

CASE NO. 18 -

IN THE
SUPREME COURT OF THE UNITED STATES

JESCELL WHITTLE

Petitioner

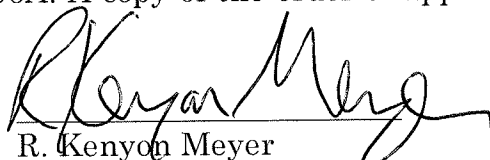
v.

UNITED STATES OF AMERICA

Respondent

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Jescell Whittle, by counsel, pursuant to Supreme Court Rule 39, seeks leave to file the attached Petition for Writ of Certiorari *in forma pauperis*. Counsel was appointed by the United States District Court for the Western District of Kentucky pursuant to 18 U.S. Code § 3006A. A copy of the order of appointment is appended to this motion.



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Attorney for Petitioner
Jescell Whittle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL ACTION NO. 3:13CR-170-JHM

JESCELL WHITTLE

DEFENDANT

ORDER ON EX PARTE HEARING

An *ex parte* hearing was held on February 12, 2016 regarding the Defendant's motion to appoint new counsel (DN 191). The Defendant, Jescell Whittle, was present with appointed counsel, Patrick J. Renn. The proceedings were recorded by Dena Legg, Official Court Reporter.

The Court discussed the motion with the Defendant and for the reasons fully stated on the record;

IT IS HEREBY ORDERED that the Defendant's motion to appoint new counsel is **GRANTED** and Patrick J. Renn is **WITHDRAWN** as counsel of record for the Defendant. Kenyon R. Meyer from the Criminal Justice Act attorney panel is appointed to represent Defendant Jescell Whittle. By separate order, the Court will reschedule the jury trial.

IT IS FURTHER ORDERED that the Defendant, through counsel, hereby waives any speedy trial issues in this case from February 12, 2016 through the date of the jury trial. The Court finds that the ends of justice served by this continuance outweigh the interests of the public and the Defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

IT IS FURTHER ORDERED that the official transcript of these proceedings shall be filed under seal.

February 16, 2016

cc: United States Attorney
Counsel of Record


Dave Whalin, Magistrate Judge
United States District Court

PACER fee: Exempt [Change](#)General Docket
United States Court of Appeals for the Sixth Circuit

Court of Appeals Docket #: 16-6821

USA v. Jescell Whittle

Appeal From: Western District of Kentucky at Louisville

Fee Status: In Forma Pauperis

Docketed: 12/19/2016

Termed: 11/03/2017

Case Type Information:

- 1) Criminal
- 2) Direct Criminal
- 3) null

Originating Court Information:

District: 0644-3 : [3:13-cr-00170-1](#)

Court Reporter: Alan Wernecke

Trial Judge: Joseph H. McKinley, Junior, Chief District Judge

Date Filed: 12/03/2013

Date Order/Judgment:
12/07/2016

Date NOA Filed:

12/14/2016

Prior Cases:

None

Current Cases:

None

UNITED STATES OF AMERICA
Plaintiff - AppelleeTerry M. Cushing, Assistant U.S. Attorney
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v.

