbox"/>	Brief deficiency notice sent to counsel, Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling. [4896626] [20-1177] (CRJ) [Entered: 03/27/2020 04:00 PM]
03/27/2020	<input type="checkbox"/>	APPELLANT brief of Mr. Kimani I. Sterling submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. Only direct recipients on accounts can open this document. [4896638] [20-1177]--[Edited 03/30/2020 by CRJ]This entry was edited to correct the type of brief submitted. (FAD) [Entered: 03/27/2020 04:26 PM]
03/27/2020	<input type="checkbox"/>	Addendum of APPELLANT submitted for review by Mr. Kimani I. Sterling. To open/view this addendum, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [4896674] [20-1177] (FAD) [Entered: 03/27/2020 08:08 PM]
03/30/2020	<input type="checkbox"/>	ADDENDUM of APPELLANT FILED by Appellant Mr. Kimani I. Sterling , w/service 03/30/2020 [4896756] [20-1177] (CRJ) [Entered: 03/30/2020 09:26 AM]
03/30/2020	<input type="checkbox"/>	Brief deficiency notice sent to counsel, Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling. [4896761] [20-1177] (CRJ) [Entered: 03/30/2020 09:31 AM]

1 pg, 101.11 KB	
03/30/2020	<input type="checkbox"/>  25 pg, 87.53 KB
	APPELLANT brief of Mr. Kimani I. Sterling submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. Only direct recipients on accounts can open this document. [4896807] [20-1177]--[Edited 03/30/2020 by CRJ]This entry was edited to correct the type of brief submitted. (FAD) [Entered: 03/30/2020 10:20 AM]
03/30/2020	<input type="checkbox"/>  25 pg, 87.53 KB
	BRIEF FILED - APPELLANT BRIEF filed by Mr. Kimani I. Sterling. w/service 03/30/2020 , Length: 5,258 words Appellee brief due on 04/20/2020. [4896822] [20-1177] (CRJ) [Entered: 03/30/2020 10:42 AM]
04/01/2020	<input type="checkbox"/>  1 pg, 107.97 KB
	APPEARANCE filed by J. Benton Hurst for Appellee United States of America w/service 04/01/2020 [4898056] [20-1177] (JBH) [Entered: 04/01/2020 12:53 PM]
04/17/2020	<input type="checkbox"/>  4 pg, 93.93 KB
	MOTION for extension of time to file brief until 05/11/2020, filed by Attorney Mr. John Benton Hurst for Appellee United States of America w/service 04/17/2020. [4904198] [20-1177] (JBH) [Entered: 04/17/2020 03:38 PM]
04/20/2020	<input type="checkbox"/>  1 pg, 8.78 KB
	CLERK ORDER:Granting [4904198-2] motion for extension of time to file brief filed by Mr. John Benton Hurst. Brief of United States of America due 05/11/2020. [4904336] [20-1177] (LMT) [Entered: 04/20/2020 08:27 AM]
05/11/2020	<input type="checkbox"/>  46 pg, 397.66 KB
	APPELLEE brief of United States of America submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. Only direct recipients on accounts can open this document. [4911924] [20-1177] (JBH) [Entered: 05/11/2020 03:02 PM]
05/12/2020	<input type="checkbox"/>  46 pg, 397.66 KB
	BRIEF FILED - APPELLEE BRIEF filed by United States of America, w/service 05/12/2020. Length: 7,466 words. Kimani I. Sterling's reply brief due 05/19/2020. [4912387] [20-1177] (BNW) [Entered: 05/12/2020 11:53 AM]
05/21/2020	<input type="checkbox"/>
	MOTION for extension of time to file brief until 06/01/2020, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling w/service 05/21/2020. [4915332] [20-1177]--[Edited 05/21/2020 by CRJ Reason: Counsel has submitted a new motion with the correct requested extension date. See docket# 4915443.] (FAD) [Entered: 05/21/2020 07:37 AM]
05/21/2020	<input type="checkbox"/>  4 pg, 28.78 KB
	MOTION for extension of time to file brief until 06/01/2020, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling w/service 05/21/2020. [4915443] [20-1177] (FAD) [Entered: 05/21/2020 11:18 AM]
05/21/2020	<input type="checkbox"/>  1 pg, 8.94 KB
	CLERK ORDER:Granting [4915443-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr.. Reply brief of Kimani I. Sterling due 06/01/2020 [4915491] [20-1177] (CRJ) [Entered: 05/21/2020 12:58 PM]
06/01/2020	<input type="checkbox"/>  3 pg, 27.14 KB
	MOTION for extension of time to file brief until 06/03/2020, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling w/service 06/01/2020. [4918866] [20-1177] (FAD) [Entered: 06/01/2020 01:41 PM]
06/01/2020	<input type="checkbox"/>  1 pg, 8.94 KB
	CLERK ORDER:Granting [4918866-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr.. Reply brief of Kimani I. Sterling due 06/03/2020 [4918880] [20-1177] (CRJ) [Entered: 06/01/2020 02:30 PM]
06/03/2020	<input type="checkbox"/>  3 pg, 27.49 KB
	MOTION for extension of time to file brief until 06/05/2020, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Kimani I. Sterling w/service 06/03/2020. [4919722] [20-1177] (FAD) [Entered: 06/03/2020 12:26 PM]
06/03/2020	<input type="checkbox"/>  1 pg, 8.94 KB
	CLERK ORDER:Granting [4919722-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr.. Reply brief of Kimani I. Sterling due 06/05/2020 [4919859] [20-1177] (CRJ) [Entered: 06/03/2020 03:22 PM]
06/05/2020	<input type="checkbox"/>  24 pg, 87.98 KB
	REPLY brief of Mr. Kimani I. Sterling submitted for review. The time for filing the subsequent brief (if any) does not begin to run until the brief has been approved and filed. To open/view this brief, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. Only direct recipients on accounts can open this document. [4920788] [20-1177] (FAD) [Entered: 06/05/2020 01:45 PM]
06/05/2020	<input type="checkbox"/>  24 pg, 87.98 KB
	BRIEF FILED - APPELLANT REPLY BRIEF filed by Mr. Kimani I. Sterling. w/service 06/05/2020 , Length: 5,412 words [4920909] [20-1177] (CRJ) [Entered: 06/05/2020 04:11 PM]
07/15/2020	<input type="checkbox"/> 
	Paper copies Appellant/Petitioner Brief, [4896822-2] filed by Mr. Kimani I. Sterling 11 paper copies

