

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER DANIEL TAYLOR,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

Appendix

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UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 23-1401

United States of America

Plaintiff - Appellee

v.

Christopher Daniel Taylor

Defendant - Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:21-cr-00016-CJW-1)

JUDGMENT

Before GRUENDER, KELLY, and GRASZ, Circuit Judges.

Appellee's motion to dismiss this appeal based on the appeal waiver is granted.

July 24, 2023

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

/s/ Michael E. Gans

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

No: 23-1401

United States of America

Appellee

v.

Christopher Daniel Taylor

Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Cedar Rapids
(1:21-cr-00016-CJW-1)

ORDER

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

September 12, 2023

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

/s/ Michael E. Gans

Petitioner's plea agreement contained a paragraph entitled "waiver of appeal," which stated:

After conferring with defendant's attorney and after being advised of defendant's appeal rights, defendant knowingly and voluntarily waives defendant's right to appeal the conviction and the sentence imposed, or to request or receive any reduction in sentence by operation of 18 U.S.C. § 3582(c)(2), other than the issue specifically preserved as part of the conditional plea as set forth above in paragraph 2 of this plea agreement. Defendant also waives the right to appeal any non-jurisdictional issues, including but not limited to any issues relating to restitution. Defendant also waives the right to file post-conviction relief actions, including actions pursuant to 18 U.S.C. § 3582(c)(2), 28 U.S.C. § 2255, 28 U.S.C. § 2241, coram nobis, and motions to reconsider or reduce defendant's sentence. Other than the issue specifically raised and preserved in defendant's motion to dismiss at Docket 66, defendant's waiver of the rights set out above includes defendant's waiver of the rights (1) to contest, facially or as applied, the constitutionality of the statute(s) under which defendant is pleading guilty, (2) to contest, facially or as applied, the constitutionality of the statute(s) or guidelines under which defendant will be sentenced, or (3) to argue that defendant's conduct does not fall within the scope of these statute(s) or guidelines. Defendant retains the right to appeal or contest defendant's sentence in the following limited circumstances: (1) if the sentence is not in accordance with this plea agreement, or (2) if the sentence imposed exceeds the maximum statutory penalty. This waiver does not, however, prevent defendant from challenging the effectiveness of defendant's attorney after conviction and sentencing. Defendant does not have any complaints at this time about the effectiveness of defendant's attorney. The waivers set out above relate to any issues that now exist or that may arise in the future. Defendant agrees to these waivers in order to induce the government to accept the provisions and stipulations of this plea agreement, to avoid trial, and to have defendant's case finally concluded. Defendant understands that, at the conclusion of the sentencing hearing, the Court will note defendant's appeal rights are limited by this waiver. No assurances or promises have been made by any party as to what defendant's ultimate sentence will be.

(R. Doc. 84, at 18-19).