JESCELL WHITTLE
Defendant - AppellantR. Kenyon Meyer
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101 S. Fifth Street
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12/19/2016	<u>1</u> 3 pg, 13.33 KB	Criminal Case Docketed. Notice of appeal filed by Appellant Jescell Whittle. Transcript needed: y. (BLC) [Entered: 12/19/2016 10:07 AM]
12/19/2016	<u>2</u>	The case manager for this case is: Bryant Crutcher: 513-564-7013. (BLC) [Entered: 12/19/2016 10:15 AM]
12/19/2016	<u>3</u>	[No Document Attached] RULING to extend appointment of Mr. R. Kenyon Meyer for Jescell Whittle as counsel under the Criminal Justice Act. (BLC) [Entered: 12/19/2016 10:16 AM]
12/22/2016	<u>4</u> 1 pg, 119.09 KB	APPEARANCE filed for Appellee USA by Terry M. Cushing. Certificate of Service: 12/22/2016. (TMC) [Entered: 12/22/2016 09:11 AM]
12/27/2016	<u>5</u> 1 pg, 96.39 KB	APPEARANCE filed for Appellant Jescell Whittle by R. Kenyon Meyer. Certificate of Service: 12/27/2016. (RKM) [Entered: 12/27/2016 03:42 PM]
01/05/2017	<u>6</u> 23 pg, 186.8 KB	Pre-sentence report filed. (MRH) [Entered: 01/05/2017 03:08 PM]
01/09/2017	<u>7</u> 1 pg, 9.9 KB	RULING LETTER SENT. Counsel Meyer is to make a transcript related filing no later than January 11, 2017. (BLC) [Entered: 01/09/2017 12:00 PM]
01/11/2017	<u>8</u>	TRANSCRIPT ordered from Mr. Alan Wernecke, filed by Mr. R. Kenyon Meyer for Jescell Whittle. [8] ; District Court Docket Number: 3:13-cr-00170-1 ; Date NOA Filed: 12/14/2016 ; ----- This is to order a transcript of the following proceedings and to certify that satisfactory financial arrangements have been completed ----- Transcript ordered on: 01/11/2017 ; District Court Judge/Magistrate: <i>Joseph H. McKinley, Jr.</i> ; Hearing Dates: <i>Trial in USDC, WD of Kentucky, Case No. 3:13-CR-1701, Aug. 23, 2016 to Aug. 30, 2016; Suppression hearings on 5/12/15, 8/10/15 and 8/9/16</i> ; Specially authorized proceedings: <i>Voir Dire, Jury Instructions, Opening Statement of Plaintiff, Closing Argument of plaintiff, Opening and Closing of Defendant</i> ; Method of Payment: <i>Criminal Justice Act CJA-24</i> Authorization Date: 12/29/2016 ; CJA-24 Authorization Number: 0644-0000159 ; Court reporter acknowledgement is due in 14 days. Certificate of Service: 01/11/2017. (RKM) [Entered: 01/11/2017 10:47 AM]
01/12/2017	<u>9</u>	NOTIFICATION: Setting acknowledgement deadline, relating to transcript order, [8]. Alan Wernecke's acknowledgement is due 01/26/2017. (BLC) [Entered: 01/12/2017 08:23 AM]
01/13/2017	<u>10</u>	Court Reporter Acknowledgement filed by Mr. Alan Wernecke, for transcript [8] ; Arrangements for payment were made on 12/29/2016 ; Estimated completion date: 02/10/2017 ; Estimated number of pages: 1250 (471 pages are already on file). (AW) [Entered: 01/13/2017 07:44 AM]
01/13/2017	<u>11</u>	NOTIFICATION: Setting transcript deadline, relating to transcript order, [8] Transcript to be filed in district court by Alan Wernecke by 02/13/2017. (BLC) [Entered: 01/13/2017 02:42 PM]
02/09/2017	<u>12</u>	Transcript, [8], has been filed in the District Court on 02/09/2016 ; Court Reporter: Mr. Alan Wernecke ; Actual Number of Pages: 1263 (792 filed today; 471 filed previously) ; Actual Number of Volumes: 9 (6 filed today; 3 filed previously) ; District Court No: 3:13-cr-00170-1 (AW) [Entered: 02/09/2017 08:55 AM]
02/09/2017	<u>13</u> 5 pg, 30.61 KB	BRIEFING LETTER SENT: appellant brief due 03/21/2017; appellee brief due 04/20/2017 (PJE) [Entered: 02/09/2017 11:11 AM]
03/16/2017	<u>14</u> 2 pg, 59.29 KB	MOTION filed by Mr. R. Kenyon Meyer for Jescell Whittle to extend time to file brief. Certificate of Service: 03/16/2017. (RKM) [Entered: 03/16/2017 12:49 PM]
03/17/2017	<u>15</u> 5 pg, 29.74 KB	RULING LETTER SENT granting motion to extend time to file brief [14] filed by Mr. R. Kenyon Meyer., resetting briefing schedule: appellant brief now due 04/20/2017. appellee brief now due 05/22/2017. (BLC) [Entered: 03/17/2017 01:11 PM]
04/20/2017	<u>16</u> 138 pg, 3.67 MB	APPELLANT BRIEF filed by Mr. R. Kenyon Meyer for Jescell Whittle. Certificate of Service: 04/20/2017. Argument Request: requested. (RKM) [Entered: 04/20/2017 07:12 PM]
04/26/2017	<u>17</u> 38 pg, 1.63 MB	APPENDIX filed by Mr. R. Kenyon Meyer for Jescell Whittle. Volume: 1; Pages: 1 - 38. Certificate of Service: 04/26/2017. (RKM) [Entered: 04/26/2017 10:05 AM]
04/28/2017	<u>19</u> 1 pg, 116.53 KB	[DEFECTIVE FILING] [Encrypted media disks cannot be opened] RECORD RECEIVED from Mr. R. Kenyon Meyer for Jescell Whittle. Atty/Pty - CD/DVD, Sealed: n, Comment: 4 copies of exhibits #14, 27 and Surveillance vid. --[Edited 08/15/2017 by Case Manager Bryant Crutcher] (MH) [Entered: 04/28/2017 09:38 AM]
05/22/2017	<u>20</u> 2 pg, 31.22 KB	MOTION filed by Mr. Terry M. Cushing for USA to extend time to file brief. Certificate of Service: 05/22/2017. (TMC) [Entered: 05/22/2017 03:25 PM]
05/23/2017	<u>21</u> 5 pg, 29.68 KB	RULING LETTER SENT granting motion to extend time to file brief [20] filed by Mr. Terry M. Cushing., resetting briefing schedule: Appellee brief now due 06/21/2017. (BLC) [Entered: 05/23/2017 12:39 PM]
06/15/2017	<u>22</u> 2 pg, 25.33 KB	MOTION filed by Mr. Terry M. Cushing for USA to extend time to file brief. Certificate of Service: 06/15/2017. (TMC) [Entered: 06/15/2017 10:08 AM]
06/15/2017	<u>24</u> 5 pg, 29.68 KB	RULING LETTER SENT granting motion to extend time to file brief [22] filed by Mr. Terry M. Cushing., resetting briefing schedule: Appellee brief now due 07/05/2017. (BLC) [Entered: 06/15/2017 12:08 PM]
07/05/2017	<u>25</u> 59 pg, 103.42 KB	[DEFECTIVE FILING. See 07/06/17 correction letter] APPELLEE BRIEF filed by Mr. Terry M. Cushing for USA. Certificate of Service: 07/05/2017. Argument Request: not requested. --[Edited 07/06/2017 by Case Manager Bryant Crutcher] (TMC) [Entered: 07/05/2017 05:52 PM]
07/06/2017	<u>26</u> 4 pg, 27.88 KB	BRIEFING LETTER SENT requesting brief corrections from Mr. Terry M. Cushing for USA. Correction needed: Certificate of compliance. Corrected brief due: 07/13/2017. (BLC) [Entered: 07/06/2017 02:29 PM]