

No. 24-7529

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
OCT 14 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Matthew Carter — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

United States Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

***** PETITION FOR REHEARING *****

Matthew Carter
(Your Name)

P.O. Box 5911 / 1600 North Drive
(Address)

Sioux Falls, SD 57117
(City, State, Zip Code)

N/A
(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1) Was Matthew Carter framed by detective Joseph Erickson?
- 2) Was Matthew Carter illegally seized and searched on December 31st 2020 and should this searchers' yield have been used against him?
- 3) Did Matthew Carter's lawyer fail him?
- 4) Did the statute of limitations already run its due course and was Matthew Carter legally allowed to be prosecuted for a crime over 10+ years old in violation of (18 USC. § 3282)?
- 5) Was Matthew Carter properly sentenced under the (Amy, Vicky, and Andy Child Pornography Act of 2018) and the (Justice for Victims Trafficking Act of 2015) when these videos were allegedly downloaded sometime in February or March of 2010?
- 6) Should judge Karen Schreier have handled Matthew's federal habeas corpus, being the same judge that imposed sentence upon Matthew Carter, in violation of South Dakota state law (SDCL § 21-27-14.1) and did this prejudice Matthew?

Appendix

| | |
|---|--------------|
| Appendix | i |
| Table of Authorities (Constitutional & Statutory) | ii |
| Jurisdiction | iii |
| Appeals Case Summary / Statement of Case | pgs. 1-6 |
| The Exhibits | pg. 7 |
| Matthew's Father (Steven) Charges | (Exhibit 1) |
| Dates of Downloads / Phone calls | (Exhibit 2) |
| Yankton, SD Booking Dates | (Exhibit 3) |
| Yankton, SD Inventory & Receipt | (Exhibit 4) |
| Search Warrant | (Exhibit 5) |
| Indictment | (Exhibit 6) |
| Superceding Indictment | (Exhibit 7) |
| Trial Transcript Keys | (Exhibit 8) |
| Affidavit of Lynn Easter | (Exhibit 9) |
| Affidavit of Nycole Morkve | (Exhibit 10) |
| Judgment in Criminal Action | (Exhibit 11) |
| Civil Docket for (4:21-CR-40073-1) | (Exhibit 12) |
| Civil Docket for (4:23-CV-04007-KES) | (Exhibit 13) |
| Miscellaneous Filings / Judgment | (Exhibit 14) |
| Notice of Appeal | (Exhibit 15) |
| Civil Docket for (24-2409) | (Exhibit 16) |
| Judgment in Appeal - Eighth Circuit | (Exhibit 17) |
| Order on Rehearing En Banc / Panel | (Exhibit 18) |
| Affidavit of Ryan Jorgensen | (Exhibit 19) |

Table of Authorities

| | |
|-----------------------------|-------------------|
| SDCL | § 1-1-1 |
| SDCL | § 1-1A-1 |
| SDCL | § 1-1A-2 |
| SDCL | § 1-1A-3 |
| SDCL | § 21-27-1 |
| SDCL | § 21-27-5 |
| SDCL | § 21-27-14.1 |
| SDCL | § 22-24A-3 |
| SDCL | § 23A-42-1 |
| SDCL | § 23A-42-2 |
| SDCL | § 23A-42-3 |
| SD Constitutional Article 6 | § 7 |
| SD Constitutional Article 6 | § 20 |
| 18 USCA | § 1746 |
| 18 USCA | § 2252A (a)(5)(B) |
| 18 USCA | § 2252A (B)(2) |
| 18 USCA | § 2256 (8)(A) |
| 18 USCA | § 3282 |
| 28 USCA | § 1331 |
| 28 USCA | § 1621 |
| 28 USCA | § 1651 |
| 28 USCA | § 1652 |
| 28 USCA | § 1915 |
| 28 USCA | § 2255 |
| 28 USCA | § 2513 |

United States Constitutional Article 3 § 2 (clause 1)

United States Constitutional Article 4 § 2 (Clause 1)

United States Constitutional Article 6 (Clause 2)

United States Constitutional Amendment 6

United States Constitutional Amendment 14

Justice for Victims of Trafficking Act of 2015

Amy, Vicky, & Andy Child Pornography Act of 2018

United States v. Contentos, 651 F.3d 809 (2011)

United States v. Evans, 48 F.4th 888 (2022)

Paroline v. United States, 572 U.S. 434

PETITION FOR REHEARING

Your Honorable Supreme Court Justices,

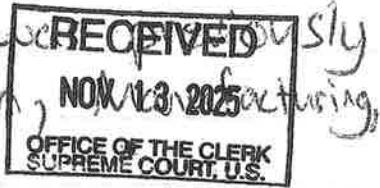
Today I petition you to please take my case on Rehearing I believe you will see that I am innocent of these crimes in which I was accused of in this South Dakota courtroom.

Jurisdiction

You have the power to hear this case pursuant to 28 U.S.C. § 1254(i)

Statement of Facts

On December 31st 2020 Matthew Carter was illegally seized and searched by a corrupt detective named Joseph Erickson. Matthew was jailed for 12 days without any charger whatsoever until January 11th 2021. On January 14th 2021 Matthew's residence was then searched and seizures were made of harddrives belonging to Matthew's father Steven Carter. Steven Carter was previously found guilty in 2013-2014 of Possession,



and distribution of Child Pornography. The record reflects that Matthew had never physically ~~ever~~ touched the harddrive, nor had Matthew ever accessed the harddrive containing this Child Porn.

That said, the images were downloaded in February and March of 2010, making these images over 10+ years old; the exact time frame that Matthew's father was caught for his Child Pornography. Matthew had no idea what was on that harddrive and Matthew's father Steven had brought the harddrive to Matthew's house unknowingly to Matthew. Elevating Matthew of ever "Knowingly" possessing Child Pornography in violations of 18 U.S.C. § 2252A or 18 U.S.C. § 2256.

Next, Matthew was tried and convicted of this crime in the South Dakota District Court in Sioux Falls, SD. The Child Pornography was over 10+ years old in violation of 18 U.S.C. § 3282 and the 5 year statute of limitations period. Where he should've never been indicted in the first place, also in violation of SD law (Z3A-42-2).

Matthew has maintained his innocence this entire time and filed a federal habeas corpus which was heard by District Court Judge Karen Schreier; the same judge that heard the case originally and pronounced judgment. This is a

direct violation of South Dakota law too, (SDCL § 21-27-14.1), which completely prejudiced Matthew and denied him a fair chance of fighting his wrongful conviction entirely.

Furthermore, Matthew should be acquitted for the crime of "Knowingly" possessing child pornography for the Affidavit of Ryan Jorgensen, (Exhibit #19) proving that Matthew had no idea what was on the harddrive whatsoever and that he never accessed the harddrive either.

For these reasons I petition you for a Rehearing, Your Honorable Supreme Court Justices ~~to~~ to please help me! I am innocent of this crime and if you please give this case some time ~~to~~ you will see that I am innocent too.

-Thank you for your
time

IN THE
SUPREME COURT OF THE UNITED STATES
REHEARING
PETITION FOR ~~WRIT OF CERTIORARI~~

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at ~~Appendix~~ ^{Exhibit 17} to the petition and is

reported at 24-2409; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at ~~Appendix~~ ^{Exhibit 14} to the petition and is

reported at 4:23-CV-04007-KES; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

[] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- * United States v. Contentos, 651 F.3d 809 (2011)
- * United States v. Evans, 48 F.4th 888 (2022)
- * Paroline v. United States, 572 U.S. 434

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was March 4th 2025.

[] No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 18th 2025, and a copy of the order denying rehearing appears at Appendix 18.
Exhibit

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

IN THE
Supreme Court of the United States

Matthew Carter
(Appellant)

Case No.: 24-7529

v.

United States of America; et al.

(Appellee)

Rehearing on
PETITION FOR WRIT OF CERTIORARI

SUPPLEMENTAL BRIEF IN
SUPPORT OF MATTHEW'S
PETITION FOR CERTIORARI
& ALL OTHER CLAIMS

Original Federal Criminal Case #: 4:21-CR-40073-KES

8th Circuit Appeal #: 22-1823

Federal Habeas Corpus Case #: 4:23-CV-04007-KES

COMES NOW, MattheW Allan Carter (Petitioner), through and by himself, in support of his claims of "ACTUAL INNOCENCE" and (ALL) 'OTHER' claims herein. In that, MattheW Carter NEVER "factually" or "knowingly" possessed ANY child pornography AT ANY TIME whatsoever, and that MattheW was FRAMED by detective Joseph Erickson; the prosecution; his 'incompetant' lawyer, Melissa Fiksdal; and the State of South Dakota. Furthermore, that MattheW was 'illegally' and 'unlawfully' indicted by the United States of America (making his entire judgment of conviction 'VOID'); MattheW was prejudicially deprived of numerous constitutionalities, immunities, laws, privileges, etc.; MattheW was completely failed by his lawyer, Melissa Fiksdal; and that MattheW was 'illegally' and 'unlawfully' searched and seized

(1)

in direct violation of Matthew's Fourth Amendment (South Dakota Constitutional Article 6 § 11) rights prohibiting illegal, unlawful, and warrantless searches and seizures.

Matthew has taken the 'liberty' of enclosing serious documentations, proofs, explanations, and undisputable FACTS as to why Matthew could NOT have EVER, possibly or "knowingly" possessed ANY child pornography at ANY TIME whatsoever. This document also summarizes why the government's arguments and LIES do NOT "hold any water" and why this conviction should NOT be allowed to stand. Matthew also knows that you, Your Honor, have a "heavy caseload" to attend to and would like to ONLY make your job easier with the following:

1.) Matthew is the only son of Steven Eldon Carter. Steven E. Carter was convicted in 2013-2014 of the possession, manufacturing, or distribution of child pornography (in violation of SDCL § 22-24A-3) which is a Class 3 / Class 4 (Maximum) Felony. This conviction stemmed from many years of disgusting appetites, behaviors, and "addictions" to children. Matthew's father struggled with this for years. SEE (Exhibit #1; Exhibit # 9; & Exhibit #10). As a child growing up Matthew, his mother Lynn, and his father Steven (ALL) shared the same "family computer," because computers were a "luxury" back then and computers were very expensive too. That said, Matthew would occasionally use his father and mother's computer to purchase items on ebay or use MSN messenger or do school work or to look for a job or to access his email; which explains why 1 or 2 receipts or an email from Matthew could've been on this hard drive. Matthew's lawyer NEVER brought this up once. "The defense did not put on any witnesses or evidence." CR Docket No. 104 at p.6 (JT Vol. 2 at p.147).

That said, Steven E. Carter, in 2013-2014, was found to be in possession of numerous child pornography images and videos ranging from the early 90s through the early 2000s up until his arrest and conviction in Rapid City, South Dakota. Steven E. Carter had been 'ACTIVELY' downloading more child porn via a torrent site while he was away on business; further stressing his sick "addiction" to children. A task force sought a warrant and executed it on the house that same day, giving Matthew's mother (who doesn't even know how to use a computer) a terrible scare. Shortly after this, Matthew's parents got a divorce and Matthew's father packed his 'possessions' and Matthew's mother packed her 'possessions.' Matthew had been long gone by then.

Fast-forward many years later, a box was placed on Matthew's doorstep in mid-July 2020 by his father Steven and Matthew saw a few items inside that were his, however, the hard drives were NOT his; so he did NOT touch them whatsoever. As such, Special Agent Kendra "Russell also greed that the Western Digital hard drive was examined for fingerprints and Mr. [Matthew] Carter's fingerprints were not found on that device." Id. at p.113 (JT Vol. 1 at p.113). Also,

"On cross-examination Ms. [Special Agent Kendra] Russell admitted that she could not say who accessed the child pornography on the Western Digital hard drive on December 19, 2020." CR Docket No. 103 at p.103 (JT Vol. 1 at p.103) also SEE (Exhibit # 8). This explains EVERYTHING and should've been enough ACQUIT Matthew of the charged offenses of "knowingly possessing" child pornography, but was ignored instead.

2.) On December 31st 2020, Matthew was 'illegally' and 'unlawfully' seized SEE (Exhibit #3) and later 'illegally' and 'unlawfully' searched SEE (Exhibit # 4) by the malicious actions of a small-town detective named Joseph Erickson. Then after the 'illegal' and 'unlawful' arrests and seizures occurred a search warrant was then issued a day later... SEE (Exhibit # 5). This was NEVER once addressed or motioned to suppress or anything by Matthew's lawyer and "The defense did not put on any witnesses or evidence." CR Docket No. 104 at p.6 (JT Vol. 2 at p.147). Instead, Matthew's lawyer did NOTHING and then pulled out via an Ander's Brief on direct appeal. This error was NOT harmless, but was a completely prejudicial mistake (which you will see shortly herein) and also deprived Matthew of his rights to "effective assistance" of counsel reserved under the Sixth Amendment (South Dakota Constitutional Article 6 § 7) and further preserved in landmark cases like (*Strickland v. Washington*) or (*United States v. Cronic*).

3.) Next, we need to address the Statute of Limitations of the charged offense... Possession of child pornography is NOT a capital offense, nor does it require the possessor to "actively engage" in the image / video depictions whatsoever with the "child victims." This is a well-settled matter by the Courts, but more closely related, to this case, in (*United States v. Coutentos*, 651 F.3d 809 (8th Circuit (Iowa) – 2011)). As such the State of South Dakota and the Federal Government (United States) provides that the Statute of Limitations is as follows:

(SDCL § 23A-42-1) – No Limitation on Prosecutions for Class A, Class B, or Class C Felonies:

"There shall be no limitation on the time within which a prosecution for Class A, Class B, or Class C felony must be commenced."

(SDCL § 23A-42-2) – Seven-year Limitation on Other Prosecutions:

"In all other prosecutions for a public offense and all proceedings quasi-criminal or penal nature, including the forfeiture of existing rights, the proceedings shall be commenced within seven years after the commission of the offense or crime which is the basis of the prosecution or proceedings, except as provided in § 23A-42-3."

18 U.S.C.A. § 3282 – Offenses Not Capital:

“(a) In general. – Except as otherwise expressly provided by law, no person shall be prosecuted, tried or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

(b) DNA profile indictment. –

(1) In general. – In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

(2) Exception. – Any indictment described under paragraph (1), which is found not later than five years after the offense under chapter 109A is committed, shall not be subject to

(A) the limitations period under subsection (a); and

(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

(3) Defined term. – For purposes of this subsection, the term “DNA Profile” means a set of DNA identification characteristics.”

