APPENDIX

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APPENDIX A

United States Court of Appeals, Eleventh Circuit

UNITED STATES of America, Plaintiff-Appellee,
v.
Derick Irisha BROWN, A.K.A. Quentesa Jackson, Defendant-Appellant.

No. 23-10870

Non-Argument Calendar
Filed: December 31, 2025

Appeal from the United States District Court for the Northern District of Alabama, D.C. Docket No. 7:20-cr-00243-LSC-SGC-1

Michael B. Billingsley, Praveen S. Krishna, U.S. Attorney Service Northern District of Alabama, U.S. Attorneys, DOJ-USAO, Birmingham, AL, for Plaintiff-Appellee.

Tobie Smith, University of Alabama School of Law Criminal Defense Clinic, Tuscaloosa, AL, for Defendant-Appellant.

Before Luck, Black, and Wilson, Circuit Judges.

PER CURIAM:

Derick Brown appeals her convictions for kidnapping and conspiracy to kidnap under 18 U.S.C. § 1201(a)(1) and (c). Brown was sentenced to life imprisonment because her offense resulted in the death of the victim. Brown first argues that the government failed to satisfy § 1201(a)(1)'s jurisdictional element because it only alleged and proved at trial that she used a car in a non-commercial, intrastate manner, and therefore she did not use an instrumentality of interstate commerce. Second, Brown argues that the district court abused its discretion by admitting at trial post-mortem photos of the deceased victim and certain portions of a recorded interview of her conducted by law enforcement. After review, [1] we affirm.

I. DISCUSSION

A. Statutory Interpretation

First, Brown argues that we should interpret § 1201(a) to not extend to her conduct in this case based on the doctrine of constitutional avoidance and the rule of lenity. Specifically, she asserts that the charged § 1201(a) jurisdictional element, which requires that a defendant "use[ ] ... any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense," should only apply to automobiles if they are specifically used in interstate commerce and not to any use of an automobile. 18 U.S.C. § 1201(a)(1). She reasons that if the statute is interpreted in the way she suggests, her conduct would not satisfy the charged jurisdictional element because her use of a car in this case was wholly intrastate.

We reject this argument because § 1201(a)'s jurisdictional language is unambiguous. *See United*

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[1] We review a denial of a motion to dismiss an indictment challenging the constitutionality of a statute *de novo*. *United States v. Spoerke*, 568 F.3d 1236, 1244 (11th Cir. 2009). We also review a denial of a motion for judgment of acquittal *de novo*. *United States v. Dulcio*, 441 F.3d 1269, 1276 (11th Cir. 2006). Lastly, we review a district court's evidentiary rulings for abuse of discretion. *Spoerke*, 568 F.3d at 1244.

States v. Davis, 588 U.S. 445, 463 n.6 (2019) (explaining that the doctrine of constitutional avoidance only applies when interpreting ambiguous statutes); *United States v. Garcon*, 54 F.4th 1274, 1285 (11th Cir. 2022) (en banc) (stating the same about the rule of lenity), *abrogated in part on other grounds by Pulsifer v. United States*, 601 U.S. 124 (2024). It is clear that Congress used the phrase "uses ... any means, facility, or instrumentality of interstate or foreign commerce" in § 1201(a) to exercise to the fullest extent its power under the Commerce Clause to regulate instrumentalities of interstate commerce. *See United States v. Ballinger*, 395 F.3d 1218, 1230-38 (11th Cir. 2005) (en banc) (reading "unambiguous jurisdictional language" to be a full exercise of Congress's Commerce Clause power). Therefore, we read § 1201(a) to unambiguously extend to the wholly intrastate use of an automobile as an instrumentality of interstate commerce if the regulation of such a use falls within Congress's power under the Commerce Clause.

B. Commerce Clause

Brown next argues that, if we do not interpret § 1201(a) in the way she suggests, the district court nevertheless should have granted her motions to dismiss and for judgment of acquittal because a car used wholly intrastate is not an instrumentality of interstate commerce. Specifically, she asserts that the district court erred by concluding that automobiles are *per se* instrumentalities of interstate commerce.