1 pg, 103.46 KB

received. w/Addendum attached
Paper brief deficiency due 07/27/2020.-SEE ATTACHED NOTICE [4935571] [20-1177] (AMT)
[Entered: 07/20/2020 01:59 PM]

07/15/2020	<input type="checkbox"/> 	1 pg, 103.8 KB	RECORD FILED - JOINT APPENDIX, 1 volumes, Comments: 3 Copies Record Deficiency due on 07/27/2020.- SEE ATTACHED NOTICE [4935580] [20-1177] (AMT) [Entered: 07/20/2020 02:05 PM]
07/15/2020	<input type="checkbox"/>		Paper copies Reply brief, [4920909-2] filed by Mr. Kimani I. Sterling 11 paper copies received. [4935591] [20-1177] (AMT) [Entered: 07/20/2020 02:11 PM]
07/21/2020	<input type="checkbox"/> 	1 pg, 12.79 KB	CORRECTED/INITIAL certificate of service for Paper Brief, Doc No. [4935591-2], Court Record, Doc No. [4935580-2], Paper Brief, Doc No. [4935571-2], filed by Appellant Mr. Kimani I. Sterling [4936235] [20-1177] (FAD) [Entered: 07/21/2020 01:53 PM]
07/30/2020	<input type="checkbox"/>		Paper copies Appellee brief, [4912387-2] filed by United States of America. 10 paper copies received. [4940818] [20-1177] (BNW) [Entered: 07/31/2020 03:00 PM]
05/14/2021	<input type="checkbox"/>		SET FOR NO ARGUMENT - CASE PLACED ON St. Louis CALENDAR <i>for No Argument submission on Friday, June 18, 2021 to Judges James B. Loken, Jane Kelly and Ralph R. Erickson</i> . For the complete calendar go to Click Here for the Complete Calendar Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG. Please review the entire calendar carefully, particularly the Notice to All Counsel page. [20-1177] (JMM) [Entered: 05/14/2021 09:23 AM]
06/18/2021	<input type="checkbox"/>		CASE SUBMITTED On the briefs without oral argument (on calendar) before Judges James B. Loken, Jane Kelly, Ralph R. Erickson in St. Louis [5046854] [20-1177] (JMM) [Entered: 06/21/2021 09:48 AM]
07/22/2021	<input type="checkbox"/> 	4 pg, 218.85 KB	PER CURIAM OPINION FILED - THE COURT: James B. Loken, Jane Kelly and Ralph R. Erickson (UNPUBLISHED) [5057408] [20-1177] (HAG) [Entered: 07/22/2021 08:13 AM]
07/22/2021	<input type="checkbox"/> 	2 pg, 191.03 KB	JUDGMENT FILED - The judgment of the Originating Court is AFFIRMED in accordance with the opinion of this Court. JAMES B. LOKEN, JANE KELLY and RALPH R. ERICKSON Hrg June 2021 [5057410] [20-1177] (HAG) [Entered: 07/22/2021 08:17 AM]
08/03/2021	<input type="checkbox"/> 	12 pg, 53.17 KB	PETITION for enbanc rehearing and also for rehearing by panel filed by Appellant Mr. Kimani I. Sterling w/service 08/03/2021 [5061833] [20-1177] (FAD) [Entered: 08/03/2021 03:13 PM]
08/24/2021	<input type="checkbox"/> 	1 pg, 76.62 KB	JUDGE ORDER:Denying [5061833-2] petition for enbanc rehearing filed by Appellant Mr. Kimani I. Sterling. The petition for panel rehearing is also denied. Hrg June 2021 [5068420] [20-1177] (CRJ) [Entered: 08/24/2021 07:27 AM]
08/31/2021	<input type="checkbox"/> 	1 pg, 78.57 KB	MANDATE ISSUED. [5071163] [20-1177] (CRJ) [Entered: 08/31/2021 09:14 AM]

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APPENDIX 9

CERTIFICATE OF SERVICE

It is hereby certified that paper and electronic copies of this Appendix were dispatched to the following on this 18th day of November, 2021

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