That said, the government “officially” indicted Matthew (*** 11 years ***) after the last time any of this material was EVER accessed or “timestamped” by anyone SEE (Exhibit # 2) and on May 4th 2021 SEE (Exhibit # 6) and later supere exceedingly indicted SEE (Exhibit # 7) on December 21st 2021 stating that:

“On or about between February 15th 2010 and January 14th 2021, in the District of South Dakota, the Defendant, Matthew Carter, knowingly possessed and attempted to possess material which contains an image of child pornography...” “... all in violation of 18 U.S.C. §§ 2252A (a)(5)(B); 2252A (B)(2) and 2256 (8)(A).”

That said, as you can clearly see, Steven Eldon Carter (Matthew’s father) was charged and convicted of this child pornography that he was “disgustingly addicted to” in 2013-2014 SEE (Exhibit # 1). As such, Matthew “truthfully” states that: “This is NOT my pornography

and these were NOT my hard drives. PERIOD!" Also, this indictment should've been and should now be dismissed as being FAR PAST the Statute of Limitations set by the State of South Dakota and well-established State and Federal Laws (above). And Matthew's sentence and conviction is 100% 'VOID' and thus 'illegal' too. Also, these are direct violations of Matthew's Sixth Amendment (South Dakota Constitutional Article 6 § 7) rights to a 'competent' and 'knowledgeable' attorney who should've argued and known these major issues persisted; and Matthew's Fourteenth Amendment (ALL South Dakota equivalents) rights to due process and equal protections of laws too. Amongst 'other' immunities and constitutionalities, also. If Matthew's lawyer would've raised this issue prior to trial or on direct appeal... Instead of just bailing out completely... The outcome would've been more than drastically different here. This in turn makes Matthew "ACTUALLY INNOCENT" too. See (U.S. v. Contentos, 651 F.3d 809 (2011 - 8th Circuit)).

4.) ^{Next} Matthew Carter was sentenced under the provisions of the (Amy, Vicky, & Andy Child Pornography Act of 2018); the (Justice for Victims of Trafficking Act of 2015); and 'other' non-applicable and non-retroactive acts and laws unavailable at the time this child pornography had been downloaded, placed on the hard drives, or accessed in February and/or March of 2010. SEE (Exhibit # 2 & Exhibit # 11) Also, the child pornography had to have been older than 2006 also. As such, the Statute of Limitations had FAR & LONG PAST RAN its life and course pursuant (18 U.S.C.A. § 3282). "Congress provided that defendants who committed child pornography offenses prior to the date of the enactment but are sentenced thereafter shall be subject to the statutory scheme that was in effect at the time the offenses were committed." See (United States v. Evans, 48 F.4th 888 (2022)); See also (Parolite v. United States, 572 U.S. 434).

5.) Finally, Matthew Carter, pursuant South Dakota State law (SDCL § 21-27-14.1), knows that Judge Karen Schreier should not have handled this case/writ of habeas corpus AT ALL because she was the judge who imposed sentence upon Matthew Carter. Instead, he believes she should have recused herself from this case and by not doing so Matthew was completely prejudiced against; upholding her own sentence. This was completely unfair practice and Matthew Carter's Federal writ of habeas corpus didn't get a fair chance to be heard on the merits of his case.

6.) The Affidavit of Ryan Jorgensen (Exhibit #19) proves that Matthew never touched, accessed, or anything the hard drive in question and should exonerate him fully of this crime. Proving his innocence in the matter.

Conclusion

As you can clearly see here, Matthew Carter was framed, Your Honor. Which is why this conviction should not stand. Nobody would listen, but I have hope that you will. That is why Matthew comes to you today to ask for a, long overdue, acquittal be granted to him and that he is set free on crimes he did not commit.

Dated this 15th
day of October, 2025

Respectfully,



Matthew Carter (Appellant)

PRESENTED IN GOOD FAITH AND
NOT FOR DELAY

PETITION

FOR

REHEARING

Exhibit # 11

UNITED STATES DISTRICT COURT

District Of South Dakota, Southern Division

UNITED STATES OF AMERICA

v.

Matthew Carter

JUDGMENT IN A CRIMINAL CASE

Case Number: 4:21CR40073-1
USM Number: 44864-509
Melissa A. Fiksdal
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____
 pleaded nolo contendere to count(s) _____
which was accepted by the Court.
 was found guilty on count(s) 1 of the Superseding Indictment
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

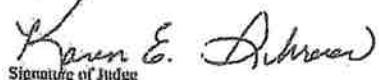
| Title & Section | Nature of Offense | Offense Ended | Count |
|---|---------------------------------|---------------|-------|
| 18 U.S.C. §§ 2252A(a)(5)(B), 2252A(b)(2), and 2256(8)(A) | Possession of Child Pornography | 01/14/2021 | 1 |

The defendant is sentenced as provided in this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

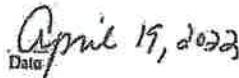
The defendant has been found not guilty on count(s) _____
 Count(s) _____ is _____ are dismissed on the motion of the United States.

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.

04/18/2022
Date of Imposition of Judgment


Signature of Judge

Karen E. Schreier, United States District Judge
Name and Title of Judge


Date

AO 245B (Rev. 09/19) Judgment in Criminal Case
Sheet 2 — Imprisonment

DEFENDANT: Matthew Carter
CASE NUMBER: 4:21CR40073-1

IMPRISONMENT

- The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 180 months. It is ordered 60 months of that term run concurrently and 120 months run consecutively to the defendant's sentence imposed by the First Judicial Circuit Court, Yankton, SD, in case 66CR21-00016.
- The Court makes the following recommendations to the Bureau of Prisons:
The defendant meets the criteria set forth by the U.S. Bureau of Prisons to participate in a sex offender program. It is recommended the defendant be designated to a federal facility, which will allow participation in that type of program. Your history of substance abuse indicates you would be an excellent candidate for the Bureau of Prisons' substance abuse treatment program. It is recommended that you be allowed to participate in that program. Due to the defendant's history of mental and/or physical health issues, the Court recommends the Bureau of Prisons designate the defendant to a Federal Medical Center for service of the sentence.
- 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

AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 3 - Supervised Release

DEFENDANT: Matthew Carter
CASE NUMBER: 4:21CR40073-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term 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 cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
5. 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.)
6. You must participate in an approved program for domestic violence. (Check, if applicable.)
7. 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.)

You must comply with the standard conditions that have been adopted by this Court as well as with any other conditions on the attached page.

DEFENDANT: Matthew Carter
CASE NUMBER: 4:21CR40073-1

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 reasonable times, 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 mace/knives 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.

DEFENDANT: Matthew Carter
CASE NUMBER: 4:21CR40073-1

SPECIAL CONDITIONS OF SUPERVISION

1. You must not initiate, establish, or maintain contact with any male or female child under the age of 18 nor attempt to do so except under circumstances approved in advance and in writing by the probation office.
2. You must not enter onto the premises, travel past, or loiter near where the victims reside and must have no correspondence, telephone contact, or communication with the victims personally or through a third party.
3. You must comply with all protection and no contact orders entered by any court, whether federal, state, local or tribal. You must promptly notify your probation officer of any allegation that you have violated any such protection or no contact order.
4. You must participate in cognitive behavioral training programs as directed by the probation office, including a domestic violence intervention program. You must enter into and comply with the Behavior Agreement for Relations with Intimate Partner as adopted in the District of South Dakota.
5. You must participate in the probation office's Computer/Internet Use and Monitoring Program and comply with the provisions of the participation agreement used in the District of South Dakota. Participation in this program is in lieu of having all access to a computer denied. As part of the Program, you must consent, at the direction of the probation office, to having installed on your computer(s) at your expense, any hardware or software systems to monitor computer use or prevent access to particular materials.
6. You must not incur new credit charges or open additional lines of credit without the approval of the probation office unless you are in compliance with any payment schedule established.
7. You must provide the probation office with access to any requested financial information.
8. You must apply all monies received from income tax refunds, judgments, and unexpected financial gains to the outstanding court-ordered financial obligation.
9. You must undergo inpatient/outpatient psychiatric or psychological treatment, as directed by the probation office. You must take any prescription medication as deemed necessary by the treatment provider.
10. You must reside and participate in a residential reentry center as directed by the probation office. You will be classified as a pre-release case.
11. You must submit your person, residence, place of business, vehicle, possessions, computer, smart phone, tablet, or any other internet capable device (including passwords) to a search conducted by a United States Probation Officer without a warrant when the officer has reasonable suspicion of a violation of a condition of supervision.
12. You must participate in sex offender treatment and submit to polygraph examinations as directed by the probation office.
13. You must not consume any alcoholic beverages or intoxicants. Furthermore, you must not frequent establishments whose primary business is the sale of alcoholic beverages.
14. You must participate in a program approved by and at the direction of the probation office for treatment of substance abuse.
15. You must submit a sample of your blood, breath, or bodily fluids at the discretion or upon the request of the probation office.

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.uscourts.gov.

Defendant's Signature

Date

UNITED STATES DISTRICT COURT

District Of South Dakota, Southern Division

UNITED STATES OF AMERICA

v.

Matthew Carter

AMENDED JUDGMENT IN A CRIMINAL
CASE

Case Number: 4:21CR40073-1

USM Number: 44864-509

Date of Original Judgment: 04/18/2022
(Or Date of Last Amended Judgment)

Melissa A. Fiksdal
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s)

pleaded no contest to count(s) _____ which was accepted by the Court.

was found guilty on count(s) 1 of the Superseding Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| Title & Section | Nature of Offense | Offense Ended | Count |
|--|---------------------------------|---------------|-------|
| 18 U.S.C. §§ 2252A(a)(5)(B), 2252A(b)(2) and 2256(b)(A) | Possession of Child Pornography | 01/14/2021 | *18 |

The defendant is sentenced as provided in this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

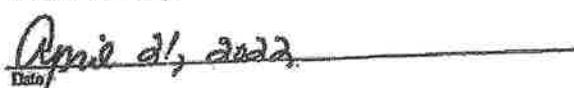
Count(s) _____ is are dismissed on the motion of the United States.

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.

04/18/2022
Date of Imposition of Judgment


Signature of Judge

Karen E. Schreier, United States District Judge
Name and Title of Judge


Date

DEFENDANT: Mathew Carter
CASE NUMBER: 4:21CR40073-1

IMPRISONMENT

- The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 180 months. It is ordered 60 months of that term run concurrently and 120 months run consecutively to the defendant's sentence imposed by the First Judicial Circuit Court, Yankton, SD, in case 66CR121-000916.
- The Court makes the following recommendations to the Bureau of Prisons:
The defendant meets the criteria set forth by the U.S. Bureau of Prisons to participate in a sex offender program. It is recommended the defendant be designated to a federal facility, which will allow participation in that type of program. Your history of substance abuse indicates you would be an excellent candidate for the Bureau of Prisons' substance abuse treatment program. It is recommended that you be allowed to participate in that program. Due to the defendant's history of mental and/or physical health issues, the Court recommends the Bureau of Prisons designate the defendant to a Federal Medical Center for service of the sentence.
- 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: Matthew Carter
CASE NUMBER: 4:21CR40073-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term 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 cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (44 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.)
6. You must participate in an approved program for domestic violence. (Check, if applicable.)
7. 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.)

You must comply with the standard conditions that have been adopted by this Court as well as with any other conditions on the attached page.

DEFENDANT: Mathew Carter
CASE NUMBER: 4:21CR40073-I

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 reasonable times, 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.

DEFENDANT: **Matthew Carter**
CASE NUMBER: **421CR40073-1**

SPECIAL CONDITIONS OF SUPERVISION

1. You must not initiate, establish, or maintain contact with any male or female child under the age of 18 nor attempt to do so except under circumstances approved in advance and in writing by the probation office.
2. You must not enter onto the premises, travel past, or loiter near where the victim resides and must have no correspondence, telephone contact, or communication with the victim personally or through a third party.
3. You must comply with all protection and no contact orders entered by any court, whether federal, state, local or tribal. You must promptly notify your probation officer of any allegation that you have violated any such protection or no contact order.
4. You must participate in cognitive behavioral training programs as directed by the probation office, including a domestic violence intervention program. You must enter into and comply with the Behavior Agreement for Relations with Intimate Partner as adopted in the District of South Dakota.
5. You must participate in the probation office's Computer/Internet Use and Monitoring Program and comply with the provisions of the participation agreement used in the District of South Dakota. Participation in this program is in lieu of having all access to a computer denied. As part of the Program, you must consent, at the direction of the probation office, to having installed on your computer(s) at your expense, any hardware or software systems to monitor computer use or prevent access to particular materials.
6. You must not incur new credit charges or open additional lines of credit without the approval of the probation office unless you are in compliance with any payment schedule established.
7. You must provide the probation office with access to any requested financial information.
8. You must apply all monies received from income tax refunds, judgments, and unexpected financial gains to the outstanding court-ordered financial obligation.
9. You must undergo inpatient/outpatient psychiatric or psychological treatment, as directed by the probation office. You must take any prescription medication as deemed necessary by the treatment provider.
10. You must reside and participate in a residential reentry center as directed by the probation office. You will be classified as a parolees case.
11. You must submit your person, residence, place of business, vehicle, possessions, computer, smart phone, tablet, or any other internet capable device (including passwords) to a search conducted by a United States Probation Officer without a warrant when the officer has reasonable suspicion of a violation of a condition of supervision.
12. You must participate in sex offender treatment and submit to polygraph examinations as directed by the probation office.
13. You must not consume any alcoholic beverages or intoxicants. Furthermore, you must not frequent establishments whose primary business is the sale of alcoholic beverages.
14. You must participate in a program approved by and at the direction of the probation office for treatment of substance abuse.
15. You must submit a sample of your blood, breath, or bodily fluids at the discretion or upon the request of the probation office.

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.uscourts.gov.

