

IN THE SUPREME COURT OF THE UNITED STATES

ISAIAH STARR STANDINGROCK,

PETITIONER,

vs.

UNITED STATES OF AMERICA,

RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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QUESTION PRESENTED FOR REVIEW

1. Do the federal courts of appeals have an obligation to first review the voluntariness of a guilty plea before enforcing a waiver of appeal in a plea agreement, and dismissing an appeal, where a criminal defendant claims a guilty plea violated of due process and Fed. R. Crim. P. 11(b)(1)(G), that requires district courts to advise the defendant of, and determine the defendant understood, the nature of the charge to which the defendant pleaded guilty?

LIST OF THE PARTIES AND RELATED CASES

The parties to this petition for writ of certiorari are the Petitioner, Isaiah Starr Standingrock; and the Respondent, United States of America.

There are no related cases to this petition.

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No. _____

IN THE UNITED STATES SUPREME COURT

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ISAIAH STARR STANDINGROCK,

PETITIONER,

vs.

UNITED STATES OF AMERICA,

RESPONDENT.

=====

**PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT**

Petitioner, ISAIAH STARR STANDINGROCK (hereinafter Standingrock) respectfully prays that a writ of certiorari issue to review the order dismissing his direct appeal from the United States Court of Appeals for the Ninth Circuit entered on June 24, 2026.

OPINION BELOW

On June 24, 2026, the Ninth Circuit Court of Appeals entered an order dismissing Standingrock's direct appeal following a conviction for possession with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1). Appendix (App.) at 1.

JURISDICTION

The jurisdiction of this Court is invoked under Title 28, United States Code, Section 1254(1).

CONSTITUTIONAL PROVISION

The Fifth Amendment to the United States Constitution states in pertinent part:

No person shall ... be deprived of life, liberty, or property, without due process of law.

U.S. Const. Amend. V.

STATUTORY PROVISIONS & FEDERAL RULES

Section 841, United States Code, Title 21 states in pertinent part:

(a) Unlawful acts

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance....

21 U.S.C.A. § 841(a)(1).

Federal Rule of Criminal Procedure, Rule 11 states in pertinent part:

....

(b) Considering and Accepting a Guilty or Nolo Contendere Plea.

(1) **Advising and Questioning the Defendant.** Before the court accepts a plea of guilty or nolo contendere, the defendant may be placed under oath, and the court must address the defendant personally in open court. During this address, the court must inform the defendant of, and determine that the defendant understands, the following:

....

(G) *the nature of each charge to which the defendant is pleading;*

....

(h) **Harmless Error.** A variance from the requirements of this rule is harmless error if it does not affect substantial rights.

Fed. R. Crim. P. 11(b)(1)(G) and (h) (emphasis added).

Federal Rule of Criminal Procedure, Rule 52 states in pertinent part:

....

(b) **Plain Error.** A plain error that affects substantial rights may be considered even though it was not brought to the court's attention.

Fed. R. Crim. P. 52.

STATEMENT OF THE CASE

1. Introduction.

This petition requests the Court to resolve the question of whether the federal courts of appeals have an obligation to first review the voluntariness of a guilty plea before enforcing a waiver of appeal in a plea agreement, and dismissing an appeal, where a criminal defendant claims a guilty plea violated of due process and Fed. R. Crim. P. 11(b)(1)(G), that requires district courts to advise the defendant of, and determine the defendant understands, the nature of the charge to which the defendant pleaded guilty. Advising a defendant who intends to plead guilty on the nature of the charge fulfills “the first and most universally recognized requirement of due process.” *Henderson v. Morgan*, 426 U.S. 637, 645 (1975) (quoting *Smith v. O’Grady*, 312 U.S. 329, 334 (1941)). The ability to challenge the voluntariness of a guilty on appeal allows an appellate court to determine whether a guilty plea was “voluntary in a constitutional sense,” regardless of the existence of a waiver of appeal in a plea agreement. In other words, for a waiver to be valid, a guilty plea must be entered into voluntarily, with “real notice of the true nature of the charge against [the defendant].” *Id.*

2. The Proceedings Below.

Standingrock was charged in a two-count indictment with (Count 1) possession with

intent to distribute 50 grams or more of methamphetamine and fentanyl in violation of 21 U.S.C. § 841(a)(1); and (Count 2) unlawful possession of a firearm by a prohibited person, a convicted felon, in violation of 18 U.S.C. § 922(g)(1). App. 58-60. Standingrock entered a guilty plea to Count 1 pursuant to a plea agreement that contained a waiver of appeal. App. 54. The district court imposed a 168 month term of imprisonment, five years supervised release and a \$100.00 penalty assessment. Standingrock appealed to the Ninth Circuit.

On appeal, Standingrock claimed that his guilty plea was not voluntary due to the magistrate's failure to meet the requirement of Rule 11(b)(1)(G) - to advise him of, and determine that he understands, the nature of the charge to which he was pleading guilty. The government moved to dismiss Standingrock's appeal, claiming that the waiver of appeal precluded him from appealing.

The Ninth Circuit granted the government's motion to dismiss. App. 1. The Ninth Circuit concluded that the waiver of appeal was enforceable because Standingrock did not meet the plain error standard of review for necessary to obtain relief from a Rule 11 violation under *United States v. Dominguez Benitez*, 542 U.S. 74 (2004). App. 1.

3. The Guilty Plea Colloquy.

During the guilty plea colloquy, the magistrate addressed Standingrock:

THE COURT: The indictment charges you with two crimes. Count 1 charges possession with intent to distribute controlled substances.

Do you understand that charge, sir?

THE DEFENDANT: Yes, Your Honor.

THE COURT: I believe that's methamphetamine and

fentanyl.

App. 12.

....

THE COURT: Let's go through a few items on the agreement. Please turn to page 2. Paragraph 2, entitled "charges" - or "charge,".... According to paragraph 2, *you agree to plead guilty to Count 1, which is the possession with intent to distribute charge*, and to admit you possessed a firearm in connection with this offense. And you're also going to plead as true the forfeiture allegation. Is that correct?

App. 15 (emphasis added). Standingrock responded, "[y]es, Your Honor." *Id.* The magistrate did not discuss the nature of the charge, including the elements of the charge, with Standingrock. *Id.*

The magistrate also had the following discussion with Standingrock:

THE COURT: Let me ask you now about your counsel, Ms. Julagay. Has she represented you throughout this process?

THE DEFENDANT: Yes, sir.

THE COURT: Have you discussed your case with Ms. Julagay?

THE DEFENDANT: Yes, sir.

THE COURT: Have you discussed the facts of your case with Ms. Julagay?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did you discuss with Ms. Julagay the charges the government alleges against you?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did you discuss with Ms. Julagay whether you have any potential defenses to those charges?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did Ms. Julagay investigate this case to your satisfaction?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are you satisfied with Ms. Julagay's representation?

THE DEFENDANT: Yes, sir.

App. 21.

The magistrate asked the prosecutor to “explain the elements the government must prove before [Standingrock] can be found guilty of the possession with intent to distribute charge in Count 1 of the indictment.” App. 32. The prosecutor outlined the three elements of the offense. *Id.*

The magistrate did not directly engage Standingrock to determine if he understood the elements of the offense charged in Count 1. *Id.* at 32-33. Instead, the magistrate asked Standingrock's counsel, “Ms. Julagay, did Mr. Starnes correctly set forth the elements forth the charge in Count 1, possession with intent to distribute,” to which she responded, “[y]es, Your Honor.” *Id.* at 33. The magistrate did not ask counsel if she explained the nature of the charge, including the elements of the charge, with Standingrock to determine if he understood the elements. *Id.*

The magistrate then asked the prosecutor to recite the “proof the government would present if this case were to go to trial.” *Id.* at 33. The prosecutor stated:

MR. STARNES: Yes, Your Honor. The United States would prove, in sum:

One: On August 26, 2023, Isaiah Standingrock attempted to evade Rocky Boy's Police Department, leading to a high-speed

pursuit by both the RBPd and Hill County Sheriff's deputies, both on and off the Rocky Boy's Indian Reservation. During the pursuit, Standingrock called 911 several times, threatening to shoot officers and/or himself. Officers watched Standingrock throw various items out of his car window throughout the pursuit, including what appeared to be a gun, which was never recovered, and a blue Nike backpack, which was recovered and later searched. Standingrock later threw a pistol holster at officers during a brief standoff. Ultimately, the defendant was taken into custody without incident.

Two: In a search incident to arrest, officers seized \$430 in various denominations of cash, as well as various empty syringes and a plastic bag. Officers observed what appeared to be fentanyl in plain view in the vehicle. So they seized the vehicle and secured it at the Havre Police Department.

Three: Officers then located a .40 caliber Smith and Wesson round and a .38 caliber SPL +P round, as well as a syringe and tin foil in the blue Nike backpack. They recovered suspected fentanyl pills and fentanyl powder, a tube containing powder residue, a digital scale containing white powder, a flip phone, and a gold iPhone from the vehicle search.

Four: The DEA lab tested the drugs. There were 371.7 grams net weight of methamphetamine and approximately 338 grams of pure methamphetamine. The net weight of the 84 fentanyl tablets ultimately recovered was approximately 9 grams, while the net weight of the fentanyl powder was approximately 1 gram. The DEA also detected methamphetamine, sildenafil, and acetaminophen in the fentanyl powder.