This argument is foreclosed by binding precedent. In *United States v. Bryan*, the defendants argued that there was insufficient evidence to support their § 1201(a) attempted kidnapping convictions. 159 F.4th 1274, 1293 (11th Cir. 2025). Specifically, they argued that the government did not establish that they used an instrumentality of interstate commerce in the commission of their offenses because trial evidence showed that their use of a truck was wholly intrastate. *Id.* at 1294-95. We rejected the defendants' argument and held that automobiles, such as the truck used by the defendants, are *per se* instrumentalities of interstate commerce. *Id.* at 1295.

Because, under *Bryan*, an automobile is *per se* an instrumentality of interstate commerce, even if it is used purely intrastate, Brown's § 1201(a) conviction does not violate the Commerce Clause. Brown does not dispute that the indictment alleged, and trial evidence established, that she used a car—a Toyota Sequoia—in the commission of her kidnapping offense. Therefore, the government satisfied § 1201(a)'s jurisdictional element, and so the district court did not err by denying Brown's motions to dismiss and for judgment of acquittal based on the Commerce Clause.

C. Evidentiary Rulings

Lastly, Brown argues that the district court abused its discretion by admitting two pieces of evidence at trial: (1) post-mortem photos of the deceased victim and (2) portions of a recorded interview of her conducted by law enforcement. Brown asserts that the court should have excluded both pieces of evidence under Fed. R. Evid. 403, which states that courts "may exclude relevant evidence if its probative value is substantially outweighed by a danger of ... unfair prejudice." Fed. R. Evid. 403.

Applying the broad deference we must afford to the district court for its Rule 403 rulings, we conclude that the district court did not abuse its discretion by admitting either piece of evidence. *See United States v. Costa*, 947 F.2d 919, 924 (11th Cir. 1991) ("This Court has emphasized that the trial judge is accorded the broadest discretion in determining whether evidence should be excluded under Rule 403." (quotation marks omitted)); *United States v. Alfaro-Moncada*, 607 F.3d 720, 734 (11th Cir. 2010) ("Rule 403, we have cautioned, is an extraordinary remedy which the district court should invoke sparingly, and the balance should be struck in favor of admissibility.... We have also said that in reviewing issues under Rule 403, we look at the evidence in a light most favorable to its admission, maximizing its probative value and minimizing its undue prejudicial impact." (quotation marks and citations omitted)); *United States v. Church*, 955 F.2d 688, 703 (11th Cir. 1992) (explaining that Rule 403 has a "strong presumption in favor of admissibility").

1. Post-Mortem Photos

Brown argues that the district court should not have admitted the post-mortem photos of the deceased victim because she offered to stipulate to the fact of the victim's death. She asserts that the photos did not have any probative value other than to prove the victim's death, which the government already established through the testimony of the medical examiner who performed the autopsy of the victim.

The Supreme Court has held that it is an abuse of discretion for a district court to admit evidence of a defendant's prior conviction in an 18 U.S.C. § 922(g)(1) case if the defendant offers to stipulate as to the existence of the prior conviction. *Old Chief v. United States*, 519 U.S. 172, 174 (1997). However, the Court limited its holding in *Old Chief* to evidence of prior convictions in cases where a defendant's convict status is at issue and explicitly did not extend the holding to all types of evidence. *Id.* at 183 n.7, 191-92 ("[T]he prosecutor's choice [to prove its case using prejudicial evidence] will generally survive a Rule 403 analysis when a defendant seeks to force the substitution of an admission for evidence creating a coherent narrative of his thoughts and actions in perpetrating the offense for which he is being tried.").

Moreover, on multiple occasions we have rejected arguments that prejudicial evidence should be excluded simply because the defendant offered to stipulate to facts that the evidence sought to prove, including after *Old Chief* was decided. *See United States v. Bowers*, 660 F.2d 527, 529-30 (5th Cir. Unit B Sept. 2, 1981)[2] (holding that a district court did not abuse its discretion by admitting at trial a photo of the child victim's "lacerated heart" even though the defendant stipulated as to the cause of death); *United States v. De Parias*, 805 F.2d 1447, 1453-54 (11th Cir. 1986) (holding that a district court did not abuse its discretion by admitting at trial photos of

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[2] All decisions rendered by the Fifth Circuit before the close of business on September 30, 1981, are binding precedent in the Eleventh Circuit. *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc).

the victim's "badly decomposed corpse" even though a coroner testified as to the cause of the victim's death), *overruled in part on other grounds by United States v. Kaplan*, 171 F.3d 1351 (11th Cir. 1999) (en banc); *United States v. Brown*, 441 F.3d 1330, 1361-63 (11th Cir. 2006) (holding the same with respect to crime-scene photos of the deceased victim's body); *Alfaro-Moncada*, 607 F.3d at 734 (holding that a district court did not abuse its discretion by admitting at trial photos of child pornography stored on DVDs even though the defendant stipulated that the DVDs contained child pornography).