Defendant's Signature _____ Date _____

DEFENDANT: Matthew Carter
CASE NUMBER: 4:21CR40073-1

CRIMINAL MONETARY PENALTIES

You must pay the total criminal monetary penalties under the Schedule of Payments set below.

| TOTALS | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA Assessment*</u> | <u>IVTA Assessment**</u> |
|--------|-------------------|--------------------|-------------|-------------------------|--------------------------|
| | \$100 | \$13,000 | Waived | Not applicable | Waived |

The determination of restitution is deferred until
An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

You must make restitution (including community restitution) to the following payees in the amount listed below.
If you make a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| Name of Payee | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|---|----------------------|----------------------------|-------------------------------|
| The victim identified in the "Vicky" series | \$10,000 | \$10,000 | |
| The victim identified in the "Tara" series | \$3,000 | \$3,000 | |

TOTALS \$ 13,000 \$ 13,000

Restitution amount ordered pursuant to Plea Agreement \$

You must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the Judgment, pursuant to 18 U.S.C. § 3612(g). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The Court determined that you do not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

*Amy, Vicky, & Andy Child Pornography Assistance Act of 2018, Pub. L. 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.

DEFENDANT: **Matthew Carter**
CASE NUMBER: **4:21CR40073-1**

SCHEDULE OF PAYMENTS

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

A Lump sum payment of \$ 100 due immediately, balance due
 not later than _____, or
 in accordance with C. D. E, or F below; or

B Payment to begin immediately (may be combined with C. D, or F below); or

C Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ to commence _____ (e.g. 30 or 60 days) after the date of this Judgment; or

D Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ to commence _____ (e.g. 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment of the total restitution and other criminal monetary penalties shall be due in regular quarterly installments of 50% of the deposits in your inmate trust account while you are in custody, or 10% of your inmate trust account while serving custody at a Residential Reentry Center. Any portion of the monetary obligation(s) not paid in full prior to your release from custody shall be due in monthly installments of \$50, such payments to begin 60 days following your release.

F Special instructions regarding the payment of criminal monetary penalties:

Unless the Court has expressly ordered otherwise, if this Judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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, or electronically at Pay.gov.

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

| <input type="checkbox"/> Joint and Several Case Number Defendant and Co-Defendant Names (including defendant number) | Total Amount | Joint and Several Amount | Corresponding Payee, If appropriate |
|---|--------------|-----------------------------|--|
|---|--------------|-----------------------------|--|

You shall pay the cost of prosecution.
 You shall pay the following Court cost(s):
 You shall forfeit your interest in the following property to the United States:
1. A Maxtor external hard drive, 40 GB, Serial #: 362208921695; and
2. A Western Digital external hard drive, 1 TB, Serial #: WCAU44735428.

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.

AO245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

DEFENDANT: Matthew Carter
CASE NUMBER: 4:21CR40073-1

SCHEDULE OF PAYMENTS

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

A Lump sum payment of \$ 100 due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ to commence _____ (e.g., 30 or 60 days) after the date of this Judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment of the total restitution and other criminal monetary penalties shall be due in regular quarterly installments of 25% of the deposits in your inmate trust account while you are in custody, or 10% of your inmate trust account while serving custody at a Residential Reentry Center. Any portion of the monetary obligation(s) not paid in full prior to your release from custody shall be due in monthly installments of \$50, such payments to begin 60 days following your release.

F Special instructions regarding the payment of criminal monetary penalties:

Unless the Court has expressly ordered otherwise, if this Judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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, or electronically at Pay.gov.

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

Joint and Several
Case Number _____
Defendant and Co-Defendant Names
(including defendant number), _____

| | Total Amount | Joint and Several Amount | Corresponding Payee, if appropriate |
|--|--------------|--------------------------|-------------------------------------|
| | | | |

You shall pay the cost of prosecution.
 You shall pay the following Court cost(s):
 You shall forfeit your interest in the following property to the United States:
1. A Maxtor external hard drive, 40 GB, Serial #: 362238921695; and
2. A Western Digital external hard drive, 1 TB, Serial #: WCAU44735428.

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.

AO 245C (Rev. 09/19) Amended Judgment in a Criminal Case
Sheet 7—Reason for Amendment

Not for Public Disclosure

DEFENDANT: Mathew Carter
CASE NUMBER: 4:21CR40073-1

REASON FOR AMENDMENT
(Not for Public Disclosure)

REASON FOR AMENDMENT:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- Modification of Supervision Conditions (18 U.S.C. § 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(1))
- Direct Motion to District Court Pursuant to
 - 28 U.S.C. § 2255
 - 18 U.S.C. § 3559(c)(7))
- Modification of Restitution Order (18 U.S.C. § 3664)

Exhibit # 12

U.S. District Court
District of South Dakota (Southern Division)
CRIMINAL DOCKET FOR CASE #: 4:21-cr-40073-KES-1

Case title: USA v. Carter

Date Filed: 05/04/2021

Date Terminated: 04/19/2022

Assigned to: U.S. District Judge Karen E.
Schreier

Referred to: US Magistrate Judge Veronica
L. Duffy

Appeals court case number: 22-1823 8th
Circuit

Defendant (1)

Matthew Carter
TERMINATED: 04/19/2022

represented by Matthew Carter
52013
SOUTH DAKOTA STATE
PENITENTIARY
1600 North Drive
Sioux Falls, SD 57117-5911
PRO SE

Melissa A. Fiksdal
Resolute Law Firm PC
400 North Main Avenue
Ste 207
Sioux Falls, SD 57104
605-275-4529
Fax: 605-271-4101
Email: melissa@resolutelaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Matthew M. Powers
Federal Public Defender's Office
101 South Main Avenue, Suite 400
Sioux Falls, SD 57104
(605) 330-4489
Fax: (605) 330-4499
Email: matt_powers@fd.org
TERMINATED: 05/05/2021
Designation: Federal Public Defender

Pending Counts

18 U.S.C. §§ 2252A(a)(5)(B), 2252A(B)(2),
and 2256(8)(A); POSSESSION OF CHILD
PORNOGRAPHY
(1s)

Disposition

180 months in custody followed by 5 years
of supervised release. 60 months is ordered
to run concurrently, and 120 months is
ordered to run consecutively to the sentence
imposed in (66CRI21-000016). Restitution
is ordered, fine is waived, and a \$100
special assessment is ordered. Forfeiture is
ordered.

Highest Offense Level (Opening)

Felony

Terminated Counts

18 U.S.C. §§ 2252A(a)(5)(B), 2252A(B)(2),
and 2256(8)(A) POSSESSION OF CHILD
PORNOGRAPHY
(1)

Disposition

Superseded

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Jeffrey C. Clapper**
U.S. Attorney's Office (Sioux Falls, SD)
PO Box 2638
Sioux Falls, SD 57101-2638
330-4400
Fax: 330-4410
Email: jeff.clapper@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

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Designation: Assistant US Attorney

Diana J. Ryan
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 330-4400
 Fax: 330-4410
 Email: diana.ryan@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

| Date Filed | # | Docket Text |
|------------|----------|--|
| 05/04/2021 | <u>1</u> | <p>INDICTMENT (personal identifiers redacted) as to Matthew Carter (1) count(s) 1. (Attachments: # <u>1</u> Sealed Charging Document)</p> <p>NOTICE REGARDING COOPERATOR INFORMATION: All plea agreements and sentencing memoranda contain a sealed supplement which includes either a statement there was cooperation or a statement there was no cooperation. It is not possible to determine from examination of docket entries whether a defendant did or did not cooperate with the government. (CLR) (Entered: 05/04/2021)</p> |
| 05/05/2021 | <u>2</u> | Attorney update in case as to Matthew Carter. Attorney Matthew M. Powers for Matthew Carter added. (CG) (Entered: 05/05/2021) |
| 05/05/2021 | <u>3</u> | Set Hearing as to Matthew Carter: Initial Appearance set for 5/13/2021 at 11:00 AM in Sioux Falls Courtroom 3 - Room 117* before US Magistrate Judge Veronica L. Duffy. (CG) (Entered: 05/05/2021) |
| 05/05/2021 | <u>3</u> | Application for Writ of Habeas Corpus ad Prosequendum by USA as to Matthew Carter. (Attachments: # <u>1</u> Proposed Order)(Clapper, Jeffrey) (Entered: 05/05/2021) |
| 05/05/2021 | <u>4</u> | ORDER granting <u>3</u> Application for Writ of Habeas Corpus ad Prosequendum and WRIT ISSUED as to Matthew Carter (1). Signed by US Magistrate Judge Veronica L. Duffy on 5/5/2021. (CG) (Entered: 05/05/2021) |
| 05/05/2021 | <u>5</u> | Attorney update in case as to Matthew Carter. Attorney Melissa A. Fiksdal for Matthew Carter added. Attorney Matthew M. Powers terminated. (CG) (Entered: 05/05/2021) |
| 05/06/2021 | <u>5</u> | REQUEST for 404(b) by Matthew Carter . (Fiksdal, Melissa) (Entered: 05/06/2021) |
| 05/06/2021 | <u>6</u> | REQUEST for 609(b) by Matthew Carter . (Fiksdal, Melissa) (Entered: 05/06/2021) |
| 05/12/2021 | <u>7</u> | Preliminary BAIL Report as to Matthew Carter. In a multi-defendant case, access to this document is restricted to counsel of record for the defendant and government counsel. (Dumdei, Sheila) (Entered: 05/12/2021) |
| 05/13/2021 | <u>8</u> | ORDER Returning Matthew Carter to state custody. Signed by US Magistrate Judge Veronica L. Duffy on 5/13/2021. (CG) (Entered: 05/13/2021) |
| 05/13/2021 | <u>9</u> | Minute Entry for proceedings held before US Magistrate Judge Veronica L. Duffy: Initial Appearance as to Matthew Carter held on 5/13/2021, Arraignment as to Matthew Carter (1) Count 1 held on 5/13/2021 Plea Entered: Not Guilty. |
| | | <p>TEXT ORDER. Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence--that is, evidence that favors the defendant or casts doubt on the United States' case, as required by <i>Brady v. Maryland</i>, 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. Failure to disclose exculpatory evidence in a</p> |

| | | |
|------------|---|---|
| | | timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court. (Court Reporter: FTR) (MSB) (Entered: 05/13/2021) |
| 05/13/2021 | ⑩ | CJA 23 Financial Affidavit signed by Matthew Carter. (SLW) (Entered: 05/13/2021) |
| 05/13/2021 | ⑪ | TEXT ORDER Appointing CJA Attorney Melissa Fiksdal as to Matthew Carter (1). Signed by US Magistrate Judge Veronica L. Duffy on 5/13/21. (SLW) (Entered: 05/13/2021) |
| 05/13/2021 | ⑫ | SCHEDULING AND CASE MANAGEMENT ORDER as to Matthew Carter. Suppression Voluntariness Motion due by 6/1/2021. Motions due by 7/6/2021. Plea Agreement due by 7/6/2021. Jury Trial set for 7/20/2021 at 09:00 AM in Sioux Falls Courtroom 2* before U.S. District Judge Karen E. Schreier. Signed by U.S. District Judge Karen E. Schreier on 5/13/21. (SLW) (Entered: 05/13/2021) |
| 05/17/2021 | ⑬ | Warrant Returned Pursuant to WHCAP in case as to Matthew Carter. (SLW) (Entered: 05/17/2021) |
| 05/17/2021 | ⑭ | Writ of Habeas Corpus ad Prosequendum Returned Executed as to Matthew Carter on 5/13/21. (SLW) (Entered: 05/17/2021) |
| 05/20/2021 | ⑮ | Stipulation for Entry of Standing Discovery Order as to Matthew Carter. (Clapper, Jeffrey) (Entered: 05/20/2021) |
| 05/20/2021 | ⑯ | <p>TEXT ORDER REGARDING DISCOVERY. Upon the foregoing Stipulation <u>⑮</u> and for good cause shown, it is hereby</p> <p>ORDERED that any discovery materials, including but not limited to statements and summaries of interviews of witnesses furnished by the prosecution to the defense, shall not be used by the Defendant or the attorney for the Defendant for any purpose other than in direct relationship to this case. Without permission of the Court, defense counsel shall not photocopy the materials or provide them to any third party, except to make copies for use of the defense counsel in this case, an investigator, or expert witness. No further dissemination of discovery material shall be made, and under no circumstances shall such material be available to any employee of any attorney who was previously convicted of a felony but not restored to his or her civil rights. Any and all copies of discovery materials shall be returned to defense counsel at the completion of the case so that they can be destroyed by defense counsel. Defense counsel shall otherwise keep the items furnished in the possession of defense counsel, and the materials shall not be given to the Defendant or anyone else without the permission of the Court. Defense counsel may allow the Defendant to read the discovery materials, but only in the presence of defense counsel, the defense investigator, or a defense expert. It is further</p> <p>ORDERED that all discovery materials not previously destroyed shall be returned to attorneys for the United States of America immediately upon final disposition of the case.</p> <p>This text order entered as to Matthew Carter (1). Signed by US Magistrate Judge Veronica L. Duffy on 5/20/2021. (KK) (Entered: 05/20/2021)</p> |
| 07/06/2021 | ⑰ | First MOTION for Continuance pursuant to 18:3161 by Matthew Carter. (Fiksdal, Melissa) Modified on 7/6/2021 to terminate duplicative motion (KLE). (Entered: 07/06/2021) |

