

TRULINCS 18079002 - JOYNER, LEROY THOMAS JR - Unit: YAZ-B-A

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 10/13/2025 07:24:40 AM

To:

Inmate Work Assignment: SUPREME COURT

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LEROY THOMAS JOYNER, JR.

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

On Petition for Writ of Certiorari to the
United States Courts of Appeals
For the Eleventh Circuit

APPENDIX

Leroy Thomas Joyner, Jr. #180790-002
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TRULINCS 18079002 - JOYNER, LEROY THOMAS JR - Unit: YAZ-B-A

FROM: 18079002

TO: Legal

SUBJECT: ***Request to Staff*** JOYNER, LEROY, Reg# 18079002, YAZ-B-A

DATE: 10/13/2025 07:49:35 AM

To:

Inmate Work Assignment: SUPREME COURT

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Appendix C -- Docket Number 16	24a
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Appendix F -- Docket Number 31	105a
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Appendix H -- Docket Number 35	210a
-- Docket Number 35 (Copy of Missing Motion to Compel)	370a
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UNITED STATES OF AMERICA, Plaintiff-Appellee, versus LEROY THOMAS JOYNER, JR.,
Defendant-Appellant.

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

2025 U.S. App. LEXIS 18912; 2025 LX 264159

No. 25-10616 Non-Argument Calendar

July 29, 2025, Filed

Notice:

**PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING
THE CITATION TO UNPUBLISHED OPINIONS.**

Editorial Information: Prior History

{2025 U.S. App. LEXIS 1}Appeal from the United States District Court for the Middle District of
Alabama. D.C. Docket No. 1:22-cr-00242-ECM-JTA-1.United States v. Joyner, 2024 U.S. Dist. LEXIS
136268, 2024 WL 3625841 (M.D. Ala., Aug. 1, 2024)

Disposition:

AFFIRMED.

Counsel

For UNITED STATES OF AMERICA, Plaintiff - Appellee: Brett Joseph
Talley, U.S. Attorney Service - Middle District of Alabama, USAO, MONTGOMERY, AL.

LEROY THOMAS JOYNER, JR., Defendant - Appellant, Pro se,

COLUMBUS, GA.

Judges: Before ROSENBAUM, JILL PRYOR, and ABUDU, Circuit Judges.

CASE SUMMARYOn the jurisdiction issue: despite Joyner's pending appeal, the district court retained
jurisdiction to rule on his motions requesting transcripts because these requests were in furtherance of
his direct appeal.

OVERVIEW:

Key Legal Holdings

Material Facts

Controlling Law

Court Rationale

OUTCOME:

Procedural Outcome

CIRHOT

1

387a

18079002

LexisNexis Headnotes

Criminal Law & Procedure > Trials > Motions for Acquittal

Summary disposition is appropriate either where time is of the essence, such as situations where important public policy issues are involved or those where rights delayed are rights denied, or where the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where, as is more frequently the case, the appeal is frivolous.

Criminal Law & Procedure > Appeals > Reviewability > Notice of Appeal

The filing of a notice of appeal deprives the district court of jurisdiction over all issues involved in the appeal. But it does not prevent the district court from taking action in furtherance of the appeal or entertaining motions on matters collateral to those issues on appeal.

Criminal Law & Procedure > Appeals > Standards of Review > De Novo Review > Jurisdiction* *Criminal Law & Procedure > Jurisdiction & Venue > Jurisdiction

An appellate court will review de novo whether the district court retained jurisdiction.

Criminal Law & Procedure > Counsel > Costs & Attorney Fees* *Criminal Law & Procedure > Appeals > Costs & Attorney Fees* *Criminal Law & Procedure > Sentencing > Costs

28 U.S.C.S. § 753(f), explains that fees for transcripts furnished to indigent criminal defendants are to be paid by the United States. Transcripts must be provided to indigent defendants to ensure adequate and effective appellate review.

Evidence > Demonstrative Evidence > Recordings* *Governments > Courts > Court Personnel* *Evidence > Demonstrative Evidence > Visual Formats

Nothing in the law requires that audio or video recordings, which are not testimony but are themselves admitted into evidence as exhibits, be transcribed by the court reporter.

Opinion

PER CURIAM:

Appellant Leroy Joyner, Jr., proceeding *pro se*, appeals the district court's orders denying his motions requesting transcripts and a motion for reconsideration. The government has moved for summary affirmance. The government's motion is GRANTED.

I.

Joyner was charged in federal district court with transporting a minor with the intent that the minor engage in sexual activity. In district court, Joyner at times proceeded *pro se* and at other times was represented by counsel. A jury ultimately found him guilty of the charged crime, and the district court sentenced him to 300 months' imprisonment. Joyner filed a notice of appeal, and his direct appeal of his conviction and sentence is currently pending in our Court.

