

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA

Respondent

v.

JUAN GUZMAN

Petitioner

*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 TABLE OF CONTENTS

	Table of Contents	002
1	Eighth Circuit Opinion	003-011
2	Determination upon Motion for Rehearing	012-013
3	Indictment (Doc. 16)	014-022
4	Judgment (Doc. 381)	023-029
5	Notice of Appeal (Doc. 392)	030-033
6	District Court Docket Sheets	034-076
7	Eighth Circuit Docket Sheets	077-085
8	Certificate of Service and Compliance	086-087

APPENDIX 1

80 F.4th 883

United States Court of Appeals, Eighth Circuit.

UNITED STATES of
America, Plaintiff-Appellee,

v.

Maria DE LA CRUZ NAVA, also known as
Maria De La Cruz-Nava, Defendant-Appellant.

United States of America, Plaintiff-Appellee,

v.

Juan Guzman, also known as Juan Villarreal-

Guzman, also known as Juan Guzman-

Villareal, also known as Victor Nava, also

known as Francisco Lara, also known

as Francisco Lara-Paramo, also known

as Ayala Ramoro, also known as Carlos

Solorio, also known as Daniel Solorio,
also known as Flaco, Defendant-Appellant.

No. 22-2914, No. 22-2966

Submitted: April 12, 2023

Filed: September 6, 2023

Synopsis

Background: Defendants were convicted in the United States District Court for the Western District of Missouri, Brian C. Wimes, J., of conspiracy to distribute methamphetamine, conspiracy to commit money laundering, and possession of firearms in furtherance of a drug trafficking crime, and male defendant was also convicted of illegal re-entry. Defendants appealed.

Holdings: The Court of Appeals, Erickson, Circuit Judge, held that:

[1] evidence was sufficient to support conviction for conspiracy to distribute methamphetamine;

[2] remand to allow the district court to reconsider defendant's motion for a new trial on the drug trafficking conspiracy and related firearms charges was warranted;

[3] district court did not abuse its discretion when it denied defendant's request to allow alibi witnesses, who were Mexican nationals, to testify by online video platform; and

[4] evidence of defendant's prior assault with a firearm was admissible to establish defendant's knowledge of firearms and intent to use them.

Affirmed in part and reversed in part.

West Headnotes (13)

[1] **Criminal Law** ⚡ Review De Novo

Criminal Law ⚡ Construction of Evidence

Court of Appeals reviews claim of insufficiency of evidence de novo while viewing evidence in light most favorable to verdict.

[2] **Criminal Law** ⚡ Reasonable doubt

Reversal is appropriate, based on insufficiency of the evidence, only where no reasonable jury could have found defendant guilty beyond reasonable doubt.

[3] **Criminal Law** ⚡ Reasonable doubt

Criminal Law ⚡ Circumstantial evidence

Court of Appeals upholds jury verdict if there is at least one theory supported by evidence that could allow reasonable jury to find defendant guilty beyond reasonable doubt; this is true even if conviction rests entirely on circumstantial evidence.

[4] **Conspiracy** ⚡ Amphetamine, methamphetamine, and MDMA

Evidence was sufficient to support conviction for conspiracy to distribute methamphetamine, even though there was no evidence that defendant

acted as a courier, facilitated any drug activity, directed any of the conspiracy's activities, or acted in any manner to advance the illegal end of the conspiracy; defendant was found locked in a bedroom with persons who were hiding, she was closest to the toilet where someone had apparently unsuccessfully attempted to flush evidence, drugs and guns were found in the house where she was hiding, and, as the only woman in the house, the purse containing plastic bags, a drug ledger, a gun, and ammunition was likely connected to her. Comprehensive Drug Abuse Prevention and Control Act of 1970 § 401, 21 U.S.C.A. §§ 841(a)(1), 841(b)(1)(A), 846.

[5] **Conspiracy** ➡ Controlled Substances

Conspiracy ➡ Knowledge, intent, and participation

Offense of conspiracy to distribute drugs has three elements: (1) the existence of a conspiracy, that is, an agreement to distribute drugs; (2) the defendant knew of the conspiracy; and (3) the defendant intentionally joined the conspiracy.

[6] **Criminal Law** ➡ Determination

Criminal Law ➡ Remand for Determination or Reconsideration of Particular Matters

Remand was warranted to allow the district court to reconsider defendant's motion for a new trial on ground that drug trafficking conspiracy and related firearms convictions were against the weight of the evidence, where the district court order denying motion, which disposed of motion with one sentence, constructed no analysis specific to defendant's new trial motion, and there was no indication that the court reweighed the evidence. Fed. R. Crim. P 33.

[7] **Criminal Law** ➡ Weight and sufficiency of evidence in general

District court may grant new trial for insufficiency of evidence if the evidence weighs so heavily against verdict that miscarriage of justice may have occurred.

1 Case that cites this headnote

[8] **Criminal Law** ➡ Weight and sufficiency of evidence in general

When considering motion for new trial, district court is to weigh evidence anew, is permitted to disbelieve witnesses, and may grant new trial even if there is substantial evidence to sustain verdict. Fed. R. Crim. P 33.

1 Case that cites this headnote

[9] **Conspiracy** ➡ Money laundering

Evidence was insufficient to support conviction for conspiracy to commit money laundering; even if the government presented evidence that defendant joined a drug trafficking conspiracy, there was no evidence that she acted in a manner to conceal the nature, source, location, ownership, or control of the conspiracy's proceeds. 18 U.S.C.A. §§ 1956(a)(1)(A)(i), (B) (i), (ii), 1956(h).

[10] **Witnesses** ➡ Remote Testimony

District court did not abuse its discretion when it denied defendant's request to allow alibi witnesses, who were Mexican nationals, to testify by online video platform, during prosecution for conspiracy to distribute methamphetamine, conspiracy to commit money laundering, and other crimes; the witnesses in question were not excluded, but, rather, the district court ruled that they could not appear via online platform, and defendant never sought a continuance, attempted to arrange the witnesses' in-court attendance, or informed the court of what it might do to promote the attendance of the witnesses.

[11] **Criminal Law** ➡ Reception and Admissibility of Evidence

Court of Appeals reviews evidentiary rulings for abuse of discretion and reverses only if evidentiary rulings constitute clear and prejudicial abuse of discretion.

[12] **Criminal Law** ➡ Conspiracy, racketeering, and money laundering

Criminal Law ➡ Weapons and explosives

Criminal Law ➡ Conspiracy, racketeering, and money laundering

Criminal Law ➡ Weapons and explosives

Evidence of defendant's prior assault with a firearm was admissible to establish defendant's knowledge of firearms and intent to use them, during prosecution for conspiracy to distribute methamphetamine, possession of firearms in furtherance of a drug trafficking crime, and other crimes. Fed. R. Evid. 404(b).

[13] **Criminal Law** ➡ Adding to or changing grounds of objection

Criminal Law ➡ Reply briefs

The Court of Appeals would decline to consider defendant's appellate argument that claimed the United States failed to provide appropriate notice of its intent to use prior bad acts evidence during trial, where defendant's objection at trial was only that evidence was irrelevant and prejudicial, and he failed to raise the argument until his reply brief. Fed. R. Evid. 404(b).

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

Attorneys and Law Firms

Stephen Chase Higinbotham, Jr., Lee's Summit, MO, argued, for defendant-appellant Maria De La Cruz Nava.

Frederick A. Duchardt, Jr., Lee's Summit, MO, argued, for defendant-appellant Juan Guzman.

David Wagner, Asst. U.S. Atty., Kansas City, MO, argued (Teresa A. Moore, U.S. Atty., on the brief), for plaintiff-appellee.

Before SMITH, Chief Judge, MELLOY and ERICKSON, Circuit Judges.

Opinion

ERICKSON, Circuit Judge.

Maria De La Cruz Nava and Juan Guzman were convicted of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846; conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(a)(1)(A)(i), (B)(i), (ii), and (h); and possession of firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Guzman was also convicted of illegal re-entry, in violation of 8 U.S.C. § 1326(a), (b)(1), and 6 U.S.C. §§ 202(3), 202(4), and 557. De La Cruz Nava challenges the sufficiency of the evidence against her, and Guzman contends the district court abused its discretion when it refused to allow witnesses who are Mexican nationals to testify by Zoom and admitted evidence of an unrelated assault with a firearm. We affirm in part and reverse in part the district court's denial of De La Cruz Nava's motion for judgment of acquittal and vacate her conviction for conspiracy to commit money laundering. We reverse the district court's denial of De La Cruz Nava's motion for a new trial on the drug trafficking and firearms counts and remand for proceedings consistent with this opinion. We affirm with respect to Guzman.

I. BACKGROUND

When law enforcement officers executed a search warrant at a residence in Kansas City, Missouri, Guzman, De La Cruz Nava, and another person were found locked and hiding in the master bedroom. De La Cruz Nava was around a corner of the room closest to the connecting bathroom, Guzman was under the bed, and a third person was hiding behind a dresser. Other persons were present in the kitchen as well as outside the house, which was dirty, held few furnishings, and contained contraband.

During the search, officers found a box in the living room containing two rifles, a handgun, a rifle magazine, and a high-capacity pistol magazine. A small quantity of methamphetamine was laying on the sofa. In the kitchen, officers found a purse containing a gun, a drug ledger, a pouch of ammunition, and plastic baggies. Officers recovered a bowl containing methamphetamine and digital scales in a kitchen cabinet. In the master bedroom, law enforcement seized a handgun, a bag with methamphetamine, and a round of ammunition. On a nightstand, officers observed a glass pipe. A separate baggie of methamphetamine *886 or cocaine was also found in the room. Officers seized \$313 in cash that

was located on the floor as well as \$688 in a purse. A bag containing methamphetamine was recovered from the toilet bowl in a connecting bathroom. More ammunition and drugs were found elsewhere in the house. In total, police seized 719.9 grams of methamphetamine.

De La Cruz Nava, who claimed to be on the premises as a cleaning person, spoke with law enforcement and told them she lived at a residence belonging to Guzman. When the officer mentioned that drugs and guns were all over the house, De La Cruz Nava responded, "They all used drugs."

Among others, Guzman and De La Cruz Nava were charged with conspiracy to distribute methamphetamine, conspiracy to commit money laundering, and possession of firearms in furtherance of a drug trafficking crime. The district court entered a scheduling order that required any defendant intending to raise an alibi defense to serve notice on the government on or before February 7, 2019. Guzman never gave notice of an alibi defense until October 24, 2021, explaining he had learned within the prior week that cooperating witnesses would claim one or more of them had bought methamphetamine from him in late 2016 and early 2017. Guzman asserted alibi witnesses would confirm that he was in Mexico during all of 2016 and left in May of 2017. Guzman sought permission to present the witnesses using Zoom because of COVID-related travel restrictions from Mexico to the United States and other travel-related concerns. The district court denied his motion.

Aside from law enforcement testimony, the government called nine cooperating witnesses ("CWs") to testify. CW1 testified that Guzman sold or fronted him methamphetamine for use and sale beginning in November 2016. By the time of the search, CW1 owed Guzman about \$100,000. CW1 testified that he only saw De La Cruz Nava on the day they were arrested and "once or twice, a few times" before at a different house that Guzman used to deal drugs. CW2 testified that she was a drug dealer who had met Guzman twice. On one occasion, she, CW1, and Guzman went into a bedroom to smoke methamphetamine. De La Cruz Nava stayed in the living room where a television displayed real-time security camera footage. CW3 testified that Guzman paid him to store small quantities of methamphetamine. CW4 testified that he bought methamphetamine from Guzman at least weekly between April or May 2018 until CW4's arrest in August 2018.

CW5 testified that he sold methamphetamine after Guzman sold it to him and CW4. CW6 testified that he initially sold methamphetamine for a person connected to Guzman but later purchased methamphetamine directly from Guzman. CW7 admitted to repeatedly purchasing a pound of methamphetamine from someone he believed worked for Guzman and eventually repeatedly bought methamphetamine from Guzman. CW7 spent the profits from his dealing by purchasing \$250,000 worth of cars.

CW8 testified that, soon after meeting Guzman in 2011, she began buying methamphetamine from him, using some and selling the rest. After Guzman was deported in 2012, he contacted CW8 to help him get back into the United States by selling drugs. After Guzman returned to the United States CW8 once again bought drugs from him. CW8 further testified that she introduced CW9 to Guzman and that CW9 traded guns to Guzman in exchange for methamphetamine. When CW8 was asked if she had ever seen Guzman with a firearm, she stated that he had guns the entire time she knew him and volunteered that one time he pointed a gun at her *887 head. The court overruled a subsequent objection and denied a motion to strike. Lastly, CW9 testified that Guzman had fronted him three pounds of methamphetamine.

At the close of evidence, the district court denied De La Cruz Nava's motion for acquittal. After the verdict, De La Cruz Nava unsuccessfully renewed her motion for acquittal. De La Cruz Nava's and Guzman's motions for a new trial were also denied. With regard to De La Cruz Nava's motions, the court recounted seven details that it identified as supporting the convictions: (1) when law enforcement encountered De La Cruz Nava, she was barricaded in a bedroom with Guzman; (2) in the attached bathroom officers recovered methamphetamine, which appeared to have been unsuccessfully flushed down the toilet; (3) a knife was recovered from a "purse" on the counter with De La Cruz Nava being the only female arrested in the residence; (4) methamphetamine was found on the counter next to the purse; (5) drug paraphernalia was scattered throughout the house; (6) the expert testimony admitted as to the varying roles of individuals involved in a drug conspiracy; and (7) the testimony from two witnesses who had seen De La Cruz Nava at the residence on other occasions, including in the living room where the security system cameras displayed on a television screen. Without any further analysis, the court denied De La Cruz Nava's Rule 29 motion for judgment of acquittal as well as her Rule 33 motion for a new trial because

“sufficient evidence” was presented such that there was not a miscarriage of justice.

Guzman was sentenced to a total term of 320 months’ imprisonment on the three counts and ordered to pay a \$954,000 forfeiture. De La Cruz Nava was sentenced to a total term of 180 months’ imprisonment on the three counts and to pay a \$15,000 forfeiture. At sentencing, the court acknowledged De La Cruz Nava’s argument regarding her culpability being different from Guzman’s and the “harsh” sentence it was imposing. The court stated that it was leaving the issue of sufficiency of the evidence to the appellate court to determine whether the jury, “based upon all the evidence and the way this matter was charged, made the right decision.”

II. DISCUSSION

1. Sufficiency of the Evidence for De La Cruz Nava’s Convictions

[1] [2] [3] We review a claim of insufficiency of the evidence *de novo* while viewing the evidence in a light most favorable to the verdict. United States v. Gross, 23 F.4th 1048, 1052 (8th Cir. 2022). A reversal is appropriate only where no reasonable jury could have found the defendant guilty beyond a reasonable doubt. *Id.* We uphold a jury verdict if there is at least one theory supported by the evidence that could allow a reasonable jury to find the defendant guilty beyond a reasonable doubt. United States v. Hamilton, 929 F.3d 943, 945 (8th Cir. 2019). This is true even if the conviction rests entirely on circumstantial evidence. *Id.*

[4] De La Cruz Nava argues that the evidence is insufficient to support her convictions because it only establishes that she was present at the same location where co-defendants were arrested and where drugs, guns, and money were found. She contends the evidence failed to establish her knowledge of the conspiracy and instead demonstrated she was at various places at the direction of Guzman to assist with cleaning, cooking, and childcare. She argues no contraband was seized from her person and no witness testified that she possessed or distributed drugs, or that she handled or was aware of the seized guns or ammunition.

*888 The government counters that the evidence is sufficient for a jury to conclude beyond a reasonable doubt that De La Cruz Nava was a participant in the conspiracy because drugs and guns were found throughout the house, she was found locked in a bedroom with persons who were hiding, she was closest to the toilet where someone had apparently

unsuccessfully attempted to flush evidence, and, as the only woman in the house, the purse containing plastic baggies, a drug ledger, a gun, and ammunition was likely connected to her. The government also claims that De La Cruz Nava’s claim of employment as a housekeeper/nanny was undermined by the condition of the house and the lack of children on the premises.

[5] The offense of conspiracy to distribute drugs has three elements: (1) the existence of a conspiracy—that is, an agreement to distribute drugs; (2) the defendant knew of the conspiracy; and (3) the defendant intentionally joined the conspiracy. United States v. Sainz Navarrete, 955 F.3d 713, 718-19 (8th Cir. 2020). It is virtually indisputable that the first two elements were established given the testimony of the witnesses, the seizure of drugs, guns, ammunition, plastic baggies, digital scales, and a drug ledger. The third element is more problematic. While our precedent recognizes that proof a defendant joined a conspiracy may be shown entirely through circumstantial evidence, *see United States v. Jiminez*, 487 F.3d 1140, 1146 (8th Cir. 2007), we have held that mere association or acquaintance with a drug dealer and mere presence at the location of the crime are insufficient to establish guilt on a conspiracy charge. *See United States v. Cruz*, 285 F.3d 692, 701 (8th Cir. 2002). Furthermore, “we will not lightly impute constructive possession of drugs or other contraband to one found in another’s house.” *Id.* at 699.

Applying those principles here, De La Cruz Nava did not admit involvement in the conspiracy, there is no evidence in the record that she was ever in physical possession of either methamphetamine or drug proceeds, and no co-defendant, cooperating or other witness testified that De La Cruz Nava was involved in drug activity. We are also unable to find evidence that she acted as a courier, facilitated any drug activity, directed any of the conspiracy’s activities, or acted in any manner to advance the illegal end of the conspiracy. The government argues that because De La Cruz Nava was the only woman in the house, a reasonable jury could infer that the bag in the kitchen was a purse and belonged to her. But nothing in the bag demonstrates or even suggests that it was a purse that belonged to a woman. There is no ornamentation on the bag. There were no feminine personal items in the bag. There was no identifying information tying it to De La Cruz Nava. The nondescript, plain bag contained only drug trafficking-related items and is just the sort of storage container that a drug trafficker might use to conceal items without calling attention to himself or herself.

As to the government's other claim that the condition of the house and nonexistent children undermined De La Cruz Nava's defense theory, a messy house and an absence of children do not support an inference that De La Cruz Nava intentionally joined a drug trafficking or money laundering conspiracy. More problematic, the government's argument on this point relies entirely on statements taken from the presentence investigation report, not the trial record. There appears to be no evidence before the jury regarding De La Cruz Nava's representations. What was before the jury and in the trial record is that: (1) De La Cruz Nava was found by law enforcement in a locked bedroom, perhaps hiding or attempting to do so, and there *889 was an attached bathroom where methamphetamine was recovered; (2) she had been in the United States for only a short time before she got arrested; (3) while firearms, methamphetamine, and drug paraphernalia were scattered throughout the house, no one ever saw De La Cruz Nava using drugs or engaging in drug trafficking activity; (4) one witness saw De La Cruz Nava once in the living room where a television was set to display the security camera footage; and (5) the "purse", which from the photographs depict a gender-neutral satchel could have belonged to anyone inside the house or another co-conspirator that left it behind. While evidence in the record of De La Cruz Nava's knowledge of and participation in a drug trafficking conspiracy is scant, it is a high burden to overturn a jury's verdict. We cannot say on this record, although a close call, that no reasonable jury could have found her guilty beyond a reasonable doubt.