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| 07/07/2021 | 18 | CONSENT to Continuance signed by Matthew Carter . (Fiksdal, Melissa) (Entered: 07/07/2021) |
| 07/09/2021 | 19 | ORDER granting 17 Motion for Continuance pursuant to 18:3161 as to Matthew Carter (1) Suppression Voluntariness Motion due by 9/14/2021. Motions due by 10/19/2021. Plea Agreement due by 10/19/2021. Jury Trial set for 11/2/2021 at 09:00 AM in Sioux Falls Courtroom 2 before U.S. District Judge Karen E. Schreier. Signed by U.S. District Judge Karen E. Schreier on 7/9/21. (SLW) (Entered: 07/09/2021) |
| 10/15/2021 | 20 | NOTICE Pursuant to Rule 609(a) by USA as to Matthew Carter (Clapper, Jeffrey) (Entered: 10/15/2021) |
| 10/15/2021 | 21 | ORDER REASSIGNING CASE as to Matthew Carter to U.S. District Judge Lawrence L. Piersol. U.S. District Judge Karen E. Schreier no longer assigned to the case. Signed by U.S. District Judge Karen E. Schreier on 10/15/2021. (MSB) (Entered: 10/15/2021) |
| 10/15/2021 | | Set/Reset Hearings as to Matthew Carter: Jury Trial set for 11/2/2021 at 09:00 AM in Sioux Falls Courtroom 1 - Room 203A before U.S. District Judge Lawrence L. Piersol. (MSB) (Entered: 10/15/2021) |
| 10/19/2021 | 22 | NOTICE of Expert Witness: <i>Kendra Russell</i> by USA as to Matthew Carter. (Attachments: # 1 Exhibit 1 - CV of Kendra Russell)(Clapper, Jeffrey) (Entered: 10/19/2021) |
| 10/26/2021 | 23 | Application for Writ of Habeas Corpus ad Prosequendum by USA as to Matthew Carter. (Attachments: # 1 Proposed Order)(Clapper, Jeffrey) (Entered: 10/26/2021) |
| 10/26/2021 | 24 | First Proposed Jury Instructions as to Matthew Carter (Fiksdal, Melissa) (Entered: 10/26/2021) |
| 10/26/2021 | 25 | First MOTION Jury Questionnaire by Matthew Carter. (Fiksdal, Melissa) (Entered: 10/26/2021) |
| 10/26/2021 | 26 | First MOTION Sequester Witness by Matthew Carter. (Fiksdal, Melissa) (Entered: 10/26/2021) |
| 10/26/2021 | 27 | First MOTION to Exclude <i>RE Rule 609</i> by Matthew Carter. (Fiksdal, Melissa) (Entered: 10/26/2021) |
| 10/26/2021 | 28 | MOTION IN LIMINE: Part 1: Reference to Penalty or Punishment; Part 2: Witness Opinions of Guilt or Innocence; Part 3: Reference to Matters Required to be Raised by Pretrial Motion; Part 4: References to Plea Negotiations; Part 5: Request for Special Agent at Counsel Table; Part 6: Sequestration of Witnesses; Part 7: Offer to Stipulation to Child Pornography; by USA as to Matthew Carter. (Clapper, Jeffrey) (Entered: 10/26/2021) |
| 10/26/2021 | 29 | Proposed Jury Instructions as to Matthew Carter (Clapper, Jeffrey) (Entered: 10/26/2021) |
| 10/27/2021 | 30 | ORDER granting 25 Motion Jury Questionnaire as to Matthew Carter (1). Signed by U.S. District Judge Lawrence L. Piersol on 10/27/2021. (MSB) (Entered: 10/27/2021) |
| 10/27/2021 | 31 | ORDER granting 23 Application for Writ of Habeas Corpus ad Prosequendum and WRIT ISSUED as to Matthew Carter (1). Signed by U.S. District Judge Lawrence L. Piersol on 10/27/2021. (MSB) (Entered: 10/27/2021) |
| 10/27/2021 | 32 | NOTICE of Intent to Offer Evidence by USA as to Matthew Carter (Clapper, Jeffrey) (Entered: 10/27/2021) |

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| 10/29/2021 | 33 | TEXT SCHEDULING ORDER as to Matthew Carter: Pretrial Conference set for 11/1/2021 at 01:30 PM in Sioux Falls Courtroom 1 - Room 203A before U.S. District Judge Lawrence L. Piersol. Signed by U.S. District Judge Lawrence L. Piersol on 10/29/2021. (DJP) (Entered: 10/29/2021) |
| 10/29/2021 | 34 | Application for Writ of Habeas Corpus ad Prosequendum by USA as to Matthew Carter. (Attachments: # 1 Proposed Order)(Clapper, Jeffrey) (Entered: 10/29/2021) |
| 10/29/2021 | 35 | ORDER granting 34 Application for Writ of Habeas Corpus ad Prosequendum and WRIT ISSUED as to Matthew Carter (1). Signed by U.S. District Judge Lawrence L. Piersol on 10/29/2021. (DJP) (Entered: 10/29/2021) |
| 10/29/2021 | 36 | MOTION for Continuance pursuant to 18:3161 by USA as to Matthew Carter. (Clapper, Jeffrey) (Entered: 10/29/2021) |
| 11/01/2021 | 37 | Minute Entry for proceedings held before U.S. District Judge Lawrence L. Piersol: Motion Hearing as to Matthew Carter held on 11/1/2021 re 36 MOTION for Continuance pursuant to 18:3161 filed by USA.. (Court Reporter: FTR #1) (DJP) (Main Document 37 replaced on 11/2/2021 due to blank pages at the end) (DJP). (Entered: 11/01/2021) |
| 11/02/2021 | 38 | ORDER reassigning case to U.S. District Judge Karen E. Schreier and granting 36 Motion for Continuance pursuant to 18:3161 as to Matthew Carter (1). Signed by U.S. District Judge Lawrence L. Piersol on 11/02/2021. (MSB) Modified docket text on 11/2/2021 (MSB). (Entered: 11/02/2021) |
| 11/03/2021 | 39 | Amended SCHEDULING ORDER as to Matthew Carter. Suppression Voluntariness Motion due by 11/30/2021. Motions due by 1/4/2022. Plea Agreement due by 1/4/2022. Jury Trial set for 1/18/2022 at 09:00 AM in Sioux Falls Courtroom 2 before U.S. District Judge Karen E. Schreier. Signed by U.S. District Judge Karen E. Schreier on 11/03/2021. (MSB) (Entered: 11/04/2021) |
| 11/10/2021 | 40 | Writ of Habeas Corpus ad Prosequendum Returned Executed as to Matthew Carter on 11/01/2021. (MSB) (Entered: 11/10/2021) |
| 11/10/2021 | 41 | Writ of Habeas Corpus ad Prosequendum as to Matthew Carter Returned Unexecuted. (MSB) (Entered: 11/10/2021) |
| 12/21/2021 | 42 | <p>SUPERSEDING INDICTMENT (personal identifiers redacted) as to Matthew Carter (1) count(s) 1s. (Attachments: # 1 Sealed Charging Document)</p> <p>NOTICE REGARDING COOPERATOR INFORMATION: All plea agreements and sentencing memoranda contain a sealed supplement which includes either a statement there was cooperation or a statement there was no cooperation. It is not possible to determine from examination of docket entries whether a defendant did or did not cooperate with the government. (MSB) (Entered: 12/22/2021)</p> |
| 12/22/2021 | 43 | TEXT ORDER as to Matthew Carter. Pursuant to D.S.D. Crim. LR 10.1, defense counsel must: (1) file a written waiver of personal appearance on the Superseding Indictment (signed by both defense counsel and the defendant) that acknowledges receipt of the Superseding Indictment, and enters a not guilty plea or (2) contact the court to schedule a hearing on or before 12/31/2021. Signed by US Magistrate Judge Veronica L. Duffy on 12/22/2021. (KK) (Entered: 12/22/2021) |
| 12/28/2021 | | Set/Reset Hearings as to Matthew Carter: Initial Appearance on Superseding Indictment set for 1/5/2022 at 03:30 PM in Sioux Falls Courtroom 1 - Room 203A before US Magistrate Judge Veronica L. Duffy. (KK) (Entered: 12/28/2021) |

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| 01/03/2022 | 44 | Application for Writ of Habeas Corpus ad Prosequendum by USA as to Matthew Carter. (Attachments: # 1 Proposed Order)(Clapper, Jeffrey) (Entered: 01/03/2022) |
| 01/03/2022 | 45 | ORDER granting 44 Application for Writ of Habeas Corpus ad Prosequendum and WRIT ISSUED as to Matthew Carter (1). Signed by US Magistrate Judge Veronica L. Duffy on 1/3/2022. (PM) (Entered: 01/03/2022) |
| 01/03/2022 | 46 | NOTICE of Expert Witness: <i>Kendra Russell</i> by USA as to Matthew Carter. (Attachments: # 1 Exhibit 1 - CV of Kendra Russell)(Hoffman, Ann) (Entered: 01/03/2022) |
| 01/05/2022 | 47 | Minute Entry for proceedings held before US Magistrate Judge Veronica L. Duffy: Initial Appearance as to Matthew Carter held on 1/5/2022. TEXT ORDER. Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence--that is, evidence that favors the defendant or casts doubt on the United States' case, as required by <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court, Arraignment as to Matthew Carter (1) Count 1s held on 1/5/2022 Plea Entered: not guilty. (Court Reporter: FTR) (SLW) (Entered: 01/05/2022) |
| 01/07/2022 | 48 | SCHEDULING ORDER as to Matthew Carter. Motions due by 1/11/2022. Plea Agreement due by 1/11/2022. Pretrial Conference set for 1/21/2022 at 08:00 AM in Rapid City Courtroom 2 - Room 236 before U.S. District Judge Karen E. Schreier. Remote Video Conference Hearing set for 1/21/2022 at 09:00 AM in Sioux Falls Courtroom 2. Jury Trial set for 1/25/2022 at 09:00 AM in Sioux Falls Courtroom 2 before U.S. District Judge Karen E. Schreier. Signed by U.S. District Judge Karen E. Schreier on 01/07/2022. (MSB) (Entered: 01/07/2022) |
| 01/10/2022 | 49 | Writ of Habeas Corpus ad Prosequendum Returned Executed as to Matthew Carter on 01/05/2022. (MSB) (Entered: 01/10/2022) |
| 01/13/2022 | 50 | Pretrial Conference set for 1/19/2022 at 10:00 AM in Sioux Falls Courtroom 2 before U.S. District Judge Karen E. Schreier. Signed by U.S. District Judge Karen E. Schreier on 01/13/2022. (AG) (Entered: 01/13/2022) |
| 01/13/2022 | 53 | Application for Writ of Habeas Corpus ad Prosequendum by USA as to Matthew Carter. (Attachments: # 1 Proposed Order)(Clapper, Jeffrey) (Entered: 01/13/2022) |
| 01/13/2022 | 54 | ORDER granting 53 Application for Writ of Habeas Corpus ad Prosequendum and WRIT ISSUED as to Matthew Carter (1). Signed by U.S. District Judge Karen E. Schreier on 01/13/2022. (VMM) (Entered: 01/13/2022) |
| 01/18/2022 | 55 | First MOTION to Exclude <i>Prejudicial Evidence</i> by Matthew Carter. (Fiksdal, Melissa) (Entered: 01/18/2022) |
| 01/19/2022 | 59 | Minute Entry for proceedings held before U.S. District Judge Karen E. Schreier: Pretrial Conference as to Matthew Carter held on 1/19/2022. (Court Reporter: Connie Heckenlaible) (SLW) (Entered: 01/19/2022) |
| 01/19/2022 | 60 | Application for Writ of Habeas Corpus ad Prosequendum by USA as to Matthew Carter. (Attachments: # 1 Proposed Order)(Clapper, Jeffrey) (Entered: 01/19/2022) |

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| 01/20/2022 | 61 | ORDER granting <u>60</u> Application for Writ of Habeas Corpus ad Prosequendum and WRIT ISSUED as to Matthew Carter (1). Signed by U.S. District Judge Karen E. Schreier on 01/20/2022. (MSB) (Entered: 01/20/2022) |
| 01/24/2022 | 62 | MOTION to Seal Document. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Sealed Document) (MSB) (Entered: 01/24/2022) |
| 01/24/2022 | 63 | ORDER granting <u>62</u> Motion to Seal Document as to Matthew Carter (1). Signed by U.S. District Judge Karen E. Schreier on 01/24/2022. (MSB) (Entered: 01/24/2022) |
| 01/24/2022 | 64 | Additional MOTION in Limine by USA as to Matthew Carter. (MSB) (Entered: 01/24/2022) |
| 01/25/2022 | 65 | Jury List as to Matthew Carter. (DJP) (Entered: 01/25/2022) |
| 01/25/2022 | 66 | Preliminary Instructions to the Jury as to Matthew Carter (DJP) Modified to correct text on 1/26/2022 (DJP). (Entered: 01/25/2022) |
| 01/25/2022 | | Minute Entry for proceedings held before U.S. District Judge Karen E. Schreier: Jury Trial Began began on 1/25/2022 as to Matthew Carter. (Court Reporter: Carla Dedula) (DJP) (Entered: 01/25/2022) |
| 01/26/2022 | 67 | Final Instructions to the Jury as to Matthew Carter. (DJP) (Entered: 01/26/2022) |
| 01/26/2022 | 68 | Minute Entry for proceedings held before U.S. District Judge Karen E. Schreier: Jury Trial Completed on 1/26/2022 as to Matthew Carter Deadlines for Sentencing Documents: If the presiding judge sets specific dates for the filing of documents related to sentencing, comply with those dates. If specific dates are not set, comply with the deadlines in Standing Order 21-11. (Court Reporter: Carla Dedula) (DJP) (Entered: 01/26/2022) |
| 01/26/2022 | 69 | EXHIBIT LIST as to Matthew Carter re <u>68</u> Jury Trial - Completed, held on January 25-26, 2022 before U.S. District Judge Karen E. Schreier. (DJP) (Entered: 01/26/2022) |
| 01/26/2022 | 70 | EXHIBITS offered by USA as to Matthew Carter during <u>68</u> Jury Trial - Completed, on January 25-26, 2022 before U.S. District Judge Karen E. Schreier. The offering party must review its attached exhibits to determine if redactions are required. If redactions are required, the offering party must electronically file its documentary exhibits offered and/or received into evidence during the trial or evidentiary hearing, including ALL redacted documents and ALL documents that do not require redaction, within 21 days using the Redacted Trial/Hearing Exhibits event. This requirement excludes exhibits that were sealed when offered and/or received. If no redactions are necessary, the attached exhibits will be unrestricted in 21 days on 2/17/2022. (DJP) Exhibits picked up on 1/28/2022 by USA's office. Modified on 1/31/2022 (DJP). Modified on 2/17/2022 to remove restrictions (KLE). (Entered: 01/26/2022) |
| 01/26/2022 | 71 | EXHIBITS offered by Matthew Carter as to Matthew Carter during <u>68</u> Jury Trial - Completed, on January 25-26, 2022 before U.S. District Judge Karen E. Schreier. The offering party must review its attached exhibits to determine if redactions are required. If redactions are required, the offering party must electronically file its documentary exhibits offered and/or received into evidence during the trial or evidentiary hearing, including ALL redacted documents and ALL documents that do not require redaction, within 21 days using the Redacted Trial/Hearing Exhibits event. This requirement excludes exhibits that were sealed when offered and/or received. If |