Applying this law, we conclude that the district court did not abuse its discretion by admitting the post-mortem photos of the deceased victim even though Brown offered to stipulate to the fact that the victim died. Although there was a high likelihood that the photos would prejudice Brown, they were also highly probative. The photos were probative to establish that the victim died and to support the Government's narrative as to the time of the victim's death and the location of her body. The facts that Brown offered to stipulate to the fact of the victim's death and that a government witness testified as to the victim's cause of death do not undermine the government's right to prove its case using this highly probative evidence. *See Old Chief*, 519 U.S. at 191-92; *Bowers*, 660 F.2d at 529-30; *De Parias*, 805 F.2d at 1453-54; *Brown*, 441 F.3d at 1361-63; *Alfaro-Moncada*, 607 F.3d at 734. The district court's decision to admit the photos was therefore well within its wide discretion. *See Costa*, 947 F.2d at 924; *Alfaro-Moncada*, 607 F.3d at 734; *Church*, 955 F.2d at 703.

2. Interview Video

Brown argues that the district court abused its discretion by admitting the full video of a police interview of her because the video included segments in which the interviewing officer scolded her for failing to intervene to protect the victim. Brown asserts that, while her responses to the officer may have been probative, the officer's scolding had no probative value and a high danger of unfair prejudice.

The district court did not abuse its discretion by admitting the full interview video. As Brown concedes, her statements during the interview were relevant for the purpose of determining her knowledge and intent relating to the kidnapping. *See United States v. Brown*, 53 F.3d 312, 314-15 (11th Cir. 1995) ("[A] statement by a defendant, if disbelieved by the jury, may be considered as *substantive evidence* of the defendant's guilt.... This rule applies with special force where the elements to be proved for a conviction include highly subjective elements: for example, the defendant's intent or knowledge.").

The district court decided to admit the full interview video because it considered that the interviewing officer's questions and statements provided important context for Brown's responses. While there was a potential risk that the interviewing officer's "scolding" statements could unfairly prejudice Brown, the district court's conclusion that the contextual value of those statements outweighed any risk of unfair prejudice was not an abuse of discretion. *See United States v. Graham*, 123 F.4th 1197, 1263 (11th Cir. 2024) (explaining that the abuse of discretion standard "gives the district court considerable leeway in making its evidentiary determinations" (quotation marks omitted)).

Brown contends that the district court could have precluded much of the interviewing officer's "scolding", and the video still would have conveyed the necessary context to the jury. While the court could have taken that approach, we view its decision to admit the full video as within the "range of possible conclusions" that it was permitted to reach. *See United States v. Frazier*, 387 F.3d 1244, 1265-66 (11th Cir. 2004).

Further, the district court instructed the jury that it could only convict Brown if she knowingly and willfully kidnapped the victim, which helped to mitigate any prejudice or confusion that the interviewing officer's accusations regarding Brown's failure to intervene on behalf of the victim might have caused.[3] *See United States v. Macrina*, 109 F.4th 1341, 1350 (11th Cir. 2024) ("[A] limiting instruction in the context of Rule 403 evidence may mitigate the risk of unfair harm.").

II. CONCLUSION

The district court did not err by denying Brown's motions to dismiss the indictment and for judgment of acquittal because an automobile is a *per se* instrumentality of interstate commerce. The district court also did not abuse its discretion by admitting post-mortem photos of the deceased victim and the

[3] Brown also argues that we should reverse because the district court's errors cumulatively denied her a fair trial, but this argument fails because Brown has failed to establish even a single error. *See United States v. Joseph*, 978 F.3d 1251, 1265 (11th Cir. 2020).

entirety of a video of a police interview of Brown. Accordingly, we affirm Brown's convictions.