[6] [7] [8] Turning to De La Cruz Nava's claim that the district court abused its discretion when it denied her motion for a new trial, a district court may grant a new trial for insufficiency of the evidence "if the evidence weighs so heavily against the verdict that a miscarriage of justice may have occurred." United States v. Harriman, 970 F.3d 1048, 1058 (8th Cir. 2020). When considering a motion under Rule 33, the district court is to weigh the evidence anew, is permitted to disbelieve witnesses, and may grant a new trial even if there is substantial evidence to sustain the verdict. United States v. Campos, 306 F.3d 577, 579 (8th Cir. 2002). We have noted that a district court's discretion under Rule 33 is broader than it is when considering a motion for acquittal under Rule 29. Id. Unlike a motion for judgment of acquittal, the district court need not view the evidence in the light most favorable to the government. See United States v. Lincoln, 630 F.2d 1313, 1319 (8th Cir. 1980) (stating the issues in a motion for a new trial are "far different from those raised by a motion for judgment of acquittal[.]" as the question before the

court is not whether a "defendant should be acquitted outright, but only whether he should have a new trial").

Here, in the introductory paragraphs of its order, the district court recited the correct standard for a motion brought under Rule 33; however, it conducted no analysis specific to De La Cruz Nava's new trial motion. It disposed of the motion with one sentence: "Similarly, the Court denies the motion for new trial pursuant to Rule 33 because sufficient evidence was presented against Defendant De La Cruz-Nava such that there was not a miscarriage of justice in the jury finding her guilty of Counts 1-3." There is no indication that the court weighed the evidence anew. Likewise, we are unable to determine whether the district court disbelieved any of the witnesses. Given the lack of any analysis, we are unable to discern whether the district court incorrectly applied the standard applicable under Rule 29 to the new trial request or whether it applied the proper, broader standard applicable under Rule 33. In short, we are unable to determine whether the district court abused its discretion by not considering a matter than should have been given significant weight or by giving significant weight to something improper or irrelevant, or if it committed a clear error of judgment. United States v. Bass, 478 F.3d 948, 951 (8th Cir. 2007). We remand to the district court for consideration of De La Cruz Nava's motion for a new trial as it relates to the drug trafficking conspiracy and related firearms count.

[9] As to the remaining count—the money laundering conspiracy conviction—even assuming the government has demonstrated that De La Cruz Nava joined a drug trafficking conspiracy, there is no evidence that she acted in a manner to *890 conceal the nature, source, location, ownership, or control of the conspiracy's proceeds. See United States v. Anwar, 880 F.3d 958, 968 (8th Cir. 2018) (listing the four elements of money laundering, which includes, in relevant part, a financial transaction involving proceeds of illegal activity that is conducted, or attempted, with knowledge that "the transaction was designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified unlawful activity"). After careful review of the record, the government has not met its burden of proving De La Cruz Nava made any efforts, or knowingly participated in a conspiracy, to disguise drug proceeds. We vacate the money laundering conspiracy conviction because no reasonable jury could have found her guilty of this offense beyond a reasonable doubt.

2. Evidentiary Questions in Guzman's Proceedings

to conduct a trial in an orderly and efficient manner and to choose among reasonable evidentiary alternatives).

Moreover, Guzman has failed to establish prejudice. Even if the witnesses testified in a manner consistent with Guzman's representations, the alibi evidence was at most only a partial alibi. Guzman claims that he was in Mexico from 2016 into 2017, but even if this was established, the evidence of events occurring while Guzman was indisputably in the United States is sufficient to support Guzman's convictions on all counts.

[12] [13] As to Guzman's other asserted evidentiary challenge, while Guzman claims that evidence regarding the unrelated assault with a firearm should not have been admitted under Rule 404(b) of the Federal Rules of Evidence, his objection at trial was non-specific, claiming only that

III. CONCLUSION

We affirm in part and reverse in part the district court's order denying De La Cruz Nava's motion for judgment of acquittal, vacate De La Cruz Nava's conviction for conspiracy to commit money laundering, and direct the Clerk to enter judgment on this count in favor of De La Cruz Nava. We reverse the district court's order denying a motion for a new trial on the remaining counts against De La Cruz Nava and remand to the district court for proceedings consistent with this opinion. As to Guzman, the judgment of the district court is affirmed.

All Citations

80 F.4th 883

Footnotes

- 1 Guzman raised for the first time in his reply brief that the United States failed to provide an appropriate notice under Rule 404(b). At no time has Guzman explained his failure to raise this objection at trial or on appeal prior to the reply brief. We will not consider issues raised for the first time in a reply brief unless the appellant provides a reason for failing to raise the issue in the opening brief. Jenkins v. Winter, 540 F.3d 742, 751 (8th Cir. 2008).

[10] [11] We turn to Guzman's claims related to the denial of his request to present witnesses by Zoom and the admission of his prior gun-related activity. We review evidentiary rulings for abuse of discretion and reverse only if evidentiary rulings constitute a clear and prejudicial abuse of discretion. United States v. Never Misses A Shot, 781 F.3d 1017, 1027 (8th Cir. 2015).

Importantly, the witnesses in question were not excluded. The district court ruled that they could not appear via Zoom. There are obvious issues with allowing a witness to testify over Zoom and these problems are amplified by the location of the witnesses in a foreign country. While the parties dispute whether or not the witnesses could travel to the United States to testify, by the time of trial the record shows that it was possible for witnesses to appear in the United States. To the extent any additional time might have been needed to secure the witnesses' presence, Guzman never sought a continuance, attempted to arrange the witnesses' in-court attendance, nor informed the court of what it might do to promote the attendance of the witnesses. The district court did not err in refusing to allow Guzman's alibi witnesses to testify over Zoom. See United States v. Ali, 47 F.4th 691, 697 (8th Cir. 2022) (recognizing the district court's ruling was not an abuse of discretion).

the evidence was irrelevant and prejudicial. The evidence was introduced to establish that Guzman had knowledge of firearms and intent to use them. The evidence involved an incident that occurred eight years earlier, so the relevance may be somewhat diminished by its age. But the use of the firearm does tend to show that Guzman had knowledge of firearms and that he had an intent to use firearms to his personal advantage. Our most relevant inquiry is whether the probative value of the evidence is substantially outweighed by the risk of unfair prejudice. See *891 United States v. Drew, 9 F.4th 718, 723 (8th Cir. 2021) (noting evidence is properly admitted under Rule 404(b) if it is relevant to a material issue, similar in kind and not overly remote in time, is supported by sufficient evidence, and its potential prejudice does not substantially outweigh its probative value). After reviewing the record, we see no abuse of discretion or plain error in the receipt of the testimony. More importantly, even if this were not the case, the evidence of Guzman's guilt is overwhelming and any error that may have occurred is harmless.¹ See United States v. Adams, 783 F.3d 1145, 1149 (8th Cir. 2015) (stating evidentiary error is subject to harmless error analysis, which requires a showing that the substantial rights of the defendant were affected and the error influenced the verdict).

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APPENDIX 2

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-2966

United States of America

Appellee

v.

Juan Guzman, also known as Juan Villarreal-Guzman, also known as Juan Guzman-Villareal,
also known as Victor Nava, also known as Francisco Lara, also known as Francisco Lara-
Paramo, also known as Ayala Ramoro, also known as Carlos Solorio, also known as Daniel
Solorio, also known as Flaco

Appellant

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:18-cr-00325-BCW-1)

ORDER

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

October 19, 2023

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.

JUAN GUZMAN,
a/k/a Juan Villarreal-Guzman,
Juan Guzman-Villarreal, Victor Nava,
Francisco Lara, Francisco Lara-Paramo,
Ayala Ramoro, Carlos Solorio,
Daniel Solorio, "Flaco"
[DOB: 03/26/1981]

CHANTHACHONE SENTHAVY,
[DOB: 06/10/1974]

LUIS CARLOS RAMOS CARAVEO,
[DOB: 08/24/1995]

MARIA DE LA CRUZ NAVA,
[DOB: 05/03/1996]

SHELBY LANAE PETERMAN,
[DOB: 10/20/1992]

CHRISTOPHER SHAWN SHARP,
[DOB: 12/23/1977]

JACOB DALE WALSH,
[DOB: 02/06/1986]

JOHN PAUL GNAT,
[DOB: 02/27/1990]

Defendants.

Case No. _____

COUNT ONE: *All Defendants*
(Conspiracy to Distribute Methamphetamine)

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

NLT: 10 Years Imprisonment

NMT: Life Imprisonment

NMT: \$10,000,000 Fine

NLT: 5 Years Supervised Release

Class A Felony

COUNT TWO: *All Defendants*
(Conspiracy to Commit Money Laundering)

18 U.S.C. § 1956(a)(1)(A)(i), (B)(i), (ii), and (h)

NMT: Twenty Years Imprisonment

NMT: \$500,000 Fine

NMT: Three Years Supervised Release

Class C Felony

COUNT THREE: *Guzman, Senthavy,
Caraveo, and Nava, only*
(Possess Firearms and Drug Trafficking)

18 U.S.C. § 924(c)(1)(A)(i)

NLT: Five Years; NMT: Life Imprisonment

Consecutive to any other sentence

NMT: \$250,000 Fine

NMT: Five Years Supervised Release

Class A Felony

COUNT FOUR: *Juan Guzman only*
(Illegal Re-Entry)

8 U.S.C. § 1326(a) and (b)(1) and

6 U.S.C. §§ 202(3), 202(4), and 557

NMT: Ten Years Imprisonment

NMT: \$250,000 Fine

NMT: Three Years Supervised Release

Class C Felony

**ALLEGATION OF CRIMINAL
FORFEITURE:** *All Defendants*

21 U.S.C. § 853

\$100 Mandatory Special Assessment for each
count of conviction

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE – All Defendants ***(Conspiracy to Distribute Methamphetamine)***

Between on or about January 1, 2015, and November 14, 2018, in the Western District of Missouri and elsewhere, JUAN GUZMAN, a/k/a Juan Villarreal-Guzman, Juan Guzman-Villarreal, Victor Nava, Francisco Lara, Francisco Lara-Paramo, Ayala Ramoro, Carlos Solorio, Daniel Solorio, “Flaco,” CHANTHACHONE SENTHAVY, LUIS CARLOS RAMOS CARAVEO, MARIA DE LA CRUZ NAVA, SHELBY LANAE PETERMAN, CHRISTOPHER SHAWN SHARP, JACOB DALE WALSH, and JOHN PAUL GNAT, defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and others both known and unknown to the grand jury, to distribute and possess with intent to distribute 500 grams and more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and 846.

COUNT TWO – All Defendants ***(Conspiracy to Commit Money Laundering)***

Between on or about January 1, 2015, and November 14, 2018, in the Western District of Missouri and elsewhere, JUAN GUZMAN, a/k/a Juan Villarreal-Guzman, Juan Guzman-Villarreal, Victor Nava, Francisco Lara, Francisco Lara-Paramo, Ayala Ramoro, Carlos Solorio, Daniel Solorio, “Flaco,” CHANTHACHONE SENTHAVY, LUIS CARLOS RAMOS

CARAVEO, MARIA DE LA CRUZ NAVA, SHELBY LANAE PETERMAN, CHRISTOPHER SHAWN SHARP, JACOB DALE WALSH, and JOHN PAUL GNAT, defendants herein, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, did knowingly and intentionally combine, conspire, confederate and agree with each other and others, both known and unknown to the Grand Jury, to conduct financial transactions which in fact involved the proceeds of a specified unlawful activity, to wit: conspiracy to distribute controlled substances, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and 846, as charged in **Count One** of this indictment, with the intent to promote the carrying on of that specified unlawful activity, to wit: items of value, including cash, obtained from illegal controlled substance sales (*i.e.* “proceeds”) were used in whole or part to purchase additional controlled substances for sale, thus promoting the charged conspiracy, and additionally, knowing the transactions were designed to conceal the nature, source, location, ownership, and control of the said proceeds and to avoid reporting requirements, in that cash, obtained from controlled substance sales (*i.e.*, “proceeds”), was then deposited, in whole or part, into various financial institution accounts or stored, used, or transported in such a manner as to conceal its true nature, source, location ownership, and control and to avoid bank reporting requirements, all thus concealing the proceeds from the drug conspiracy.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i), (B)(i), (ii) and (h).

The object of the conspiracy was to use drug sale proceeds to promote the drug trafficking conspiracy charged in **Count One** and to conceal drug sale proceeds of that drug trafficking conspiracy.

The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:

1. It was part of the conspiracy that its members would and did buy and sell illicit drugs.
2. It was further a part of the conspiracy that its members would and did obtain proceeds, in different ways or forms, from said buying and selling of illicit drugs.
3. It was further a part of the conspiracy that its members would and did treat the said proceeds in such a manner as to conceal the nature, source, location, ownership, and control of said proceeds and to avoid reporting requirements of said proceeds.
4. It was further a part of the conspiracy that its members would and did promote the conspiracy by exchanging items of value they obtained in a variety of manners for drugs to use and sale.
5. It was further a part of the conspiracy that its members would and did promote the conspiracy by obtaining additional illicit drugs for distribution with said proceeds.
6. It was further part of the conspiracy that its members would and did obtain assets with cash drug proceeds and did not identify the cash as drug proceeds.
7. It was further a part of the conspiracy that its members would and did deposit cash drug proceeds in various financial institutions and not identify them as drug proceeds.

In furtherance of the conspiracy and to affect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Missouri and elsewhere:

1. During the conspiracy period, conspirators both charged and uncharged, paid cash for controlled substances, thereby obscuring the drug trafficking conspiracy.
2. During the conspiracy period, conspirators packaged, transported, stored and used said proceeds without revealing their true source and in a manner as to conceal that true source.
3. During the conspiracy period, conspirators operated with coded terms and maintained coded records of drug amounts sold and cash proceeds collected or owed for drugs, thereby obscuring the nature and source of the cash.
4. During the conspiracy period, conspirators used cash proceeds from drug sales to fund other activities such as real property purchases, personal property purchases, travel, and living expenses, thereby obscuring the nature, source, or ownership of the cash.
5. During the conspiracy period, cash from drug sale proceeds was deposited or stored in such a manner so as to not reveal its source, location, or ownership and to avoid reporting requirements.
6. During the conspiracy, on multiple occasions, conspirators took cash obtained from drug sales and used those drug sale proceeds to purchase additional controlled substances.
7. During the conspiracy period, multiple vehicles and firearms were purchased with at least part cash and the cash was at least partially from drug proceeds.

COUNT THREE – Guzman, Senthavy, Caraveo, and Nava, only
(Possession of Firearms and Drug Trafficking)

Between on or about January 1, 2015, and November 14, 2018, in the Western District of Missouri and elsewhere, JUAN GUZMAN, a/k/a Juan Villarreal-Guzman, Juan Guzman-

Villarreal, Victor Nava, Francisco Lara, Francisco Lara-Paramo, Ayala Ramoro, Carlos Solorio, Daniel Solorio, "Flaco," CHANTHACHONE SENTHAVY, LUIS CARLOS RAMOS CARAVEO, and MARIA DE LA CRUZ NAVA, in furtherance of and during and in relation to a drug trafficking crime for which they may be prosecuted, did knowingly and intentionally carry, possess and use firearms, to-wit: a Ruger P90DC 9mm handgun, with magazine (Serial# 661-40644), a FNX 40 caliber handgun, with magazine (Serial# FX2U027989), a stolen Ruger LC9S 9mm handgun (Serial# 451-24089), an Intratec Sport 22 caliber, with magazine, and 6 live rounds of ammo (Serial# K002956), a Glock model 23, with magazine, and 6 live rounds of ammo (Serial# LW5069), a Century Arms 7.62 caliber rifle (Serial# AB2-C104233), and a Ruger 5.56 caliber rifle (Serial# 0009-10519), all contrary to the provisions of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT FOUR – Defendant Guzman only
(Illegal Re-Entry)

On or about October 18, 2018, in the Western District, the defendant, JUAN GUZMAN, a/k/a Juan Villarreal-Guzman, Juan Guzman-Villarreal, Victor Nava, Francisco Lara, Francisco Lara-Paramo, Ayala Ramoro, Carlos Solorio, Daniel Solorio, "Flaco," an alien, having been previously removed and deported from the United States subsequent to a felony drug conviction and having returned without legal and proper permission, to wit: the defendant is a person not a citizen or national of the United States, found in the Western District of Missouri, without obtaining permission to re-enter after removal on April 21, 2013, following his conviction for a aggravated felony, all in violation of Title 8, United States Code, Section 1326(a)(1) and (b)(1) with reference to Title 6, United States Code, Sections 202(3), 202(4) and 557.

ALLEGATIONS OF FORFEITURE

The allegations contained in Count One of this indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853.

Each defendant named herein shall forfeit to the United States all property, real and personal, constituting or derived from any proceeds the defendant obtained directly and indirectly as a result of the violation incorporated by reference in this Allegation of Forfeiture Count and all property used, or intended to be used, in any manner or part, to commit, and to facilitate the commission of the violation incorporated by reference in this allegation, including but not limited to the following:

MONEY JUDGMENT

The defendants individually shall forfeit any and all interest personally acquired in approximately \$2,100,000.00 in United States Currency, and any interest and proceeds traceable thereto, in that at least this sum, in aggregate, was received by the entire conspiracy as a whole in exchange for the unlawful distribution of methamphetamine, or is traceable thereto, based on a sale price of \$600.00 per ounce and distribution of more than 3,500 ounces of methamphetamine.

SUBSTITUTE ASSETS

If any of the above-described forfeitable property of the above-named defendants, as a result of any act or omission of the defendants –

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;

- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above-described forfeitable property.

All in violation of Title 21, United States Code, Section 853, and pursuant to Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL.

/s/ Jennifer Kolarik
FOREPERSON OF THE GRAND JURY

Dated: 11/14/18
Kansas City, Missouri

/s/ Bruce Rhoades
Bruce Rhoades #88156 (AR)
Assistant United States Attorney
Western District of Missouri

APPENDIX 4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

JUAN GUZMAN

§ **JUDGMENT IN A CRIMINAL CASE**
§
§
§ Case Number: **18-00325-01-CR-W-BCW**
§ USM Number: **80093-308**
§ **Frederick A Duchardt**
§ Defendant's Attorney

THE DEFENDANT:

☒ was found guilty on count(s) 1-4 on 11/9/21 after a plea of not guilty

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)(A) and 846 Conspiracy to Distribute 500 Grams or More of Methamphetamine	11/14/2018	1
18 U.S.C. §§ 1956(a)(1)(A)(i), (B)(i), (ii) and (h) Conspiracy to Commit Money Laundering	11/14/2018	2
18 U.S.C. § 924(c)(1)(A)(i) Possession of Firearms in Furtherance of a Drug Trafficking Offense	11/14/2018	3
8 U.S.C. § 1326(a) and (b)(1) and 6 U.S.C. §§ 202(3), 202(4), and 557 Illegal Re-entry	10/18/2018	4

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
☐ Count(s) ☐ is ☐ 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.

September 9, 2022

Date of Imposition of Judgment

/s/ Brian C. Wimes

Signature of Judge

Brian C. Wimes
UNITED STATES DISTRICT JUDGE

September 9, 2022

Date

DEFENDANT: JUAN GUZMAN
CASE NUMBER: 4:18-CR-00325-BCW(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

260 months on Count 1, 240 months on Count 2, 120 months on Count 4, all terms to run concurrently; and 60 months on Count 3, to be served consecutively, for a total term of 320 months.