App. 33-34. The prosecutor's recitation of facts mirrored the "Offer of Proof" filed in relation to the plea agreement. App. 33-34, 45-47. Neither the in-court recitation nor the offer of proof explicitly stated that Standingrock possessed the drugs recovered from his car with the intent to distribute them.

The magistrate then engaged Standingrock in the following discussion:

THE COURT: Mr. Standingrock, did you hear what Mr. Starnes stated the proof would be in this case if the government

were to go to trial?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Have you reviewed the written offer of proof filed by the government on or about November 5th of 2024?

THE DEFENDANT: Yes, sir.

THE COURT: Is there anything Mr. Starnes stated here in court today or contained in this written offer of proof with which you disagree or believe to be wrong?

THE DEFENDANT: No, Your Honor.

THE COURT: Ms. Julagay, same question for you.

MS. JULAGAY: Your Honor, could I have just one moment?

THE COURT: You may.

(Off-the-record discussion between Ms. Julagay and the defendant.)

MS. JULAGAY: Thank you, Your Honor. There was one item that Mr. Standingrock and I had discussed during a previous visit that we disagree with, and Mr. Standingrock endorses this as well. Under paragraph 1, where it indicates that Mr. Standingrock called 911 several times, he doesn't deny threatening to shoot himself, but he does deny threatening to shoot the officers. And there are recordings for the 911 call. So should that become relevant at some point –

THE COURT: If it comes up at the sentencing hearing, we can discuss it then. Thank you. Anything else?

MS. JULAGAY: No, Your Honor.

THE COURT: All right. What happened here, Mr. Standingrock?

THE DEFENDANT: Well, Your Honor, I was on the run

because I didn't turn myself in to CCP. And when they pulled me over, because I was on the run, I was already -- I was already -- I was already using drugs. And the only way I know how to get my drugs is by selling drugs.

App. 34-35. The magistrate did not inform Standingrock of the elements of the crime. The magistrate did not personally address Standingrock, nor ask his counsel, if Standingrock understood the nature and elements of the charge. *Id.* Standingrock did not explicitly state that he possessed the drugs found in his car with the intent to distribute them. *Id.*

Standingrock did not object to the magistrate's insufficient colloquy under Rule 11, nor did he challenge the voluntariness of his guilty plea before the district court. The plain error standard of review applied on direct appeal. App. 1; *see, United States v. Vonn*, 535 U.S. 55, 63 (2002) (Fed. R. Crim. P. 11(h), states, "[a] variance from the requirements of [Rule 11] is harmless error if it does not affect substantial rights" but does not "eliminate a silent defendant's burden under the Rule 52(b) plain error review.").¹

REASONS FOR GRANTING THE WRIT

The Ninth Circuit decided an important federal questions that has not, but should be, settled by the Court, and Ninth Circuit conflicts with the Sixth Circuit's decision in *United States v. Ataya*, 884 F.3d 318 (6th Cir. 2018).

1. The Court should resolve the question of whether the federal courts of appeals have an

¹ To obtain relief under the plain error standard of review, a defendant must establish "an 'error' that is 'plain' and that 'affect[s] substantial rights.'" *United States v. Olano*, 507 U.S. 725, 732 (1993). The error must be "'plain,' 'clear' or 'obvious'" *Id.* at 734 (citations omitted). In order for a plain error to "affect[t] substantial rights," the error "must have affected the outcome of the district court proceedings." *Id.* (citations omitted). If the defendant satisfies all three requirements an appellate court may grant relief as long that the plain error that affected substantial rights "seriously affect[s] the fairness, integrity or public reputation of the judicial proceedings." *Id.* at 732 (citations omitted).

obligation to first review the voluntariness of a guilty plea before enforcing a waiver of appeal in a plea agreement, and dismissing an appeal, where a criminal defendant claims a guilty plea violated due process and Fed. R. Crim. P. 11(b)(1)(G), that requires district courts to advise the defendant of, and determine the defendant understands, the nature of the charge to which the defendant pleaded guilty. This question is important as it implicates a federal criminal defendant's due process right as recognized in the Court's previous decisions, dating back to *O'Grady* and *Henderson*. *Henderson*, 426 U.S. at 645 (a defendant must “receive[] real notice of the true nature of the charge against him, the first and most universally recognized requirement of due process.”) (quoting *O'Grady*, 312 U.S. at 334).

Henderson noted:

A plea may be involuntary either because the accused does not understand the nature of the constitutional protections that he is waiving, see, *E. g.*, *Johnson v. Zerbst*, 304 U.S. 458, 464-465, 58 S.Ct. 1019, 1023, 82 L.Ed. 1461, or because he has such an incomplete understanding of the charge that his plea cannot stand as an intelligent admission of guilt. Without adequate notice of the nature of the charge against him, or proof that he in fact understood the charge, the plea cannot be voluntary in this latter sense. *Smith v. O'Grady*, 312 U.S. 329, 61 S.Ct. 572, 85 L.Ed. 859.

Henderson, 426 U.S. at 645 n.13. The Court's previous decisions establish two due process prerequisites underlying Fed. R. Crim. P. 11(b)(1)(G): (1) the record must establish the defendant was informed of the nature of the charge that is the subject of a guilty plea; and (2) the record must establish that the defendant understood that nature of the charge at the time of the guilty plea.

Due process requires, not just that the defendant is informed of the charge during a guilty plea colloquy, but also be informed of and understand the elements of the charge. *Bradshaw v.*

Stumpf, 545 U.S. 175 (2005). In *Stumpf*, the Court recognized that a defendant's guilty plea is not valid "if [the defendant] had not been aware of the nature of the charges against him, *including the elements of the ... charge* to which he pleaded guilty." *Id.* at 182-83 (emphasis added).

Thus, the question is - how does an involuntary guilty plea affect a waiver of appeal in a plea agreement? In a 1999 decision, the Ninth Circuit held that a waiver of appeal in a plea agreement is not enforceable if the record of the plea colloquy fails to establish the defendant was advised of the nature of the charge to which the defendant was pleading. *United States v. Portillo-Cano*, 192 F.3d 1246, 1250-52 (9th Cir. 1999). In 2018, the Sixth Circuit relied on *Portillo-Cano*, stating:

Normally, we must first determine whether a defendant's appeal is barred by an appellate-waiver provision before considering the defendant's arguments on the merits. *See, e.g., Morrison*, 852 F.3d at 490. But here Ataya's argument for why his appeal is not barred by his waiver of appeal rights is the same as why his conviction should be vacated: He did not enter into the plea agreement knowingly due to the district court's Rule 11 error. Appellant Br. at 9. Because the enforceability of the appellate waiver stands or falls with the validity of the agreement, *Ataya*, 869 F.3d at 402, we must consider whether the plea agreement as a whole was knowing and voluntary in order to determine whether Ataya's appeal is barred by his waiver. *United States v. Portillo-Cano*, 192 F.3d 1246, 1250 (9th Cir. 1999) ("[The defendant] is challenging the soundness of his plea allocution under Rule 11, which goes to the heart of whether his guilty plea, including the waiver of appeal, is enforceable. Thus we must determine whether the plea was valid in order to determine if appeal is permitted."); *United States v. Rollings*, 751 F.3d 1183, 1189-90 (10th Cir. 2014) (collecting cases in which courts analyzed "the totality of the plea agreement—both the appellate waiver and the plea provisions—in determining whether the plea agreement was knowing and voluntary" and collapsing the analysis of whether the appellate waiver, and thus whether the circuit court could hear the appeal on its merits, into an analysis of the merits); *United States v. Puentes-Hurtado*, 794 F.3d 1278, 1284 (11th Cir.

2015) (same); cf. *In re Acosta*, 480 F.3d 421, 422 (6th Cir. 2007) (“[I]n cases where a defendant argues that his plea was not knowing or voluntary ... it would be entirely circular for the government to argue that the defendant has waived his right to an appeal or a collateral attack when the substance of his claim challenges the very validity of the waiver itself.”).

Ataya, 884 F.3d at 322.

The Sixth Circuit reviewed the merits of *Ataya*’s appeal to determine if the plea agreement was valid, and combined that review with the plain error claim under *Dominguez Benitez*. *Ataya*, 884 F.3d at 323 (quoting *Dominguez Benitez*, 542 U.S. 74, 76 (2004)) (“To ‘obtain[] relief for an unpreserved Rule 11 failing ... a defendant is obligated to show a reasonable probability that, but for the error, he would not have entered the plea.’”). Under both *Ataya* and *Portillo-Cano* appellate review of whether a guilty plea was involuntary is a necessary step, and is “[n]ormally” separate from the issue of whether the defendant will succeed on the merits of the appeal under a plain error standard of review. *Ataya*, 844 F.3d at 22.

Here, the Ninth Circuit bypassed review the voluntariness Standingrock’s guilty plea. App. 1. Instead of determining whether Standingrock’s guilty was involuntary that may render the waiver of appeal unenforceable, the Ninth Circuit used the plain error standard of review under *Domingez Benitez* to conclude the waiver of appeal is enforceable. App. 1 (“the district court did not plainly error under Federal Rule of Criminal Procedure 11(b)(1)(G) ... and the waiver is enforceable”).