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| | | no redactions are necessary, the attached exhibits will be unrestricted in 21 days on 2/17/2022. (DJP) Exhibits picked up on 1/28/2022 by USA's office. Modified on 1/31/2022 (DJP). Modified on 2/17/2022 to remove restrictions (KLE). (Entered: 01/26/2022) |
| 01/26/2022 | 72 | SEALED Exhibits offered by USA as to Matthew Carter, during <u>68</u> Jury Trial - Completed, on January 25-26, 2022 before U.S. District Judge Karen E. Schreier. (DJP) Exhibits picked up on 1/28/2022 by USA's office (DJP). (Entered: 01/26/2022) |
| 01/26/2022 | 73 | SEALED Jury Note: We have reached a verdict. (DJP) (Entered: 01/26/2022) |
| 01/26/2022 | 74 | VERDICT as to Matthew Carter (1) Guilty on Count 1s. (DJP) (Entered: 01/26/2022) |
| 01/26/2022 | 75 | REDACTED VERDICT. Name of jury foreperson redacted. (DJP) (Entered: 01/26/2022) |
| 01/26/2022 | 77 | Writ of Habeas Corpus ad Prosequendum Returned Executed as to Matthew Carter on 01/19/2022. (MSB) (Entered: 01/26/2022) |
| 01/26/2022 | 78 | TEXT SCHEDULING ORDER as to Matthew Carter Sentencing set for 4/18/2022 at 11:00 AM in Sioux Falls Courtroom 2 before U.S. District Judge Karen E. Schreier. Signed by U.S. District Judge Karen E. Schreier on 1/26/2022. (DJP) (Entered: 01/26/2022) |
| 01/27/2022 | 79 | Writ of Habeas Corpus ad Prosequendum as to Matthew Carter Returned Unexecuted. (MSB) (Entered: 01/27/2022) |
| 01/28/2022 | 80 | RECEIPT for Return of Physical Exhibits. Exhibits Exhibits 1-18 admitted during <u>68</u> Jury Trial - Completed, on behalf of USA have been returned to Attorney Jeffrey C. Clapper. (MSB) (Entered: 01/28/2022) |
| 02/17/2022 | 81 | Notice of Unrestricting <u>70</u> Restricted Trial/Hearing Exhibits offered by USA as to Matthew Carter. (KLE) (Entered: 02/17/2022) |
| 02/17/2022 | 82 | Notice of Unrestricting <u>71</u> Restricted Trial/Hearing Exhibits offered by Matthew Carter. (KLE) (Entered: 02/17/2022) |
| 03/01/2022 | 82 | ORDER for Presentence Study and Report as to Matthew Carter. Signed by U.S. District Judge Karen E. Schreier on 03/01/2022. (MSB) (Entered: 03/01/2022) |
| 03/11/2022 | 83 | SEALED Victim Impact Statements as to Matthew Carter. The filing attorney MUST manually serve exact copies of these documents and a copy of the NEF receipt screen on the appropriate case participants. (Clapper, Jeffrey) (Entered: 03/11/2022) |
| 03/14/2022 | 84 | DRAFT Presentence Report as to Matthew Carter. In a multi-defendant case, access to this document is restricted to counsel of record for the defendant and government counsel. Objections to draft PSR due: 3/28/2022. Letters of Support due: 4/11/2022. (Bergeson, Sandy) (Entered: 03/14/2022) |
| 03/16/2022 | 85 | SEALED Victim Impact Statement as to Matthew Carter. The filing attorney MUST manually serve an exact copy of this document and a copy of the NEF receipt screen on the appropriate case participants. (Clapper, Jeffrey) (Entered: 03/16/2022) |
| 03/28/2022 | 86 | SEALED OBJECTIONS by USA re <u>84</u> DRAFT Presentence Report as to Matthew Carter. The filing attorney MUST manually serve an exact copy of this document and a copy of the NEF receipt screen on the appropriate case participants. (Clapper, Jeffrey) (Entered: 03/28/2022) |
| 04/06/2022 | 87 | Defendant has No Objections re <u>84</u> DRAFT Presentence Report as to Matthew Carter. (Fiksdal, Melissa) (Entered: 04/06/2022) |

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| 04/11/2022 | 88 | SEALED LETTERS of Support as to Matthew Carter. The filing attorney MUST manually serve exact copies of these documents and a copy of the NEF receipt screen on the appropriate case participants. (Fiksdal, Melissa) (Entered: 04/11/2022) |
| 04/11/2022 | 89 | Application for Writ of Habeas Corpus ad Prosequendum by USA as to Matthew Carter. (Attachments: # 1 Proposed Order)(Clapper, Jeffrey) (Entered: 04/11/2022) |
| 04/11/2022 | 90 | ORDER granting 89 Application for Writ of Habeas Corpus ad Prosequendum and WRIT ISSUED as to Matthew Carter (1). Signed by U.S. District Judge Karen E. Schreier on 04/11/2022. (MSB) (Entered: 04/11/2022) |
| 04/11/2022 | 91 | FINAL PRESENTENCE REPORT as to Matthew Carter. In a multi-defendant case, access to this document is restricted to counsel of record for the defendant and government counsel. (Attachments: # 1 Addendum to PSR, # 2 Recommended Special Conditions) (Novak, Carol) (Entered: 04/11/2022) |
| 04/18/2022 | 92 | Minute Entry for proceedings held before U.S. District Judge Karen E. Schreier: Sentencing held on 4/18/2022 for Matthew Carter (1), Count(s) 1, Superseded; Count(s) 1s, 180 months in custody followed by 5 years of supervised release. 60 months is ordered to run concurrently, and 120 months is ordered to run consecutively to the sentence imposed in (66CRI21-000016). Restitution is ordered, fine is waived, and a \$100 special assessment is ordered. Forfeiture is ordered. (Court Reporter: Carla Dedula) (VMM) (Entered: 04/18/2022) |
| 04/19/2022 | 93 | JUDGMENT AND COMMITMENT as to Matthew Carter (1), Count(s) 1, Superseded; Count(s) 1s, 180 months in custody followed by 5 years of supervised release. 60 months is ordered to run concurrently, and 120 months is ordered to run consecutively to the sentence imposed in (66CRI21-000016). Restitution is ordered, fine is waived, and a \$100 special assessment is ordered. Forfeiture is ordered. Signed by U.S. District Judge Karen E. Schreier on 04/19/2022. (Attachments: # 1 Statement of Reasons) (MSB) (Entered: 04/19/2022) |
| 04/20/2022 | 94 | NOTICE OF APPEAL by Matthew Carter re 93 Judgment and Commitment,. (Includes a request to waive the appellate filing fee.) (Fiksdal, Melissa) (Entered: 04/20/2022) |
| 04/20/2022 | 95 | NOTICE OF ATTORNEY APPEARANCE: Connie Larson appearing for USA. (Larson, Connie) (Entered: 04/20/2022) |
| 04/20/2022 | 96 | MOTION for Preliminary Order of Forfeiture by USA as to Matthew Carter. (Attachments: # 1 Proposed Order) (Larson, Connie) (Entered: 04/20/2022) |
| 04/20/2022 | 97 | TRANSMITTAL of Notice of Appeal to 8th Circuit Court of Appeals re 94 Notice of Appeal as to Matthew Carter. Transcript Requests: Attorneys appointed pursuant to the Criminal Justice Act (CJA) should order transcripts through eVoucher. All others should complete the Transcript Order Form on the District Court's website located at https://www.sdd.uscourts.gov/content/transcript-order . (KLE) (Entered: 04/20/2022) |
| 04/21/2022 | 98 | AMENDED JUDGMENT as to Matthew Carter (1), Count(s) 1, Superseded; Count(s) 1s, 180 months in custody followed by 5 years of supervised release. 60 months is ordered to run concurrently, and 120 months is ordered to run consecutively to the sentence imposed in (66CRI21-000016). Restitution is ordered, fine is waived, and a \$100 special assessment is ordered. Forfeiture is ordered. Signed by U.S. District Judge Karen E. Schreier on 04/21/2022. (Attachments: # 1 Restricted Reason(s) for Amendment) (MSB) (Entered: 04/21/2022) |

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| 04/21/2022 | 99 | Writ of Habeas Corpus ad Prosequendum Returned Executed as to Matthew Carter on 04/18/2022. (MSB) (Entered: 04/21/2022) |
| 04/21/2022 | 100 | USCA Case Number and Criminal Appeal Briefing Schedule as to Matthew Carter re 94 Notice of Appeal. USCA Case Number: 22-1823. APPEAL RECORD, including PSI, Statement of Reasons, Transcripts, and Exhibits due by 5/11/2022. (Attachments: # 1 Briefing Schedule)(TAL) (Entered: 04/21/2022) |
| 04/22/2022 | 101 | ORDER granting 96 Motion for Preliminary Order of Forfeiture as to Matthew Carter (1). Signed by U.S. District Judge Karen E. Schreier on 04/22/2022. (MSB) (Entered: 04/22/2022) |
| 05/02/2022 | 102 | NOTICE OF ATTORNEY APPEARANCE: Diana J. Ryan appearing for USA. (Ryan, Diana) (Entered: 05/02/2022) |
| 05/03/2022 | 103 | TRANSCRIPT of Proceedings as to Matthew Carter re Jury Trial - Began held on 1-25-22 before Judge Schreier. Court Reporter: Carla Dedula, Telephone number: 1605-330-6669. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The parties have twenty-one (21) calendar days to file a Redaction Request of this transcript. Release of Transcript Restriction set for 8/2/2022. (Dedula, Carla) (Entered: 05/03/2022) |
| 05/03/2022 | 104 | TRANSCRIPT of Proceedings as to Matthew Carter re 68 Jury Trial - Completed, held on 1-26-22 before Judge Schreier. Court Reporter: Carla Dedula, Telephone number: 1605-330-6669. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The parties have twenty-one (21) calendar days to file a Redaction Request of this transcript. Release of Transcript Restriction set for 8/2/2022. (Dedula, Carla) (Entered: 05/03/2022) |
| 05/03/2022 | 105 | Public TRANSCRIPT of Proceedings as to Matthew Carter re 92 Sentencing,, held on 4-18-22 before Judge Schreier. Court Reporter: Carla Dedula, Telephone number: 1605-330-6669. The parties have twenty-one (21) calendar days to file a Redaction Request of this transcript. Release of Transcript Restriction set for 8/2/2022. (Dedula, Carla) (Entered: 05/03/2022) |
| 05/03/2022 | 106 | RESTRICTED TRANSCRIPT of Proceedings as to Matthew Carter re 92 Sentencing,, held on 4-18-22 before Judge Schreier. Court Reporter: Carla Dedula, Telephone number: 1605-330-6669. Transcript may be purchased through the Court Reporter by authorized parties only. (Dedula, Carla) (Entered: 05/03/2022) |
| 05/04/2022 | 107 | TRANSCRIPT OF MOTION HEARING as to Matthew Carter re 37 held on November 1, 2021 before Judge Lawrence L. Piersol. Court Reporter: Connie Heckenlaible, Telephone number: 605-945-4627. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The parties have twenty-one (21) calendar days to file a Redaction Request of this transcript. Release of Transcript Restriction set for 8/3/2022. (CJH) (Entered: 05/04/2022) |
| 05/04/2022 | 108 | TRANSCRIPT OF PRETRIAL CONFERENCE HEARING as to Matthew Carter re 59 held on January 19, 2022 before Judge Karen E. Schreier. Court Reporter: Connie Heckenlaible, Telephone number: 605-945-4627. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The parties have twenty-one (21) calendar days to file a Redaction |

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| | | Request of this transcript. Release of Transcript Restriction set for 8/3/2022. (CJH) (Entered: 05/04/2022) |
| 05/06/2022 | 109 | CJA 24 as to Matthew Carter: Authorization to Pay Carla Dedula \$693.50 for Transcript, Voucher #0869.1370567. Signed by U.S. District Judge Karen E. Schreier. (KG) (Entered: 05/06/2022) |
| 05/06/2022 | 110 | CJA 24 as to Matthew Carter: Authorization to Pay Connie Heckenlaible \$149.65 for Transcript, Voucher #0869.1370568. Signed by U.S. District Judge Karen E. Schreier. (KG) (Entered: 05/06/2022) |
| 05/11/2022 | 111 | Appeal Record as to Matthew Carter sent to US Court of Appeals re <u>94</u> Notice of Appeal. (VMM) (Entered: 05/11/2022) |
| 05/18/2022 | 112 | Transcript Redaction Request in case as to Matthew Carter re: Transcript <u>103</u> , <u>105</u> filed by attorney Melissa A. Fiksdal. (Fiksdal, Melissa) (Entered: 05/18/2022) |
| 05/26/2022 | 114 | DECLARATION of Publication by USA as to Matthew Carter . (Larson, Connie) (Entered: 05/26/2022) |
| 06/04/2022 | 115 | REDACTED Transcript of as to Matthew Carter re <u>105</u> Public TRANSCRIPT. Court Reporter: Carla Dedula, Telephone number: 1605-330-6669. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Redacted Transcript Restriction set for 8/2/2022. (Dedula, Carla) (Entered: 06/04/2022) |
| 06/04/2022 | 116 | REDACTED Transcript of as to Matthew Carter re <u>103</u> TRANSCRIPT,. Court Reporter: Carla Dedula, Telephone number: 1605-330-6669. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Release of Redacted Transcript Restriction set for 8/2/2022. (Dedula, Carla) (Entered: 06/04/2022) |
| 06/29/2022 | 117 | MOTION for Final Order of Forfeiture by USA as to Matthew Carter. (Attachments: # 1 Proposed Order) (Larson, Connie) (Entered: 06/29/2022) |
| 06/29/2022 | 118 | ORDER granting <u>117</u> Motion for Final Order of Forfeiture as to Matthew Carter (1). Signed by U.S. District Judge Karen E. Schreier on 06/29/2022. (MSB) (Entered: 06/29/2022) |
| 07/06/2022 | 119 | CJA 20 as to Matthew Carter: Authorization to Pay Melissa Fiksdal. Amount: \$14,994.02, Voucher #0869.1210427. Signed by U.S. District Judge Karen E. Schreier. (KG) (Entered: 07/06/2022) |
| 08/30/2022 | 122 | OPINION of USCA as to Matthew Carter affirming the District Court re <u>93</u> Judgment and Commitment,, (TAL) (Entered: 08/30/2022) |
| 08/30/2022 | 123 | JUDGMENT of USCA affirming the District Court as to <u>94</u> Notice of Appeal filed by Matthew Carter (TAL) (Entered: 08/30/2022) |
| 10/04/2022 | 124 | ORDER of USCA denying petitions for rehearing en banc and by panel re <u>94</u> Notice of Appeal filed by Matthew Carter. (TAL) (Entered: 10/04/2022) |
| 10/12/2022 | 125 | MANDATE from 8th Circuit COA as to Matthew Carter affirming the District Court re <u>94</u> Notice of Appeal. (TAL) (Entered: 10/12/2022) |
| 01/13/2023 | | Motion to Vacate, Set Aside or Correct sentence pursuant to 28:2255 as to Matthew Carter; All further docketing and filing will be in civil case number: 4:23-cv-4007 (JLS) (Entered: 01/13/2023) |