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

☒ The defendant is remanded to the custody of the United States Marshal.

☐ 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:

☐ 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: JUAN GUZMAN
CASE NUMBER: 4:18-CR-00325-BCW(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **5 years on Count 1, 3 years on Count 2, 5 years on Count 3, and 3 years on Count 4, the terms to run concurrently, for a total of 5 years.**

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 (34 U.S.C. § 20901, 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: JUAN GUZMAN
CASE NUMBER: 4:18-CR-00325-BCW(1)

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. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.mow.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: JUAN GUZMAN
CASE NUMBER: 4:18-CR-00325-BCW(1)

SPECIAL CONDITIONS OF SUPERVISION

- a) The defendant shall successfully participate in any outpatient or inpatient substance abuse counseling program which may include urinalysis, sweat patch, or Breathalyzer testing, as approved by the Probation Office, and pay any associated costs, as directed by the Probation Office.
- b) Successfully participate in any mental health counseling program, as approved by the Probation Office, and pay any associated costs, as directed by the Probation Office.
- c) The defendant shall not consume or possess alcoholic beverages or beer, including 3.2 percent beer, at any time, and shall not be present in any establishment where alcoholic beverages are the primary items for sale.
- d) If not deported, the defendant shall report to the Probation Office within 72 hours. If deported, the defendant shall not reenter the United States illegally. If granted permission to legally reenter the United States, or if the defendant Office within 72 hours of entry, and shall continue to report as directed for the remainder of any unexpired term of supervision.
- e) The defendant shall submit his person and any property, house, residence, office, vehicle, papers, computer, other electronic communication or data storage devices or media and effects to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- f) Satisfy any warrants/pending charges within the first 60 days of supervised release.
- g) The defendant shall comply with the Western District of Missouri Offender Employment Guideline which may include participation in training, counseling, and/or daily job searching as directed by the probation officer. If not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, the defendant may be required to perform up to 20 hours of community service per week until employed, as approved or directed by the probation officer.

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.mow.uscourts.gov.

Defendant

Date

United States Probation Officer

Date

DEFENDANT: JUAN GUZMAN
CASE NUMBER: 4:18-CR-00325-BCW(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$400.00	\$.00	\$.00	\$.00	

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** 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.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

☒ Special instructions regarding the payment of criminal monetary penalties:

It is ordered that the Defendant shall pay to the United States a special assessment of \$400.00 for Counts 1, 2, 3 and 4 , which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

See above for Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

The preliminary order of forfeiture is hereby finalized. A money judgment is entered in the amount of \$954,000.00

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

APPENDIX 5

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

NOTICE OF APPEAL

UNITED STATES OF AMERICA	*	
	*	
Plaintiff/Appellant,	*	
	*	<u>18-325-01-CR-W-BCW</u>
v.	*	District Court Docket Number
	*	
JUAN GUZMAN aka DANIEL	*	<u>Brian C. Wimes</u>
SOLORIO	*	District Court Judge
Respondent/Appellee.	*	

Notice is hereby given that Juan Guzman, aka Daniel Solorio appeals to the United States Court of Appeals for the Eighth Circuit from the Judgment entered in this action on September 9, 2022.

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 DEFENDANT

TRANSCRIPT ORDER FORM
TO BE COMPLETED BY ATTORNEY FOR APPELLANT

X Please Prepare a transcript of:

- X All pre-trial proceedings
- X 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 288 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,
- that through the District Court's indigent defendant expense payment system, an AUTH 24 has been prepared and submitted to the District Court for approval for transcript preparation and payment therefor, and
- that, copies of the foregoing were e-mailed to the following on this 12th day of September, 2022

Bruce Rhoades
Assistant United States Attorney
United States Courthouse
400 E. 9th St.
Kansas City MO 64106
Email: bruce.rhoades@usdoj.gov

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

INFORMATION SHEET

To be Completed by Attorney for Appellant

1. Defendant's Address: Juan Guzman, Inmate #80093-308, USP Leavenworth, P.O. Box 1000,
Leavenworth KS 66048

2. Date of Verdict: 11/9/2021 ☒ Jury ☐ Non-jury

 Offenses: Conspiracy to Distribute Drugs, Money Laundering, Firearm possession, illegal reentry

 Trial Testimony – Number of Days 2 Bail Status: in custody

3. Sentence and Date Imposed: Count I 260 months, Count II 240 months, Count IV 120 months
Counts I, II and IV to run concurrently, Count III 60 months to run consecutively

4. Date Trial Transcripts Ordered by Counsel or District Court: 9/9/2022

 Stenographer in Charge (Name, Address, and Telephone Number): Denise Halasey, 400 E. 9th St., Suite 7652, Kansas City MO 64106, 816-512-5657

5. Trial Counsel was ☒ appointed ☐ retained

 Does Defendant's financial Status warrant appointment of counsel on appeal? Yes

 Affidavit of financial status filed: Yes

 Is there any reason why trial counsel should not be appointed as counsel on appeal?

Yes: Defendant complains about current counsel and asks that new counsel be appointed upon appeal

6. Assistant United States Attorney name and telephone number: _____
Bruce Rhoades, 816-426-3122

COURT REPORTER ACKNOWLEDGMENT

Date Order Received

Estimated Completion Date

Estimated No. of Pages

Court Reporter's Signature

Date

ntcappl.int

APPENDIX 6

**U.S. District Court
Western District of Missouri (Kansas City)
CRIMINAL DOCKET FOR CASE #: 4:18-cr-00325-BCW-1**

Case title: USA v. Guzman et al

Date Filed: 11/14/2018

Magistrate judge case number: 4:18-mj-00153-JTM Date Terminated: 09/09/2022

Assigned to: District Judge Brian
C. Wimes

Appeals court case number: 22-
2966 8th Circuit Court of Appeals

Defendant (1)

Juan Guzman

TERMINATED: 09/09/2022

also known as

Juan Villarreal-Guzman

TERMINATED: 09/09/2022

also known as

Juan Guzman-Villarreal

TERMINATED: 09/09/2022

also known as

Victor Nava

TERMINATED: 09/09/2022

also known as

Francisco Lara

TERMINATED: 09/09/2022

also known as

Francisco Lara-Paramo

TERMINATED: 09/09/2022

also known as

Ayala Ramoro

TERMINATED: 09/09/2022

also known as

Carlos Solorio

TERMINATED: 09/09/2022

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

also known as
Daniel Solorio
TERMINATED: 09/09/2022
also known as
"Flaco"
TERMINATED: 09/09/2022

Pending Counts

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

MONEY LAUNDERING - BANK
FRAUD
(2)

Disposition

The Defendant was found guilty on count(s) 1-4 on 11/9/21 after a plea of not guilty. IMPRISONMENT: 260 months on Count 1, 240 months on Count 2, 120 months on Count 4, all terms to run concurrently; and 60 months on Count 3, to be served consecutively, for a total term of 320 months. SUPERVISED RELEASE: 5 years on Count 1, 3 years on Count 2, 5 years on Count 3, and 3 years on Count 4, the terms to run concurrently, for a total of 5 years. MANDATORY CONDITIONS and SPECIAL CONDITIONS OF SUPERVISION. CRIMINAL MONETARY PENALTIES: MSA: \$400.00 no fine or restitution.

The Defendant was found guilty on count(s) 1-4 on 11/9/21 after a plea of not guilty. IMPRISONMENT: 260 months on Count 1, 240 months on Count 2, 120 months on Count 4, all terms to run concurrently; and 60 months on Count 3, to be served consecutively, for a total term of 320 months. SUPERVISED RELEASE: 5 years on Count 1, 3 years on Count 2, 5 years on Count 3, and 3 years on Count 4, the

VIOLENT
CRIME/DRUGS/MACHINE GUN
(3)

REENTRY OF DEPORTED
ALIENS
(4)

terms to run concurrently, for a total of 5 years. MANDATORY CONDITIONS and SPECIAL CONDITIONS OF SUPERVISION. CRIMINAL MONETARY PENALTIES: MSA: \$400.00 no fine or restitution.

The Defendant was found guilty on count(s) 1-4 on 11/9/21 after a plea of not guilty. IMPRISONMENT: 260 months on Count 1, 240 months on Count 2, 120 months on Count 4, all terms to run concurrently; and 60 months on Count 3, to be served consecutively, for a total term of 320 months. SUPERVISED RELEASE: 5 years on Count 1, 3 years on Count 2, 5 years on Count 3, and 3 years on Count 4, the terms to run concurrently, for a total of 5 years. MANDATORY CONDITIONS and SPECIAL CONDITIONS OF SUPERVISION. CRIMINAL MONETARY PENALTIES: MSA: \$400.00 no fine or restitution.

The Defendant was found guilty on count(s) 1-4 on 11/9/21 after a plea of not guilty. IMPRISONMENT: 260 months on Count 1, 240 months on Count 2, 120 months on Count 4, all terms to run concurrently; and 60 months on Count 3, to be served consecutively, for a total term of 320 months. SUPERVISED RELEASE: 5 years on Count 1, 3 years on Count 2, 5 years on Count 3, and 3 years on Count 4, the terms to run concurrently, for a total of 5 years. MANDATORY

CONDITIONS and SPECIAL
CONDITIONS OF
SUPERVISION. CRIMINAL
MONETARY PENALTIES: MSA:
\$400.00 no fine or restitution.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

Between on or about September 23, 2017, and October 18, 2018, in the Western District of Missouri and elsewhere, JUAN GUZMAN and CHANTHACHONE SENTHAVY, defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and others both known and unknown to the grand jury, to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and 846.

Plaintiff

USA

represented by **Bruce A. Rhoades**

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400 E 9th Street
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Email: Bruce.Rhoades@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/19/2018	<u>1</u>	COMPLAINT as to Juan Guzman (1), Chanthachone Senthavy (2). (Travis, Kendra) # <u>1</u> Affidavit). (Travis, Kendra) [4:18-mj-00153-JTM] (Entered: 10/19/2018)
10/19/2018		ARREST of Juan Guzman, Chanthachone Senthavy (Defendant Guzman taken to hospital under concerns of being infected with Typhoid (sp?) fever and samonillla poisoning and taken to hospital. (Martinez, Kerry) [4:18-mj-00153-JTM] (Entered: 10/22/2018)
10/22/2018	<u>2</u>	MOTION for detention hearing by USA as to Juan Guzman, Chanthachone Senthavy. Suggestions in opposition/response due by 11/5/2018 unless otherwise directed by the court. (Rhoades, Bruce) [4:18-mj-00153-JTM] (Entered: 10/22/2018)
10/22/2018	<u>3</u>	MOTION to continue detention hearing by USA as to Juan Guzman, Chanthachone Senthavy. Suggestions in opposition/response due by 11/5/2018 unless otherwise directed by the court. (Rhoades, Bruce) [4:18-mj-00153-JTM] (Entered: 10/22/2018)
10/22/2018		ARREST of Juan Guzman (Martinez, Kerry) [4:18-mj-00153-JTM]

		(Entered: 10/23/2018)
10/22/2018	<u>6</u>	Minute Entry for proceedings held before Magistrate Judge John T. Maughmer: INITIAL APPEARANCE as to Juan Guzman held on 10/22/2018. The Court inquires if the complaint and affidavit have been read to him in Spanish prior to the beginning of the hearing. The defendant confirms the complaint and affidavit were read to him. The Court advises the defendant of the penalties faced if convicted and his rights. The defendant advises he intends to hire an attorney but has not spoken to anyone yet. The Court advises it will appoint an attorney to represent him and that he is free to hire an attorney if he so chooses. The Court grants <u>2</u> motion for detention hearing and <u>3</u> motion to continue detention hearing as to Juan Guzman (1); Detention Hearing and Preliminary Hearing set for 10/24/2018 11:00 AM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer. Defendant is remanded to custody until the hearings on 10/24/18. Counsel appearing for USA: Robert Smith. Counsel appearing for Defendant: None present. Pretrial/Probation Officer: Kate Dickensheet. Time in court: 2:30pm to 2:45pm. Name of interpreter: Marcela Renna. To order a transcript of this hearing please contact Kerry Martinez, 816-512-5759. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) [4:18-mj-00153-JTM] (Entered: 10/23/2018)
10/22/2018	<u>7</u>	ORDER APPOINTING COUNSEL UNDER CJA appointed in felony proceedings as to Juan Guzman. Frederick A Duchardt, Jr appointed for Juan Guzman. Signed on 10/22/18 by Magistrate Judge John T. Maughmer.(Martinez, Kerry) [4:18-mj-00153-JTM] (Entered: 10/23/2018)
10/24/2018	<u>11</u>	ORDER OF DETENTION, CUSTODY DIRECTIVES AND ORDER AUTHORIZING TEMPORARY TRANSFER as to Juan Guzman. Signed on 10/24/2018 by Magistrate Judge John T. Maughmer.(Stepp, Jane) [4:18-mj-00153-JTM] (Entered: 10/24/2018)
10/24/2018	<u>13</u>	Minute Entry for proceedings held before Magistrate Judge John T. Maughmer: DETENTION HEARING AND PRELIMINARY HEARING as to Juan Guzman, Chanthachone Senthavy held on 10/24/2018. The parties stipulate to the affidavit in support of the complaint as the direct testimony of the case agent if called to testify. The parties further stipulate to the pretrial services reports as the direct testimony of the pretrial services officers if called to testify. Each defendant proffers corrections to the pretrial reports. No request is made for either direct or cross examination of the case agent or the

		<p>pretrial officers. Defendant Senthavy makes a proffer regarding the willingness of family members present in the courtroom to co-sign on a bond if he is released. No objection is made by the government as to the proffered corrections or the proffer of Defendant Senthavy. No additional testimony or evidence is presented. Counsel for Defendant Guzman advises they will not contest the issue of detention at this time. Argument presented by government counsel and counsel for Defendant Senthavy. The Court finds probable cause and orders the matter be referred to the Grand Jury for further investigation. The Court grants the government's motions for pretrial detention as to both defendants. As to Defendant Guzman, the Court finds there are no conditions that can be set to ensure either the appearance of the defendant at future court proceedings or the safety of the community. As to Defendant Senthavy, the Court finds that there are no conditions that can be set to ensure the safety of the community. Both defendant are remanded to custody. Counsel appearing for USA: Robert Smith. Counsel appearing for Defendant Guzman: Fred Duchardt. Counsel appearing for Defendant Senthavy: Steve Moss. Pretrial/Probation Officer: Tara Westerhof and Kate Dickensheet. Time in court: 11:00am to 11:30am. Name of interpreter: Rosario Garriga. To order a transcript of this hearing please contact Kerry Martinez, 816-512-5759. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) [4:18-mj-00153-JTM] Modified on 12/12/2018 (Martinez, Kerry). (Entered: 11/05/2018)</p>
10/26/2018		<p>PRETRIAL SERVICES OFFICER Kate Dickensheet assigned for defendant Juan Guzman. This is a text entry only - no document is attached. (Hamre, Nikki) [4:18-mj-00153-JTM] (Entered: 10/26/2018)</p>
11/14/2018	<u>14</u>	<p>(Ex Parte) First EX PARTE MOTION for approval of interim expert services budget, with suggestions by Juan Guzman. Suggestions in opposition/response due by 11/28/2018 unless otherwise directed by the court. (Duchardt, Frederick) [4:18-mj-00153-JTM] (Entered: 11/14/2018)</p>
11/14/2018	<u>15</u>	<p>ORDER EX PARTE granting <u>14</u> motion for order as to Juan Guzman (1). Signed on 11/14/18 by Magistrate Judge John T. Maughmer. (Martinez, Kerry) [4:18-mj-00153-JTM] (Entered: 11/14/2018)</p>
11/14/2018	<u>16</u>	<p>INDICTMENT as to Juan Guzman (1) count(s) 1, 2, 3, 4, Chanthachone Senthavy (2) count(s) 1, 2, 3, Luis Carlos Ramos Caraveo (3) count(s) 1, 2, 3, Maria De La Cruz Nava (4) count(s) 1, 2, 3, Shelby Lanae Peterman (5) count(s) 1, 2, Christopher Shawn Sharp (6) count(s) 1, 2, Jacob Dale Walsh (7) count(s) 1, 2, John Paul Gnat</p>

		(8) count(s) 1, 2. (Attachments: # <u>1</u> Criminal Cover Sheet Guzman, # <u>2</u> Criminal Cover Sheet Senthavy, # <u>3</u> Criminal Cover Sheet Caraveo, # <u>4</u> Criminal Cover Sheet Nava, # <u>5</u> Criminal Cover Sheet Peterman, # <u>6</u> Criminal Cover Sheet Sharp, # <u>7</u> Criminal Cover Sheet Walsh, # <u>8</u> Criminal Cover Sheet Gnat) (Travis, Kendra) (Entered: 11/15/2018)
11/14/2018	<u>17</u>	ORDER REFERRING CASE to Magistrate Judge John T Maughmer as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. Signed on 11/14/2018 by District Judge Brian C. Wimes.(Travis, Kendra) (Entered: 11/15/2018)
11/28/2018	35	NOTICE OF HEARING as to Juan Guzman, Luis Carlos Ramos Caraveo, John Paul Gnat. This is the official notice for this hearing. Initial Appearance and Arraignment set for 12/3/2018 at 01:30 PM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) (Entered: 11/28/2018)
11/30/2018		NOTICE OF HEARING CANCELLATION as to Juan Guzman, Luis Carlos Ramos Caraveo. The Initial Appearance and Arraignment scheduled for 12/3/18 is continued to a date/time to be determined by the Court the parties. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) (Entered: 11/30/2018)
12/03/2018	36	NOTICE OF HEARING as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava. This is the official notice for this hearing. Initial Appearance and Arraignment set for 12/21/2018 at 10:30 AM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) (Entered: 12/03/2018)
12/21/2018	40	Minute Entry for proceedings held before Magistrate Judge John T. Maughmer: INITIAL APPEARANCE as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava held on 12/21/2018., ARRAIGNMENT as to Juan Guzman (1) Count 1,2,3,4 and Chanthachone Senthavy (2) Count 1,2,3 and Luis Carlos Ramos Caraveo (3) Count 1,2,3 and Maria De La Cruz Nava (4) Count 1,2,3 held on 12/21/2018. The parties advise the indictment was read to their clients prior to the beginning of the hearing and waive formal reading of the indictment. The Court advises the defendants of the penalties faced if convicted and their rights. Pleas of not guilty entered and accepted. Case is formally set for trial

