

Exhibit A

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. RAMONE L. WRIGHT, Defendant-Appellant.

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

2017 U.S. App. LEXIS 27477

No. 17-3642

September 1, 2017, Filed

Editorial Information: Subsequent History

Post-conviction proceeding at, Magistrate's recommendation at, Stay granted by, Motion granted by Wright v. United States, 2018 U.S. Dist. LEXIS 66907, 2018 WL 1899293 (S.D. Ohio, Apr. 20, 2018)Magistrate's recommendation at, Post-conviction proceeding at United States v. Wright, 2019 U.S. Dist. LEXIS 78554, 2019 WL 2058681 (S.D. Ohio, May 9, 2019)Habeas corpus proceeding at, Magistrate's recommendation at Wright v. United States, 2021 U.S. Dist. LEXIS 38395, 2021 WL 1795315 (S.D. Ohio, Mar. 2, 2021)Habeas corpus proceeding at, Magistrate's recommendation at Wright v. Franklin County Mun. Court, 2021 U.S. Dist. LEXIS 181716, 2021 WL 4321101 (S.D. Ohio, Sept. 23, 2021)Motion granted by Thornton v. Forshey, 2021 U.S. App. LEXIS 30954 (6th Cir., Oct. 14, 2021)Post-conviction proceeding at, Motion denied by In re Wright, 2022 U.S. App. LEXIS 15123 (6th Cir., June 1, 2022)Post-conviction proceeding at, Motion denied by In re Wright, 2022 U.S. App. LEXIS 21254 (6th Cir., Aug. 1, 2022)Writ of habeas corpus dismissed, Without prejudice Wright v. Henry, 2022 U.S. Dist. LEXIS 144859 (N.D. Ohio, Aug. 12, 2022)Post-conviction proceeding at, Motion denied by In re Wright, 2022 U.S. App. LEXIS 34946 (6th Cir., Dec. 16, 2022)

Counsel {2017 U.S. App. LEXIS 1}For United States of America, Plaintiff - Appellee: David Joseph Bosley, Office of the U.S. Attorney, Columbus, OH.

Ramone L. Wright, Defendant - Appellant, Pro se, Inez, KY.

Judges: Before: GIBBONS, SUTTON, and THAPAR, Circuit Judges.

Opinion

ORDER

Defendant Ramone L. Wright appeals the sentence imposed by the district court pursuant to his guilty plea to charges of interstate robbery and brandishing a firearm during the commission of an offense of violence. On June 23, 2017, an order was entered directing him to show cause why his appeal should not be dismissed as untimely. In his pro se response, Wright claims that he instructed his trial counsel to file a timely notice of appeal, but that counsel ignored his request.

In a criminal case, a defendant's notice of appeal must be filed in the district court within 14 days after entry of the judgment or the order being appealed. Fed. R. App. P. 4(b)(1)(A)(i). "Final judgment in a criminal case means sentence. The sentence is the judgment." *Berman v. United States*, 302 U.S. 211, 212, 58 S. Ct. 164, 82 L. Ed. 204 (1937). Wright was sentenced on February 13, 2017, to a total term of 180 months' imprisonment. His pro se notice of appeal was filed on June 14, 2017, after the 14-day criminal appeal deadline had expired.

Rule 4(b), which is the source of the 14-day filing deadline, {2017 U.S. App. LEXIS 2} is not

established by statute. Therefore, it is not jurisdictional in nature but is rather a claim-processing rule. *United States v. Gaytan-Garza*, 652 F.3d 680, 681 (6th Cir. 2011). We nevertheless have the authority to dismiss untimely appeals *sua sponte* if "the important judicial interests of finality of convictions and efficient administration of claim processing" are implicated. *Id.* These interests are implicated in this case: Wright's appeal is approximately four months late, and he has not met any of the Appellate Rule 4(b) requirements for filing a late notice of appeal. See e.g., Fed. R. App. P. 4(b)(3), (4); *United States v. Brown*, 817 F.3d 486, 489 (6th Cir. 2016).