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| 08/14/2023 | <u>126</u> | Filed in error: MOTION for Return of Property by Matthew Carter. (SLT) Modified on 8/15/2023 (SLW). Modified on 8/15/2023 (MSB). (Entered: 08/14/2023) |
| 08/14/2023 | <u>127</u> | Filed in error: MOTION to Dismiss Indictments by Matthew Carter. (SLT) Modified on 8/15/2023 (SLW). Modified on 8/15/2023 (MSB). (Entered: 08/14/2023) |
| 08/15/2023 | <u>126</u> | NOTICE of Filing Error: <u>127</u> Motion to Dismiss Indictment/Information, <u>126</u> Motion for Return of Property was filed in error and should be disregarded. To be filed in CIV23-4007 per KES. (SLW) (Entered: 08/15/2023) |
| 08/15/2023 | <u>128</u> | (FILED IN ERROR) SUPPLEMENT regarding return of property by Matthew Carter (JLS) Modified on 8/15/2023 (JLS). (Entered: 08/15/2023) |
| 08/15/2023 | <u>129</u> | (FILED IN ERROR) SUPPLEMENT re Dismiss and Vacate by Matthew Carter (JLS) Modified on 8/15/2023 (JLS). (Entered: 08/15/2023) |
| 08/15/2023 | <u>126</u> | NOTICE of Filing Error: <u>128</u> Supplement, <u>129</u> Supplement was filed in error and should be disregarded. Re-filing in 23-4007. (JLS) (Entered: 08/15/2023) |

Exhibit # 13

U.S. District Court
District of South Dakota (Southern Division)
CIVIL DOCKET FOR CASE # 4:23-cv-04007-KES

Carter v. United States of America

Assigned to: U.S. District Judge Karen E. Schreier

Related Case: 4:21-cr-40073-KES-1

Case in other court: 8th Circuit, 24-02409

Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 01/13/2023

Date Terminated: 06/25/2024

Jury Demand: None

Nature of Suit: 510 Prisoner Petitions:

Habeas Corpus - Motions to Vacate Sentence

Jurisdiction: U.S. Government Defendant

Plaintiff

Matthew Carter

represented by Matthew Carter
44864-509
SOUTH DAKOTA STATE
PENITENTIARY
1600 North Drive
Sioux Falls, SD 57117-5911
PRO SE

V.

Respondent

United States of America

represented by Eric D. Kelderman
U.S. Attorney's Office (Rapid City, SD)
515 Ninth Street, Room 201
Rapid City, SD 57701
(605) 342-7822
Fax: (605) 342-1108
Email: eric.kelderman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin Koliner
U.S. Attorney's Office (Sioux Falls, SD)
PO Box 2638
Sioux Falls, SD 57101-2638
(605) 330-4400
Fax: (605) 330-4402
Email: kevin.koliner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 01/13/2023 | ① | MOTION to Vacate, Set Aside or Correct Sentence pursuant to 28:2255 Criminal Case No.: 4:21-cr-40073-01. (JLS) (Entered: 01/13/2023) |
| 01/13/2023 | ② | <p>NOTICE TO PLAINTIFF: The Clerks Office has received your Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. 2255. A new case has been opened. Copy of docket sheet sent to plaintiff.</p> <p>Any further documents or correspondence you send to the Clerks Office concerning your case must include the case number. All documents submitted for filing must also contain an original signature. Submitted documents are electronically scanned for filing and they become the official court record. The quality of the official court record is determined by the quality of the original documents received for filing. Writing should only be on one side of the paper and writing must be dark enough for scanning. All documents must be on 8.5 x 11 inch paper. A request to electronically file documents in your case must be made through the PACER Service Center at www.pacer.uscourts.gov. The plaintiff must keep the Court informed if the plaintiff's address changes. If the Court is not kept informed and multiple items are returned as undelivered, the plaintiff's case may be dismissed without prejudice for failure to prosecute. (JLS) (Entered: 01/13/2023)</p> |
| 01/17/2023 | ③ | ORDER FOR SERVICE. Signed by US Magistrate Judge Veronica L. Duffy on 1/17/2023. (Mailed to Matthew Carter)(JLS) (Entered: 01/17/2023) |
| 01/17/2023 | ④ | NOTICE of Appearance by Eric D. Kelderman on behalf of United States of America. (Kelderman, Eric) (Entered: 01/17/2023) |
| 01/20/2023 | ⑤ | MOTION for Extension of Time to File Answer <i>and Order Directing Affidavit</i> by United States of America. (Kelderman, Eric) (Entered: 01/20/2023) |
| 01/20/2023 | ⑥ | MEMORANDUM in Support re ⑤ MOTION for Extension of Time to File Answer <i>and Order Directing Affidavit</i> filed by United States of America. (Kelderman, Eric) (Entered: 01/20/2023) |
| 01/20/2023 | ⑦ | ORDER granting ⑤ Motion for Extension of Time to Answer and Order Directing Former Defense Counsel to File Responsive Affidavit. Signed by US Magistrate Judge Veronica L. Duffy on 1/20/2023. (Attachments: # ① Waiver) (PM) Mailed to Matthew Carter on 1/23/2023. (CLR) (Entered: 01/20/2023) |
| 01/26/2023 | ⑧ | MOTION for mistrial by Matthew Carter. (Attachments: # ① Cover Letter) (JLS) (Entered: 01/26/2023) |
| 01/26/2023 | ⑨ | MOTION to Appoint Counsel by Matthew Carter. (JLS) (Entered: 01/26/2023) |
| 01/26/2023 | ⑩ | AFFIDAVIT of Matthew Carter. (JLS) (Entered: 01/26/2023) |
| 01/26/2023 | ⑪ | SUPPLEMENT (Partial Evidence) by Plaintiff Matthew Carter re ① Motion to Vacate/Set Aside/Correct Sentence (2255). (JLS) Modified to seal document per VLD chambers on 8/1/2023 (JLS). (Entered: 01/26/2023) |
| 01/30/2023 | ⑫ | Attorney-Client Privilege Waiver by Matthew Carter. (JLS) (Entered: 01/30/2023) |
| 02/03/2023 | ⑬ | AFFIDAVIT of Melissa Fiksdal . (Attachments: # ① Certificate of Service) (Kelderman, Eric) (Entered: 02/03/2023) |
| 02/08/2023 | ⑭ | MOTION for return of property and suppression of evidence by Matthew Carter. (JLS) (Entered: 02/08/2023) |
| 02/28/2023 | ⑮ | MOTION to Seal Existing Document ⑬ Affidavit by Matthew Carter. (Attachments: # ① Cover Page - Letter to Clerk of Courts) (JLS) (Entered: 02/28/2023) |

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| 02/28/2023 | ● <u>16</u> | AFFIDAVIT of Matthew Carter. (Attachments: # <u>1</u> Evidence) (JLS) (Entered: 02/28/2023) |
| 02/28/2023 | ● <u>17</u> | CERTIFICATE OF SERVICE by Matthew Carter (JLS) (Entered: 02/28/2023) |
| 03/01/2023 | ● <u>18</u> | ORDER granting Carter's <u>15</u> Motion to Seal Existing Document Fiksdal affidavit [Docket 13]. Although the court is granting Mr. Carter's motion to seal, the affidavit will be considered in ruling on Mr. Carter's 2255 motion because Mr. Carter waived the attorney-client privilege as to all claims of ineffective assistance of counsel [see Docket 12]. Signed by US Magistrate Judge Veronica L. Duffy on 3/1/23. (Duffy, Veronica) Modified on 3/1/2023 cc: sent to Matthew Carter via USPS (KLE). (Entered: 03/01/2023) |
| 03/01/2023 | ● <u>19</u> | MOTION to Extend <i>Time to File Response</i> by United States of America. (Kelderman, Eric) (Entered: 03/01/2023) |
| 03/01/2023 | ● <u>20</u> | TEXT ORDER granting <u>19</u> Motion to Extend Time to File a Response. The government must file a response by or on March 27, 2023. Signed by US Magistrate Judge Veronica L. Duffy on 3/1/2023. (AW) Modified on 3/1/2023 cc: sent to Matthew Carter via USPS (KLE). (Entered: 03/01/2023) |
| 03/21/2023 | ● <u>21</u> | RESPONSE to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by United States of America. (Kelderman, Eric) (Entered: 03/21/2023) |
| 03/21/2023 | ● <u>22</u> | MOTION to DISMISS by United States of America. (Kelderman, Eric) (Entered: 03/21/2023) |
| 03/21/2023 | ● <u>23</u> | MEMORANDUM in Support re <u>22</u> MOTION to DISMISS filed by United States of America. (Kelderman, Eric) (Entered: 03/21/2023) |
| 03/27/2023 | ● <u>24</u> | SUPPLEMENT (<i>Evidence: Supporting Motions, Statements, & Claims</i>) by Plaintiff Matthew Carter. (Attachments: # <u>1</u> Cover Letter) (JLS) (Entered: 03/27/2023) |
| 03/30/2023 | ● <u>25</u> | MOTION for Judgment in favor of Petitioner by Matthew Carter. (Attachments: # <u>1</u> Cover Letter) (JLS) (Entered: 03/30/2023) |
| 04/05/2023 | ● <u>26</u> | MOTION to Dismiss <u>22</u> Respondent's Motion to Dismiss by Matthew Carter. (JLS) (Entered: 04/05/2023) |
| 04/05/2023 | ● <u>27</u> | RESPONSE to Motion re <u>22</u> MOTION to DISMISS filed by Matthew Carter. (JLS) (Entered: 04/05/2023) |
| 04/13/2023 | ● <u>28</u> | AFFIDAVIT of Nycole Morkve. (JLS) (Entered: 04/13/2023) |
| 04/21/2023 | ● <u>29</u> | AFFIDAVIT of Matthew Carter (Addressing Additional Facts #3). (Attachments: # <u>1</u> Attachments, # <u>2</u> Certificate of Service, # <u>3</u> cover letter) (JLS) (Entered: 04/21/2023) |
| 04/27/2023 | ● <u>30</u> | AFFIDAVIT of Lynn Carter (received photocopied affidavit with post it not on it). (JLS) (Entered: 04/27/2023) |
| 05/01/2023 | ● <u>31</u> | AFFIDAVIT of Matthew Carter. (Attachments: # <u>1</u> cover letter) (JLS) (Entered: 05/01/2023) |
| 05/08/2023 | ● <u>32</u> | MOTION for Relief from Judgment or Order (Rule 60) by Matthew Carter. (Attachments: # <u>1</u> Attachments, # <u>2</u> Certificate of Service, # <u>3</u> Cover Letter) (JLS) (Main Document 32 replaced on 5/9/2023) (JLS). (Entered: 05/09/2023) |
| 05/08/2023 | ● <u>33</u> | MOTION Challenging the legality of the Indictment and Superseding Indictment by Matthew Carter. (JLS) (Entered: 05/09/2023) |

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| 05/12/2023 | 34 | MOTION to preserve rights by Matthew Carter. (Attachments: # 1 Attachment) (DJP) (Entered: 05/12/2023) |
| 05/19/2023 | 35 | MOTION to preserve rights by Matthew Carter. (DJP) (Entered: 05/23/2023) |
| 06/15/2023 | 36 | SUPPLEMENT (<i>Yankton Police Department Evidence Inventory Receipt</i>) by Plaintiff Matthew Carter. (JLS) (Entered: 06/15/2023) |
| 07/24/2023 | 37 | SUPPLEMENT Supporting Suppression of Evidence and Preservation of Rights by Plaintiff Matthew Carter re 35 MOTION to preserve rights, 34 MOTION to preserve rights. (JLS) (Entered: 07/24/2023) |
| 07/31/2023 | 38 | ORDER denying Matthew Carter's 9 Motion to Appoint Counsel. Signed by US Magistrate Judge Veronica L. Duffy on 7/31/23. (Duffy, Veronica) Modified on 7/31/2023 mailed to Matthew Carter. (CLR) (Entered: 07/31/2023) |
| 07/31/2023 | 39 | ORDER granting in part and denying in part Matthew Carter's 14 Motion return of evidence. The court denies his motion for return of evidence as this is a civil action under 28 U.S.C. 2255 to evaluate whether Mr. Carter's sentence should be vacated, corrected or set aside. Any motions for the return of evidence must be filed in Mr. Carter's criminal case, not this civil case. The court will consider Mr. Carter's allegation that counsel was ineffective for failing to file a suppression motion in recommending a disposition on Mr. Carter's substantive claims under section 2255. Signed by US Magistrate Judge Veronica L. Duffy on 7/31/23. (Duffy, Veronica) Modified on 7/31/2023 mailed to Matthew Carter. (CLR) (Entered: 07/31/2023) |
| 07/31/2023 | 40 | ORDER denying Matthew Carter's Rule 60 32 Motion for relief from judgment. Rule 60 of the Federal Rules of Civil Procedure only apply after a judgment is entered and no judgment has been entered yet. Rule 60 of the Federal Rules of Criminal Procedure pertain to victim's rights. Neither Rule 60 applies to Mr. Carter's current posture of his motion to vacate, set aside, or correct his criminal judgment under 28 USC 2255. Signed by US Magistrate Judge Veronica L. Duffy on 7/31/23. (Duffy, Veronica) Modified on 7/31/2023 mailed to Matthew Carter. (CLR) (Entered: 07/31/2023) |
| 07/31/2023 | 41 | ORDER denying Matthew Carter's 33 Motion challenging the legality of the indictment and superseding indictment in his case. Mr. Carter's arguments are based solely on statutes of limitations and other provisions in South Dakota state law. Mr. Carter's prosecution in federal court was governed by federal statutes, not state. Signed by US Magistrate Judge Veronica L. Duffy on 7/31/23. (Duffy, Veronica) Modified on 7/31/2023 mailed to Matthew Carter. (CLR) (Entered: 07/31/2023) |
| 08/08/2023 | 42 | REPORT AND RECOMMENDATIONS re 22 MOTION to DISMISS , 8 MOTION for mistrial, 26 MOTION to Dismiss Respondent's Motion to Dismiss re 22 MOTION to DISMISS , 35 MOTION to preserve rights, 1 Motion to Vacate/Set Aside/Correct Sentence (2255), 25 MOTION for Judgment in favor of Petitioner, 34 MOTION to preserve rights Objections to R&R due by 8/22/2023. Signed by US Magistrate Judge Veronica L. Duffy on 8/8/2023. (Mailed to Matthew Carter)(JLS) (Entered: 08/08/2023) |
| 08/14/2023 | 43 | MOTION for Reconsideration of 33 Challenging the legality of the Indictment and Superseding Indictment by Matthew Carter. (JLS) (Entered: 08/14/2023) |
| 08/14/2023 | 44 | MEMORANDUM in Support re 43 MOTION for Reconsideration filed by Matthew Carter. (JLS) (Entered: 08/14/2023) |
| 08/15/2023 | 45 | SUPPLEMENT re Return of Property by Plaintiff Matthew Carter. (JLS) (Entered: 08/15/2023) |