The Ninth Circuit dismissed Standingrock’s appeal without full briefing from both parties on the voluntariness of Standingrock’s guilty plea and the enforceability of the waiver of appeal. See, e.g., *McCarthy v. United States*, 394 U.S. 459, 466 (1969) (“if a defendant’s guilty

plea is not equally voluntary and knowing, it has been obtained in violation of due process and is therefore void.”).² The Ninth Circuit should have allowed both parties to complete the briefing, first by addressing the issue of whether Standingrock’s guilty plea colloquy was inadequate and failed to satisfy due process and Rule 11(b)(1)(G), to determine whether the waiver of appeal in his plea agreement was enforceable.

If the Ninth Circuit determines that Standingrock’s guilty plea was voluntary, then the Ninth Circuit could enforce the waiver of appeal. If the Ninth Circuit determines that Standingrock’s guilty plea was involuntary due to the magistrate’s failure to address Standingrock on the nature of the charge, including the elements of the charge to which he was pleading, then the Ninth Circuit must review whether Standingrock could meet his burden under the plain error standard of review. This is the two-step appellate analysis recognized by the Sixth Circuit in *Ataya*. 844 F.3d at 322 (“Normally, we must first determine whether a defendant’s appeal is barred by an appellate-waiver provision before considering the defendant’s arguments on the merits.”) (citation omitted). Instead of applying this two-step analysis, the Ninth Circuit used the plain error standard of review to enforce Standingrock’s waiver of appeal. This analytical approach conflicts with the Sixth Circuit’s decision in *Ataya* and it’s own decision in *Portillo-Cano*. *Ataya*, 884 F.3d at 332 (citing *Portillo-Cano*, 192 F.3d at 1250).

a. This case presents the Court with an ideal vehicle to resolve the question presented.

² Since *Vonn*, an involuntary guilty plea does not result in automatic reversal as suggested in *McCarthy*. *Vonn* applies a plain error standard of review under Rule 52(b) when a defendant fails to object to a Rule 11 violation. *Vonn*, 535 U.S. at 63 (Rule 11(h) does not eliminate the plain error standard of review for defendants who fail to object to a Rule 11 violation).

The question here is not seeking the Court to decide whether Standingrock will prevail on his direct appeal to the Ninth Circuit. Ultimately, he may not. The question asks the Court to review whether the federal courts of appeals must first review the enforceability of a waiver of appeal in a plea agreement when a defendant claims that a guilty plea was accepted in violation of due process and the requirements in Rule 11(b)(1)(G), that the district court advise the defendant of, the determine the defendant understands, the nature of the charge to which the defendant pleaded guilty.

In this instance, the Ninth Circuit ruled on the merits of Standingrock's plain error issue to dismiss his appeal. App. 1. The court did so before reviewing voluntariness of his guilty plea to determine whether the waiver of appeal should be enforced. *Id.* It is the voluntariness of the guilty plea that affects the enforceability of a waiver of appeal in a plea agreement.

The enforceability of such waiver does not rest on the merits on whether a defendant meets the plain error standard of review under *Dominguez Benitez*. The plain error standard of review goes directly to the merits of an appeal.

Even though the question in this petition does not call upon the Court to decide whether Standingrock's guilty plea was involuntary, the facts surely establish a meritorious issue. In *Stumpf*, 545 U.S. at 183, the Court stated, "we have never held the the judge must himself explain the elements of each charge to the defendant on the record[,] [r]ather, the constitutional prerequisite of a valid plea may be satisfied where the record accurately reflects that the nature of the charge and the elements of the crime were explained to the defendant by his own, competent counsel." *Id.* (citing, *c.f.*, *Henderson*, 426 U.S. at 647).

Here, the record simply shows the prosecutor recited the elements of the offense. App. 32.

The magistrate did not address Standingrock to determine if he understood the elements, instead the magistrate ask defense counsel if the prosecutor “correctly set forth the elements of the offense.” App. 32-33. The magistrate did not ask defense counsel if she explained the elements of the offense with Standingrock, and if in her opinion, he understood the elements of the offense. *Id.* Thus, the magistrates plea colloquy did not satisfy “the constitutional prerequisites of a valid plea.” *Stumpf*, 545 U.S. at 183.

The Ninth Circuit bypassed review on the merits of the voluntariness of Standingrock’s guilty plea, holding that he could not meet the plain error standard of review under *Dominguez Benitez*. App. 1 The Ninth Circuit did so without receiving full briefing on both the voluntariness issue and on the ultimate plain error issue. This procedural misstep is important.

If the government were required to file an answering brief, addressing the plain error issue in this case, the government would assuredly maintain that Standingrock is unable to establish the plain error affected his substantial rights. In other words, he could not “show a reasonable probability that, but for the error,” he would not have pleaded guilty to possession with intent to distribute controlled substance, a prerequisite for obtaining plain error relief from a Rule 11 error. *See, Dominguez Benitez*, 542 U.S. at 76, 83 (a defendant making an “unpreserved Rule 11 failing ... is obliged to show a reasonable probability that, but for, the error, he would not have entered the plea.”).

In his reply to the government’s answering brief, Standingrock would maintain that *Dominguez Benitez* involved an “omitted warning” under Rule 11, namely, the district failed to advise the defendant “that he could not withdraw his guilty plea if the court did not accept the Government’s recommendation.” *Id.* at 80. The Supreme Court instructed, “[t]he point is to

enquire whether the *omitted warning* would have made a difference [under] a standard of reasonably probability.” *Id.* (emphasis added).

The magistrate’s error ins this case is not an “omitted warning.” It is the failure to ensure that Standingrock was informed of and determine that he understood the nature of the charge to which he was pleading as required under Fed. R. Crim. P. 11(b)(1)(G). Rule 11(b)(1)(G) has it roots in due process. *Henderson*, 426 U.S. at 645.

In *Dominguez Benitez*, the Court noted an omitted warning is a “point of contrast with the constitutional question whether a defendant's guilty plea was knowing and voluntary.”

Dominguez Benitez, 542 U.S. at 84 n. 10. *Dominguez Benitez*, therefore, leaves open the question of whether a failure to advise the defendant of, and determine the defendant understands, the nature of the charge satisfies the third prong of the plain error standard of review because such failure affects a criminal defendant’s substantial right to due process.

Olano recognized that “[t]here may be a special category of forfeited errors that can be corrected regardless of their effect on the outcome....” 507 U.S. at 735. The dismissal of Standingrock’s appeal cut short Standingrock’s appeal on this issue.

The Court recently explained that the Court’s “usual practice” is to “decline to decide in the first instance how [a] dispute should come out...” *Hunter v. United States*, 608 U.S. 713, 730 (2026). The Court is ““a court of review, not of first view.”” *Id.* (quoting *Cutter v. Wilkinson*, 544 U.S. 709, 718, n. 7 (2005)).

This case presents the Court with an ideal vehicle to resolve the question. Resolution of the question would ensure that the courts of appeals provide proper review of a defendants appeal when confronted with a decision on whether to enforce a waiver of appeal in a plea agreement

when the defendant claims the guilty plea underlying the waiver was involuntary. Therefore, the Court is requested to accept review to determine whether the federal courts of appeals are obligated to review the voluntariness of a defendant's guilty plea relating to the enforcement of a waiver of appeal on a claim that the defendant's guilty plea violated the due process principles underlying the requirements in Rule 11(b)(1)(G).

The Sixth Circuit's decision in *Ataya* properly recognizes that a court of appeals "normally" reviews first a defendant's claim that a waiver of appeal in a plea agreement is unenforceable due to an insufficient plea colloquy under Rule 11(b)(1)(G). *Ataya*, 884 F.3d at 322. Here, the Ninth Circuit failed to fully review the merits of Standingrock's claim that his guilty plea was not voluntary before dismissing his appeal, concluding he failed to meet the plain error standard of review in *Dominguez Benitez*. App. 1.

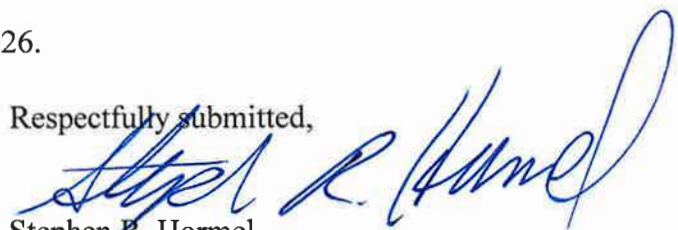
The Ninth Circuit's order dismissing Standingrock's appeal decision conflicts with *Ataya*. This petition raised an important federal question that should be decided by the Court.

CONCLUSION

Based on the foregoing, it is requested that this Court grant this petition for writ of certiorari.

Dated this 21st day of September, 2026.

Respectfully submitted,



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Attorney for Standingrock

Appendix

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 24 2026

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISAIAH STARR STANDINGROCK,

Defendant - Appellant.

No. 25-3932

D.C. No.

4:24-cr-00033-BMM-1

District of Montana,
Great Falls

ORDER

Before: CANBY, BENNETT, and BADE, Circuit Judges.

The unopposed motion (Docket Entry No. 20) for an extension of time to file a response to the motion to dismiss is granted. The response has been filed.