		<p>on the docket to begin 2/11/19 as to these defendants but advises the trial setting for a co-defendant has been set for 8/19/19 and counsel should confer with counsel for that co-defendant prior to the Scheduling Conference hearing. Scheduling Conference set for 1/8/2019 11:30 AM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer.) Counsel appearing for USA: Ashleigh Ragner for Bruce Rhoades. Counsel appearing for Defendant Guzman: Fred Duchardt. Counsel for Defendant Senthavy: Willis Toney. Counsel for Defendant Caraveo: Aldo Dominguez. Counsel for Defendant Nava: S. Chase Higenbotham. Time in court: 10:30am to 11:00am. Name of interpreter: Marcela Renna. To order a transcript of this hearing please contact Kerry Martinez, 816-512-5759. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) (Entered: 12/21/2018)</p>
01/08/2019	<u>41</u>	<p>Minute Entry for proceedings held before Magistrate Judge John T. Maughmer: SCHEDULING CONFERENCE as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava held on 1/8/2019. The Court advises the parties a motion to continue the current trial setting has been filed by co-defendant Gnat and inquires if the parties wish to join in that motion and have the trial setting continued to the 8/19/19 trial docket. Defendant Guzman (a/k/a Daniel Solario) advises he objects to a continuance. Counsel for Defendant Guzman advises he would request the trial setting be continued to the 8/19/19 trial docket due to the complexity of the case and voluminous discovery to be reviewed. The Court acknowledges the objection of Defendant Guzman and overrules the objection based on it's belief counsel will need that additional time to prepare for trial. The remaining defendants advise they do not object to the 8/19/19 trial setting. The Court grants the requests of the defendants to join in the motion of Defendant Gnat and the trial setting as to all defendants is continued to the 8/19/19 trial docket. A Scheduling and Trial Order will be filed by the Court. Counsel appearing for USA: Bruce Rhoades. Counsel appearing for Defendant Guzman: Fred Duchardt. Counsel appearing for Defendant Senthavy: Willis Toney. Counsel appearing for Defendant Caraveo: Aldo Dominguez. Counsel appearing for Defendant Nava: S. Chase Higenbotham. Time in court: 11:30am to 12:00pm. Name of interpreter: Marcela Renna. To order a transcript of this hearing please contact Kerry Martinez, 816-512-5759. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) (Entered: 01/09/2019)</p>
01/10/2019	<u>42</u>	<p>SCHEDULING AND TRIAL ORDER. Motions due by 4/12/2019.</p>

		Accelerated Jury Trial as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava set for 8/19/2019 at 09:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 1/8/3029 by Magistrate Judge John T. Maughmer.(Stepp, Jane) (Entered: 01/10/2019)
02/18/2019	<u>53</u>	MOTION for finding that the case is complex, with suggestions by Juan Guzman. Suggestions in opposition/response due by 3/4/2019 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 02/18/2019)
02/21/2019	<u>54</u>	PRO SE MOTION to appoint new counsel by Juan Guzman. Suggestions in opposition/response due by 3/7/2019 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Kern, Kendra) (Entered: 02/22/2019)
02/26/2019	59	NOTICE OF HEARING as to Juan Guzman. This is the official notice for this hearing. Motion Hearing set for 2/28/2019 01:15 PM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer regarding defendant's pro se motion for new counsel (Doc. 54). This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) (Entered: 02/26/2019)
02/28/2019	64	Minute Entry for proceedings held before Magistrate Judge John T. Maughmer: MOTION HEARING as to Juan Guzman held on 2/28/2019. Beginning portion of the hearing is held from 1:15pm to 1:25. Defense counsel requests at 1:25pm that the courtroom be cleared to allow the defendant to discuss his concerns "in camera." Courtroom is cleared at 1:25pm and a portion of this portion of this hearing is held "in camera." At 1:38pm the Court requests government counsel return to the courtroom for final ruling on the defendant's pro se motion for new counsel re <u>54</u> MOTION to appoint counsel filed by Juan Guzman. Counsel appearing for USA: Bruce Rhoades. Counsel appearing for Defendant: Fred Duchardt. Time in court: 1:15pm to 1:25pm. Name of interpreter: Marcela Renna. To order a transcript of this hearing please contact Kerry Martinez, 816-512-5759. This is a TEXT ONLY ENTRY. No document is attached. (Martinez, Kerry) (Entered: 02/28/2019)
03/01/2019	<u>66</u>	ORDER granting <u>53</u> motion to declare as complex case as to Juan Guzman (1). Signed on 3/1/2019 by Magistrate Judge John T. Maughmer. (Stepp, Jane) (Entered: 03/01/2019)
03/29/2019	78	ARREST WARRANT RETURNED EXECUTED on 10/18/18 as to Juan Guzman. This document contains original signatures of non

		attorneys and is being maintained in a paper file at the court.(Woods, Gloria) (Entered: 03/29/2019)
04/19/2019	<u>88</u>	ORDER granting motion to continue 85 as to Chanthachone Senthavy (2); granting motion to continue 86 as to Chanthachone Senthavy (2). Motions due 6/12/2019. Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat is set for 9/5/2019 at 01:30 PM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer. Accelerated Jury Trial as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat set for 9/23/2019 at 09:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 4/19/2019 by Magistrate Judge John T. Maughmer. (Stepp, Jane) (Entered: 04/19/2019)
06/01/2019	<u>101</u>	MOTION to suppress <i>statement, with suggestions</i> by Juan Guzman. Suggestions in opposition/response due by 6/17/2019 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 06/01/2019)
06/18/2019	<u>104</u>	MOTION for extension of time to file response/reply as to <u>101</u> MOTION to suppress <i>statement, with suggestions</i> by USA as to Juan Guzman. Suggestions in opposition/response due by 7/2/2019 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 06/18/2019)
06/27/2019	105	ORDER granting <u>104</u> motion for extension of time to 7/5/19 to file response to motion to suppress as to Juan Guzman (1) Signed on 6/27/19 by Magistrate Judge John T. Maughmer. This is a TEXT ONLY ENTRY. No document is attached. (Alexander, Pam) (Entered: 06/27/2019)
07/05/2019	107	ORDER as to Juan Guzman re <u>101</u> MOTION to suppress <i>statement, with suggestions</i> filed by Juan Guzman. Evidentiary Hearing set for 8/5/2019 at 01:00 PM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer.Signed on 7/5/2019 by Magistrate Judge John T. Maughmer. This is a TEXT ONLY ENTRY. No document is attached. (Stepp, Jane) (Entered: 07/05/2019)
07/05/2019	<u>108</u>	SUGGESTIONS in opposition by USA as to Juan Guzman re <u>101</u> MOTION to suppress <i>statement, with suggestions</i> . Reply suggestions due by 7/19/2019 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 07/05/2019)

07/05/2019	<u>109</u>	NOTICE of filing <i>AMENDED United States of America's Opposition to Defendant's Motion to Suppress Statements</i> by USA as to Juan Guzman (Rhoades, Bruce) (Entered: 07/05/2019)
07/22/2019	<u>110</u>	MOTION for extension of time to file reply to response regarding motion to suppress by Juan Guzman. Suggestions in opposition/response due by 8/5/2019 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 07/22/2019)
07/23/2019	<u>111</u>	ORDER granting <u>110</u> motion extension of time as to Juan Guzman (1). Defendant has until July 23, 2019 to file his reply to the government's response to defendant's Motion to Suppress. Signed on 7/23/2019 by Magistrate Judge John T. Maughmer. This is a TEXT ONLY ENTRY. No document is attached. (Stepp, Jane) (Entered: 07/23/2019)
07/23/2019	<u>112</u>	REPLY SUGGESTIONS to motion by Juan Guzman re <u>101</u> MOTION to suppress <i>statement, with suggestions reply to government response (Doc. 109)</i> (Duchardt, Frederick) (Entered: 07/23/2019)
07/25/2019	<u>114</u>	PROPOSED EXHIBIT LIST by USA as to Juan Guzman (Rhoades, Bruce) (Entered: 07/25/2019)
08/15/2019	<u>116</u>	ORDER granting motion to continue 113 as to Shelby Lanae Peterman (5). Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat is set for 5/14/2020 at 01:30 PM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer. Accelerated Jury Trial as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat set for 6/1/2020 at 09:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 8/15/2019 by Magistrate Judge John T. Maughmer. (Stepp, Jane) (Entered: 08/15/2019)
09/04/2019	<u>117</u>	Minute Entry:EVIDENTIARY HEARING as to Juan Guzman held on 8/5/2019 before Magistrate Judge John T. Maughmer. Time in court: 1:00 pm to 1:23 pm. Name of interpreter: Marcella Renna. To order a transcript of this hearing please contact Jean Crawford, 816-512-5642, jean_crawford@mow.uscourts.gov. (Alexander, Pam) (Entered: 09/04/2019)
09/05/2019	<u>118</u>	ELECTRONIC TRANSCRIPT as to Juan Guzman of Suppression Hearing held 08/05/2019 before Judge John T. Maughmer. Court Reporter: Jean Crawford, 816-512-5642,

		<p>jean_crawford@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. This transcript will be released 90 days after the termination of the case. Notice of Intent to File Redaction of Transcripts due by 9/12/2019 unless otherwise directed by the court.(Crawford, Jean) (Entered: 09/05/2019)</p>
09/24/2019	<u>119</u>	<p>REPORT AND RECOMMENDATIONS as to Juan Guzman re <u>101</u> MOTION to suppress <i>statement, with suggestions</i> Objections to R&R due by 10/8/2019 unless otherwise directed by the court.Signed on 9/24/2019 by Magistrate Judge John T. Maughmer.(Stepp, Jane) (Entered: 09/24/2019)</p>
10/08/2019	<u>120</u>	<p>OBJECTION TO REPORT AND RECOMMENDATIONS <u>119</u> by Juan Guzman (Duchardt, Frederick) (Entered: 10/08/2019)</p>
10/17/2019	<u>121</u>	<p>NOTICE of filing <i>United States' Response in Opposition to Defendant's Objection to Report and Recommendation to Deny Motion to Suppress Evidence</i> by USA as to Juan Guzman re <u>120</u> Objection to Report and Recommendations (Rhoades, Bruce) (Entered: 10/17/2019)</p>
11/14/2019	<u>122</u>	<p>(Ex Parte) EX PARTE MOTION for increase in expert services budget, with suggestions re <u>15</u> Ex Parte Order on Ex Parte Motion, <u>14</u> First EX PARTE MOTION for approval of interim expert services budget, with suggestions by Juan Guzman. Suggestions in opposition/response due by 11/29/2019 unless otherwise directed by the court. (Attachments: # <u>1</u> Appendix CJA28G)(Duchardt, Frederick) (Entered: 11/14/2019)</p>
11/15/2019	<u>123</u>	<p>(Ex Parte) EX PARTE MOTION for attorney excess and interim payments, with suggestions by Juan Guzman. Suggestions in opposition/response due by 11/29/2019 unless otherwise directed by the court. (Attachments: # <u>1</u> Appendix CJA 28A)(Duchardt, Frederick) (Entered: 11/15/2019)</p>
01/07/2020	<u>126</u>	<p>ORDER EX PARTE granting <u>122</u> motion authorization for increase in funds for interpreter services as to Juan Guzman (1). Signed on 12/16/2019 by Chief Judge Smith and on 11/21/19 by Magistrate Judge John T. Maughmer. (Stepp, Jane) (Entered: 01/07/2020)</p>

03/12/2020	<u>131</u>	ORDER EX PARTE granting in part and denying in part <u>123</u> motion approval of proposed budget as to Juan Guzman (1). The Court approves a budget of \$62,788.40. Signed on 3/11/2020 by Magistrate Judge John T. Maughmer and Chief Judge Lavenski R. Smith, Chief Judge, Eighth Circuit. (Stepp, Jane) (Entered: 03/12/2020)
04/28/2020	<u>135</u>	ORDER granting motion to continue 134 as to Jacob Dale Walsh (7). Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat is set for 11/19/2020 at 01:30 PM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer. Accelerated Jury Trial as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat set for 11/30/2020 at 09:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 4/28/2020 by Magistrate Judge John T. Maughmer. (Stepp, Jane) (Entered: 04/28/2020)
04/29/2020	<u>136</u>	ORDER as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. The Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat is set for 11/19/2020 is RESET for 11/12/2020 at 01:30 PM in Courtroom 7E, Kansas City (JTM) before Magistrate Judge John T. Maughmer. Signed on 4/29/2020 by Magistrate Judge John T. Maughmer. This is a TEXT ONLY ENTRY. No document is attached. (Stepp, Jane) (Entered: 04/29/2020)
09/24/2020	<u>145</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>119</u> Report and Recommendations, <u>101</u> DENIED Motion to Suppress filed by Juan Guzman. # <u>1</u> Exhibit) (Kern, Kendra). Modified on 9/24/2020 to add R&R per order. Omitted with original filing of order. NEF regenerated to all parties. (Kern, Kendra) (Entered: 09/24/2020)
10/09/2020	<u>148</u>	MOTION for subpoenas duces tecum, with suggestions by Juan Guzman. Suggestions in opposition/response due by 10/23/2020 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 10/09/2020)
10/13/2020	<u>149</u>	ADMINISTRATIVE TRANSFER as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh,

		John Paul Gnat. With the consent of the Court En Banc, the referral judge in this case is hereby transferred from Magistrate Judge John T. Maughmer to Magistrate Judge W. Brian Gaddy for all further proceedings. All referral duties and authorities set out in the original Order of Reference remain in effect. Signed on October 13, 2020 by Chief District Judge Beth Phillips. (Attachments: # <u>1</u> Transfer List) (Jones, Robin) (Entered: 10/13/2020)
10/30/2020	<u>151</u>	MOTION to continue <i>case for trial</i> by Juan Guzman. Suggestions in opposition/response due by 11/13/2020 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 10/30/2020)
11/02/2020	<u>152</u>	MOTION for leave of court to file supplemental motion to suppress statements by Juan Guzman. Suggestions in opposition/response due by 11/16/2020 unless otherwise directed by the court. (Attachments: # <u>1</u> Appendix Supplemental Motion to Suppress)(Duchardt, Frederick) (Entered: 11/02/2020)
11/06/2020	<u>153</u>	ORDER granting motion to continue <u>151</u> as to Juan Guzman (1). Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, and Jacob Dale Walsh is set for 5/20/2021 at 1:30 PM in Courtroom 6D, Kansas City before Magistrate Judge W. Brian Gaddy. Accelerated Jury Trial as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, and Jacob Dale Walsh set for 6/7/2021 at 9:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on 11/6/20 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 11/06/2020)
11/12/2020	<u>157</u>	SUGGESTIONS in opposition by USA as to Juan Guzman re <u>152</u> MOTION for leave of court to file supplemental motion to suppress statements . Reply suggestions due by 11/27/2020 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 11/12/2020)
11/20/2020	<u>158</u>	ORDER denying without prejudice <u>148</u> Defendant Juan Guzman's (1) motion for issuance of subpoenas duces tecum. Signed on 11/20/20 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 11/20/2020)
11/23/2020	<u>159</u>	Second MOTION for subpoenas duces tecum, with suggestions re <u>148</u> MOTION for subpoenas duces tecum, with suggestions , <u>158</u> Order on Motion for Miscellaneous Relief by Juan Guzman. Suggestions in

		opposition/response due by 12/7/2020 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 11/23/2020)
11/25/2020	<u>160</u>	REPLY SUGGESTIONS to motion by Juan Guzman re <u>152</u> MOTION for leave of court to file supplemental motion to suppress statements <i>reply to government response (Doc. 157)</i> (Duchardt, Frederick) (Entered: 11/25/2020)
01/08/2021	<u>161</u>	ORDER granting <u>159</u> second motion for issuance of subpoenas duces tecum as to Juan Guzman (1) and directing the Clerk of the Court to prepare and issue subpoenas. Signed on 1/8/2021 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 01/08/2021)
02/03/2021	<u>164</u>	ORDER regarding the Court's in camera review of documents produced pursuant to the Court's January 8, 2021 Order <u>161</u> and production of documents. Signed on 2/3/21 by Magistrate Judge W. Brian Gaddy. (The records produced by the Wyandotte County, Kansas District Attorney's Office and the Kansas City, Kansas Police Department will be mailed to Defendant Juan Guzman's counsel from Chambers.) (Kitsmiller, Julia) (Entered: 02/03/2021)
02/28/2021	<u>165</u>	MOTION for protective order <i>with suggestions</i> by Juan Guzman. Suggestions in opposition/response due by 3/15/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 02/28/2021)
03/03/2021	<u>166</u>	REPORT AND RECOMMENDATION as to Juan Guzman re <u>152</u> MOTION for leave of court to file supplemental motion to suppress statements. Objections to R&R due by 3/17/2021 unless otherwise directed by the court. Signed on March 3, 2021 by Magistrate Judge W. Brian Gaddy. (Kanoy, Sarah) (Entered: 03/03/2021)
03/09/2021	<u>167</u>	(Ex Parte) Second EX PARTE MOTION for for increase in interpreter budget re <u>15</u> Ex Parte Order on Ex Parte Motion, <u>126</u> Ex Parte Order on Ex Parte Motion by Juan Guzman. Suggestions in opposition/response due by 3/23/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 03/09/2021)
03/15/2021	<u>168</u>	MOTION for extension of time to file response/reply as to <u>165</u> MOTION for protective order <i>with suggestions</i> by USA as to Juan Guzman. Suggestions in opposition/response due by 3/29/2021 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 03/15/2021)
03/17/2021	169	ORDER granting <u>168</u> the Government's unopposed motion for extension of time to file response to Defendant Juan Guzman's (1) Motion for Protective Order <u>165</u> . The Government shall file its

		response by 3/19/2021 unless otherwise directed by the court. Signed on 3/17/21 by Magistrate Judge W. Brian Gaddy. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 03/17/2021)
03/17/2021	<u>170</u>	OBJECTION TO REPORT AND RECOMMENDATIONS <u>166</u> by Juan Guzman (Duchardt, Frederick) (Entered: 03/17/2021)
03/18/2021	<u>171</u>	SUGGESTIONS in opposition by USA as to Juan Guzman re <u>165</u> MOTION for protective order <i>with suggestions</i> . Reply suggestions due by 4/1/2021 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 03/18/2021)
03/19/2021	<u>172</u>	REPLY SUGGESTIONS to motion by Juan Guzman re <u>165</u> MOTION for protective order <i>with suggestions reply to government response (Doc. 171)</i> (Duchardt, Frederick) (Entered: 03/19/2021)
03/20/2021	<u>173</u>	MOTION to permit written communication between defendant and Ashley George by Juan Guzman. Suggestions in opposition/response due by 4/5/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 03/20/2021)
03/26/2021	<u>174</u>	NOTICE of filing <i>Response in Opposition to Defendant's Objections to the Report and Recommendation</i> by USA as to Juan Guzman re <u>170</u> Objection to Report and Recommendations (Rhoades, Bruce) (Entered: 03/26/2021)
04/05/2021	<u>175</u>	MOTION for extension of time to file response/reply as to <u>173</u> MOTION to permit written communication between defendant and Ashley George by USA as to Juan Guzman. Suggestions in opposition/response due by 4/19/2021 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 04/05/2021)
04/08/2021	<u>177</u>	SUGGESTIONS in opposition by USA as to Juan Guzman re <u>173</u> MOTION to permit written communication between defendant and Ashley George . Reply suggestions due by 4/22/2021 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 04/08/2021)
04/08/2021	178	ORDER granting <u>175</u> the Government's motion for extension of time to file response to Juan Guzman's (1) Motion to Permit Written Communication Between Defendant and Ashley George <u>173</u> . The Government's response <u>177</u> , which was filed on April 8, 2021, is deemed timely filed. If Defendant intends to file a reply, it must be filed by no later than April 22, 2021. Signed on 4/8/21 by Magistrate Judge W. Brian Gaddy. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 04/08/2021)