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF ALABAMA
WESTERN DIVISION

UNITED STATES OF AMERICA,
v.
DERICK IRISHA BROWN, Defendant.

Case No. 7:20-cr-00243-LSC-SGC

ORDER

The defendant has filed a motion to dismiss counts one and two of the indictment (Doc. 85) and a motion to quash the writ of habeas corpus *ad prosequendum* previously issued in this case (Doc. 87). The motions are due to be denied for the reasons stated below.

I. Discussion

The defendant is alleged to have kidnapped and murdered a three-year-old girl in October 2019. The defendant first was charged with capital murder by the State of Alabama. *See State of Alabama v. Derick Irisha Brown*, 01-DC-2019-011565.00; *State of Alabama v. Derick Irisha Brown*, 01-CC-2020-001730.00. A federal grand jury thereafter returned a two-count indictment charging the defendant with kidnapping and conspiracy to kidnap, in violation of 18 U.S.C. § 1201(a)(1) and (c). (Doc. 1). This district court then issued a writ of habeas corpus *ad prosequendum* requiring that the defendant be brought before the court to answer the federal charges before proceeding to trial in the state case. (Docs. 7, 8).

A. Motion to Dismiss

As grounds for her motion to dismiss counts one and two of the indictment, the defendant argues § 1201(a)(1), on its face and as applied in this case, is unconstitutional insofar as it exceeds the scope of Congress' power to regulate commerce. (Doc. 85). "Congress enacted the Federal Kidnapping Act in 1932 to outlaw interstate kidnapping in response to the widely publicized abduction of aviator Charles Lindbergh's son." *United States v. Morgan*, 748 F.3d 1024, 1031 (10th Cir. 2014) (citing *Chatwin v. United States*, 326 U.S. 455, 462-63 (1946)). "A 2006 amendment expanded the crime to include intrastate activity when an 'offender . . . uses . . . any instrumentality of interstate . . . commerce in committing or in furtherance of the offense.'" *Id.* (quoting Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 616 (codified at 18 U.S.C. § 1201(a)(1))). Count One of the indictment in this case charges the defendant with kidnapping in violation of § 1201(a)(1), and Count Two charges the defendant with conspiring to commit the offense of kidnapping in violation of § 1201(c). (Doc. 1). Both counts base federal subject matter jurisdiction on the allegation the defendant used a means, facility, or instrumentality of interstate commerce – a Toyota Sequoia motor vehicle – in committing or in furtherance of the crimes charged. (Doc. 1).

The defendant argues § 1201(a)(1) is an invalid exercise of Congress' commerce power, facially and as applied to her, because it reaches purely intrastate conduct simply because something that facilitated the conduct – here, a Toyota Sequoia motor vehicle – *could* be used in interstate commerce even if – as here – it was not so used. Because the defendant's facial and as-applied challenges to the constitutionality of § 1201(a)(1) are largely coextensive, the court addresses them together. *See Am. Fed'n of State, Cnty & Mun. Emps. Council 79 v. Scott*, 717 F.3d 851, 863, 865 (11th Cir. 2013) (discussing "fluid" boundary between facial and as- applied challenges and noting distinction goes to breadth of remedy employed by the court).[1]

In *United States v. Lopez*, the Supreme Court articulated "three broad categories of activity that Congress may regulate under its commerce power":

> "First, Congress may regulate the use of the channels of interstate commerce. Second, Congress is empowered to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities. Finally, Congress' commerce authority includes the power to regulate those activities having a substantial relation to interstate commerce, *i.e.*, those activities that substantially affect interstate commerce."

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[1] The Government interprets the defendant's as-applied challenge as a test of the Government's ability to prove its case under the defendant's construction of the statute and argues the challenge is premature. (Doc. 94 at 8). The court does not view the defendant's as-applied challenge as seeking a pretrial determination of the sufficiency of the evidence.