The motion (Docket Entry No. 19) to dismiss this appeal in light of the valid appeal waiver is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th

Cir. 2011) (knowing and voluntary appeal waiver whose language encompasses the right to appeal on the grounds raised is enforceable). Contrary to appellant's

assertion, the district court did not plainly err under Federal Rule of Criminal

Procedure 11(b)(1)(G), *see United States v. Dominguez Benitez*, 542 U.S. 74, 81-83 (2004), and the waiver is enforceable.

DISMISSED.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ISAIAH STARR STANDINGROCK,
Defendant.

Criminal Docket
No. CR-24-33-GF-BMM

Court of Appeals
No. 25-3932

Transcript of Change of Plea

Missouri River Federal Courthouse
125 Central Avenue West
Great Falls, MT 59404
Tuesday, December 3, 2024
11:00 a.m. to 11:36 a.m.

BEFORE THE HONORABLE BRIAN MORRIS
UNITED STATES CHIEF DISTRICT COURT JUDGE

Yvette Heinze, RPR, CSR
United States Court Reporter
Missouri River Federal Courthouse
125 Central Avenue West
Great Falls, MT 59404
yvette_heinze@mtd.uscourts.gov
(406) 454-7805

Proceedings recorded by machine shorthand
Transcript produced by computer-assisted transcription

APPEARANCES

PRESENT ON BEHALF OF THE PLAINTIFF,
UNITED STATES OF AMERICA:

Jeff Starnes
Assistant US Attorney
OFFICE OF THE US ATTORNEY
119 1st Avenue North, Suite 300
Great Falls, Montana 59401

PRESENT ON BEHALF OF THE DEFENDANT:

Rachel Julagay
FEDERAL DEFENDERS OF MONTANA
104 2nd Street South, Suite 301
Great Falls, MT 59401

PROCEEDINGS

(Open court.)

(Defendant present.)

THE COURT: Madam Clerk, please call the next case on the Court's calendar.

THE CLERK: This Court will now conduct a change of plea hearing in Cause Number CR-24-33-GF-BMM, United States of America versus Isaiah Starr Standingrock.

THE COURT: Good morning, Mr. Starnes.

MR. STARNES: Good morning, Your Honor.

THE COURT: I want to apologize for questioning your veracity in the last hearing. I checked during the break with the Chamber of Commerce, and The Motel is still operating in Big Sandy.

MR. STARNES: Ah, fair enough. That's what I thought, just the one.

THE COURT: So I asked for directions, and she said if you go past the stop sign to the gas station, and then on the right is The Motel, right before the road to the former senator's farm.

MR. STARNES: There you go.

THE COURT: Okay. Thank you.

Good morning, Ms. Julagay.

MS. JULAGAY: Good morning, Your Honor.

THE COURT: And good morning, Mr. Standingrock.

1 THE DEFENDANT: Good morning, Your Honor.

2 THE COURT: Do we have a plea agreement, Mr. Starnes?

3 MR. STARNES: We do, Your Honor.

4 THE COURT: Would you outline the terms for me?

5 MR. STARNES: Yes, Your Honor. The defendant has
6 agreed to plead guilty to Count 1 of the indictment which
7 charges possession with intent to distribute controlled
8 substances in violation of 21 USC Section 841, to admit that he
9 possessed a dangerous weapon in connection with that offense,
10 in this case it was a firearm, and to plead true to the
11 forfeiture allegation.

12 If the Court accepts the agreement, at sentencing the
13 United States will move to dismiss Count 2 of the indictment,
14 and the United States further agrees not to seek an enhanced
15 penalty under 21, United States Code, Section 851, due to the
16 defendant committing this offense after having one prior
17 controlled substances conviction.

18 THE COURT: Any victim for purposes of the statute?

19 MR. STARNES: No, Your Honor.

20 THE COURT: All right. Thank you.

21 Mr. Standingrock, would you please raise your right
22 hand to be sworn as a witness.

23 (Defendant placed under oath.)

24 THE COURT: Mr. Standingrock, you are now under oath,
25 sir. If you say something to me during the hearing today

1 that's false or misleading, you could subject yourself to
2 further prosecution for admitting a false or misleading
3 statement.

4 Do you understand?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: The hearing will take about 30 minutes.
7 At any point if you have any questions for me or if you need to
8 speak with Ms. Julagay, please let me know.

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Before I accept any plea of guilty from
11 you, I must be satisfied that your plea is entirely voluntary.
12 I must be satisfied you understand fully what's happening at
13 this hearing. I also must be convinced that you understand the
14 charges against you; that you understand the consequences of
15 entering a guilty plea; that you understand the potential
16 penalties you could face if you were to enter a guilty plea and
17 I accept that plea; and that you understand the rights you
18 would be waiving if you were to enter a guilty plea and I
19 accept that plea.

20 I also must satisfy myself that the government could
21 prove the charge against you to which you are planning to enter
22 a guilty plea.

23 Do you understand so far?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. I need to get some background

1 information, sir.

2 How old are you?

3 THE DEFENDANT: 33.

4 THE COURT: Are you married?

5 THE DEFENDANT: No.

6 THE COURT: Any children?

7 THE DEFENDANT: Yes.

8 THE COURT: What ages?

9 THE DEFENDANT: 16, 10, and 5.

10 THE COURT: Where do they live?

11 THE DEFENDANT: They live out in Rocky Boy with my

12 mother.

13 THE COURT: Okay. What education have you had in

14 your life, sir?

15 THE DEFENDANT: My GED.

16 THE COURT: Did you attend any high school?

17 THE DEFENDANT: Yeah.

18 THE COURT: How far did you get?

19 THE DEFENDANT: Junior.

20 THE COURT: Where did you go?

21 THE DEFENDANT: West Mesa High School in Albuquerque,

22 New Mexico, and Box Elder and Rocky Boy High School.

23 THE COURT: Did you drop out?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Why did you drop out?

1 THE DEFENDANT: Probably, I would say, due to drugs
2 and alcohol.

3 THE COURT: Okay. Have you had any education or
4 training since then?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: When did you get your GED?

7 THE DEFENDANT: 2010, I would say.

8 THE COURT: Okay. What about jobs? What kind of
9 work have you done?

10 THE DEFENDANT: I did a little bit of construction,
11 concrete finishing and laying for my Uncle Darren Sun Child. I
12 worked for the tribe during COVID doing security. That's
13 really -- that's really the extent of it, Your Honor.

14 THE COURT: Some medical questions now, sir: Have
15 you ever been treated for any kind of mental illness?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: What?

18 THE DEFENDANT: Depression, anxiety.

19 THE COURT: When was that?

20 THE DEFENDANT: Since I've been incarcerated, maybe
21 three or four years ago.

22 THE COURT: Are you taking medication for depression?

23 THE DEFENDANT: While I'm incarcerated.

24 THE COURT: Pardon me?

25 THE DEFENDANT: While I'm incarcerated.

1 THE COURT: You are taking it now?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: What is it?

4 THE DEFENDANT: Zoloft, and I'm not sure what the
5 other one -- what the name is for the other medication.

6 THE COURT: Is it Abilify or Citrulline?

7 THE DEFENDANT: That's the -- Citrulline is the
8 Zoloft. I'm not sure what -- what the name of the medicine is
9 here in Great Falls, but when I -- I just came from the BOP,
10 and in the BOP I was on Remeron and Amitriptyline.

11 THE COURT: Okay. And now you're on Zoloft and
12 something else?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: How often are you taking Zoloft?

15 THE DEFENDANT: I take two 100 milligrams every day.

16 THE COURT: Morning or night?

17 THE DEFENDANT: Just at night.

18 THE COURT: Did you have them last night?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Any side effects?

21 THE DEFENDANT: No.

22 THE COURT: Does your use of Zoloft affect in any way
23 your ability to understand what's happening here today?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: And you have another drug. Is it

1 anti-anxiety or anti-depression, the other drug?

2 THE DEFENDANT: Anti-anxiety. Actually, the other
3 drug, the other medication is for night terrors.

4 THE COURT: How often are you taking the medication
5 for night terrors?

6 THE DEFENDANT: Every night.

7 THE COURT: Did you have one last night?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Any side effects?

10 THE DEFENDANT: No.

11 THE COURT: Does your use of the medication for the
12 night terrors affect in any way your ability to understand
13 what's happening here?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Any other treatment for mental illness?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Have you been treated for drug abuse or
18 alcohol abuse?

19 THE DEFENDANT: Yes.

20 THE COURT: When?

21 THE DEFENDANT: Back in 2017, I do believe.

22 THE COURT: Where was that?

23 THE DEFENDANT: In Havre. Havre, Montana.

24 THE COURT: How long were you there?

25 THE DEFENDANT: Actually, I overdosed at the time.

1 THE COURT: While you were in treatment or before?

2 THE DEFENDANT: No, no, no. No, I wasn't in
3 treatment. The only treatment I've attended is at the Alpha
4 House in Billings.

5 THE COURT: When did you go to Alpha House?

6 THE DEFENDANT: September to October 31st in 2022.

7 THE COURT: Did you complete the program?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: What happened?

10 THE DEFENDANT: I end up failing the UA.

11 THE COURT: Okay. What drug were you using?

12 THE DEFENDANT: Fentanyl.

13 THE COURT: Any other treatment for drug abuse or
14 alcohol abuse?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Are you currently under the influence of
17 alcohol or any kind of drug?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Are you seeing a doctor?