CIRHOT

Joyner submitted a transcript order form to the court reporter, ordering{2025 U.S. App. LEXIS 2} transcripts of various proceedings in his criminal case that he would need for his appeal. The court reporter prepared the transcripts Joyner ordered. Joyner filed motions in the district court requesting copies of the transcripts that he had ordered as well as transcripts for proceedings that were not part of the case.

The district court granted the motions in part, ordering the clerk to provide Joyner with certain transcripts that he requested from the criminal case. But it noted that the magistrate judge previously had ordered the United States Marshal to deliver transcripts of some of the pretrial proceedings as well as the entire trial to Joyner. Because Joyner had not asserted that the United States Marshal failed to deliver these transcripts, the court declined to provide Joyner with a second copy of them.

The court noted that some of the transcripts Joyner sought in his motions predated the filing of his criminal case. Among other things, he requested transcripts of recordings of a state court hearing as well as two witness interviews. The court denied Joyner's request for these transcripts. It explained that even though the recordings were admitted as exhibits at Joyner's trial,{2025 U.S. App. LEXIS 3} the court reporter was not required to transcribe them as part of the trial transcript and thus denied his request for these transcripts. Joyner filed a motion for reconsideration, which the court also denied.

This is Joyner's appeal of the district court's orders denying in part his requests for the transcripts. The government has filed a motion for summary affirmance.

II.

Summary disposition is appropriate either where time is of the essence, such as "situations where important public policy issues are involved or those where rights delayed are rights denied," or where "the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case, or where, as is more frequently the case, the appeal is frivolous." *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).¹

III.

In this appeal, Joyner challenges the district court's orders denying his requests for transcripts. He argues that the district court erred because (1) it lacked jurisdiction to rule on his requests for transcripts because the court issued its orders after he filed his direct criminal appeal, and (2) assuming the district court had jurisdiction, it was required to provide him with the requested transcripts.{2025 U.S. App. LEXIS 4} We grant the government's motion for summary affirmance because its position is clearly right as a matter of law and there is no substantial question as to the outcome of this appeal.

We begin with Joyner's argument about jurisdiction.² "As a general matter, the filing of a notice of appeal deprives the district court of jurisdiction over all issues involved in the appeal." *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003). But "it does not prevent the district court from taking action in furtherance of the appeal" or "entertaining motions on matters collateral to those issues on appeal." *Id.* (citation modified). Even though Joyner had filed a notice of appeal, the district court retained jurisdiction to rule on Joyner's motions requesting transcripts because he was requesting that the court act in furtherance of his direct appeal. See *id.*

Joyner also argues that the district court erred in refusing to provide him with all the transcripts he had requested. As an indigent criminal defendant, Joyner was entitled to receive copies of the transcripts of the proceedings in his criminal case at no cost. See 28 U.S.C. § 753(f) (explaining that fees for transcripts furnished to indigent criminal defendants are to be "paid by the United States");

{2025 U.S. App. LEXIS 5}see also *Entsminger v. Iowa*, 386 U.S. 748, 751-52, 87 S. Ct. 1402, 18 L. Ed. 2d 501 (1967) (recognizing that transcripts must be provided to indigent defendants to ensure adequate and effective appellate review). The record here reflects that Joyner received the requested transcripts for the court proceedings in this case.³

Joyner nevertheless asserts that the district court erred because he has not received other transcripts he requested, such as transcripts of recordings that were introduced as exhibits at trial. But nothing in the law "requires that . . . audio or video recordings, which are not testimony but are themselves admitted into evidence as exhibits, also be transcribed by the court reporter." *United States v. Cannon*, 987 F.3d 924, 946 (11th Cir. 2021) (citation modified). We conclude that it is clear as a matter of law that the district court did not err when denying Joyner's requests for transcripts of the additional materials.

Accordingly, because the government's position is clearly correct as a matter of law so that there can be no substantial{2025 U.S. App. LEXIS 6} question as to the outcome of this case, we GRANT the government's motion for summary affirmance. See *Groendyke*, 406 F.2d at 1162.

AFFIRMED.

Footnotes

1

In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), we adopted as binding precedent all decisions of the former Fifth Circuit issued before October 1, 1981.

2

We review *de novo* whether the district court retained jurisdiction. See *Milan Express, Inc. v. Averitt Express, Inc.*, 208 F.3d 975, 978 (11th Cir. 2000).

3

On appeal, Joyner for the first time requests a copy of the transcript for an August 2, 2024 status hearing before a magistrate judge. But Joyner did not mention this transcript in the motion he filed in the district court. This is unsurprising given that Joyner did not order this transcript from the court reporter until *after* the district court denied his motion seeking transcripts. And he did not mention this transcript in his motion for reconsideration. Because Joyner never sought the August 2, 2024 transcript in the motions before us in this appeal, any issue related to this transcript is forfeited for purposes of this appeal. See *United States v. Campbell*, 26 F.4th 860, 873 (11th Cir. 2022) (en banc).

Appendix U

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:22-cr-242-ECM
)	[WO]
LEROY T. JOYNER, JR.)	