04/10/2021	<u>179</u>	REPLY SUGGESTIONS to motion by Juan Guzman re <u>173</u> MOTION to permit written communication between defendant and Ashley George <i>reply to government response (Doc. 177)</i> (Duchardt, Frederick) (Entered: 04/10/2021)
04/12/2021	<u>180</u>	ORDER granting in part and denying in part <u>165</u> motion for protective order as to Juan Guzman (1). Signed on 4/12/21 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 04/12/2021)
04/12/2021	<u>181</u>	ORDER EX PARTE denying without prejudice <u>167</u> Ex Parte Request for District and Circuit Court Authorization for Second Increase in Funds for Interpreter Services as to Juan Guzman (1). Signed on 4/12/21 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 04/12/2021)
04/14/2021	<u>182</u>	ORDER denying <u>173</u> Defendant Juan Guzman's (1) motion to permit written communication between Defendant and Ashley George. Signed on 4/14/21 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 04/14/2021)
04/14/2021	<u>183</u>	MOTION for psychiatric exam <i>with suggestions</i> by Juan Guzman. Suggestions in opposition/response due by 4/28/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 04/14/2021)
04/15/2021	<u>184</u>	ORDER granting <u>183</u> Request for Mental Evaluation as to Juan Guzman (1). Signed on 4/15/21 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Modified on 4/15/2021 to reflect that a copy of this Order was emailed to the Unites States Marshals Service) (Entered: 04/15/2021)
04/23/2021	<u>185</u>	MOTION to continue <i>case for trial</i> by Juan Guzman. Suggestions in opposition/response due by 5/7/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 04/23/2021)
04/27/2021	<u>186</u>	ORDER granting <u>185</u> MOTION to continue <i>case for trial</i> filed by Juan Guzman. Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, and John Paul Gnat is set for 10/14/2021 at 09:30 AM in Courtroom 6D, Kansas City before Magistrate Judge W. Brian Gaddy. Accelerated Jury Trial as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, and John Paul Gnat set for 11/1/2021 at 09:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes. Signed on April 27, 2021 by

		Magistrate Judge W. Brian Gaddy. (Kanoy, Sarah) (Entered: 04/27/2021)
06/03/2021	<u>188</u>	ORDER granting Federal Detention Center - Miami's request for an extension of time to complete the psychological or psychiatric evaluation <u>184</u> of Juan Guzman (1). The facility shall complete its evaluation by no later than July 14, 2021, and submit its report to the Court by no later than August 13, 2021. Signed on 6/3/21 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (A copy of this Order is being mailed from Chambers to the Warden of FDC-Miami and emailed to examiner Dr. Carmen Rodriguez.) (Entered: 06/03/2021)
08/18/2021	<u>192</u>	PSYCHIATRIC REPORT received by the Court on August 18, 2021, as to Juan Guzman (1). Access to this report is restricted to the Government and defendant's counsel. Authorized users enter CM/ECF login and password first for authentication. Click here for instructions. (Kitsmiller, Julia) (Entered: 08/18/2021)
09/07/2021	193	NOTICE OF HEARING as to Juan Guzman. This is the official notice for this hearing. Competency Hearing set for 9/15/2021 10:30 AM in Courtroom 6D, Kansas City before Magistrate Judge W. Brian Gaddy. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 09/07/2021)
09/13/2021	194	AMENDED NOTICE OF HEARING as to Juan Guzman. **Amended as to time only.** This is the official notice for this hearing. Competency Hearing set for 9/15/2021 09:30 AM in Courtroom 6D, Kansas City before Magistrate Judge W. Brian Gaddy. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 09/13/2021)
09/15/2021	195	<p>Minute Entry for proceedings held before Magistrate Judge W. Brian Gaddy: COMPETENCY HEARING as to Juan Guzman held on 9/15/2021.</p> <p>All parties present and ready for hearing. Defendant appears in person and in custody. Interpreter sworn. The Court takes up the Defendant's motion for psychiatric exam, filed on April 14, 2021 (Doc. 183). Parties stipulate to the August 13, 2021 forensic report, made available to the Court and counsel on August 18, 2021 by Forensic Psychologist Carmen Rodriguez, Psy.D.</p> <p>Parties stipulate that if Dr. Rodriguez were called to testify that she would testify consistent with her report. Defendant does not dispute</p>

		<p>report's findings and does not object to Court's consideration of the report. Defendant does dispute some of the report's facts. Counsel for Defendant will submit a list of Defendant's factual clarifications to Dr. Rodriguez for consideration as to impact on findings. Court requests the list be submitted to Dr. Rodriguez by September 21, 2021, with a copy shared to the Government and the Court. Government's response to the list, if needed, is due September 23, 2021. Court requests Dr. Rodriguez provide a supplemental report to the Court by September 30, 2021, if possible. A brief hearing will be set, following that submission.</p> <p>Defendant remanded to the custody of the U.S. Marshals, pending further proceedings in the case.</p> <p>Counsel appearing for USA: Trey Alford. Counsel appearing for Defendant: Fred Duchardt Jr.. Time in court: 9:32 am to 9:46 am. Name of interpreter: Rosario Garriga. To order a transcript of this hearing please contact Teresa Williams, 816-512-5774. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 09/15/2021)</p>
09/16/2021	<u>196</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman of HEARING ON MOTION TO DETERMINE COMPETENCY held September 15, 2021, before Judge W. Brian Gaddy. Court Reporter: Lissa Whittaker, 816-914-3613, rapidtranscript@gmail.com. Number of pages: 11. 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.

 If necessary, Notice of Intent to Redact is due by 9/23/2021 unless otherwise directed by the court. Notice of Items to be Redacted is due by 10/7/2021 unless otherwise directed by the court. Release of Transcript Restriction set for 12/15/2021. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.

(Whittaker, Lissa) (Entered: 09/16/2021)</p>
09/22/2021	<u>197</u>	<p>MOTION for client access to electronic discovery while in custody by Juan Guzman. Suggestions in opposition/response due by 10/6/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 09/22/2021)</p>

09/26/2021	199	NOTICE OF HEARING as to Juan Guzman. This is the official notice for this hearing. Competency Hearing set for 9/29/2021 10:00 AM in Courtroom 6D, Kansas City before Magistrate Judge W. Brian Gaddy. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 09/26/2021)
09/27/2021	<u>200</u>	SUPPLEMENTAL FORENSIC EVALUATION REPORT dated 9/24/2021 as to Juan Guzman (1). Access to this report is restricted to the Government and defendant's counsel. Authorized users enter CM/ECF login and password first for authentication. Click here for instructions. (Kitsmiller, Julia) (Entered: 09/27/2021)
09/29/2021	202	<p>Minute Entry for proceedings held before Magistrate Judge W. Brian Gaddy: COMPETENCY HEARING as to Juan Guzman held on 9/29/2021.</p> <p>All parties present and ready for hearing. Defendant appears in person and in custody. Interpreter sworn. Court takes up the matter of a supplemental report requested by Defendant, to address Defendant's disputed facts. The Supplemental Forensic Evaluation Report, written by Forensic Psychologist Carmen Rodriguez, Psy.D, was filed on September 27, 2021 (Doc. 200).</p> <p>Parties stipulate to the supplemental report. No further evidence or argument.</p> <p>Based on the report and supplemental report, and the parties stipulation to them, the Court will recommend to the District Judge that a finding be made that the Defendant is competent to proceed to trial. The Court will issue a Report and Recommendation to the District Judge. The parties have fourteen days from the date of the Report and Recommendation to file and serve objections.</p> <p>Discussion regarding Defendant's motion for access to electronic discovery while in custody (Doc. 197). Government does not object to motion. An order granting the motion is forthcoming. Defense Counsel informs Court of Defendant's concerns as to counsel's representation. Court encourages the Defendant and his counsel to meet and confer on these concerns. If a hearing remains necessary to address these issues, the Court can set a hearing.</p> <p>Counsel appearing for USA: Bruce Rhoades. Counsel appearing for Defendant: Fred Duchardt Jr.. Time in court: 10:11 am to 10:21 am. Name of interpreter: Rosario Garriga. To order a transcript of this</p>

		hearing please contact Teresa Williams, 816-512-5774. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 09/29/2021)
09/30/2021	<u>203</u>	ELECTRONIC TRANSCRIPT as to Juan Guzman of HEARING ON MOTION TO DETERMINE COMPETENCY held September 29, 2021, before Judge W. Brian Gaddy. Court Reporter: Lissa Whittaker, 816-914-3613, rapidtranscript@gmail.com. Number of pages: 9. 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. If necessary, Notice of Intent to Redact is due by 10/7/2021 unless otherwise directed by the court. Notice of Items to be Redacted is due by 10/21/2021 unless otherwise directed by the court. Release of Transcript Restriction set for 12/29/2021. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. (Whittaker, Lissa) (Entered: 09/30/2021)
09/30/2021	<u>204</u>	ORDER granting <u>197</u> Defendant Juan Guzman's (1) Motion for Order Allowing Access to Electronically Stored Discovery While in Custody. Signed on 9/30/21 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 09/30/2021)
10/01/2021	<u>205</u>	REPORT AND RECOMMENDATION as to Juan Guzman's mental competency to stand trial. Objections to the Report and Recommendation are due by 10/15/2021 unless otherwise directed by the court. Signed on October 1, 2021 by Magistrate Judge W. Brian Gaddy. (Kanoy, Sarah) (Entered: 10/01/2021)
10/08/2021	208	AMENDED NOTICE OF HEARING as to Juan Guzman, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava. **Amended as to time.** This is the official notice for this hearing. Pretrial Conference as to Juan Guzman, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava is set for 10/14/2021 10:00 AM via Video Teleconference before Magistrate Judge W. Brian Gaddy. [Zoom invites will be emailed to all parties.] This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 10/08/2021)
10/08/2021	209	SECOND AMENDED NOTICE OF HEARING as to Juan Guzman, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava. **Amended as to date and time.** This is the official notice for this hearing. Pretrial

		Conference as to Juan Guzman, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava is set for 10/13/2021 11:30 AM via Video Teleconference before Magistrate Judge W. Brian Gaddy. [Zoom invites will be sent to all parties.] This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 10/08/2021)
10/10/2021	<u>213</u>	MOTION in limine by Juan Guzman. Suggestions in opposition/response due by 10/25/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 10/10/2021)
10/13/2021	<u>217</u>	ORDER - ADOPTING <u>166</u> Report and Recommendations as to Juan Guzman (1). DENYING <u>152</u> defendant's motion to file supplemental motion to suppress statement. Signed on 10/13/21 by District Judge Brian C. Wimes. (Attachments: # <u>1</u> Report and Recommendations) (Anderson, Christy) (Entered: 10/13/2021)
10/13/2021	218	NOTICE OF HEARING as to Juan Guzman. This is the official notice for this hearing. Pretrial Conference as to Juan Guzman is set for 10/14/2021 10:45 AM in Courtroom 6D, Kansas City before Magistrate Judge W. Brian Gaddy. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 10/13/2021)
10/13/2021	219	<p>Minute Entry for proceedings held before Magistrate Judge W. Brian Gaddy: PRETRIAL CONFERENCE as to Juan Guzman, Maria De La Cruz Nava held on 10/13/2021.</p> <p>All parties present and ready for pretrial conference via videoconference. Interpreter sworn. Defendant De La Cruz Nava consents to hearing via videoconference. Defendant Guzman does not consent to hearing via videoconference and requests in-person hearing. Defendant Guzman's pretrial conference not held. Court excuses Defendant Guzman and his Counsel Fred Duchardt from videoconference and will schedule an in-person hearing.</p> <p>This case is definite for trial and is currently set on the November 1, 2021 joint criminal jury trial docket. The Court completes the pretrial conference memorandum for Defendant De La Cruz Nava.</p> <p>Parties have no outstanding motions. Parties are to file their witness/exhibit lists and materials related to experts by October 15, 2021. Voir dire and jury instructions are due by Monday, October 25, 2021. Parties estimate the trial to last 5 days. Both parties request the second week of the trial docket.</p>

		Counsel appearing for USA: Bruce Rhoades. Counsel appearing for Defendants: Chase Higenbotham/Fred Duchardt, Jr. Time in court: 11:34 am to 12:07 pm. Name of interpreter: Rosario Garriga. To order a transcript of this hearing please contact Teresa Williams, 816-512-5774. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) (Entered: 10/13/2021)
10/14/2021	<u>221</u>	MOTION for Order allowing Zoom conference with Mexican Consular staff by Juan Guzman. Suggestions in opposition/response due by 10/28/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 10/14/2021)
10/14/2021	<u>222</u>	MEMORANDUM OF MATTERS DISCUSSED AND ACTION TAKEN AT PRETRIAL CONFERENCE as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava, and Jacob Dale Walsh. Signed on October 14, 2021 by Magistrate Judge W. Brian Gaddy. (Kanoy, Sarah) (Entered: 10/14/2021)
10/15/2021	<u>223</u>	MOTION for interpreter services at trial by Juan Guzman. Suggestions in opposition/response due by 10/29/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 10/15/2021)
10/15/2021	224	<p>Minute Entry for proceedings held before Magistrate Judge W. Brian Gaddy: PRETRIAL CONFERENCE as to Juan Guzman held on 10/14/2021.</p> <p>Government's Giglio, informant and other disclosures are due Monday, October 18, 2021. Court extends the deadline for Defendant Guzman's witness and exhibit lists to Thursday, October 21, 2021. Supplemental material related to experts is due October 15, 2021. Parties should meet and confer as to stipulations. Exhibit indices, voir dire and jury instructions are due Monday, October 25, 2021. Court advises Defense Counsel to file a brief written motion as to his request that additional headsets be available to family at trial.</p> <p>This case is definite for trial and is currently set on the November 1, 2021 joint criminal jury trial docket. Defense Counsel concurs with the estimate of trial length to be five days. Parties request the second week of the trial docket.</p> <p>Counsel for Defendant requests order on motion regarding Zoom conference with Mexican Consular. Government has no objection to motion. Court will rule on the motion when filed.</p>

		<p>ATTORNEY APPOINTMENT HEARING as to Juan Guzman held on 10/14/2021: Defense Counsel requests ex parte hearing for discussion of Defendant's concerns regarding counsel. Government counsel is excused and exits the courtroom; only Court personnel remain. Ex parte discussion held.</p> <p>Upon further review, the Court denies Defendant's request for new counsel; attorney Fred Duchardt will remain as appointed counsel. The Court finds that the issues discussed in camera do not demonstrate a complete breakdown in communication between Defendant and counsel and do not justify the appointment of new counsel under prevailing Eighth Circuit standards. Court reminds Defendant of his rights. Defendant remains in the custody of the U.S. Marshal, pending further proceedings in this case.</p> <p>Counsel appearing for USA: Bruce Rhoades. Counsel appearing for Defendant: Fred Duchardt Jr. Interpreter: Rosario Garriga. Time in court: 10:42 am to 12:06 pm. To order a transcript of this hearing please contact Teresa Williams, 816-512-5774. This is a TEXT ONLY ENTRY. No document is attached. (Williams, Teresa) Modified on 10/18/2021 as to date of hearings.(Williams, Teresa). Modified on 10/19/2021 as to interpreter. (Williams, Teresa). (Entered: 10/15/2021)</p>
10/15/2021	<u>225</u>	LETTER as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava, Jacob Dale Walsh regarding the November 1, 2021 Joint Criminal Jury Trial Docket from Chief Magistrate Judge David P. Rush. (DO) (Entered: 10/15/2021)
10/15/2021	<u>226</u>	ORDER granting <u>221</u> Motion for Order Allowing Zoom Conference with Mexican Consular Officer as to Juan Guzman (1). Signed on 10/15/21 by Magistrate Judge W. Brian Gaddy. (Kitsmiller, Julia) (Entered: 10/15/2021)
10/15/2021	<u>227</u>	PROPOSED EXHIBIT LIST by USA as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava, Jacob Dale Walsh (Rhoades, Bruce) (Entered: 10/15/2021)
10/15/2021	<u>228</u>	PROPOSED WITNESS LIST by USA as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava, Jacob Dale Walsh (Rhoades, Bruce) (Entered: 10/15/2021)
10/18/2021	<u>229</u>	RULES OF JURY TRIAL. Signed on 10/18/2021 by District Judge Stephen R. Bough. (Richard, Tracey) (Entered: 10/18/2021)
10/18/2021	230	NOTICE OF HEARING as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava and Jacob Dale Walsh. This is the official

		notice for this hearing. . Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava and Jacob Dale Walsh is set for 10/22/2021 at 2:00 PM in Courtroom 7B, Kansas City (SRB) before District Judge Stephen R. Bough.Signed on 10/18/2021 by District Judge Stephen R. Bough. This is a TEXT ONLY ENTRY. No document is attached. (Richard, Tracey) (Entered: 10/18/2021)
10/18/2021	<u>231</u>	ORDER - ADOPTING, re <u>205</u> Report and Recommendations as to Juan Guzman (1). The Court finds that defendant is competent to understand the nature and consequences of the proceedings against him and to assist properly in his defense. Signed on 10/18/21 by District Judge Brian C. Wimes. (Attachments: # <u>1</u> Report and Recommendations) (Anderson, Christy) (Entered: 10/18/2021)
10/21/2021	<u>234</u>	First PROPOSED EXHIBIT LIST by Juan Guzman (Duchardt, Frederick) (Entered: 10/21/2021)
10/21/2021	<u>235</u>	First PROPOSED WITNESS LIST by Juan Guzman (Duchardt, Frederick) (Entered: 10/21/2021)
10/22/2021	236	Minute Entry for proceedings held before District Judge Stephen R. Bough: PRETRIAL CONFERENCE as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava, Jacob Dale Walsh held on 10/22/2021. Order to be entered. Final and best plea offers for each defendant reviewed on the record. Counsel appearing for USA: Bruce Rhoads. Counsel appearing for Defendant: Fred Duchardt, Allen Ternent, Chase Higinbotham and Katrina Robertson. Time in court: 2:00 p.m. to 3:00 p.m. Name of interpreter: Sara Gardner. To order a transcript of this hearing please contact Reggie Lambrecht, 816-512-5623, regina_lambrecht@mow.uscourts.gov. This is a TEXT ONLY ENTRY. No document is attached. (Richard, Tracey) (Entered: 10/22/2021)
10/22/2021	<u>238</u>	Waiver of Certified Interpreter by Juan Guzman. (Richard, Tracey) (Entered: 10/22/2021)
10/22/2021	239	On October 22, 2021, the Court presided over a hearing in this case. For the reasons stated during that hearing, the Court ORDERS the following: (1) Defendant Jacob Walsh's Motion in Limine to Exclude Evidence (Doc. #211) is DENIED as MOOT; (2) Defendant Jacob Walsh's Motion in Limine to Exclude Evidence (Doc. # 212) is DENIED as MOOT; (3) Defendant Juan Guzman/Daniel Solorio's Motion in Limine (Doc. #213) is GRANTED, and to the extent the United States wishes to use statements from the 2017 and 2018 stops they must first approach the bench; (4) Defendant Chanthachone