20 THE DEFENDANT: I've been seeing a mental health.

21 THE COURT: Okay. And we talked about the
22 medications you are currently taking. Anything else you're
23 taking, medications, either prescription drugs or
24 over-the-counter drugs?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Mr. Standingrock, is there anything about
2 your physical condition or your mental condition that affects
3 your ability to understand what's happening here today?

4 THE DEFENDANT: No.

5 THE COURT: What are we doing at this hearing, sir?

6 THE DEFENDANT: Changing my plea.

7 THE COURT: Is that part of a deal you have with the
8 US Government?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Let's talk about the charges against you,
11 Mr. Standingrock.

12 Did you receive a copy of the indictment?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you read it?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you discussed it with Ms. Julagay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Let's go over it here. The
19 indictment charges you with two crimes. Count 1 charges
20 possession with intent to distribute controlled substances.

21 Do you understand that charge, sir?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: I believe that's methamphetamine and
24 fentanyl.

25 Count 2 alleges that you possessed a firearm while

1 you're prohibited from having one.

2 Do you understand that charge, sir?

3 THE DEFENDANT: I believe it was just -- the charge
4 is possession of ammunition.

5 THE COURT: Ammunition, excuse me. Not a firearm,
6 ammunition.

7 Do you understand that charge?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right. Mr. Standingrock, it's my
10 understanding you came to court and you entered not guilty
11 pleas on these charges.

12 Oh, there's also a forfeiture allegation. I'm sorry.
13 The government seeks to recover any property or proceeds
14 derived from or related to the drug crime and the ammunition as
15 well.

16 Do you understand that forfeiture allegation?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Now, Mr. Standingrock, it's my
19 understanding you came to court, and you entered not guilty
20 pleas to the criminal charges and not true on the forfeiture
21 allegation. Is that correct?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you understand you have the right to
24 continue to plead not guilty, go to trial, and force the
25 government to try to prove these charges against you?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Instead of going to trial, it's my
3 understanding there's a plea agreement. Is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Do you have a copy of that
6 plea agreement, sir? Do you have it there?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: The document I have is ten pages in
9 length. Is that what yours is?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Please turn to page 10. There's a
12 signature line on page 10 for Isaiah Starr Standingrock.

13 Do you see that line?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Is that your signature above the line,
16 sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did you sign page 10 of the plea
19 agreement after you read every paragraph and page of it?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you see at the bottom of each page,
22 sir, there's the typed letters "DEF" for defendant?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Bottom of that someone's written the
25 initials "IS." Did you write those initials?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Did you initial the bottom of each page
3 to indicate you understood everything on that page?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Let's go through a few items on the
6 agreement. Please turn to page 2. Paragraph 2, entitled
7 "charges" -- or "charge," excuse me. According to paragraph 2,
8 you agree to plead guilty to Count 1, which is the possession
9 with intent to distribute charge, and to admit you possessed a
10 firearm in connection with this offense. And you're also going
11 to plead true to the forfeiture allegation. Is that correct?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. Now, at the bottom of that
14 paragraph it explains the government's obligation. The
15 government is going to file a motion to dismiss Count 2, the
16 prohibited person charge, at the time of your sentencing if I
17 accept this plea agreement.

18 Do you understand that obligation?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: The government also agrees, in exchange
21 for concessions made by you, they're not going to file any
22 effort to seek enhanced penalties based on your prior
23 drug-related felony convictions.

24 Do you understand that concession as well?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Now, Mr. Standingrock, please turn to
2 page 7, paragraph 8. It's entitled, "Waiver of appeal of the
3 sentence unconditional."

4 Do you see that paragraph, sir?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Normally, Mr. Standingrock, you would
7 have a right to appeal any sentence I impose. You could ask
8 the Court of Appeals to review the sentence if you thought it
9 was improper or illegal in some way.

10 Do you understand that right?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: In this case, based on concessions made
13 by the US Government, you're going to waive your right to
14 appeal any sentence I impose.

15 Do you understand that waiver?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You're also going to waive your right to
18 file a collateral attack against your sentence. And a
19 collateral attack is a device available after the case is over
20 and you think there was something improper or illegal about
21 your sentence, you can try to pursue a collateral attack.
22 That's commonly referred to as a writ of habeas corpus. And
23 that's authorized by Title 28, United States Code, Section 2241
24 or 2255.

25 Based on those same concessions made by the

1 US Government, you're going to waive your right to pursue a
2 collateral attack on your sentence through a writ of habeas
3 corpus.

4 Do you understand that waiver?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: There's an exception to the waiver, sir.
7 If you were to claim after the case is over that Ms. Julagay
8 provided you with ineffective assistance of counsel, you could
9 try to pursue a writ of habeas corpus. There's no bar against
10 it, but there's no guarantee you would be successful.

11 Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Now, paragraph 9 is entitled,
14 "FOIA waiver." Do you see that paragraph?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: FOIA stands for the Freedom of
17 Information Act. That's the law that allows citizens of our
18 country to obtain documents from the government. In this case
19 you are going to waive your right to seek any records or
20 information related to the investigation or prosecution of this
21 case.

22 Do you understand that waiver, sir?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Then, paragraph 10, is loss
25 of federal benefits. This is a federal drug crime. As a

1 result of this conviction, you no longer will be eligible for
2 assistance under any state program funded under part A of
3 Title 4 of the Social Security Act or benefits under the Food
4 Stamp Act. Those are both food security programs for which you
5 no longer would be eligible.

6 Do you understand that effect?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And, finally, paragraph 11, forfeiture,
9 you're going to abandon the property listed on page 9: \$430 of
10 US Currency, a .40-caliber Smith & Wesson round, a .38-caliber
11 round, a flip phone, and an iPhone with gold trim seized by the
12 FBI. You're waiving your right to those items.

13 Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Mr. Standingrock, this 10-page plea
16 agreement, is this the only deal you have with the
17 US Government?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are there any side deals I don't know
20 about?

21 THE DEFENDANT: No, sir.

22 THE COURT: Ms. Julagay, the 10-page plea agreement
23 we've discussed today, does it represent the best deal offered
24 by the US Government?

25 MS. JULAGAY: Yes, Your Honor.

1 THE COURT: Did you communicate all offers from the
2 US Government to Mr. Standingrock?

3 MS. JULAGAY: Yes, Your Honor.

4 THE COURT: How many were there?

5 MS. JULAGAY: Just one reduced to writing.

6 THE COURT: Is this the only offer you received,
7 Mr. Standingrock?

8 THE DEFENDANT: Excuse me?

9 THE COURT: Is this the only offer you received from
10 the government?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Mr. Starnes, do you agree the 10-page
13 plea agreement we've discussed represents the best deal offered
14 by the government?

15 MR. STARNES: I do, Your Honor.

16 THE COURT: How many did you offer?

17 MR. STARNES: One, Your Honor.

18 THE COURT: All right. Any questions on the plea
19 agreement, Mr. Standingrock?

20 THE DEFENDANT: No, sir.

21 THE COURT: Now, before I can accept a plea of
22 guilty, I must explain the potential penalties you could face
23 if you were to enter a guilty plea on Count 1 and I accept that
24 plea.

25 Count 1, possession with intent to distribute

1 controlled substances, has a mandatory minimum of ten years to
2 a maximum of --

3 Is this fentanyl or methamphetamine or both?

4 MR. STARNES: I believe it's -- let me check. So
5 it's going to be both, so multiple controlled substances.

6 THE COURT: Okay. So it's a mandatory minimum of ten
7 years to life, a maximum on the methamphetamine, and a fine of
8 up to \$10 million, and at least five years of supervised
9 release.

10 And fentanyl has a maximum term of 20 years, a fine
11 of up to \$1 million, and at least three years of supervised
12 release.

13 Do you understand those maximum punishments, sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Let me ask you now about your counsel,
16 Ms. Julagay. Has she represented you throughout this process?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have you discussed your case with
19 Ms. Julagay?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Have you discussed the facts of your case
22 with Ms. Julagay?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Did you discuss with Ms. Julagay the
25 charges the government alleges against you?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Did you discuss with Ms. Julagay whether
3 you have any potential defenses to those charges?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Did Ms. Julagay investigate this case to
6 your satisfaction?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Are you satisfied with Ms. Julagay's
9 representation?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Now, Mr. Standingrock, before
12 I can accept a plea of guilty from you, I must explain
13 important constitutional rights that you currently possess that
14 you would waive if you were to enter a guilty plea and I accept
15 that plea.

16 First thing, sir, this is a trial court. If you want
17 to have a trial, either before a jury or directly before me,
18 you will get one.

19 Do you understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: If you ask for a jury trial, the jury
22 would be comprised of 12 people randomly selected from the jury
23 pool of licensed drivers and registered voters who live in the
24 Great Falls Division of this court.

25 Do you understand, sir?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: If you ask for a trial, you'd be entitled
3 to certain rights. You would have the right to be represented
4 by Ms. Julagay throughout the trial process, and her services
5 would be provided at no expense to you.

6 Do you understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: If you went to trial, you'd have the
9 right to confront all of the witnesses presented by the
10 government through cross-examination by Ms. Julagay.

11 Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If you went to trial you'd have the right
14 to call your own witnesses. And, if necessary, I could force
15 those persons to attend the trial to testify on your behalf.

16 Do you understand?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: If you went to trial, you'd have the
19 right to testify in your own defense.