Accordingly, this appeal is **DISMISSED** *sua sponte* without prejudice to any remedy Wright may have under 28 U.S.C. § 2255.

1 However, this is an 11(c)(1)(C) plea and so if I accept a
2 guilty plea then I am bound to sentence accordingly. Do you
3 understand?

Exhibit A1

4 THE DEFENDANT: Uh-huh.

5 THE COURT: I need a yes.

6 THE DEFENDANT: Yes.

7 THE COURT: Thank you. Are you on any medication as
8 you sit here today?

9 THE DEFENDANT: Remeron.

10 THE COURT: Tell me what it is.

11 THE DEFENDANT: Remeron.

12 THE COURT: Does it affect your ability to understand
13 the nature of these proceedings?

14 THE DEFENDANT: No, sir.

15 MR. DURKIN: Your Honor, may I have a moment?

16 THE COURT: Yes.

17 MR. DURKIN: Your Honor, Mr. Wright would like to
18 address the Court.

19 THE COURT: Very good.

20 THE DEFENDANT: I want to plead not guilty. I want to
21 change my plea, sir.

22 THE COURT: Ramone, this is not a game. I'm going to
23 set a trial date and we're going to go to trial if that's what
24 you intend to do.

25 THE DEFENDANT: Okay.

1 THE COURT: Do you know how strong the evidence is
2 against you?

Exhibit B2

3 THE DEFENDANT: I haven't seen none of the evidence.
4 He said it's a Jencks Act, wait a couple days before trial was
5 beginning to start.

6 THE COURT: Well, here's the deal. I assume you've
7 turned over all Jencks, haven't you?

8 MR. BOSLEY: We have given -- I think Kevin has all
9 the statements of the people. We haven't given them the latest
10 on Mr. Satterwhite's proffer, but everything else he has.

11 THE DEFENDANT: I never saw Nu's proffer neither, sir.

12 THE COURT: What's that?

13 THE DEFENDANT: I never saw Nu's proffer either.

14 THE COURT: I can't hear that.

15 MR. BOSLEY: He hasn't got Mr. Nu's proffer yet
16 either, Your Honor, is what he's saying.

17 THE DEFENDANT: No police statements or nothing of
18 that nature neither, sir.

19 THE COURT: Look, if you want to go through that, we
20 can do that.

21 THE DEFENDANT: I've been asking since I've been
22 incarcerated.

23 THE COURT: You've been changing your mind several
24 times and while you're being evaluated you've been malingering.
25 So we're going to go to trial and if you're convicted, you're

1 looking at a long time. Do you understand that?

2 THE DEFENDANT: I still want to weigh my options
3 before I go to trial.

4 THE COURT: You don't get that. You're either going
5 to trial or you're doing this plea today. That's the way it
6 is. So make up your mind. If you want a moment to talk with
7 Mr. Durkin, take it. I'll be back. I'm done playing,
8 Mr. Wright.

9 (Recess taken from 10:35 a.m. to 10:45 a.m.)

10 THE COURT: What's it going to be, Ramone?

11 MR. DURKIN: Your Honor, we'd like to proceed with the
12 change of plea hearing.

13 MR. BOSLEY: Your Honor, if I can say something. I
14 went over while you were out and I did tell Mr. Wright, I said,
15 if you didn't do this, you should plead not guilty and go to
16 trial. But if you committed these crimes, this is as good as
17 it was ever going to get. It's time to get it over with today.
18 So I just want to put that -- in the presence of Mr. Durkin.
19 Is that correct, Mr. Durkin?

20 MR. DURKIN: It is. And I certainly had no problem
21 with him speaking to Mr. Wright.

22 THE COURT: Ramone, are we going forward?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: I'm going to be asking you if you're doing
25 this of your own free will and volition. Do you understand?