514 U.S. 549, 558-59 (1995) (internal citations omitted).[2] Relevant here, "[i]nstrumentalities of interstate commerce . . . are the people and things themselves moving in commerce, including automobiles, airplanes, boats, and shipments of goods." *United States v. Ballinger*, 395 F.3d 1218, 1226 (2005) (collecting cases).[3] Additionally, vis-à-vis the second *Lopez* category, the Eleventh Circuit has observed that "[p]lainly, congressional power to regulate the channels and instrumentalities of commerce includes the power to prohibit their use for harmful purposes, even if the targeted harm itself occurs outside the flow of commerce and is purely local in nature." *Id.* (citing *Lopez*, 514 U.S. at 558-59). "Congress has repeatedly used this power to reach criminal conduct in which the illegal acts ultimately occur intrastate, when the perpetrator uses the channels or instrumentalities of interstate commerce to facilitate their commission." *Id.* "[Supreme Court] precedents leave no doubt that the commerce power contemplates congressional regulation of the channels and instrumentalities of commerce in order to prevent their use to facilitate harmful acts, which may be

[2] The Court held in *Lopez* that the Gun-Free School Zones Act of 1990, which prohibited the possession of a firearm within a school zone, exceeded the scope of Congress' commerce power because the possession of a gun in a local school zone is not an economic activity that substantially affects interstate commerce. 514 U.S. at 560-68.

[3] The Eleventh Circuit held in *Ballinger* that 18 U.S.C. § 247, which prohibits the intentional destruction of religious property in or affecting commerce, is facially constitutional and was constitutional as applied to the defendant, who traveled by car on the interstate highways through four states for the specific purpose of burning churches. 395 F.3d at 1224-1230.

consummated – and whose effects ultimately may be felt – outside the flow of commerce." *Id.* at 1228.

Consistent with this understanding of Congress' commerce power, the Eleventh Circuit has held § 1201(a)(1) is facially constitutional because it "contains an express jurisdictional element that ensures that the statute only reaches kidnapping furthered by the instrumentalities of interstate commerce." *United States v. McKinley*, 647 F. App'x 957, 961-62 (11th Cir. 2016); *see also United States v. Taylor*, 2012 WL 3522528, at *2 (S.D. Ala. Aug. 24, 2012) ("Analyzed under the second *Lopez* category, it is clear that Section 1201(a)(1) represents a constitutional exercise of Congress' power under the Commerce Clause, since it prohibits the use of an instrumentality of interstate commerce for the harmful purpose of furthering a kidnapping."); *United States v. Graves*, 2014 WL 2589428, at *3-4, 6-8 (N.D. Ga. June 9, 2014) (holding § 1201(a)(1) is a facially constitutional exercise of Congress' commerce power).

Moreover, while the Eleventh Circuit in *McKinley* did not explicitly address the argument presented by the defendant here, the court's general discussion of the second *Lopez* category in *Ballinger* forecloses the argument, as do the decisions of other courts that have rejected arguments that § 1201(a)(1) is unconstitutional to the extent it criminalizes intrastate conduct facilitated by something capable of use in interstate commerce. *See, e.g., United States v. Morgan*, 748 F.3d 1024, 1031-32 (10th Cir. 2014) (rejecting as-applied challenge to § 1201(a)(1) where defendants used cell phone, internet, and GPS device to accomplish intrastate abduction); *United States v.*

Protho, 41 F.4th 812, 827-29 (7th Cir. 2022) (rejecting argument automobile can qualify as instrumentality of interstate commerce only when evidence shows specific automobile at issue was used for that purpose).[4] Accordingly, the defendant's motion to dismiss counts one and two of the indictment is due to be denied.

B. Motion to Quash

As grounds for her request that the court quash the writ of habeas corpus *ad prosequendum*, the defendant asserts (1) the federal government does not have a superior interest in prosecuting her that justifies interference with the earlier- instituted state prosecution and (2) she has an interest in resolving the state case first, given the penalty she faces in that proceeding is death. With respect to the latter assertion, she elaborates that "[h]er ability to defend herself against the federal charges in a fair trial should not be hamstrung by the fear that if she were to testify in her own defense, anything she said could later be used in the effort to have her executed." (Doc. 87).