20 Do you understand?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: As importantly, Mr. Standingrock, you
23 have the right not to testify. You cannot be compelled to
24 testify against yourself.

25 Do you understand?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: If you went to trial and you exercise
3 your right not to testify, I would instruct the jury they
4 cannot consider your decision to exercise that right in
5 evaluating your guilt or innocence.

6 Do you understand?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: If you asked for a jury trial, I would
9 instruct that jury on a number of other important matters. I
10 would instruct the jury that you are presumed innocent.

11 Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I would instruct the jury that each
14 charge against you must be proven beyond a reasonable doubt.

15 Do you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I would instruct the jury the burden to
18 prove you guilty rests entirely with the United States
19 Government.

20 Do you understand?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: I would instruct the jury that any
23 verdict, whether guilty or not guilty, must be unanimous.

24 Do you understand?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Mr. Standingrock, if you went to trial
2 and the jury found you guilty, you would have the right to
3 appeal that conviction to the United States Court of Appeals
4 for the Ninth Circuit. That Court possesses the authority to
5 set aside your conviction and grant you a new trial if they
6 were to determine that I had made a legal error at trial or you
7 had not received a fair trial.

8 Do you understand?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Standingrock, if you plead guilty and
11 I accept that plea, you are going to waive all of those rights.
12 There will be no trial for you to confront the government's
13 witnesses.

14 Do you understand?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: No trial for you to call your own
17 witnesses?

18 Do you understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: No trial for you to testify in your own
21 defense.

22 Do you understand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You would relieve the government of its
25 burden of proving you guilty because you would be admitting to

1 your guilt.

2 Do you understand, sir?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: You'd also waive your right to appeal
5 your conviction because, once again, you'd be admitting your
6 guilt.

7 Do you understand, sir?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So, Mr. Standingrock, understanding all
10 of those rights, do you want to waive those rights to enter a
11 guilty plea, or do you want to go to trial?

12 THE DEFENDANT: I want to waive my rights.

13 THE COURT: And enter a guilty plea?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Any questions on your rights, sir?

16 THE DEFENDANT: No, sir.

17 THE COURT: All right. I explained a minute ago the
18 potential punishment. Those are direct consequences of a
19 guilty plea. Collateral consequences also flow from that
20 guilty plea, and these involve the loss of certain civil
21 rights. You would lose your right to vote, you'd lose your
22 right to hold public office, and you'd lose your right to serve
23 on a jury or grand jury. Those rights would be restored
24 automatically under Montana law once you've completed your
25 sentence in this case.

1 You'd also lose your right to possess a firearm, and
2 the ban on firearm ownership would likely last your entire
3 life.

4 Do you understand, sir?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Any questions on those consequences?

7 THE DEFENDANT: No, sir.

8 THE COURT: Mr. Standingrock, if I were to sentence
9 you to a term in prison in this case, there's no possibility
10 you could be released early on parole. Parole no longer exists
11 in the federal court system. You'd likely have to serve the
12 entire term I impose.

13 Do you understand, sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: If I were to impose a term in prison,
16 that likely would be followed by a period of supervised release
17 during which time you'd be under the supervision of the United
18 States Probation Office. You'd be required to comply with a
19 number of standard conditions that attach to any person
20 convicted of a felony crime in this district. You'd also be
21 required to comply with any special conditions that I might
22 tailor to your particular circumstances. If you fail to comply
23 with any of the standard conditions or any of the special
24 conditions, I possess the authority to revoke your supervised
25 release and return you to prison.

1 Do you understand, sir?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Standingrock, is anyone forcing you
4 to plead guilty today?

5 THE DEFENDANT: No, sir.

6 THE COURT: Has anyone threatened you?

7 THE DEFENDANT: No, sir.

8 THE COURT: Are you planning to enter a guilty plea
9 to cover up for someone else's wrongdoing?

10 THE DEFENDANT: No, sir.

11 THE COURT: Now, Mr. Standingrock, the punishment you
12 receive here will depend in part on whether you have any
13 previous criminal history. So I'm going to ask you directly.
14 Do you have any prior felony convictions in state court or
15 federal court?

16 THE DEFENDANT: Yes, sir, in federal court.

17 THE COURT: What year was that?

18 THE DEFENDANT: 2018 and 2021.

19 THE COURT: Have you completed those sentences yet?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Anything else?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right. So those previous convictions
24 could result in a longer sentence in this case.

25 Do you understand, sir?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Let me explain how the sentencing process
3 works. If you plead guilty and I accept the plea, the US
4 Probation Office will prepare a presentence investigation
5 report. That report will contain a calculation of what's
6 called your recommended sentence range. To calculate that
7 range, probation office first determines your base offense
8 level. The base offense level attaches to the crime to which
9 you entered a guilty plea. In this case that will be the
10 possession with intent to distribute charge in Count 1.

11 You will receive a certain number of points for that
12 charge based on how serious it's considered. Probation office
13 can adjust that number up or down depending on a variety of
14 factors. For example, if you were to accept responsibility for
15 your crime, that would lower your offense level.

16 Do you understand?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Once the probation office completes any
19 adjustments to your offense level, they would then determine
20 your criminal history category. Probation office will look to
21 every encounter you had with law enforcement, whether as a
22 juvenile or as an adult, and that's with tribal, state, or
23 federal law enforcement officers.

24 Probation office scores all of those encounters with
25 law enforcement as with a zero, a one, a two, or a three.

1 Probation office is concerned mainly with what's called a
2 scorable offense. A scorable offense typically involves a
3 situation in which you are charged with a crime, convicted of a
4 crime, and a court imposed sentence on you.

5 Probation office will add up any points you may have
6 earned from those encounters with law enforcement to determine
7 your total criminal history score. That score translates to
8 one of six criminal history categories.

9 Are you following so far, sir?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. We then look at this
12 sentencing table. Have you seen this before, Mr. Standingrock?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you have a copy in front of you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Please follow along while I go over it.
17 On the left-hand column, it shows offense levels range from 1
18 to 43. The higher your offense level, meaning the more serious
19 your crime is considered, the longer the recommended sentence
20 range will be.

21 Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You want to be as close to the top of the
24 chart as possible.

25 Do you understand?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: The first row on top shows six separate
3 criminal history categories. The higher your criminal history
4 category, meaning the more prior convictions you have, the
5 longer your recommended sentence range will be.

6 Do you understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You want to be as close to the left side
9 of the chart as possible.

10 Do you understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You may get some points from those prior
13 federal convictions. That could affect that category.

14 Do you understand?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: We then find the intersection of your
17 offense level and your criminal history category. That
18 intersection reveals your recommended sentence range. The
19 chart sets forth your recommended sentence range in terms of
20 months of imprisonment.

21 Do you understand how that chart works, sir?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Any questions about it?

24 THE DEFENDANT: No, sir.

25 THE COURT: Mr. Standingrock, I have to emphasize

1 sitting here today we don't know exactly where you would fall
2 on that chart. Until the probation office determines your
3 adjusted offense level and your criminal history category, the
4 best that you or I could do is make an educated guess as to
5 where you might fall on that chart.

6 Do you understand?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: After we determined your recommended
9 sentence range, it's my obligation to evaluate a number of
10 factors set forth by Congress at Title 18, United States Code,
11 Section 3553(a). These factors could be used to support a
12 sentence longer than the recommended sentence range, or they
13 could be used to support a sentence shorter than the
14 recommended sentence range. It depends how these factors apply
15 to you.

16 The factors that I will analyze include your history
17 and characteristics, the nature and circumstances of the
18 offense, the need for just punishment, and the need to promote
19 respect for the law.

20 After I evaluate those factors, I will conduct the
21 sentencing hearing. At the hearing Ms. Julagay gets a chance
22 to speak on your behalf to recommend appropriate sentence. You
23 have a right to speak at the hearing. Any of your family or
24 friends can speak at the hearing or, in the alternative, your
25 family and friends can submit written letters of support.

1 Mr. Starnes will speak for the government to recommend an
2 appropriate sentence from its perspective. At the end of that
3 hearing, it's my obligation to consider all of the information
4 provided to me to determine a sentence that would be sufficient
5 but not greater than necessary.

6 Do you understand the process, sir?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Any questions about sentencing?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: All right. Mr. Standingrock, I'm now
11 going to ask Mr. Starnes to explain the elements the government
12 must prove before you can be found guilty of the possession
13 with intent to distribute charge in Count 1 of the indictment.

14 Mr. Starnes.

15 MR. STARNES: Thank you, Your Honor. There are three
16 elements of the offense:

17 First, the defendant knowingly possessed
18 methamphetamine and fentanyl, each of which is a Schedule II
19 controlled substance;

20 Second, the defendant possessed the controlled
21 substances with the intent to distribute them to another
22 person; and

23 Third, the offense involved 50 grams or more of
24 actual methamphetamine and a substance containing a detectable
25 amount of fentanyl.

1 THE COURT: Ms. Julagay, did Mr. Starnes correctly
2 set forth the elements for the charge in Count 1, possession
3 with intent to distribute?

4 MS. JULAGAY: Yes, Your Honor.

5 THE COURT: Thank you.

6 Mr. Starnes, please now describe the proof the
7 government would present if this case were to go to trial.

8 MR. STARNES: Yes, Your Honor. The United States
9 would prove, in sum:

10 One: On August 26, 2023, Isaiah Standingrock
11 attempted to evade Rocky Boy's Police Department, leading to a
12 high-speed pursuit by both the RBPD and Hill County Sheriff's
13 deputies, both on and off the Rocky Boy's Indian Reservation.