		Senthavy's Motion in Limine (Doc. #214) is DENIED as to evidence of the handgun and rifle, DENIED as to evidence of incidental drug use, GRANTED to the extent that if the United States wishes to introduce evidence referencing a Guatemalan individual they must first approach the bench, GRANTED as to evidence of prior convictions unless Defendant Senthavy testifies; (5) Defendant Juan Guzman/Daniel Solorio's Motion for Interpreter Services at Trial (Doc. #223) is DENIED. Signed on 10/22/2021 by District Judge Stephen R. Bough. This is a TEXT ONLY ENTRY. No document is attached. (Richard, Tracey) (Entered: 10/22/2021)
10/24/2021	<u>240</u>	NOTICE of Intent to Call Witness re Alibi by Juan Guzman (Duchardt, Frederick) (Entered: 10/24/2021)
10/25/2021	<u>243</u>	PROPOSED VOIR DIRE by Juan Guzman (Duchardt, Frederick) (Entered: 10/25/2021)
10/25/2021	244	ORDER TRANSFERRING/REASSIGNING CASE. Upon the consent, defendants Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava, Jacob Dale Walsh are reassigned to District Judge Stephen R. Bough for all further proceedings. District Judge Brian C. Wimes no longer assigned to case. Signed on 10/25/21 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Anderson, Christy) (Entered: 10/25/2021)
10/26/2021	251	ORDER TRANSFERRING/REASSIGNING CASE as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava and Jacob Dale Walsh. Upon the consent and for good cause shown this case is reassigned to District Judge Brian C. Wimes for all further proceedings. District Judge Stephen R. Bough no longer assigned to case. Signed on 10/26/2021 by District Judge Stephen R. Bough. This is a TEXT ONLY ENTRY. No document is attached. (Richard, Tracey) (Entered: 10/26/2021)
10/26/2021	252	NOTICE OF HEARING as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava. This is the official notice for this hearing. Telephone Conference set for 10/26/2021 11:30 AM in Chambers before District Judge Brian C. Wimes. Only COUNSEL are to participate in call. A separate email has been sent to counsel containing the teleconference participation information. This is a TEXT ONLY ENTRY. No document is attached. (Anderson, Christy) (Entered: 10/26/2021)
10/26/2021	<u>253</u>	NOTICE OF ATTORNEY APPEARANCE Robert M. Smith appearing for USA. <i>as Co-Counsel</i> (Attorney Robert M. Smith added

		to party USA(pty:pla))(Smith, Robert) (Entered: 10/26/2021)
10/26/2021	<u>254</u>	Minute Entry for proceedings held before District Judge Brian C. Wimes: PRETRIAL TELEPHONE CONFERENCE as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava held on 10/26/2021. Counsel appearing for USA: Bruce Rhoades. Counsel appearing for Defendant: Frederick Duchardt, Allen Ternent, Stephen Chase Higinbotham. Time in court: 11:41 a.m. to 12:00 p.m.. To order a transcript of this hearing please contact Judy Moore, 816-512-5622, judy_moore@mow.uscourts.gov. This is a TEXT ONLY ENTRY. No document is attached. (Anderson, Christy) (Entered: 10/26/2021)
10/26/2021	<u>256</u>	<p>NOTICE OF HEARING as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava. This is the official notice for this hearing. This is a TEXT ONLY ENTRY. No document is attached. (Anderson, Christy)</p> <p>Pursuant to matters discussed at the Pretrial Teleconference on this date:</p> <p>Pretrial Conference as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava is set for 11/5/2021 08:15 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes.</p> <p>Jury Selection set for 11/5/2021 09:00 AM in Jury Assembly Room (2nd Floor), Kansas City before District Judge Brian C. Wimes.</p> <p>Jury Trial as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava set for 11/8/2021 08:30 AM through 11/10/2021 at 08:30 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes.</p> <p>Modified on 10/26/2021 to edit location of jury selection on 11/5/21 (Anderson, Christy). Modified on 11/4/2021 (Anderson, Christy). (Entered: 10/26/2021)</p>
10/26/2021	<u>257</u>	AMENDED RULES OF CRIMINAL JURY TRIAL. Signed on 10/26/21 by District Judge Brian C. Wimes.(Anderson, Christy) (Entered: 10/26/2021)
11/02/2021	<u>260</u>	MOTION to present Mexican witnesses via Zoom teleconference, with suggestions by Juan Guzman. Suggestions in opposition/response due by 11/16/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 11/02/2021)

11/02/2021	<u>261</u>	NOTICE of filing <i>Government's Notice of Expert Witnesses</i> by USA as to Juan Guzman, Maria De La Cruz Nava (Rhoades, Bruce) (Entered: 11/02/2021)
11/03/2021	<u>262</u>	PROPOSED JURY INSTRUCTIONS by Juan Guzman (Attachments: # <u>1</u> Appendix Proposed Instruction 22-Reasonable Doubt, # <u>2</u> Appendix Proposed Instruction 29-Verdict Directing Instruction for Money Laundering, # <u>3</u> Appendix Proposed Instruction 30-Conspiracy Elements)(Duchardt, Frederick) (Entered: 11/03/2021)
11/03/2021	<u>263</u>	RESPONSE to motion by USA as to Juan Guzman re <u>260</u> MOTION to present Mexican witnesses via Zoom teleconference, with suggestions . Reply suggestions due by 11/17/2021 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 11/03/2021)
11/03/2021	<u>264</u>	Amended PROPOSED WITNESS LIST by USA as to Juan Guzman, Maria De La Cruz Nava (Rhoades, Bruce) (Entered: 11/03/2021)
11/04/2021	<u>269</u>	MOTION in limine <i>regarding proposed presentation of purported immigration records, with suggestions</i> by Juan Guzman. Suggestions in opposition/response due by 11/18/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 11/04/2021)
11/04/2021	<u>270</u>	Amended PROPOSED EXHIBIT LIST by USA as to Juan Guzman, Maria De La Cruz Nava (Rhoades, Bruce) (Entered: 11/04/2021)
11/04/2021	<u>271</u>	SUGGESTIONS in opposition by USA as to Juan Guzman re <u>269</u> MOTION in limine <i>regarding proposed presentation of purported immigration records, with suggestions</i> . Reply suggestions due by 11/18/2021 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 11/04/2021)
11/04/2021	<u>272</u>	REPLY SUGGESTIONS to motion by Juan Guzman re <u>260</u> MOTION to present Mexican witnesses via Zoom teleconference, with suggestions <i>reply to government response</i> (Duchardt, Frederick) (Entered: 11/04/2021)
11/04/2021	<u>273</u>	TRIAL BRIEF by Juan Guzman (Duchardt, Frederick) (Entered: 11/04/2021)
11/05/2021	<u>274</u>	JURY LIST (SEALED) as to Juan Guzman, Maria De La Cruz Nava (Diefenbach, Tracy) (Entered: 11/05/2021)
11/05/2021	<u>275</u>	Minute Entry for proceedings held before District Judge Brian C. Wimes: DAY ONE OF JURY TRIAL FOR Juan Guzman (1) and Maria De La Cruz Nava held on 11/5/2021. Court orally denies <u>260</u> MOTION to present Mexican witnesses via Zoom teleconference,

		with suggestions filed by Juan Guzman. Trial to reconvene Monday, November 8, 2021 at 8:30 a.m. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. (Diefenbach, Tracy) (Entered: 11/05/2021)
11/06/2021	<u>276</u>	MOTION for sanctions <i>for late disclosure of witness information, with suggestions</i> by Juan Guzman. Suggestions in opposition/response due by 11/22/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 11/06/2021)
11/08/2021	<u>277</u>	Second PROPOSED EXHIBIT LIST by USA as to Juan Guzman, Maria De La Cruz Nava (Rhoades, Bruce) (Entered: 11/08/2021)
11/08/2021	<u>278</u>	Writ of Habeas Corpus ad Testificandum issued upon Michael Robert Rasel returned partially executed on 10/27/2021 as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. Pursuant to the E-Government Act and Federal Rules of Criminal Procedure 49.1(a), access to this document is restricted to case participants and the court. (Crocker, Susan) (Entered: 11/08/2021)
11/08/2021	<u>279</u>	Writ of Habeas Corpus ad Testificandum issued upon Phillip Herrera returned partially executed on 10/28/2021 as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. Pursuant to the E-Government Act and Federal Rules of Criminal Procedure 49.1(a), access to this document is restricted to case participants and the court. (Crocker, Susan) (Entered: 11/08/2021)
11/08/2021	280	Consistent with the Court's oral rulings on the record, it is hereby ORDERED Defendant Guzman's motion in limine regarding proposed presentation of purported immigration records (Doc. #269) is DENIED AS MOOT. It is further ORDERED Defendant Guzman's motion for sanctions for late disclosure of witness information (Doc. #276) is DENIED and the Government may present Nicolas Razo-Marmolejo and Chanthachone Senthavy as witnesses. Signed on 11/8/21 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Diefenbach, Tracy) (Entered: 11/08/2021)
11/08/2021	<u>281</u>	Minute Entry for proceedings held before District Judge Brian C. Wimes: DAY TWO OF JURY TRIAL as to Juan Guzman and Maria

		De La Cruz Nava held on 11/8/2021. Time in court: 8:20 am to 5:00 pm. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. (Diefenbach, Tracy) (Entered: 11/08/2021)
11/09/2021	<u>282</u>	PROPOSED JURY INSTRUCTIONS by USA as to Juan Guzman, Maria De La Cruz Nava (Rhoades, Bruce) (Entered: 11/09/2021)
11/09/2021	<u>283</u>	Minute Entry for proceedings held before District Judge Brian C. Wimes: DAY THREE OF JURY TRIAL as to Juan Guzman and Maria De La Cruz Nava held on 11/9/2021. Time in court: 8:35 am to 4:05 pm. To order a transcript of this hearing please contact Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. (Diefenbach, Tracy) (Entered: 11/09/2021)
11/09/2021	<u>284</u>	JURY VERDICT as to Juan Guzman (1) Guilty on Count 1,2,3,4 and Maria De La Cruz Nava (4) Guilty on Count 1,2,3. (Diefenbach, Tracy) (Entered: 11/09/2021)
11/09/2021	<u>285</u>	GOVERNMENT'S EXHIBIT INDEX as to Juan Guzman, Maria De La Cruz Nava. (Diefenbach, Tracy) (Entered: 11/09/2021)
11/09/2021	<u>286</u>	DEFENDANT'S EXHIBIT INDEX as to Juan Guzman. (Diefenbach, Tracy) (Entered: 11/09/2021)
11/10/2021	<u>287</u>	JURY INSTRUCTIONS GIVEN. (Diefenbach, Tracy) (Entered: 11/10/2021)
11/12/2021		PROBATION OFFICER Matthew Falkner assigned to prepare presentence investigation report for defendant Juan Guzman. This is a text entry only - no document is attached. (Barker, Melissa) (Entered: 11/12/2021)
11/12/2021	<u>289</u>	MOTION for new trial by Juan Guzman. Suggestions in opposition/response due by 11/26/2021 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 11/12/2021)
11/22/2021	<u>290</u>	(Ex Parte) EX PARTE MOTION for for supplementary funds for interpreter expenses, with suggestions re <u>15</u> Ex Parte Order on Ex Parte Motion, <u>167</u> Second EX PARTE MOTION for for increase in interpreter budget re <u>15</u> Ex Parte Order on Ex Parte Motion, <u>126</u> Ex Parte Order on Ex Parte Motion , <u>181</u> Ex Parte Order on Ex Parte Motion, <u>126</u> Ex Parte Order on Ex Parte Motion, <u>122</u> EX PARTE MOTION for increase in expert services budget, with suggestions re <u>15</u> Ex Parte Order on Ex Parte Motion, <u>14</u> First EX PARTE MOTION for approval of interim expert services budget, with suggestions , <u>14</u> First EX PARTE MOTION for approval of interim expert services

		budget, with suggestions by Juan Guzman. Suggestions in opposition/response due by 12/6/2021 unless otherwise directed by the court. (Attachments: # <u>1</u> Appendix Amended CJA28G)(Duchardt, Frederick) (Entered: 11/22/2021)
11/26/2021	<u>291</u>	SUGGESTIONS in opposition by USA as to Juan Guzman re <u>289</u> MOTION for new trial . Reply suggestions due by 12/10/2021 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 11/26/2021)
12/15/2021	<u>295</u>	Writ of Habeas Corpus ad Testificandum issued upon James Patrick Pardee II returned fully executed on 12/9/21 as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. Pursuant to the E-Government Act and Federal Rules of Criminal Procedure 49.1(a), access to this document is restricted to case participants and the court. (Ellis, Lindsey) (Entered: 12/15/2021)
12/15/2021	<u>296</u>	Writ of Habeas Corpus ad Testificandum issued upon Michael Robert Ramsel returned fully executed on 12/9/21 as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. Pursuant to the E-Government Act and Federal Rules of Criminal Procedure 49.1(a), access to this document is restricted to case participants and the court. (Ellis, Lindsey) (Entered: 12/15/2021)
12/15/2021	<u>297</u>	Writ of Habeas Corpus ad Testificandum issued upon David M Hargrave returned fully executed on 12/9/21 as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. Pursuant to the E-Government Act and Federal Rules of Criminal Procedure 49.1(a), access to this document is restricted to case participants and the court. (Ellis, Lindsey) (Entered: 12/15/2021)
12/15/2021	<u>298</u>	Writ of Habeas Corpus ad Testificandum issued upon Tabitha Myers returned fully executed on 11/23/21 as to Juan Guzman, Chanthachone Senthavy, Luis Carlos Ramos Caraveo, Maria De La Cruz Nava, Shelby Lanae Peterman, Christopher Shawn Sharp, Jacob Dale Walsh, John Paul Gnat. Pursuant to the E-Government Act and Federal Rules of Criminal Procedure 49.1(a), access to this document is restricted to case participants and the court.

		*Please note the date of execution was verified with C. Papacek in the U.S. Marshals office. (Ellis, Lindsey) (Entered: 12/15/2021)
12/22/2021	<u>300</u>	ORDER - DENYING <u>289</u> defendant's motion for new trial as to Juan Guzman (1). Signed on 12/22/21 by District Judge Brian C. Wimes. (Anderson, Christy) (Entered: 12/22/2021)
12/28/2021	<u>301</u>	SUGGESTIONS in support by Juan Guzman re <u>289</u> MOTION for new trial <i>clarifications regarding motion for new trial</i> (Duchardt, Frederick) (Entered: 12/28/2021)
01/05/2022	<u>302</u>	ORDER EX PARTE - DENYING without prejudice <u>290</u> ex parte motion as to Juan Guzman (1). Signed on 1/5/22 by District Judge Brian C. Wimes. (Anderson, Christy) (Entered: 01/05/2022)
01/11/2022	<u>303</u>	AMENDED ORDER as to Juan Guzman, re <u>300</u> Order Denying Motion for New Trial. Signed on 1/11/22 by District Judge Brian C. Wimes.(Anderson, Christy) (Entered: 01/11/2022)
01/12/2022	<u>304</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman, Maria De La Cruz Nava of Trial held 11/8/2021 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 30. 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 1/19/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 2/2/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 4/12/2022. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.</p> <p>(Halasey, Denise) (Entered: 01/12/2022)</p>
01/15/2022	<u>305</u>	(Ex Parte) THIRD EX PARTE REQUEST FOR DISTRICT AND CIRCUIT COURT AUTHORIZATION FOR SECOND INCREASE IN FUNDS FOR INTERPRETER SERVICES, WITH SUGGESTIONS IN SUPPORT for by Juan Guzman. Suggestions in opposition/response due by 1/31/2022 unless otherwise directed by the court. Filed by Frederick A Duchardt Jr..Modified on 1/18/2022 to

		correct filing for defendant number one. (Kern, Kendra) (Entered: 01/18/2022)
04/08/2022	<u>327</u>	(Ex Parte) EX PARTE MOTION for second supplement to interpreter budget, response to Court's queries (Doc. 324) by Juan Guzman. Suggestions in opposition/response due by 4/22/2022 unless otherwise directed by the court. (Attachments: # <u>1</u> Appendix Invoices for Yolanda Bustamante)(Duchardt, Frederick) (Entered: 04/08/2022)
04/12/2022	<u>330</u>	ORDER EX PARTE granting <u>327</u> motion as to Juan Guzman (1). Signed on 4/12/22 by District Judge Brian C. Wimes. (Diefenbach, Tracy) (Entered: 04/12/2022)
04/13/2022	<u>331</u>	MOTION for extension of time to file objections to preliminary presentence report by Juan Guzman. Suggestions in opposition/response due by 4/27/2022 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 04/13/2022)
04/14/2022	332	Before this Court is <u>331</u> MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO PRELIMINARY PRESENTENCE REPORT as to Juan Guzman (1). For good cause stated, the motion is granted. Defendant shall submit his objections to the Presentence Report on or before May 13, 2022. Signed on 4/14/22 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Diefenbach, Tracy) (Entered: 04/14/2022)
05/09/2022	<u>335</u>	Second MOTION for extension of time to file objections to preliminary presentence report re 332 Order on Motion for Miscellaneous Relief, <u>331</u> MOTION for extension of time to file objections to preliminary presentence report by Juan Guzman. Suggestions in opposition/response due by 5/23/2022 unless otherwise directed by the court. (Duchardt, Frederick) (Entered: 05/09/2022)
05/09/2022	336	Before this Court is <u>335</u> SECOND MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO PRELIMINARY PRESENTENCE REPORT as to Juan Guzman (1). Consent being stated, the motion is granted. Defendant shall submit his objections on or before June 10, 2022. Signed on 5/9/22 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Diefenbach, Tracy) (Entered: 05/09/2022)
06/22/2022	<u>343</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Juan Guzman. Document is available to applicable parties only. Authorized users enter PACER login and password first for authentication. (Attachments: # <u>1</u> Supplement Transmittal Letter) (Edson, Gina) (Entered: 06/22/2022)

06/23/2022	345	<p>NOTICE OF HEARING as to Juan Guzman. This is the official notice for this hearing.</p> <p>Sentencing set for 8/12/2022 09:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes.</p> <p>Sentencing Memorandums shall be filed on or before August 2, 2022 and DO NOT require a motion for leave to file under seal. Letters of reference should be attached to the sentencing memorandum at the time of filing.</p> <p>Signed on 6/23/22 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Diefenbach, Tracy) (Entered: 06/23/2022)</p>
07/19/2022	352	<p>NOTICE OF HEARING as to Juan Guzman. This is the official notice for this hearing.</p> <p>Sentencing set for 8/12/2022 is RESET FOR 9/9/2022 09:00 AM in Courtroom 7D, Kansas City (BCW) before District Judge Brian C. Wimes.</p> <p>Sentencing Memorandums shall be filed on or before August 31, 2022 and DO NOT require a motion for leave to file under seal. Letters of reference should be attached to the sentencing memorandum at the time of filing.</p> <p>Signed on 7/19/22 by District Judge Brian C. Wimes. This is a TEXT ONLY ENTRY. No document is attached. (Diefenbach, Tracy) (Entered: 07/19/2022)</p>
08/08/2022	<u>360</u>	<p>MOTION for order <i>Preliminary Order of Forfeiture</i> by USA as to Juan Guzman. Suggestions in opposition/response due by 8/22/2022 unless otherwise directed by the court. (Rhoades, Bruce) (Entered: 08/08/2022)</p>
08/16/2022	<u>362</u>	<p>Preliminary Order of Forfeiture as to Juan Guzman (1). Signed on 8/16/22 by District Judge Brian C. Wimes. (Diefenbach, Tracy) (Entered: 08/16/2022)</p>
08/29/2022	<u>368</u>	<p>SENTENCING MEMORANDUM by Juan Guzman. (Duchardt, Frederick) (Entered: 08/29/2022)</p>
08/31/2022	<u>372</u>	<p>SENTENCING MEMORANDUM by USA as to Juan Guzman (Rhoades, Bruce) (Entered: 08/31/2022)</p>

