

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL A. MAGGIO,

PETITIONER,

v.

UNITED STATES OF AMERICA,

RESPONDENT.

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

APPENDICES TO PETITION FOR A WRIT OF CERTIORARI

Date: 4/22/2024



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United States v. Maggio, ___ F.3d ___ (8th Cir. Nov. 21, 2023)
(23-2799) Judge Order denying Petition for enbanc hearing filed by
Appellant Mr. Michael A. Maggio. The Petition for Panel Rehearing is also denied.

Appendix 2

United States v. Maggio, ___ F.3d ___ (8th Cir. October 20, 2023)
(23-2799) Judge Order denying Appeal from the U.S. District Court for the
Eastern District of Arkansas (4:15-cf-0001=BSM-1)

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United States v. Maggio, ___ F.3d ___ (U.S. District LR July 24, 2023)
4:15-cf-0001=BSM-1 Judge denying Appellant Motion to Dismiss.

Appendix 4

Statutory Provisions Involved: 18 U.S.C § 666

Appendix 1

United States v. Maggio, ___ F.3d ___ (8th Cir. Nov. 21, 2023)

(23-2799) Judge Order denying Petition for enbanc hearing filed by
Appellant Mr. Michael A. Maggio. The Petition for Panel Rehearing is also denied.

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

No: 23-2799

United States of America

Appellee

v.

Michael A. Maggio

Appellant

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:15-cr-00001-BSM-1)

ORDER

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

November 21, 2023

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

/s/ Michael E. Gans

Appendix 2

United States v. Maggio, ___ F.3d ___ (8th Cir. October 20, 2023)
(23-2799) Judge Order denying Appeal from the U.S. District Court for the
Eastern District of Arkansas (4:15-cf-0001=BSM-1)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 23-2799

United States of America

Plaintiff - Appellee

v.

Michael A. Maggio

Defendant - Appellant

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:15-cr-00001-BSM-1)

JUDGMENT

Before COLLTON, GRUENDER, and BENTON, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the district court's order denying the motion to dismiss is summarily affirmed. See Eighth Circuit Rule 47A(a).

October 20, 2023

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

/s/ Michael E. Gans

Appendix 3

United States v. Maggio, ___ F.3d ___ (U.S. District LR July 24, 2023)
4:15-cf-0001=BSM-1 Judge denying Appellant Motion to Dismiss.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:15-CR-00001-BSM

MICHAEL MAGGIO

DEFENDANT

ORDER

Michael Maggio's motion to dismiss the charges against him *nunc pro tunc* [Doc. No. 93] is denied.

IT IS SO ORDERED this 24th day of July, 2023.

Brian S. Miller
UNITED STATES DISTRICT JUDGE

Appendix 4

Statutory Provisions Involved: 18 U.S.C § 666

18 U.S.C § 666(a)(1)(B)

Under 18 U.S.C. § 666 - Theft or bribery concerning programs receiving Federal funds,

“(a)Whoever if the circumstance described in subsection (b) of this section exists—

(1)being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof—

(A)embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that—

(i)is valued at \$5,000 or more, and

(ii)is owned by, or is under the care, custody, or control of such organization, government, or agency; or

(B)corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more; or

(2)corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more; shall be fined under this title, imprisoned not more than 10 years, or both.

(b)The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

(c)This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

(d)As used in this section—

(1)the term “agent” means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;

(2)the term “government agency” means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a

corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program;

(3)the term “local” means of or pertaining to a political subdivision within a State;

(4)the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(5)the term “in a one-year period” means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.”