14 During the pursuit, Standingrock called 911 several
15 times, threatening to shoot officers and/or himself. Officers
16 watched Standingrock throw various items out of his car window
17 throughout the pursuit, including what appeared to be a gun,
18 which was never recovered, and a blue Nike backpack, which was
19 recovered and later searched. Standingrock later threw a
20 pistol holster at officers during a brief standoff.
21 Ultimately, the defendant was taken into custody without
22 incident.

23 Two: In a search incident to arrest, officers seized
24 \$430 in various denominations of cash, as well as various empty
25 syringes and a plastic bag. Officers observed what appeared to

1 be fentanyl in plain view in the vehicle. So they seized the
2 vehicle and secured it at the Havre Police Department.

3 Three: Officers then located a .40 caliber Smith and
4 Wesson round and a .38 caliber SPL +P round, as well as a
5 syringe and tin foil in the blue Nike backpack. They recovered
6 suspected fentanyl pills and fentanyl powder, a tube containing
7 powder residue, a digital scale containing white powder, a flip
8 phone, and a gold iPhone from the vehicle search.

9 Four: The DEA lab tested the drugs. There were
10 371.7 grams net weight of methamphetamine and approximately 338
11 grams of pure methamphetamine. The net weight of the 84
12 fentanyl tablets ultimately recovered was approximately
13 9 grams, while the net weight of the fentanyl powder was
14 approximately 1 gram. The DEA also detected methamphetamine,
15 sildenafil, and acetaminophen in the fentanyl powder.

16 THE COURT: Thank you.

17 MR. STARNES: Thank you, Your Honor.

18 THE COURT: Mr. Standingrock, did you hear what
19 Mr. Starnes stated the proof would be in this case if the
20 government were to go to trial?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Have you reviewed the written offer of
23 proof filed by the government on or about November 5th of 2024?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Is there anything Mr. Starnes stated here

1 in court today or contained in this written offer of proof with
2 which you disagree or believe to be wrong?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Ms. Julagay, same question for you.

5 MS. JULAGAY: Your Honor, could I have just one
6 moment?

7 THE COURT: You may.

8 (Off-the-record discussion between Ms. Julagay and the
9 defendant.)

10 MS. JULAGAY: Thank you, Your Honor.

11 There was one item that Mr. Standingrock and I had
12 discussed during a previous visit that we disagree with, and
13 Mr. Standingrock endorses this as well.

14 Under paragraph 1, where it indicates that
15 Mr. Standingrock called 911 several times, he doesn't deny
16 threatening to shoot himself, but he does deny threatening to
17 shoot the officers. And there are recordings for the 911 call.
18 So should that become relevant at some point --

19 THE COURT: If it comes up at the sentencing hearing,
20 we can discuss it then. Thank you.

21 Anything else?

22 MS. JULAGAY: No, Your Honor.

23 THE COURT: All right. What happened here,
24 Mr. Standingrock?

25 THE DEFENDANT: Well, Your Honor, I was on the run

1 because I didn't turn myself in to CCP. And when they pulled
2 me over, because I was on the run, I was already -- I was
3 already -- I was already using drugs. And the only way I know
4 how to get my drugs is by selling drugs.

5 THE COURT: Why didn't you turn yourself in to the
6 CCP?

7 THE DEFENDANT: I have no real excuse why I didn't go
8 or why I didn't attend. I just -- you know, when I got out of
9 SeaTac, you know, honestly, I got high before I even -- before
10 I even got on the train.

11 THE COURT: All right. Well, Mr. Standingrock, you
12 and I are becoming way too familiar. You have to get your life
13 under control. You are not getting any younger.

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: This is crazy behavior. You're high
16 before you are even on the train home. It's not getting
17 through.

18 All right. Mr. Starnes, are you satisfied with
19 Mr. Standingrock's allocution?

20 MR. STARNES: I am, Your Honor.

21 THE COURT: That incorporates the written offer of
22 proof, as well as subject to the one objection raised by
23 Ms. Julagay, which I don't think is relevant to the element of
24 the charge of conviction.

25 MR. STARNES: Thank you, Your Honor.

1 THE COURT: So, Mr. Standingrock, based on our
2 discussion today, I'm going to grant the motion filed by
3 Ms. Julagay to withdraw the not guilty plea you entered on
4 Count 1 and the not true on the forfeiture allegation.

5 Are you ready to enter a new plea, sir?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Mr. Standingrock, how do you plead to
8 Count 1 that charges the crime of possession with intent to
9 distribute controlled substances in violation of Title 21,
10 United States Code, Section 841(a)(1)?

11 THE DEFENDANT: Guilty.

12 THE COURT: How do you plead to the forfeiture
13 allegation, true or not true?

14 THE DEFENDANT: True.

15 THE COURT: I find the case of the United States of
16 America versus Isaiah Starr Standingrock, Mr. Standingrock is
17 fully competent and capable of entering an informed plea.

18 I find Mr. Standingrock is aware fully of the nature
19 of the charge to which he's entered a guilty plea.

20 I find Mr. Standingrock understands the consequences
21 of that plea.

22 I find he understands the maximum punishment could
23 include up to life in prison, a fine of up to \$10 million, and
24 at least five years of supervised release.

25 It's also my finding Mr. Standingrock's plea of

1 guilty constitutes a knowing and voluntary plea, supported by
2 an independent basis in fact establishing each of the essential
3 elements of the offense.

4 Mr. Standingrock, I believe if a jury heard the proof
5 provided by the government, it would find beyond a reasonable
6 doubt that you are guilty of possession with intent to
7 distribute controlled substances as charged in Count 1 of the
8 indictment.

9 I'm further satisfied based on your own sworn
10 testimony here in open court that you are in fact guilty of
11 this offense.

12 So I accept your plea of guilty to the charge of
13 possession with intent to distribute controlled substances
14 violation of Title 21, United States Code, Section 841(a)(1) as
15 charged in Count 1, and I accept your plea of true to the
16 forfeiture allegation.

17 Mr. Standingrock, let me tell you what happens next.
18 Now that you've entered a guilty plea and I've accepted the
19 plea, you will be interviewed by a United States Probation
20 Officer. I want to emphasize how important it is you are
21 truthful and honest with the probation officer during the
22 interview. If you fail to be truthful and honest, that fact
23 could affect the sentence you receive.

24 Do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: I'll also want to emphasize you have an
2 absolute right to have Ms. Julagay present for the interview
3 with the probation officer, and you can decline to answer any
4 questions from the probation officer based upon advice from
5 Ms. Julagay.

6 Do you understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: After the officer completes the
9 interview, the officer will attempt to verify the information
10 you provide. The officer will contact your family and
11 acquaintances and conduct background research. The officer
12 will compile this information into a presentence investigation
13 report. You and Ms. Julagay will receive a draft version of
14 the report to review. If you believe any information in the
15 draft report is wrong or incorrect in any way, you may raise
16 objections to it. I get the final version of the report. That
17 final version will contain any objections raised by you and
18 Ms. Julagay.

19 After I have the final version of the report, I will
20 conduct the sentencing hearing. At the hearing, if necessary,
21 I'll first resolve any objections to the presentence report
22 raised by you and Ms. Julagay. After I resolve any objections,
23 then I will allow Ms. Julagay to speak, you have a right to
24 speak, your family and friends can speak if they wish, or they
25 submit written letters of support. Mr. Starnes will speak for

1 the government. At the end of that hearing it's my obligation
2 to impose sentence.

3 Do you understand what's going to happen, sir?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. The presentence process takes
6 a few months to complete. I will set the sentencing hearing
7 for Thursday, April 3rd, 2025, at 11:00 a.m. at this courthouse
8 in Great Falls.

9 Mr. Starnes, I see Mr. Standingrock is in custody.
10 What's the government's position regarding custody?

11 MR. STARNES: United States moves for continued
12 custody pending sentencing, Your Honor.

13 THE COURT: Any motions, Ms. Julagay?

14 MS. JULAGAY: Not at this time, Your Honor.

15 THE COURT: All right. Then, Mr. Standingrock, I'm
16 going to keep you in custody for now. You get credit when you
17 come back in April for any days served between now and then.

18 Do you understand?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Anything else to address, Mr. Starnes?

21 MR. STARNES: No, Your Honor.

22 THE COURT: Ms. Julagay?

23 MS. JULAGAY: No. Thank you, Your Honor.

24 THE COURT: Mr. Standingrock, we'll see you back here
25 in April. Wish you good luck until then.

1 THE DEFENDANT: Thank you, Your Honor.

2 THE COURT: We'll be in recess. Thank you, Counsel.

3 (The proceedings concluded at 11:36 a.m.)

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REPORTER'S CERTIFICATE

REPORTER'S CERTIFICATE

I, Yvette Heinze, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Verbatim Reporter-Steno, certify that the foregoing transcript is a true and correct record of the proceedings given at the time and place hereinbefore mentioned; that the proceedings were reported by me in machine shorthand and thereafter reduced to typewriting using computer-assisted transcription; that after being reduced to typewriting, a certified copy of this transcript will be filed electronically with the Court.