09/09/2022	<u>380</u>	<p>Minute Entry for proceedings held before District Judge Brian C. Wimes: SENTENCING held on 9/9/2022 for Juan Guzman (1), Count(s) 1, 2, 3, and 4.</p> <p>Counsel appear as indicated. Defendant appears in person. There are no objections to the PSR.</p> <p>Defendant is hereby committed to the custody of the BOP for: 260 months on Count 1, 240 months on Count 2, 120 months on Count 4, all terms to run concurrently; and 60 months on Count 3, to be served consecutively, for a total term of 320 months. TSR: 5 years on Count 1, 3 years on Count 2, 5 years on Count 3, and 3 years on Count 4, the terms to run concurrently, for a total of 5 years.; SA \$400; No Fine; No Restitution; Defendant advised of the right to appeal. Defendant remanded to the custody of the USM.</p> <p>Defendant orally moves to proceed IFP on appeal. Court orally grants the motion.</p> <p>Counsel appearing for USA: Bruce Rhoades. Counsel appearing for Defendant: Fred Duchardt. Pretrial/Probation Officer: Matthew Falkner. Time in court: 9:00 am to 9:45 am. Name of interpreter: Rosario Garriga. 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. (Diefenbach, Tracy) (Entered: 09/09/2022)</p>
09/09/2022	<u>381</u>	<p>JUDGMENT and COMMITMENT as to Juan Guzman. The Defendant was found guilty on count(s) 1-4 on 11/9/21 after a plea of not guilty. IMPRISONMENT: 260 months on Count 1, 240 months on Count 2, 120 months on Count 4, all terms to run concurrently; and 60 months on Count 3, to be served consecutively, for a total term of 320 months. SUPERVISED RELEASE: 5 years on Count 1, 3 years on Count 2, 5 years on Count 3, and 3 years on Count 4, the terms to run concurrently, for a total of 5 years. MANDATORY CONDITIONS and SPECIAL CONDITIONS OF SUPERVISION. CRIMINAL MONETARY PENALTIES: MSA: \$400.00 no fine or restitution.Signed on 9/9/2022 by District Judge Brian C. Wimes. (Ellis, Lindsey) (Entered: 09/09/2022)</p>
09/09/2022	<u>382</u>	<p>STATEMENT OF REASONS (Sealed) as to Juan Guzman.</p> <p>Per United States Judicial Conference policy, only authorized recipients shall be provided a copy of the Statement of Reasons absent</p>

		<p>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. Attorney's 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>Signed on 9/9/2022 by District Judge Brian C. Wimes.(Ellis, Lindsey) (Entered: 09/09/2022)</p>
09/12/2022	<u>392</u>	<p>NOTICE OF APPEAL by Juan Guzman re <u>381</u> Judgment and Commitment,, Filed in forma pauperis. Filer certifies that transcripts have been or will be ordered. (Duchardt, Frederick) (Entered: 09/12/2022)</p>
09/12/2022	<u>393</u>	<p>Transmission of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail as to Juan Guzman to US Court of Appeals. Related Document <u>392</u> Notice of Appeal - Final Judgment. (Terry, Jason) (Entered: 09/12/2022)</p>
09/19/2022	<u>394</u>	<p>USCA Case Number from 8th Circuit Court of Appeals is 22-2966 for <u>392</u> Notice of Appeal - Final Judgment filed by Juan Guzman as to Juan Guzman. Briefing schedule entered by the Court of Appeals is attached. Transcript due by 10/11/2022. (Attachments: # <u>1</u> Schedule) (Terry, Jason) (Entered: 09/19/2022)</p>
09/22/2022	<u>396</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman, Chanthachone Senthavy, Maria De La Cruz Nava, Jacob Dale Walsh of Pretrial Conference held October 22, 2021 before Judge Stephen R. Bough. Court Reporter: Reggie Lambrecht, 816-512-5623, regina_lambrecht@mow.uscourts.gov. Number of pages: 46. 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 9/29/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 10/13/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 12/21/2022. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.</p> <p>(Lambrecht, Regina) (Entered: 09/22/2022)</p>
09/22/2022	<u>397</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman, Maria De La Cruz-Nava of PRETRIAL CONFERENCE held October 13, 2021, before Judge W. Brian Gaddy. Court Reporter: Lissa Whittaker, 816-914-3613, rapidtranscript@gmail.com. Number of pages: 14. 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.

 If necessary, Notice of Intent to Redact is due by 9/29/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 10/13/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 12/21/2022. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.

(Whittaker, Lissa) (Entered: 09/22/2022)</p>
10/11/2022	<u>399</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman of PRETRIAL CONFERENCE held October 14, 2021, before Judge W. Brian Gaddy. Court Reporter: Lissa Whittaker, 816-914-3613, rapidtranscript@gmail.com. Number of pages: 14. 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.

 If necessary, Notice of Intent to Redact is due by 10/18/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 11/1/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 1/9/2023. NOTICE: Attorneys must contact the court reporter for</p>

		copies during this 90 day period. (Whittaker, Lissa) (Entered: 10/11/2022)
10/11/2022	<u>400</u>	SEALED TRANSCRIPT as to Juan Guzman of ATTORNEY APPOINTMENT HEARING held October 14, 2021, before Judge W. Brian Gaddy. Court Reporter: Lissa Whittaker, 816-914-3613, rapidtranscript@gmail.com. Number of pages: 28.(Whittaker, Lissa) (Entered: 10/11/2022)
10/12/2022	<u>401</u>	Transmitted documents on Appeal as to Juan Guzman, Maria De La Cruz Nava to US Court of Appeals re 389 Notice of Appeal - Final Judgment, <u>392</u> Notice of Appeal - Final Judgment (Terry, Jason) (Entered: 10/12/2022)
10/31/2022	<u>404</u>	ELECTRONIC TRANSCRIPT as to Juan Guzman, Maria De La Cruz Nava of Jury trial held November 5, 2021 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 9. 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. If necessary, Notice of Intent to Redact is due by 11/7/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 11/21/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 1/30/2023. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. (Halasey, Denise) (Entered: 10/31/2022)
10/31/2022	<u>405</u>	ELECTRONIC TRANSCRIPT as to Juan Guzman, Maria De La Cruz Nava of Jury Trial held November 8, 2021 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 258. 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

		<p>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 11/7/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 11/21/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 1/30/2023. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.</p> <p>(Halasey, Denise) (Entered: 10/31/2022)</p>
10/31/2022	<u>406</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman, Maria De La Cruz Nava of Jury Trial held November 9, 2021 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 121. 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 11/7/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 11/21/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 1/30/2023. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.</p> <p>(Halasey, Denise) (Entered: 10/31/2022)</p>
10/31/2022	<u>407</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman of Sentencing held September 9, 2022 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 23. 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 11/7/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 11/21/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 1/30/2023. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.</p> <p>(Halasey, Denise) (Main Document 407 replaced on 11/22/2022) (Halasey, Denise). (Entered: 10/31/2022)</p>
11/22/2022	<u>415</u>	<p>ELECTRONIC TRANSCRIPT as to Juan Guzman of EXCERPT - Pretrial motions held November 5, 2021 before Judge Brian C. Wimes. Court Reporter: Denise Halasey, 816-512-5657, denise_halasey@mow.uscourts.gov. Number of pages: 12. 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 11/29/2022 unless otherwise directed by the court. Notice of Items to be Redacted is due by 12/13/2022 unless otherwise directed by the court. Release of Transcript Restriction set for 2/21/2023. NOTICE: Attorneys must contact the court reporter for copies during this 90 day period.</p> <p>(Halasey, Denise) (Entered: 11/22/2022)</p>

PACER Service Center			
Transaction Receipt			
11/28/2022 18:16:56			
PACER Login:	fduchardt	Client Code:	
Description:	Docket Report	Search Criteria:	4:18-cr-00325-BCW
Billable	30	Cost:	3.00
		075	

Pages:			
Exempt flag:	Exempt	Exempt reason:	Exempt CJA

APPENDIX 7

PACER fee: Exempt CJA Change

General Docket
Eighth Circuit Court of Appeals

Court of Appeals Docket #: 22-2966 United States v. Juan Guzman Appeal From: U.S. District Court for the Western District of Missouri - Kansas City Fee Status: In Forma Pauperis		Docketed: 09/19/2022 Termed: 09/06/2023										
Case Type Information: 1) Criminal 2) Direct Criminal 3) null												
Originating Court Information: District: 0866-4 : <u>4:18-cr-00325-BCW-1</u> Court Reporter: Denise Catherine Halasey, Court Reporter Trial Judge: Brian C. Wimes, U.S. District Judge Magistrate: William Brian Gaddy, US Magistrate Judge Date Filed: 11/14/2018 <table style="width: 100%;"><tr><td style="width: 33%;">Date Order/Judgment: 09/09/2022</td><td style="width: 33%;">Date NOA Filed: 09/12/2022</td><td style="width: 33%;">Date Rec'd COA: 09/12/2022</td></tr></table>			Date Order/Judgment: 09/09/2022	Date NOA Filed: 09/12/2022	Date Rec'd COA: 09/12/2022							
Date Order/Judgment: 09/09/2022	Date NOA Filed: 09/12/2022	Date Rec'd COA: 09/12/2022										
Prior Cases: None												
Current Cases: <table style="width: 100%; border-top: 1px solid black; border-bottom: 1px solid black;"><thead><tr><th style="width: 15%;"></th><th style="width: 15%;">Lead</th><th style="width: 15%;">Member</th><th style="width: 15%;">Start</th><th style="width: 15%;">End</th></tr></thead><tbody><tr><td>Consolidated</td><td><u>22-2914</u></td><td>22-2966</td><td>09/19/2022</td><td></td></tr></tbody></table>				Lead	Member	Start	End	Consolidated	<u>22-2914</u>	22-2966	09/19/2022	
	Lead	Member	Start	End								
Consolidated	<u>22-2914</u>	22-2966	09/19/2022									

<p>United States of America Plaintiff - Appellee</p> <p style="text-align: center;">v.</p> <p>Juan Guzman, also known as Juan Villarreal-Guzman, also known as Juan Guzman-Villareal, also known as Victor Nava, also known as Francisco Lara, also known as Francisco Lara-Paramo, also known as Ayala Ramoro, also known as Carlos Solorio, also known as Daniel Solorio, also known as Flaco (Federal Prisoner: 80093-308) Defendant - Appellant</p>	<p>Robert M. Smith, Special Assistant U.S. Attorney Direct: 816-426-3122 [NTC Asst. U.S. Atty] U.S. ATTORNEY'S OFFICE Firm: 816-426-3122 Charles Evans Whittaker Courthouse 400 E. Ninth Street Kansas City, MO 64106-2149</p> <p>David Wagner, Assistant U.S. Attorney Direct: 816-426-3122 [NTC Asst. U.S. Atty] U.S. ATTORNEY'S OFFICE Firm: 816-426-3122 Charles Evans Whittaker Courthouse 400 E. Ninth Street Kansas City, MO 64106-2149</p> <p>Frederick A. Duchardt, Jr. Direct: 816-213-0782 [NTC CJA Appointment] P.O. Box 216 Trimble, MO 64492</p> <p>Juan Guzman [NTC Pro Se] FEDERAL CORRECTIONAL INSTITUTION P.O. Box 800 Herlong, CA 96113-0000</p>
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United States of America








Plaintiff - Appellee












v.

Juan Guzman, also known as Juan Villarreal-Guzman, also known as Juan Guzman-Villareal, also known as Victor Nava, also known as Francisco Lara, also known as Francisco Lara-Paramo, also known as Ayala Ramoro, also known as Carlos Solorio, also known as Daniel Solorio, also known as Flaco

Defendant - Appellant

09/19/2022	<input type="checkbox"/>	CRIMINAL case docketed. [5199569] [22-2966] (CAH) [Entered: 09/19/2022 11:16 AM] 4 pg, 205.47 KB
09/19/2022	<input type="checkbox"/>	Originating court document filed consisting of notice of appeal, docket entries, R&R 9/24/19, order 9/24/20, R&R 3/3/21, R&R 10/1/21, order 10/13/21, order 10/18/21, judgment 9/9/22. [5199573] [22-2966] (CAH) [Entered: 09/19/2022 11:20 AM] 102 pg, 1.69 MB
09/19/2022	<input type="checkbox"/>	CLERK ORDER:Appointing Mr. Frederick A. Duchardt, Jr. for Mr. Juan Guzman under the Criminal Justice Act. [5199578] [22-2966] (CAH) [Entered: 09/19/2022 11:23 AM] 1 pg, 80.96 KB
09/19/2022	<input type="checkbox"/>	REVISED CONSOLIDATED CRIMINAL BRIEFING SCHEDULE SET AS FOLLOWS: PSI report due 10/11/2022. Transcript due 10/11/2022. Brief of appellant Maria De La Cruz Nava and Juan Guzman due 10/25/2022. 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. [5199583] [22-2914, 22-2966] (CAH) [Entered: 09/19/2022 11:30 AM] 3 pg, 292.96 KB
09/19/2022	<input type="checkbox"/>	MOTION to withdraw as appointed counsel AND to appoint new counsel, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman in 22-2966 w/service 09/19/2022. [5199642] [22-2966]--[Edited to remove filing from associated case 09/19/2022 by AMT] --[Edited to add additional filing relief 09/19/2022 by MTB] (FAD) [Entered: 09/19/2022 12:57 PM] 3 pg, 25.54 KB
09/23/2022	<input type="checkbox"/>	JUDGE ORDER: Mr. Frederick A. Duchardt, Jr.'s motion for permission to withdraw and for the appointment of alternative counsel has been considered by the court, and the motion is denied. Adp Sep 2022 [5199642-2] [5201182] [22-2966] [5201182] [22-2966]--[Edited to correct docket text 09/23/2022 by MTB] (MTB) [Entered: 09/23/2022 08:54 AM] 1 pg, 80.62 KB
10/07/2022	<input type="checkbox"/>	****DOCUMENT LOCKED****MOTION for extension of time to file the record until 10/31/2022, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman in 22-2966 w/service 10/07/2022. [5205978] [5205978] [22-2966, 22-2914]--[Edited 10/07/2022 by CNL] MOTION INCORRECTLY SPREAD TO CONSOLIDATED CASE NO. 22-2914. MOTION HAS BEEN REFILED [5205993-2] IN CORRECT CASE NO. 22-2966. NDA RESENT. (FAD) [Entered: 10/07/2022 11:43 AM] 3 pg, 25.13 KB
10/07/2022	<input type="checkbox"/>	MOTION for extension of time to file the record until 10/31/2022, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman w/service 10/07/2022. [5205993] [22-2966] (CNL) [Entered: 10/07/2022 12:11 PM] 3 pg, 25.14 KB
10/07/2022	<input type="checkbox"/>	CLERK ORDER: Appellant Juan Guzman in case no. 22-2966 has requested an extension of time for the filing of the transcript based on the court reporter's need for additional time to prepare the transcript [5205993-2]. Requests for extensions of time to file the transcript should be filed by the reporter – see Federal Rule of Appellate Procedure 11(b)(1)(B). As a courtesy to the reporter and counsel, the clerk will grant this extension request, but any further requests for additional time to file the transcript must be submitted by the reporter. The reporter is granted to October 31, 2022 to file the transcript. The opening briefs of Appellant Maria Nava in case no. 22-2914 and Appellant Juan Guzman in case no. 22-2966 are due November 18, 2022. [5206019] [22-2914, 22-2966] (CNL) [Entered: 10/07/2022 12:50 PM] 2 pg, 83.9 KB
10/17/2022	<input type="checkbox"/>	RECORD FILED - SUPPRESSION TRANS, 1 volumes, Comments: District Court document #118 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 08/05/2019, No. of Pgs.: 17, Court Reporter: Crawford, Jean [5208418] [22-2966] (STL) [Entered: 10/17/2022 01:10 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - HEARING TRANSCRIPT, 1 volumes, Comments: Hearing on Motion to Determine Competency - District Court document #196 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 09/15/2021, No. of Pgs.: 12, Court Reporter: Whittaker, Lissa C. [5208420] [22-2966] (STL) [Entered: 10/17/2022 01:13 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - HEARING TRANSCRIPT, 1 volumes, Comments: Hearing on Motion to Determine Competency - District Court document #203 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 09/29/2021, No. of Pgs.: 10, Court Reporter: Whittaker, Lissa C. [5208422] [22-2966] (STL) [Entered: 10/17/2022 01:17 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - TRIAL TRANSCRIPT, 1 volumes, Comments: Excerpt from Trial Transcript of Megan Eubanks - District Court document #304 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 11/08/2021, No. of Pgs.: 30, Court Reporter: Halasey, Denise Catherine [5208428] [22-2914, 22-2966] (STL) [Entered: 10/17/2022 01:21 PM]













