

No. _____

**In The
Supreme Court of the United States**

JUAN MARQUIS HOLIDAY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

APPENDIX

Juan Marquis Holiday
Reg Number: 61872-298
USP Victorville
U.S. Penitentiary
P.O. Box 3900
Adelanto, CA 92301
Pro-Se Petitioner

NOT FOR PUBLICATION

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

FILED

NOV 22 2023

**MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN MARQUIS HOLIDAY,

Defendant - Appellant.

No. 23-445

D.C. No. 3:17-cr-01370-AJB-1

MEMORANDUM*

**Appeal from the United States District Court
for the Southern District of California
Anthony J. Battaglia, District Judge, Presiding**

Submitted November 14, 2023**

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

Juan Marquis Holiday appeals from the district court's judgment and challenges the 64-year-and-10-month sentence imposed on remand for resentencing following his jury-trial convictions for multiple counts of interference and attempted interference with commerce by robbery and brandishing and

*** This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.**

**** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).**

discharging a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. §§ 2, 1951, and 924(c), respectively. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Holiday's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Holiday the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief on direct appeal.

Counsel's motion to withdraw is **GRANTED**.

Holiday's pro se motion to appoint new counsel is **DENIED**.

AFFIRMED.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
JUAN MARQUIS HOLIDAY (1)

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 3:17-CR-01370-AJB

DOUGLAS C. BROWN

Defendant's Attorney

USM Number 61872-298

☒ Correction of Sentence on Remand (Fed. R. Crim. P. 35); Previously Imposed Sentence is Hereby Set Aside and Vacated

THE DEFENDANT:

☐ pleaded guilty to count(s) _____

☒ was found guilty on count(s) 1-16 AND 20 OF THE SECOND SUPERSEDING INDICTMENT
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title and Section / Nature of Offense

Count

18:1951; 18:924(d), 981(a)(1)(C); 28:2461(c)- Interference and Attempted Interference With
Commerce By Robbery; Criminal Forfeiture

1ss-4ss, 6ss

18:1951; 18:2; 18:924(d), 981(a)(1)(C); 28:2461(c) - Interference and Attempted Interference with
Commerce by Robbery; Aiding and Abetting; Criminal Forfeiture

5ss, 7ss-10ss

18:924(c), 18:924(d), 981(a)(1)(C); 28:2461(c) Using, Carrying, Brandishing, and Discharging a
Firearm During and in Relation to a Crime of Violence; Criminal Forfeiture

11ss-16ss, 20ss

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) 17ss-19ss AND UNDERLYING are dismissed on the motion of the United States.

☒ Assessment : \$100.00 PER COUNT (\$1,700 TOTAL) - IMPOSED

☐ JVT Assessment*: \$ _____

*Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

☒ Fine waived ☐ Forfeiture pursuant to order filed _____, included herein.

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 any material change in the defendant's economic circumstances.

MARCH 13, 2023

Date of Imposition of Sentence



HON. ANTHONY J. BATTAGLIA
UNITED STATES DISTRICT JUDGE

AO 245B (CASD Rev. 1/19) Judgment in a Criminal Case

DEFENDANT: JUAN MARQUIS HOLIDAY (1)
CASE NUMBER: 3:17-CR-01370-AJB

Judgment - Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
COUNTS 1ss-10ss: ONE (1) MONTH PER COUNT; COUNTS 11ss, 20ss: SEVEN (7) YEARS PER COUNT;
COUNTS 12ss-16ss: TEN (10) YEARS PER COUNT; ALL COUNTS TO RUN CONSECUTIVE TO EACH OTHER
FOR A TOTAL OF SIXTY-FOUR (64) YEARS AND TEN (10) MONTHS

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☒ The court makes the following recommendations to the Bureau of Prisons:
- PLACEMENT DESIGNATION TO THE WESTERN REGION OF THE UNITED STATES AT
FCI VICTORVILLE TO FACILITATE FAMILY VISITS
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant must surrender to the United States Marshal for this district:
- ☐ at _____ A.M. on _____
 - ☐ as notified by the United States Marshal.
- ☐ The defendant must surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ on or before
 - ☐ 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

3:17-CR-01370-AJB

AO 245B (CASD Rev. 1/19) Judgment in a Criminal Case

DEFENDANT: JUAN MARQUIS HOLIDAY (1)
CASE NUMBER: 3:17-CR-01370-AJB

Judgment - Page 6 of 6

RESTITUTION

The defendant shall pay restitution in the amount of \$7,420.00 unto the United States of America.

Pay restitution in the amount of \$7,420 through the Clerk, U.S. District Court. Payment of restitution will be forthwith. During any period of incarceration, the defendant will pay restitution through the Inmate Financial Responsibility Program at the rate of 50% of the defendant's income, or \$25.00 per quarter, whichever is greater. The defendant will pay the restitution during his supervised release at the rate of \$200 per month. These payment schedules do not foreclose the United States from exercising all legal actions, remedies, and process available to it to collect the restitution judgment.

Restitution is to be paid to the following victims and distribution is to be made on a pro rata basis.

VICTIM / CONTACT	ADDRESS	AMOUNT
7-Eleven / Kamal Aziz Bitar	9635 Jamacha Blvd. Spring Valley, CA 91977	\$1,160.00
Green Cat Liquor / Khalil Dabish	1566 Vista Sierra El Cajon, CA 92019	\$1,200.00
Market at the Ranch / Jussam Dekho	1026 E. Washington Ave # 17 El Cajon, CA 92020	\$2,500.00
Par Liquor / Amar Polis	11404 Via Rancho San Diego, Apt 14 El Cajon, CA 92019	\$1,000.00
Victoria's Mexican Grill / Owner	1912 Coronado Ave San Diego, CA 92154	\$1,200.00
Parry Liquor / Daniel Kidanemariam	4704 Federal Blvd. San Diego, CA 92102	\$200.00
ARCO / Hossom Theweny	3165 Greystone Dr. Jamal, CA 91935	\$160.00
TOTAL		\$7,420.00

Defendant will be solely liable to pay restitution in the amount of \$3,820.00 and jointly and severally liable to pay restitution with co-defendants/co-conspirators for \$3,600.00 for a total of \$7,420.00. The presently known co-defendants/co-conspirators are Don Wayne JONES, III.

Until restitution has been paid, the defendant will notify the Clerk of the Court and the United States Attorney's Office of any change in the defendant's mailing or residence address, no later than thirty (30) days after the change occurs.