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| 08/15/2023 | <u>46</u> | SUPPLEMENT re Dismiss Indictment by Plaintiff Matthew Carter. (JLS) (Entered: 08/15/2023) |
| 08/17/2023 | <u>47</u> | MOTION to Vacate Sentence; MOTION to DISMISS Illegal Superseding Indictment; MOTION to Reconsider all previously filed motions; MOTION re Facts, MOTION for Leave to Suppress by Matthew Carter. (JLS) (Entered: 08/17/2023) |
| 08/17/2023 | <u>48</u> | OBJECTION to <u>42</u> Report and Recommendation by Matthew Carter. (JLS) (Entered: 08/17/2023) |
| 08/17/2023 | <u>49</u> | NOTICE OF APPEAL - Interlocutory as to 40 Order on Motion by Matthew Carter. (JLS) Modified on 8/21/2023 (SLT). (Entered: 08/17/2023) |
| 08/17/2023 | <u>50</u> | MOTION for Certificate of Appealability by Matthew Carter. (JLS) (Entered: 08/17/2023) |
| 08/18/2023 | <u>51</u> | NOTICE by United States of America of <i>No Objection to Report and Recommendation</i> . (Kelderman, Eric) (Entered: 08/18/2023) |
| 08/24/2023 | <u>52</u> | ORDER denying 50 Motion for Certificate of Appealability. Signed by U.S. District Judge Karen E. Schreier on 8/24/2023. (Mailed to Matthew Carter) (JLS) (Entered: 08/24/2023) |
| 09/07/2023 | <u>53</u> | MOTION for Reconsideration by Matthew Carter. (JLS) (Entered: 09/07/2023) |
| 09/11/2023 | <u>54</u> | MOTION to not be critical by Matthew Carter. (JLS) (Entered: 09/12/2023) |
| 09/11/2023 | <u>55</u> | MOTION requesting discovery - Grand Jury Transcripts and all proceedings prior to indictments by Matthew Carter. (JLS) (Entered: 09/12/2023) |
| 09/11/2023 | <u>56</u> | MOTION for relief of Judgment by Matthew Carter. (JLS) (Entered: 09/12/2023) |
| 09/11/2023 | <u>57</u> | MOTION preserving rights by Matthew Carter. (JLS) (Entered: 09/12/2023) |
| 09/11/2023 | <u>58</u> | AFFIDAVIT of Matthew Carter re <u>42</u> REPORT AND RECOMMENDATIONS (JLS) Modified to fix date filed on 9/12/2023 (JLS). (Entered: 09/12/2023) |
| 09/11/2023 | <u>59</u> | MOTION for a return of property pursuant of rule 41(g) by Matthew Carter. (JLS) (Entered: 09/12/2023) |
| 10/02/2023 | <u>60</u> | MOTION to Compel by Matthew Carter. (DJP) (Entered: 10/02/2023) |
| 10/02/2023 | <u>61</u> | MOTION to DISMISS by Matthew Carter. (DJP) (Entered: 10/02/2023) |
| 10/02/2023 | <u>62</u> | MOTION to nullify by Matthew Carter. (Attachments: # <u>1</u> Attachment) (DJP) (Entered: 10/02/2023) |
| 10/02/2023 | <u>63</u> | SUPPLEMENTAL ARGUMENT IN REGARDS TO STATUTE OF LIMITATIONS by Plaintiff Matthew Carter (DJP) (Entered: 10/02/2023) |
| 10/18/2023 | <u>64</u> | MOTION Preserving Rights by Matthew Carter. (Attachments: # <u>1</u> Cover Letter) (JLS) (Entered: 10/18/2023) |
| 10/26/2023 | <u>65</u> | BRIEF by Plaintiff Matthew Carter In Support of <u>64</u> MOTION Preserving Rights. (MSB) (Entered: 10/26/2023) |
| 11/30/2023 | <u>66</u> | MOTION for Judgment (Rule 55(d)) against the United States by Matthew Carter. (DJP) (Entered: 11/30/2023) |
| 12/14/2023 | <u>67</u> | MOTION/Application for a Judgement Pursuant to Rule 55(d) for Judgment against the United States by Matthew Carter. (DJP) (Entered: 12/14/2023) |

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| 12/22/2023 | ⑥8 | MOTION to Compel by Matthew Carter. (JLS) (Entered: 12/22/2023) |
| 01/04/2024 | ⑥9 | MISCELLANEOUS SUBMISSION by Plaintiff Matthew Carter (Attachments: # 1 Cover Letter) (JLS) (Main Document 69 replaced on 1/4/2024) (JLS). (Entered: 01/04/2024) |
| 01/31/2024 | ⑦0 | MOTION for return of seized property by Matthew Carter. (Attachments: # 1 Cover Letter, # 2 Attachments) (JLS) (Entered: 01/31/2024) |
| 06/25/2024 | ⑦1 | ORDER denying <u>43</u> Motion for Reconsideration re <u>43</u> MOTION for Reconsideration filed by Matthew Carter, <u>47</u> MOTION to Vacate MOTION to DISMISS MOTION for Reconsideration MOTION re Facts MOTION for Leave to Suppress filed by Matthew Carter, <u>48</u> OBJECTION to <u>42</u> Report and Recommendation by Matthew Carter. filed by Matthew Carter, <u>53</u> MOTION for Reconsideration filed by Matthew Carter, <u>54</u> MOTION to not be critical filed by Matthew Carter, <u>55</u> MOTION for Discovery filed by Matthew Carter, <u>56</u> MOTION for relief of Judgment filed by Matthew Carter, <u>57</u> MOTION preserving rights filed by Matthew Carter, <u>59</u> MOTION for a return of property pursuant of rule 41(g) filed by Matthew Carter, <u>60</u> MOTION to Compel filed by Matthew Carter, <u>61</u> MOTION to DISMISS filed by Matthew Carter, <u>62</u> MOTION to nullify filed by Matthew Carter, <u>64</u> MOTION Preserving Rights filed by Matthew Carter, <u>66</u> MOTION for Judgment against United States filed by Matthew Carter, <u>67</u> MOTION for Judgment filed by Matthew Carter, <u>68</u> MOTION to Compel filed by Matthew Carter, <u>70</u> MOTION for return of seized property filed by Matthew Carter, <u>8</u> MOTION for mistrial filed by Matthew Carter, <u>22</u> MOTION to DISMISS filed by United States of America, <u>25</u> MOTION for Judgment in favor of Petitioner filed by Matthew Carter, <u>26</u> MOTION to Dismiss Respondent's Motion to Dismiss re <u>22</u> MOTION to DISMISS filed by Matthew Carter, <u>34</u> MOTION to preserve rights filed by Matthew Carter, <u>35</u> MOTION to preserve rights filed by Matthew Carter, <u>42</u> REPORT AND RECOMMENDATIONS re <u>22</u> MOTION to DISMISS , <u>8</u> MOTION for mistrial, <u>26</u> MOTION to Dismiss Respondent's Motion to Dismiss re <u>22</u> MOTION to DISMISS , <u>35</u> MOTION to preserve rights, <u>1</u> Motion to Vaca ; denying <u>47</u> Motion to Vacate <u>43</u> MOTION for Reconsideration, <u>47</u> MOTION to Vacate MOTION to DISMISS MOTION for Reconsideration MOTION re Facts MOTION for Leave to Suppress, <u>48</u> OBJECTION to <u>42</u> Report and Recommendation by Matthew Carter., <u>53</u> MOTION for Reconsideration, <u>54</u> MOTION to not be critical, <u>55</u> MOTION for Discovery, <u>56</u> MOTION for relief of Judgment, <u>57</u> MOTION preserving rights, <u>59</u> MOTION for a return of property pursuant of rule 41(g), <u>60</u> MOTION to Compel, <u>61</u> MOTION to DISMISS, <u>62</u> MOTION to nullify, <u>64</u> MOTION Preserving Rights, <u>66</u> MOTION for Judgment against United States, <u>67</u> MOTION for Judgment, <u>68</u> MOTION to Compel, <u>70</u> MOTION for return of seized property, <u>8</u> MOTION for mistrial, <u>22</u> MOTION to DISMISS , <u>25</u> MOTION for Judgment in favor of Petitioner, <u>26</u> MOTION to Dismiss Respondent's Motion to Dismiss re <u>22</u> MOTION to DISMISS , <u>34</u> MOTION to preserve rights, <u>35</u> MOTION to preserve rights, <u>42</u> REPORT AND RECOMMENDATIONS re <u>22</u> MOTION to DISMISS , <u>8</u> MOTION for mistrial, <u>26</u> MOTION to Dismiss Respondent's Motion to Dismiss re <u>22</u> MOTION to DISMISS , <u>35</u> MOTION to preserve rights, <u>1</u> Motion to Vaca ; denying <u>47</u> Motion to Dismiss; denying <u>47</u> Motion for Reconsideration re <u>43</u> MOTION for Reconsideration filed by Matthew Carter, <u>47</u> MOTION to Vacate MOTION to DISMISS MOTION for Reconsideration MOTION re Facts MOTION for Leave to Suppress filed by Matthew Carter, <u>48</u> OBJECTION to <u>42</u> Report and Recommendation by Matthew Carter. filed by Matthew Carter, <u>53</u> MOTION for Reconsideration filed by Matthew Carter, <u>54</u> MOTION to not be critical filed by Matthew Carter, <u>55</u> MOTION for Discovery filed by Matthew Carter, <u>56</u> MOTION for relief of |

Judgment filed by Matthew Carter, 57 MOTION preserving rights filed by Matthew Carter, 59 MOTION for a return of property pursuant of rule 41(g) filed by Matthew Carter, 60 MOTION to Compel filed by Matthew Carter, 61 MOTION to DISMISS filed by Matthew Carter, 62 MOTION to nullify filed by Matthew Carter, 64 MOTION Preserving Rights filed by Matthew Carter, 66 MOTION for Judgment against United States filed by Matthew Carter, 67 MOTION for Judgment filed by Matthew Carter, 68 MOTION to Compel filed by Matthew Carter, 70 MOTION for return of seized property filed by Matthew Carter, 8 MOTION for mistrial filed by Matthew Carter, 22 MOTION to DISMISS filed by United States of America, 25 MOTION for Judgment in favor of Petitioner filed by Matthew Carter, 26 MOTION to Dismiss Respondent's Motion to Dismiss re 22 MOTION to DISMISS filed by Matthew Carter, 34 MOTION to preserve rights filed by Matthew Carter, 35 MOTION to preserve rights filed by Matthew Carter, 42 REPORT AND RECOMMENDATIONS re 22 MOTION to DISMISS, 8 MOTION for mistrial, 26 MOTION to Dismiss Respondent's Motion to Dismiss re 22 MOTION to DISMISS, 35 MOTION to preserve rights, 1 Motion to Vaca ; denying 47 Motion ; denying 47 Motion for Leave to ; overruling 48 Objection to Report and Recommendation.; denying as moot 53 Motion for Reconsideration re 43 MOTION for Reconsideration filed by Matthew Carter, 47 MOTION to Vacate MOTION to DISMISS MOTION for Reconsideration MOTION re Facts MOTION for Leave to Suppress filed by Matthew Carter, 48 OBJECTION to 42 Report and Recommendation by Matthew Carter. filed by Matthew Carter, 53 MOTION for Reconsideration filed by Matthew Carter, 54 MOTION to not be critical filed by Matthew Carter, 55 MOTION for Discovery filed by Matthew Carter, 56 MOTION for relief of Judgment filed by Matthew Carter, 57 MOTION preserving rights filed by Matthew Carter, 59 MOTION for a return of property pursuant of rule 41(g) filed by Matthew Carter, 60 MOTION to Compel filed by Matthew Carter, 61 MOTION to DISMISS filed by Matthew Carter, 62 MOTION to nullify filed by Matthew Carter, 64 MOTION Preserving Rights filed by Matthew Carter, 66 MOTION for Judgment against United States filed by Matthew Carter, 67 MOTION for Judgment filed by Matthew Carter, 68 MOTION to Compel filed by Matthew Carter, 70 MOTION for return of seized property filed by Matthew Carter, 8 MOTION for mistrial filed by Matthew Carter, 22 MOTION to DISMISS filed by United States of America, 25 MOTION for Judgment in favor of Petitioner filed by Matthew Carter, 26 MOTION to Dismiss Respondent's Motion to Dismiss re 22 MOTION to DISMISS filed by Matthew Carter, 34 MOTION to preserve rights filed by Matthew Carter, 35 MOTION to preserve rights filed by Matthew Carter, 42 REPORT AND RECOMMENDATIONS re 22 MOTION to DISMISS, 8 MOTION for mistrial, 26 MOTION to Dismiss Respondent's Motion to Dismiss re 22 MOTION to DISMISS, 35 MOTION to preserve rights, 1 Motion to Vaca ; denying as moot 54 Motion ; denying 55 Motion for Discovery; denying 56 Motion ; denying as moot 57 Motion ; denying 59 Motion ; denying 60 Motion to Compel; denying 61 Motion to Dismiss; denying 62 Motion ; denying 64 Motion ; denying 66 MOTION for Judgment; denying 67 MOTION for Judgment; denying 68 MOTION to Compel; denying 70 MOTION ; denying 8 MOTION ; granting 22 MOTION to Dismiss; denying 25 MOTION for Judgment; denying 26 MOTION ; denying 34 MOTION ; denying 35 MOTION ; adopting 42 Report and Recommendation. Signed by U.S. District Judge Karen E. Schreier on 6/25/2024. (Mailed to Matthew Carter) (JLS) Modified: a certificate of appealability shall not issue on 6/25/2024 (JLS). Modified on 6/26/2024 to correct spelling (KLE). (Entered: 06/25/2024)

