

No. _____

In The
Supreme Court of the United States

RYAN KENNETH RICHMOND,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

**APPENDIX TO
PETITION FOR WRIT OF CERTIORARI**

Michael W. Patrick, N.C. State Bar #7956
Counsel of Record
LAW OFFICE OF MICHAEL W. PATRICK
100 Timberhill Place, Suite 127
Post Office Box 16848
Chapel Hill, North Carolina 27516
(919) 960-5848 – Telephone
(919) 869-1348 – Facsimile
mpatrick@ncproductslaw.com

Counsel for Petitioner

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FILED: October 19, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-4077
(1:20-cr-00146-CCE-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RYAN KENNETH RICHMOND, a/k/a Rich,

Defendant - Appellant.

O R D E R

Ryan Kenneth Richmond seeks to appeal his sentence. The Government has moved to dismiss the appeal as barred by Richmond's waiver of the right to appeal included in the plea agreement. Upon review of the plea agreement and the transcript of the Fed. R. Crim. P. 11 hearing, we conclude that Richmond knowingly and voluntarily waived his right to appeal and that the issues Richmond seeks to raise on appeal fall squarely within the scope

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of his waiver of appellate rights.* Accordingly, we grant the Government's motion to dismiss.

Entered at the direction of Judge Motz and Judge King. Judge Thacker would defer ruling until the merits briefing.

For the Court

/s/ Patricia S. Connor, Clerk

* We reject Richmond's argument, premised on *United States v. Goodman*, 165 F.3d 169, 174-75 (2d Cir. 1999), that the appellate waiver should not be enforced because he did not receive a sufficient benefit in exchange for his promise not to appeal. The binding precedent in this Circuit is contrary to *Goodman*, and Richmond's argument. *See United States v. Archie*, 771 F.3d 217, 221 (4th Cir. 2014) ("[T]he [appeal] waiver will be enforced . . . if . . . the issue being appealed is within the scope of the waiver."); *United States v. Manigan*, 592 F.3d 621, 627 ("[W]e will enforce [a waiver of appellate rights] if it is valid and if the issue sought to be appealed is within its scope.").

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UNITED STATES OF AMERICA

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Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in
accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

APPENDIX B