In *Ex parte Bollman*, 8 U.S. 75 (4 Cranch 75) (1807), the Supreme Court held § 14 of the First Judiciary Act, 1 Stat. 81, authorized federal courts to

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[4] The Seventh Circuit in *Protho* noted the Eleventh Circuit "pass[ed] over the question of whether automobiles are 'per se instrumentalities of commerce'" in *Garcia v. Vanguard Car Rental USA, Inc.*, 540 F.3d 1242, 1250 (11th Cir. 2008). 41 F.4th at 829. The defendant does not cite *Garcia* in support of her motion to dismiss, and as the Government notes in its response to the motion, the Eleventh Circuit's statements in *Garcia* regarding the "dubious implications of construing all automobiles as per se instrumentalities of commerce" are dicta.

issue writs of habeas corpus *ad prosequendum* where "necessary to remove a prisoner in order to prosecute him in the proper jurisdiction wherein the offense was committed." *Carbo v. United States*, 364 U.S. 611, 614-15 (1961). "Since the time of *Ex parte Bollman*, the statutory authority of federal courts to issue writs of habeas corpus *ad prosequendum* to secure the presence, for purposes of trial, of defendants in federal criminal cases, including defendants then in state custody, has never been doubted." *United States v. Mauro*, 436 U.S. 340, 357-58 (1978). The authority was made explicit with the enactment of 28 U.S.C. § 2241 in 1948. *Id.* at 358.

There is no basis on which a criminal defendant may challenge a writ of habeas corpus *ad prosequendum* commanding her production by state authorities to face federal charges. *See Chunn v. Clark*, 451 F.2d 1005, 1006 (5th Cir. 1971) ("It is well-established that a prisoner has no standing to contest an agreement between two sovereigns concerning the temporary exchange of custody of the prisoner on a writ of habeas corpus *ad prosequendum*, or their agreement as to the order of his prosecution and execution of sentences.") (collecting cases); *DeLong v. United States*, 474 F.2d 719, 720 (5th Cir. 1973) ("It is settled that where one sovereign surrenders a prisoner to another sovereign for trial, sentencing, and execution of the sentence before he is to be returned to the custody of the sovereign first having jurisdiction, the prisoner has no standing to attack the agreement between sovereigns . . . ."); *Moody v. Holman*, 887 F.3d 1281, 1285-92 (11th Cir. 2018) (explaining that while earlier cases stated prisoners had no "standing" to challenge order in which they were to serve sentences imposed by different sovereigns, that reference was "best seen as shorthand for holding that the prisoners in question, as a matter of substantive law, did not have a claim that would entitle them to habeas relief").[5]

Moreover, "[t]hat a state has never had authority to dishonor an *ad prosequendum* writ issued by a federal court is patent." *United States v. Pleau*, 680 F.3d 1, 6 (1st Cir. 2012) (internal quotation marks omitted). The Supremacy Clause provides that Congress's enactments are "the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. Const. art. VI, cl. 2. It "operates in only one direction and has nothing to do with comity . . . ." *Pleau*, 680 F.3d at 6. Under the clause, "the habeas statute – like any other valid federal measure – overrides any contrary position or preference of the state . . . ." *Id.* "That there is an overriding federal interest in prosecuting defendants indicted on federal crimes needs no citation, and the habeas statute is an unqualified authorization for a federal court to insist that a defendant held elsewhere be produced for proceedings in a federal court." *Id.* at 7. Accordingly, the defendant's motion to quash the writ of habeas corpus *ad prosequendum* is due to be denied.

II. Conclusion

The court **DENIES** the defendant's motion to dismiss counts one and two of the indictment (Doc.

[5] In *Bonner v. City of Pritchard*, 661 F.2d 1206, 1209 (11th Cir. 1981), the Eleventh Circuit held decisions of the former Fifth Circuit rendered prior to close of business on September 30, 1981, are binding in the Eleventh Circuit.

85) and motion to quash the writ of habeas corpus *ad prosequendum* (Doc. 87) for the reasons stated above.

DONE and **ORDERED** on August 29, 2022.

/s/ L. Scott Coogler
United States District Judge

APPENDIX C

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-10870

UNITED STATES OF AMERICA, *Plaintiff-Appellee*,
versus
DERICK IRISHA BROWN, a.k.a. Quentesa Jackson,
Defendant-Appellant.

Appeal from the United States District Court
For the Northern District of Alabama
D.C. Docket No. 7:20-cr-00243-LSC-SGC-1

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC

Before LUCK, BLACK, and WILSON, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. FRAP 40, 11th Cir. IOP 2.

February 24, 2026