06/25/2024

72

JUDGMENT in favor of United States of America against Matthew Carter. Signed by U.S. District Judge Karen E. Schreier on 6/25/2024. (Mailed to Matthew Carter with

| | | |
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| | | post conviction appeal packet)(JLS) (Entered: 06/25/2024) |
| 06/28/2024 | 73 | SUPPLEMENTAL Brief in support of Matthews Actual Innocence by Plaintiff Matthew Carter. (JLS) (Entered: 06/28/2024) |
| 07/03/2024 | 74 | Renewed MOTION of Acquittal by Matthew Carter. (JLS) (Entered: 07/03/2024) |
| 07/03/2024 | 75 | Supplemental BRIEF in support of actual innocence and other claims by Plaintiff Matthew Carter (Attachments: # 1 Exhibits) (JLS) (Entered: 07/03/2024) |
| 07/03/2024 | 76 | CERTIFICATE OF SERVICE by Matthew Carter re <u>75</u> Brief, <u>74</u> MOTION of Acquittal (JLS) (Entered: 07/03/2024) |
| 07/05/2024 | 77 | ORDER denying <u>74</u> Motion for renewed motion for judgment of acquittal. The court entered an order denying Carter's petition for habeas relief on June 25, 2024 (Docket 71). This renewed motion for judgment of acquittal raises the same issues that the court addressed in that order. Thus, Carter's motion for renewed judgement of acquittal is denied. Signed by Karen Schreier on July 5, 2024. (Schreier, Karen) Modified on 7/5/2024 cc: sent to Matthew Carter via USPS (KLE). (Entered: 07/05/2024) |
| 07/05/2024 | 78 | MOTION for Reconsideration re Order and Judgment by Matthew Carter. (Attachments: # 1 Cover Letter) (JLS) (Entered: 07/05/2024) |
| 07/05/2024 | 79 | MOTION for Rule 60(b)(1), (4), (6) by Matthew Carter. (JLS) (Entered: 07/05/2024) |
| 07/05/2024 | 80 | NOTICE OF APPEAL as to <u>71</u> Order on Motion for Reconsideration, Order on Motion to Vacate, Order on Motion to Dismiss, Order on Motion for Miscellaneous Relief, Order on Motion for Leave to, Order on Objection to Report and Recommendation, Order on Motion for Discovery, Order on Motion to Compel, Order on Motion for Judgment, Order on Report and Recommendation, and <u>72</u> Judgment by Matthew Carter. (JLS) (Entered: 07/05/2024) |
| 07/05/2024 | 81 | MOTION for Certificate of Appealability and MOTION for Leave to Proceed in forma pauperis on Appeal by Matthew Carter. (See doc <u>80</u>) (JLS) (Entered: 07/05/2024) |
| 07/05/2024 | 82 | TRANSMITTAL of Notice of Appeal to 8th Circuit Court of Appeals re <u>80</u> Notice of Appeal,. (JLS) (Entered: 07/05/2024) |
| 07/09/2024 | 83 | USCA Case Number for <u>80</u> Notice of Appeal, filed by Matthew Carter. USCA Case Number: 24-2409. (TAL) (Entered: 07/09/2024) |
| 07/09/2024 | 84 | ORDER of USCA directing Clerk of the District Court to forward portions of the original record not available in an electronic format through PACER to USCA within 10 days re <u>80</u> Notice of Appeal, filed by Matthew Carter.. (TAL) (Entered: 07/09/2024) |
| 07/09/2024 | 85 | ORDER denying as moot <u>81</u> Motion for Certificate of Appealability; granting <u>81</u> Motion for Leave to Proceed in forma pauperis. Signed by U.S. District Judge Karen E. Schreier on 07/09/2024. Sent to petition via USPS. (MSB) (Entered: 07/09/2024) |
| 07/09/2024 | | TRANSMITTAL of Subsequent Filing to 8th Circuit Court of Appeals re <u>85</u> Order on Motion for Certificate of Appealability, Order on Motion for Leave to Proceed in forma pauperis. (MSB) (Entered: 07/09/2024) |
| 08/14/2024 | 86 | MOTION requesting review of prospective ruling on Doc. <u>79</u> MOTION Rule 60(b)(1), (4), (6) by Matthew Carter. (RMM) (Entered: 08/14/2024) |
| 08/15/2024 | | TRANSMITTAL of Subsequent Filing to 8th Circuit Court of Appeals re <u>86</u> MOTION re <u>79</u> MOTION Rule 60(b)(1), (4), (6).. (SLT) (Entered: 08/15/2024) |
| 10/08/2024 | 87 | ORDER denying <u>78</u> Motion for Reconsideration re Order and Judgment, denying <u>79</u> MOTION Rule 60(b)(1), (4), (6), and denying as moot <u>86</u> MOTION requesting review |

| | | |
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| | | of prospective ruling on <u>79</u> Motion Rule 60(b)(1), (4), (6). Signed by U.S. District Judge Karen E. Schreier on 10/8/24. Sent to Matthew Carter via USPS (SKK) (Entered: 10/08/2024) |
| 10/17/2024 | <u>88</u> | MOTION FOR A RULE 60(B) by Matthew Carter. (SAC) (Entered: 10/17/2024) |
| 10/29/2024 | <u>89</u> | ORDER denying <u>88</u> Motion for a Rule 60(b). Signed by U.S. District Judge Karen E. Schreier on 10/29/2024. MAILED to Mr. Carter (SAC). (Entered: 10/29/2024) |
| 10/30/2024 | <u>90</u> | TRANSMITTAL of Subsequent Filing to 8th Circuit Court of Appeals re <u>87</u> ORDER denying 78 Motion for Reconsideration re Order and Judgment, denying 79 MOTION Rule 60(b)(1), (4), (6), and denying as moot 86 MOTION requesting review of prospective ruling on 79 Motion Rule 60(b)(1), (4), (6), <u>89</u> ORDER denying 88 Motion for a Rule 60(b). (SAC) (Entered: 10/30/2024) |
| 11/07/2024 | <u>90</u> | MOTION to Stay Appeal by Matthew Carter. (SAC) (Entered: 11/07/2024) |
| 11/07/2024 | <u>90</u> | TRANSMITTAL of Subsequent Filing to 8th Circuit Court of Appeals re <u>90</u> MOTION to Stay.. (SAC) (Entered: 11/07/2024) |

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

MATTHEW CARTER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

4:23-CV-04007-KES

JUDGMENT

Under the Order Adopting Report and Recommendation as Modified,
Granting Respondent's Motion to Dismiss Petitioner's § 2255 Motion, and
Ruling on Petitioner's Miscellaneous Motions, it is

ORDERED, ADJUDGED, AND DECREED that judgment is entered in
favor of respondent and against petitioner, Matthew Carter.

DATED June 25, 2024.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 24-2409

Matthew Carter

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the District of South Dakota - Southern
(4:23-cv-04007-KES)

General Docket
Eighth Circuit Court of Appeals

Court of Appeals Docket #: 24-2409

Nature of Suit: 2510 Vacate Sentence

Matthew Carter v. United States

Appeal From: U.S. District Court for the District of South Dakota - Southern

Fee Status: In Forma Pauperis

Docketed: 07/09/2024

Termed: 03/04/2025

Case Type Information:

- 1) Prisoner
- 2) Federal
- 3) Motion to Vacate

Originating Court Information:

District: 0869-4 : 4:23-cv-04007-KES

Lead: 4:21-cr-40073-KES-

1

Trial Judge: Karen E. Schreier, U.S. District Judge

Magistrate: Veronica Lynn Duffy, U.S. Magistrate

Judge

Date Filed: 01/13/2023

Date Rec'd

Date Order/Judgment:

Date NOA Filed:

COA:

06/25/2024

07/05/2024

07/05/2024

Prior Cases:

22-1823 Date Filed: 04/21/2022 Date Disposed: 08/30/2022 Disposition: Affirmed

Current Cases:

None

Matthew Carter (Federal Prisoner: 44864-509)
 Petitioner - Appellant

Matthew Carter
 [NTC Pro Se]
 SOUTH DAKOTA DEPARTMENT OF
 CORRECTIONS
 1600 North Drive
 P.O. Box 5911
 Sioux Falls, SD 57117-0911

v.

United States of America
 Respondent - Appellee

Kevin Koliner, Assistant U.S. Attorney
 Direct: 605-330-4400
 [NTC Asst. U.S. Atty]
 U.S. ATTORNEY'S OFFICE
 District of South Dakota

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[View Selected](#)

Matthew Carter

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

07/09/2024 Prisoner case docketed. [5411435] [24-2409]
9 pg, 495.25 KB
Prisoner case docketed. [5411435] [24-2409]--[Edited 07/16/2024 by CBO to send correct docket letter] (CBO) [Entered: 07/09/2024 10:00 AM]

07/09/2024 Originating court document filed consisting of docket entries, Report and Recommendation filed 8/8/2023, Order Adopting R&R filed 6/25/2024, Judgment filed 6/25/2024, Order denying renewed motions filed 7/5/2024, and Notice of Appeal filed 7/5/2024. [5411449] [24-2409] (CBO) [Entered: 07/09/2024 10:10 AM]

83 pg, 1.13 MB

07/09/2024 CLERK ORDER: This appeal involves a child victim and child pornography. In accordance with the provisions of 18 U.S.C. Section 3509(d)(2) regarding confidentiality of information and privacy protection, all papers filed with this court which disclose the name of or any information concerning a child shall be sealed. (SEE order for complete details) [5411452] [24-2409] (CBO) [Entered: 07/09/2024 10:12 AM]

2 pg, 91.36 KB

07/09/2024 CLERK ORDER: If the original file of the United States District Court is available for review in electronic format, the court will rely on the electronic version of the record in its review. The appendices required by Eighth Circuit Rule 30A shall not be required. In accordance with Eighth Circuit Local Rule 30A(a)(2), the Clerk of the United States District Court is requested to forward to this Court forthwith any portions of the original record which are not available in an electronic format through PACER, including any documents maintained in paper format or filed under seal, exhibits, administrative records and state court files. These documents should be submitted within 10 days. [5411461] [24-2409] (CBO) [Entered: 07/09/2024 10:22 AM]

1 pg, 80.19 KB

07/10/2024 Originating court document filed consisting of order dated 07/09/2024 granting motion to proceed on appeal in forma pauperis, [5411851] [24-2409] (CBO) [Entered: 07/10/2024 08:30 AM]

2 pg, 86.48 KB

07/10/2024 UPDATED fee status - [Case Number 24-2409: In Forma Pauperis] [5411852] [24-2409] (CBO) [Entered: 07/10/2024 08:31 AM]

07/18/2024 CLERK LETTER sent regarding clarification of procedure for Certificate of Appealability. [5414722] [24-2409] (CBO) [Entered: 07/18/2024 08:33 AM]

2 pg, 215.41 KB

08/15/2024 Tendered Notice of Appeal and Request Seeking Review on Appeal of the Ruling on the Post-Judgment Motion received from Appellant Matthew Carter [5424736].

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| 08/16/2024 | <input type="checkbox"/> |  | CLERK ORDER: Denying [5425068-2] as moot motion for review of post-judgment 60(b) ruling, filed by Appellant Matthew Carter. [5425071] [24-2409] (MMH) [Entered: 08/16/2024 09:28 AM] |
| 10/30/2024 | <input type="checkbox"/> |  | Originating court document filed consisting of order dated 10/08/2024 denying motion for reconsideration and 60(b) motion. [5451908] [24-2409] (CBO) [Entered: 10/30/2024 03:51 PM] |
| 02/26/2025 | <input type="checkbox"/> | | CASE SUBMITTED Ad Panel Submission before Judges James B. Loken, Ralph R. Erickson, David R. Stras in St. Louis [5492005] [24-2409] (NDG) [Entered: 03/04/2025 11:09 AM] |
| 03/04/2025 | <input type="checkbox"/> |  | JUDGMENT FILED - Application for Certificate of Appealability is denied. JAMES B. LOKEN, RALPH R. ERICKSON and DAVID R. STRAS Adp Feb 2025 [5492008] [24-2409] (NDG) [Entered: 03/04/2025 11:11 AM] |
| 03/06/2025 | <input type="checkbox"/> |  | DOCUMENT FILED - "Motion to Proceed without Prepayment of Fees/Waiver of Filing Fees, Declaration of Inmate Filing; Appeal #24-2409 w/ Exhibits & Filings" filed by Matthew Carter w/service 03/07/2025. Copy sent to appellant. [5493278] [24-2409] (DNS) [Entered: 03/07/2025 10:27 AM] |

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Exhibit # 17

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 24-2409

Matthew Carter

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from U.S. District Court for the District of South Dakota - Southern
(4:23-cv-04007-KES)

JUDGMENT

Before LOKEN, ERICKSON, and STRAS, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

March 04, 2025

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

/s/ Maureen W. Gornik

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 24-2409

Matthew Carter

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the District of South Dakota - Southern
(4:23-cv-04007-KES)

MANDATE

In accordance with the judgment of March 4, 2025, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

April 25, 2025

Clerk, U.S. Court of Appeals, Eighth Circuit

Exhibit # 18

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

No: 24-2409

Matthew Carter

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the District of South Dakota - Southern
(4:23-cv-04007-KES)

ORDER

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

April 18, 2025

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

/s/ Susan E. Bindler

**Additional material
from this filing is
available in the
Clerk's Office.**