ORDER

Now pending before the Court are Defendant Leroy T. Joyner, Jr.'s *pro se* motion for transcripts on appeal (doc. 265) and renewed and expedited motion for transcripts (doc. 292). It appears to the Court that the Defendant seeks transcripts of the following proceedings for purposes of his appeal:

1. Dale County PFA Hearing Transcript
2. January 23, 2019 CAC Interview transcript
3. February 6, 2019 CAC Interview transcript
4. April 26, 2021 *Faretta* Hearing
5. June 1, 2021 Motion Hearing
6. September 21, 2021 Pre-trial Conference
7. September 27, 2021 *Faretta* Hearing
8. October 13, 2021 Pre-trial Hearing
9. January 23, 2022 Motion Hearing
10. September 22, 2022 Pre-trial Conference
11. January 23, 2023 *Faretta* Hearing
12. February 24, 2023 Motion Hearing
13. April 13, 2023 Evidentiary Hearing
14. April 26, 2023 Phone Conference
15. May 4, 2023 Evidentiary Hearing
16. January 22–23, 2024 Trial Transcript, including opening statements, sidebar conferences, closing arguments, and other trial related hearings.

On August 1, 2024, the Magistrate Judge granted in part the Defendant's earlier motion for transcripts, which the Defendant requested for purposes of sentencing. (Doc.

255). The Magistrate Judge found that the Defendant was entitled to receive a copy of the transcripts that are already in the record in this case (docs. 125, 126, 127, 231, 232)¹ and a transcript of the trial proceedings, and she further ordered the United States Marshal, in conjunction with the Clerk of the Court, to deliver the transcript copies to the Defendant at the Montgomery County Detention Facility. (Doc. 255 at 10–11). The Defendant does not assert that the United States Marshal failed to deliver the transcript copies to him as the Magistrate Judge ordered. Thus, it appears to the Court that the Defendant already possesses some of the requested transcripts, and the Court declines to order the provision of additional copies.

Additionally, the Defendant requests transcripts from proceedings which are not part of this case. (*See* doc. 255 at 6) (Magistrate Judge’s Order making a similar observation about the Defendant’s earlier motion for transcripts). This case commenced on August 16, 2022. (Doc. 1). Here, the Defendant requests the transcript from a hearing in Dale County without providing the date of the hearing, and he also requests transcripts from eight matters which pre-date August 16, 2022. Based on the Court’s review and knowledge of this case, it appears that the Dale County PFA Hearing; the January 23, 2019 CAC Interview; and the February 6, 2019 CAC Interview were not proceedings before this Court. Moreover, partial recordings—but not transcripts—of the Dale County PFA hearing and the two CAC interviews were admitted into evidence at trial. The Defendant fails to sufficiently explain why he requires written transcripts of this evidence under the

¹ Docs. 125, 126, and 127 are transcripts of, respectively, the February 24, 2023 status conference; the May 4, 2023 evidentiary hearing; and the April 13, 2023 evidentiary hearing. Docs. 231 and 232 are portions of the trial transcript.

circumstances of this case. *Cf. United States v. Cannon*, 987 F.3d 924, 946 (11th Cir. 2021) (concluding that “nothing in the Court Reporter Act [28 U.S.C. § 753] requires that . . . audio or video recordings, which ‘are not testimony but are themselves admitted into evidence as exhibits,’ also be transcribed by the court reporter” (citation omitted)). Similarly, the Defendant fails to sufficiently explain why he requires transcripts of hearings or matters which took place prior to the commencement of this case on August 16, 2022.

In addition to the transcripts the Defendant has already received, the Court finds that the Defendant is also entitled to the transcripts from the September 21, 2022 pretrial conference; the January 23, 2023 hearing; and the April 26, 2023 telephone conference, all of which were proceedings before this Court in this action. It appears to the Court that transcripts of these proceedings are already in the record. (*See docs. 288, 289, 290*).

Accordingly, upon consideration of the motions, and for good cause, it is

ORDERED as follows:

1. The Defendant’s renewed and expedited motion for transcripts (doc. 292) is GRANTED as follows:

- a. The Defendant is entitled to receive a copy of the transcripts from the September 21, 2022 pretrial conference; the January 23, 2023 hearing; and the April 26, 2023 telephone conference (*see docs. 288, 289, 290*);
- b. The Clerk of the Court is DIRECTED to arrange for provision to the Defendant of copies of the transcripts of the proceedings listed in Paragraph 1.a;

2. The Clerk of the Court is further DIRECTED to **immediately** mail copies of the transcripts identified in Paragraph 1.a to the Defendant at FCI Jesup;

3. The Clerk of the Court is DIRECTED to mail a copy of this Order to the Warden of FCI Jesup;

4. The Defendant's renewed and expedited motion for transcripts (doc. 292) is DENIED in all other respects;

5. The Defendant's motion for transcripts on appeal (doc. 265) is DENIED as moot.

Done this 19th day of December, 2024.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE

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