10/17/2022	<input type="checkbox"/>	RECORD FILED - HEARING TRANSCRIPT, 1 volumes, Comments: Pretrial Conference - District Court document #396 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 10/22/2021, No. of Pgs.: 46, Court Reporter: Lambrecht, Regina (T) [5208430] [22-2914, 22-2966] (STL) [Entered: 10/17/2022 01:25 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - HEARING TRANSCRIPT, 1 volumes, Comments: Pretrial Conference - District Court document 397 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 10/13/2021, No. of Pgs.: 15, Court Reporter: Whittaker, Lissa C. [5208433] [22-2914, 22-2966] (STL) [Entered: 10/17/2022 01:29 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - HEARING TRANSCRIPT, 1 volumes, Comments: Teleconference - District Court document #398 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 10/26/2021, No. of Pgs.: 15, Court Reporter: Moore, Judy [5208435] [22-2914, 22-2966] (STL) [Entered: 10/17/2022 01:33 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - HEARING TRANSCRIPT, 1 volumes, Comments: Pretrial Conference - District Court document #399 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 10/14/2021, No. of Pgs.: 16, Court Reporter: Whittaker, Lissa C. [5208437] [22-2966] (STL) [Entered: 10/17/2022 01:36 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - SEALED TRANSCRIPT, 1 volumes, Comments: Attorney Appointment Hearing - District Court document #400 [Copy do not return to the District Court at end of case], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 10/14/2021, No. of Pgs.: 29, Court Reporter: Whittaker, Lissa C. [5208439] [22-2966] (STL) [Entered: 10/17/2022 01:40 PM]
10/17/2022	<input type="checkbox"/>	RECORD FILED - SEALED PSI REPORT, 1 volumes, Comments: 1 volume, 3 copies of Sealed PSI Report and Addendum, Source Location: USDC / WMKC [5208444] [22-2966] (STL) [Entered: 10/17/2022 01:52 PM]
11/14/2022	<input type="checkbox"/> 	MOTION for extension of time to file brief until 11/30/2022, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman in 22-2966 w/service 11/14/2022. [5217527] [22-2966, 22-2914]--[Edited 11/14/2022 by CNL] MOTION INCORRECTLY SPREAD TO CONSOLIDATED CASE NO. 22-2914. MOTION HAS BEEN REFILED <u>[5217745-2]</u> IN CORRECT CASE NO. 22-2966. NDA RESENT. (FAD) [Entered: 11/14/2022 12:24 PM]
11/14/2022	<input type="checkbox"/> 	MOTION for extension of time to file brief until 11/30/2022, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman w/service 11/14/2022. [5217745] [22-2966] (CNL) [Entered: 11/14/2022 03:59 PM]
11/14/2022	<input type="checkbox"/> 	CLERK ORDER: Granting <u>[5217745-2]</u> motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr. in 22-2966. Briefs of Juan Guzman and Maria De La Cruz Nava due 11/30/2022 [5217757] [22-2914, 22-2966] (CNL) [Entered: 11/14/2022 04:09 PM]
11/21/2022	<input type="checkbox"/>	RECORD FILED - TRIAL TRANSCRIPT, 3 volumes, Comments: District Court documents #404, #405, and #406 [Only Electronic Copy Received - No Paper Copy on File], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 11/05/2021 - 11/09/2021 [5219728] [22-2914, 22-2966] (STL) [Entered: 11/21/2022 12:20 PM]
11/21/2022	<input type="checkbox"/>	RECORD FILED - SENTENCING TRANS, 1 volumes, Comments: District Court document #407 [Only Electronic Copy Received - No Paper Copy on File], Source Location: USDC / WMKC, Dt. of Proceeding/Hearing: 09/09/2022, No. of Pgs.: 23 [5219735] [22-2966] (STL) [Entered: 11/21/2022 12:25 PM]
11/29/2022	<input type="checkbox"/> 	APPELLANT brief of Mr. Juan Guzman 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. [5221684] [22-2966] (FAD) [Entered: 11/29/2022 07:54 AM]
11/29/2022	<input type="checkbox"/> 	Addendum of APPELLANT submitted for review by Mr. Juan Guzman. To open/view this addendum, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [5221685] [22-2966] (FAD) [Entered: 11/29/2022 07:56 AM]
11/29/2022	<input type="checkbox"/> 	Brief deficiency notice sent to counsel, Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman. [5221918] [22-2966] (CNL) [Entered: 11/29/2022 12:04 PM]
11/29/2022	<input type="checkbox"/> 	Addendum deficiency notice sent to counsel, Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman. New electronic copy of addendum due on 12/05/2022 [5221924] [22-2966] (CNL) [Entered: 11/29/2022 12:10 PM]

11/30/2022 <input type="checkbox"/>  0 pg, 0 KB	<p>****DOCUMENT LOCKED****ADDENDUM of APPELLANT FILED by Appellant Mr. Juan Guzman , w/service 11/30/2022 [5222649] [22-2966]--[Edited 12/07/2022 by CNL] PER CONVERSATION WITH COUNSEL FOR THE APPELLANT, THIS ADDENDUM HAS BEEN WITHDRAWN. THE ADDENDUM HAS BEEN RE-SUBMITTED AND RE-FILED <u>[5224838-2]</u>. NDA RESENT. (CNL) [Entered: 11/30/2022 04:17 PM]</p>
11/30/2022 <input type="checkbox"/>	<p>PUBLIC DOCKET NOTE: The Addendum Deficiency Notice sent to counsel for the appellant on November 29, 2022 has been rescinded. The Addendum is acceptable for filing and has been filed <u>[5222649-2]</u>. [5222651] [22-2966] (CNL) [Entered: 11/30/2022 04:19 PM]</p>
12/04/2022 <input type="checkbox"/>  26 pg, 1.1 MB	<p>Addendum of APPELLANT submitted for review by Mr. Juan Guzman. To open/view this addendum, you must first login to CM/ECF and then open the document link in your Notice of Docket Activity. [5223529] [22-2966] (FAD) [Entered: 12/04/2022 08:39 AM]</p>
12/04/2022 <input type="checkbox"/>  37 pg, 113.37 KB	<p>APPELLANT brief of Mr. Juan Guzman 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. [5223530] [22-2966] (FAD) [Entered: 12/04/2022 08:40 AM]</p>
12/07/2022 <input type="checkbox"/>  4 pg, 27.16 KB	<p>****DOCUMENT LOCKED****MOTION Leave of Court to file overlength Addendum to Brief, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman w/service 12/07/2022. [5224629] [22-2966]--[Edited 12/07/2022 by CNL] WRONG RELIEF USED. MOTION HAS BEEN RE-FILED USING CORRECT RELIEF [5224728]. NDA RESENT. (FAD) [Entered: 12/07/2022 10:01 AM]</p>
12/07/2022 <input type="checkbox"/>  4 pg, 27.16 KB	<p>MOTION to file an overlength addendum of 23 pages, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman w/service 12/07/2022. [5224728] [22-2966] (CNL) [Entered: 12/07/2022 11:25 AM]</p>
12/07/2022 <input type="checkbox"/>  1 pg, 80.86 KB	<p>CLERK ORDER: Granting <u>[5224728-2]</u> motion to file an overlength addendum filed by Mr. Frederick A. Duchardt, Jr. [5224801] [22-2966] (CNL) [Entered: 12/07/2022 12:55 PM]</p>
12/07/2022 <input type="checkbox"/>  37 pg, 113.36 KB	<p>BRIEF FILED - APPELLANT BRIEF filed by Mr. Juan Guzman. w/service 12/07/2022 , Length: 7,972 words. 10 COPIES OF PAPER BRIEFS (WITHOUT THE APPELATE PDF FOOTER) FROM Juan Guzman due 12/12/2022 WITH certificate of service for paper briefs. Appellee brief of United States of America due on 12/28/2022. [5224837] [22-2966] (CNL) [Entered: 12/07/2022 01:52 PM]</p>
12/07/2022 <input type="checkbox"/>  26 pg, 1.1 MB	<p>ADDENDUM of APPELLANT FILED by Appellant Mr. Juan Guzman , w/service 12/07/2022 [5224838] [22-2966] (CNL) [Entered: 12/07/2022 01:53 PM]</p>
12/09/2022 <input type="checkbox"/>  1 pg, 48.88 KB	<p>APPEARANCE filed by David Wagner for Appellee United States of America w/service 12/09/2022 [5225509] [22-2966] (DW) [Entered: 12/09/2022 10:19 AM]</p>
12/16/2022 <input type="checkbox"/>	<p>Paper copies Appellant/Petitioner Brief, <u>[5224837-2]</u> filed by Mr. Juan Guzman 10 paper copies received. w/Addendum attached [5227937] [22-2966] (AT) [Entered: 12/16/2022 08:46 AM]</p>
12/23/2022 <input type="checkbox"/>  4 pg, 150.27 KB	<p>MOTION for extension of time to file brief until 01/18/2023, filed by Attorney Mr. David Wagner for Appellee United States of America in 22-2966, 22-2914 w/service 12/23/2022. [5230061] [22-2966, 22-2914] (DW) [Entered: 12/23/2022 12:16 PM]</p>
12/23/2022 <input type="checkbox"/>  1 pg, 81.8 KB	<p>CLERK ORDER: Granting <u>[5230061-2]</u> motion for extension of time to file brief filed by Mr. David Wagner. Brief of United States of America due 01/18/2023. [5230096] [22-2914, 22-2966] (NDG) [Entered: 12/23/2022 02:25 PM]</p>
01/04/2023 <input type="checkbox"/>	<p>Please note that this case has been screened for oral argument. The exact date of your oral argument has not been determined at this time. You will be receiving a calendar approximately 4 weeks before the scheduled argument date. Please review the current and future argument dates immediately to determine if you have any conflicts.</p>

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If you do have conflicts with any of the argument dates, please inform this court by sending a letter using the ECF docketing event 'Correspondence to Court', 'Letter filed' 'regarding availability for oral argument'. Your compliance with this policy will minimize the need for motions to continue or reschedule oral argument. The court also encourages you to notify the clerk if conflicts with these dates develop in the future. The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. [5232482] [22-2914, 22-2966] (JMM) [Entered: 01/04/2023 09:57 AM]

01/17/2023	<input type="checkbox"/>	MOTION for extension of time to file brief until 01/25/2023, filed by Attorney Mr. David Wagner for Appellee United States of America in 22-2914, 22-2966 w/service 01/17/2023. [5236171] [22-2914, 22-2966] (DW) [Entered: 01/17/2023 11:08 AM]
01/17/2023	<input type="checkbox"/>	CLERK ORDER:Granting [5236171-2] motion for extension of time to file brief filed by Mr. David Wagner. Brief of United States of America due 01/25/2023. [5236346] [22-2914, 22-2966] (AT) [Entered: 01/17/2023 02:40 PM]
01/25/2023	<input type="checkbox"/>	APPELLEE brief of United States of America in 22-2966, 22-2914 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. [5239230] [22-2966, 22-2914] (DW) [Entered: 01/25/2023 02:53 PM]
01/27/2023	<input type="checkbox"/>	BRIEF FILED - APPELLEE BRIEF filed by United States of America in 22-2914, 22-2966, w/service 01/27/2023 , Length: 12,006 words 10 COPIES OF PAPER BRIEFS (WITHOUT THE APPELLATE PDF FOOTER) FROM United States of America due 02/01/2023 WITH certificate of service for paper briefs. Maria De La Cruz Nava and Juan Guzman's reply brief due 02/03/2023. [5239800] [22-2914, 22-2966] (AT) [Entered: 01/27/2023 09:02 AM]
01/31/2023	<input type="checkbox"/>	MOTION for extension of time to file brief until 02/17/2023, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman w/service 01/31/2023. [5240636] [22-2966]--[Edited 01/31/2023 by BNW to remove associated case from entry. NDA resent.] (FAD) [Entered: 01/31/2023 08:52 AM]
01/31/2023	<input type="checkbox"/>	CLERK ORDER:Granting [5240636-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr. in 22-2966. Reply brief of Juan Guzman and Maria Nava is due 02/17/2023 [5240840] [22-2914, 22-2966] (AT) [Entered: 01/31/2023 12:50 PM]
02/01/2023	<input type="checkbox"/>	Paper copies Appellee/Respondent brief, [5239800-2] filed by United States of America in 22-2914, 22-2966 10 paper copies received. [5241446] [22-2914, 22-2966] (AT) [Entered: 02/01/2023 02:45 PM]
02/01/2023	<input type="checkbox"/>	RECORD FILED - EXHIBITS, 1 volumes, Comments: 3 copies [5241450] [22-2914, 22-2966] Exhibits 2A, 2B, 2G, 3B, 3C, 3D, 3E, 3F, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 3U, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4I, 5A, 5B, 5C, 5D, 6A, 6B, 6K, 6M, 6P, 6Q, 6R, 6S 65 and 7 received. (AT) [Entered: 02/01/2023 02:49 PM]
02/13/2023	<input type="checkbox"/>	MOTION for extension of time to file brief until 02/24/2023, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman in 22-2966 w/service 02/13/2023. [5245281] [22-2966]--[Edited to remove filing from associated case 02/13/2023 by AMT] (FAD) [Entered: 02/13/2023 11:50 AM]
02/13/2023	<input type="checkbox"/>	CLERK ORDER:Granting [5245281-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr. in 22-2966. Reply brief of Juan Guzman and Maria De La Cruz Nava is due 02/24/2023 [5245492] [22-2914, 22-2966] (AT) [Entered: 02/13/2023 03:50 PM]
02/24/2023	<input type="checkbox"/>	MOTION for extension of time to file brief until 02/28/2023, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman w/service 02/24/2023. [5248859] [22-2966] (FAD) [Entered: 02/24/2023 12:27 PM]
02/27/2023	<input type="checkbox"/>	CLERK ORDER:Granting [5248859-2] motion for extension of time to file brief filed by Mr. Frederick A. Duchardt, Jr. Reply brief of Juan Guzman due 02/28/2023 [5249318] [22-2966] (AT) [Entered: 02/27/2023 10:23 AM]
02/28/2023	<input type="checkbox"/>	REPLY brief of Mr. Juan Guzman 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. [5250134] [22-2966] (FAD) [Entered: 02/28/2023 03:22 PM]
03/01/2023	<input type="checkbox"/>	REPLY brief of Mr. Juan Guzman 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. [5250449] [22-2966] (FAD) [Entered: 03/01/2023 10:31 AM]
03/01/2023	<input type="checkbox"/>	BRIEF FILED - APPELLANT REPLY BRIEF filed by Mr. Juan Guzman. w/service 03/01/2023 , Length: 6,490 words 10 COPIES OF PAPER BRIEFS (WITHOUT THE APPELLATE PDF FOOTER) FROM Juan Guzman due 03/06/2023 WITH certificate of service for paper briefs [5250540] [22-2966] (AT) [Entered: 03/01/2023 12:06 PM]

03/03/2023 <input type="checkbox"/>  3 pg, 190.45 KB	28(j) citation filed by Appellee United States of America in 22-2914, 22-2966 w/service 03/03/2023 - FOR CAL [5251413] [22-2914, 22-2966] (DW) [Entered: 03/03/2023 11:05 AM]
03/06/2023 <input type="checkbox"/>	Paper copies Reply brief, [5250540-2] filed by Mr. Juan Guzman 10 paper copies received. [5252080] [22-2966] (AT) [Entered: 03/06/2023 02:55 PM]
03/13/2023 <input type="checkbox"/>	SET FOR ARGUMENT - CASE PLACED ON CALENDAR - <i>for Argument in St. Louis on Wednesday, April 12, 2023.</i> To be heard before Judges Lavenski R. Smith, Michael J. Melloy and Ralph R. Erickson in Division I. The courtroom deputy will be Jeanette McKee. All attorneys presenting oral argument must complete a Response Form. Click Here to Complete the Oral Argument Response Form. Click Here for the Complete Calendar PLEASE REVIEW THE ENTIRE CALENDAR CAREFULLY, PARTICULARLY THE COUNSEL NOTICE PAGE. <i>If you are appointed counsel under the Criminal Justice Act and require airline transportation to oral argument, the court will issue a travel authorization the next business day.</i> [5254094] [22-2914, 22-2966] (JMM) [Entered: 03/13/2023 07:28 AM]
03/13/2023 <input type="checkbox"/>  1 pg, 94.11 KB	ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. Frederick A. Duchardt, Jr. for Mr. Juan Guzman for argument in April, at the U.S. Courthouse in St. Louis, Missouri. [5254190] [22-2966] (FAD) [Entered: 03/13/2023 08:42 AM]
03/13/2023 <input type="checkbox"/>  1 pg, 74.33 KB	ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. Stephen Chase Higinbotham, Jr. for Ms. Maria De La Cruz Nava in 22-2914 for argument in April, at the U.S. Courthouse in St. Louis, Missouri. [5254521] [22-2914, 22-2966] (SCH) [Entered: 03/13/2023 03:56 PM]
03/14/2023 <input type="checkbox"/>  1 pg, 104.97 KB	ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. David Wagner for United States of America in 22-2914, 22-2966 for argument in April, at the U.S. Courthouse in St. Louis, Missouri. [5254801] [22-2914, 22-2966] (DW) [Entered: 03/14/2023 11:45 AM]
03/15/2023 <input type="checkbox"/>  2 pg, 391.08 KB	Travel authorization issued to Mr. Frederick A. Duchardt, Jr. for Mr. Juan Guzman [5255530] [22-2966] (RMK) [Entered: 03/15/2023 03:12 PM]
04/12/2023 <input type="checkbox"/>	ARGUED & SUBMITTED in St. Louis to Judges Lavenski R. Smith, Michael J. Melloy, Ralph R. Erickson on 04/12/2023. Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman. Mr. Stephen Chase Higinbotham, Jr. for Appellant Ms. Maria De La Cruz Nava. Mr. David Wagner for Appellee United States of America. Rebuttal by Mr. Stephen Chase Higinbotham, Jr. for Ms. Maria De La Cruz Nava in 22-2914, Mr. Frederick A. Duchardt, Jr. for Mr. Juan Guzman in 22-2966. RECORDED. Click Here To Listen to Oral Argument [5264517] [22-2914, 22-2966] (JMM) [Entered: 04/12/2023 11:30 AM]
08/08/2023 <input type="checkbox"/>	Payment approved and processed for voucher filed by Mr. Frederick A. Duchardt, Jr. for Mr. Juan Guzman. Voucher No. 08AC.1586463 [5303813] [22-2966] (ARS) [Entered: 08/08/2023 12:00 PM]
09/06/2023 <input type="checkbox"/>  14 pg, 462.22 KB	OPINION FILED - THE COURT: Lavenski R. Smith, Michael J. Melloy and Ralph R. Erickson AUTHORIZING JUDGE:Ralph R. Erickson (PUBLISHED) [5313276] [22-2914, 22-2966] (BNW) [Entered: 09/06/2023 07:56 AM]
09/06/2023 <input type="checkbox"/>  2 pg, 193.57 KB	JUDGMENT FILED - The judgment of the Originating Court is AFFIRMED in accordance with the opinion. LAVENSKI R. SMITH, MICHAEL J. MELLOY and RALPH R. ERICKSON Hrg Apr 2023 [5313287] [22-2966] (BNW) [Entered: 09/06/2023 08:09 AM]
09/20/2023 <input type="checkbox"/>  8 pg, 40.15 KB	PETITION for enbanc rehearing and also for rehearing by panel filed by Appellant Mr. Juan Guzman w/service 09/20/2023 [5318427] [22-2966] (FAD) [Entered: 09/20/2023 06:34 PM]
10/19/2023 <input type="checkbox"/>  1 pg, 80.74 KB	JUDGE ORDER:Denying [5318427-2] petition for enbanc rehearing filed by Appellant Mr. Juan Guzman. The petition for panel rehearing is also denied. PUBLISHED ORDER. Hrg Apr 2023 [5327876] [22-2966] (RMD) [Entered: 10/19/2023 03:06 PM]
10/25/2023 <input type="checkbox"/>  3 pg, 23.65 KB	MOTION advance approval for translation costs, filed by Attorney Mr. Frederick A. Duchardt, Jr. for Appellant Mr. Juan Guzman w/service 10/25/2023. [5329799] [22-2966] (FAD) [Entered: 10/25/2023 09:12 PM]
10/26/2023 <input type="checkbox"/>  1 pg, 82.62 KB	CLERK ORDER: Appellant's motion [5329799-2] for advance approval of costs for translation of documents is denied. The denial is without prejudice to Appellant's counsel filing an interim CJA 20 voucher for expenses through the court's eVoucher system. [5329943] [22-2966] (RMD) [Entered: 10/26/2023 09:59 AM]
10/30/2023 <input type="checkbox"/>  1 pg, 81.45 KB	MANDATE ISSUED. [5331085] [22-2966] (RMD) [Entered: 10/30/2023 03:27 PM]

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APPENDIX 8

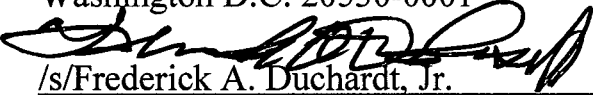
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It is hereby certified

- that required privacy act redactions have been made to the foregoing,
- that the items contained herein are exact copies of documents contained in the file of the District Court,
- 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 postmarked and e-mailed to the following on this 18th day of December, 2023

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Washington D.C. 20530-0001



/s/Frederick A. Duchardt, Jr.

FREDERICK A. DUCHARDT, JR.