I further certify that I am not attorney for, nor employed by, nor related to any of the parties or attorneys to this action, nor financially interested in this action.

IN WITNESS WHEREOF, I have set my hand at Great Falls, Montana, this 9th day of September, 2025.

/s/ Yvette Heinze

Yvette Heinze
United States Court Reporter

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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,	CR 24-33-GF-BMM
Plaintiff,	
vs.	OFFER OF PROOF
ISAIAH STARR STANDINGROCK,	
Defendant.	

THE CHARGE

The defendant, Isaiah Starr Standingrock, is charged in count 1 of the indictment with the crime of possession with intent to distribute controlled

substances in violation of 21 U.S.C. § 841(a)(1). The defendant has filed a motion to enter guilty plea. (Doc. 20).

PLEA AGREEMENT

There is a plea agreement. The defendant's plea with the plea agreement, in the government's view, is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 134 (2012). One written plea agreement was offered.

The defendant agrees to plead guilty to count 1 of the indictment, to admit that he possessed a firearm in connection with that offense, and to plead true to the forfeiture allegations. At the time of sentencing, if the Court accepts this plea agreement, the United States will move to dismiss count 2 of the indictment. Additionally, in exchange for the concessions made by the defendant in this agreement, the United States agrees not to file an information under 21 U.S.C. §§ 841 and 851 subjecting the defendant to an enhanced statutory penalty on the basis of the defendant's prior conviction for a felony drug offense.

ELEMENTS

For the defendant to be found guilty of possession with intent to distribute controlled substances as charged in count 1 of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

- First, the defendant knowingly possessed methamphetamine and fentanyl, each of which is a Schedule II controlled substance;
- Second, the defendant possessed the controlled substances with the intent to distribute them to another person; and
- Third, the offense involved 50 grams or more of actual methamphetamine and a substance containing a detectable amount of fentanyl.

Additionally, the defendant acknowledges that the defendant possessed a firearm in connection with this offense.

PENALTY

This offense carries a maximum sentence of a mandatory minimum term of ten years to life of imprisonment, a \$10,000,000 fine, and at least five years of supervised release for the quantity of *methamphetamine* involved, and a maximum term of 20 years of imprisonment, a \$1,000,000 fine, and at least three years of supervised release for the quantity of *fentanyl* involved. The defendant also faces a \$100 special assessment for a conviction on count 1.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

1. On August 26, 2023, Isaiah Standingrock attempted to evade Rocky Boy's Police Department, leading to a high-speed pursuit by both the RBPd and Hill County Sheriff's deputies on and off the Rocky Boy's Indian Reservation. During the pursuit, Standingrock called 911 several times, threatening to shoot officers and/or himself. Officers watched Standingrock throw various items out of his car window throughout the pursuit, including what appeared to be a gun (which was never recovered) and a blue Nike backpack (which was recovered and later searched). Standingrock later threw a pistol holster at officers during a brief standoff. Ultimately, Standingrock was taken into custody without incident.

2. In a search incident to arrest, officers seized \$430 in various denominations of cash, as well as various empty syringes and a plastic bag. Officers observed what appeared to be fentanyl pills in plain view in the vehicle, so they seized the vehicle and secured it at the Havre Police Department.

3. Officers then located a .40 caliber S&W round and a .38 caliber SPL +P round, as well as a syringe and tin foil in the blue Nike backpack. They recovered suspected fentanyl pills and fentanyl powder, a tube containing powder residue, a digital scale containing white powder, a flip phone and a gold iPhone from the vehicle search.

4. The DEA lab tested the drugs. There were 371.7 grams net weight of methamphetamine, with approximately 338 grams of pure methamphetamine. The net weight of the 84 fentanyl tablets was approximately 9 grams, while the net weight of the fentanyl powder was approximately 1 gram. The DEA also detected methamphetamine, sildenafil, and acetaminophen in the fentanyl powder.

DATED this 5th day of November 2024.

JESSE A. LASLOVICH
United States Attorney

/s/ Paulette L. Stewart
Assistant United States Attorney

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FILED

Nov 05, 2024

Clerk, U.S. District Court
District of Montana
Great Falls Division

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,	CR 24-33-GF-BMM
Plaintiff,	PLEA AGREEMENT
vs.	
ISAIAH STARR STANDINGROCK,	
Defendant.	

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States of America, represented by Paulette L. Stewart, Assistant United States Attorney for the District of Montana, and the defendant, Isaiah Starr Standingrock, and the defendant's attorney, Rachel Julagay, have agreed upon the following:

1. **Scope:** This plea agreement is between the United States Attorney's Office for the District of Montana and the defendant. It does not bind any other

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federal, state, or local prosecuting, administrative, or regulatory authority, or the United States Probation Office.

2. Charge: The defendant agrees to plead guilty to count 1 of the indictment, to admit that he possessed a firearm in connection with that offense, and to plead true to the forfeiture allegations. Count 1 charges the crime of possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1). This offense carries a maximum sentence of a mandatory minimum term of ten years to life of imprisonment, a \$10,000,000 fine, and at least five years of supervised release for the quantity of methamphetamine involved, and a maximum term of 20 years of imprisonment, a \$1,000,000 fine, and at least three years of supervised release for the quantity of fentanyl involved. The defendant also faces a \$100 special assessment for a conviction on count 1.

At the time of sentencing, if the Court accepts this plea agreement, the United States will move to dismiss count 2 of the indictment. Additionally, in exchange for the concessions made by the defendant in this agreement, the United States agrees not to file an information under 21 U.S.C. §§ 841 and 851 subjecting the defendant to an enhanced statutory penalty on the basis of the defendant's prior conviction for a felony drug offense.

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3. Nature of the Agreement: The parties agree that this plea agreement will be governed by Rule 11(c)(1)(A) and (B), *Federal Rules of Criminal Procedure*. The defendant acknowledges that the agreement will be fulfilled provided the United States: a) moves to dismiss, and the Court agrees to dismiss, count 2 of the indictment, and the United States does not seek an enhanced statutory minimum penalty under 21 U.S.C. §§ 841 and 851; and b) makes the recommendations provided below. The defendant understands that if the agreement is accepted by the Court, and count 2 is dismissed, and the United States does not seek an enhanced statutory minimum penalty under 21 U.S.C. §§ 841 and 851, there will not be an automatic right to withdraw the plea even if the Court does not accept or follow the recommendations made by the United States.

4. Admission of Guilt: The defendant will plead guilty because the defendant is guilty of the charge contained in count 1 of the indictment. In pleading guilty, the defendant acknowledges that:

- First, the defendant knowingly possessed methamphetamine and fentanyl, each of which is a Schedule II controlled substance;
- Second, the defendant possessed the controlled substances with the intent to distribute them to another person; and
- Third, the offense involved 50 grams or more of actual methamphetamine and a substance containing a detectable amount of fentanyl.

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Additionally, the defendant acknowledges that the defendant possessed a firearm in connection with this offense.

5. Waiver of Rights by Plea:

(a) The government has a right to use against the defendant, in a prosecution for perjury or false statement, any statement given under oath during the plea colloquy.

(b) The defendant has the right to plead not guilty or to persist in a plea of not guilty.

(c) The defendant has the right to a jury trial unless, by written waiver, the defendant consents to a non-jury trial. The United States must also consent and the Court must approve a non-jury trial.

(d) The defendant has the right to be represented by counsel and, if necessary, have the Court appoint counsel at trial and at every other stage of these proceedings.

(e) If the trial is a jury trial, the jury would be composed of 12 laypersons selected at random. The defendant and the defendant's attorney would have a say in who the jurors would be by removing prospective jurors for cause where actual bias or other disqualification is shown, or without cause by exercising peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that the

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defendant is presumed innocent, and that it could not convict unless, after hearing all the evidence, it was persuaded of the defendant's guilt beyond a reasonable doubt.

(f) If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all of the evidence, whether or not the judge was persuaded of the defendant's guilt beyond a reasonable doubt.

(g) At a trial, whether by a jury or a judge, the United States would be required to present its witnesses and other evidence against the defendant. The defendant would be able to confront those government witnesses and the defendant's attorney would be able to cross-examine them. In turn, the defendant could present witnesses and other evidence. If the witnesses for the defendant would not appear voluntarily, their appearance could be mandated through the subpoena power of the Court.

(h) At a trial, there is a privilege against self-incrimination so that the defendant could decline to testify and no inference of guilt could be drawn from the refusal to testify. Or the defendant could exercise the choice to testify.

(i) If convicted, and within 14 days of the entry of the Judgment and Commitment, the defendant would have the right to appeal the conviction to the Ninth Circuit Court of Appeals for review to determine if any errors were made that would entitle the defendant to reversal of the conviction.

(j) The defendant has a right to have the district court conduct the change of plea hearing required by Rule 11, Federal Rules of Criminal Procedure. By execution of this agreement, the defendant waives that right and agrees to hold that hearing before, and allow the Rule 11 colloquy to be conducted by, the U.S. Magistrate Judge, if necessary.

(k) If convicted in this matter, a defendant who is not a citizen of the United States may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

The defendant understands that by pleading guilty pursuant to this agreement, the defendant is waiving all of the rights set forth in this paragraph. The defendant's attorney has explained those rights and the consequences of waiving those rights.

6. Recommendations: The United States will recommend the defendant's offense level be decreased by two levels for acceptance of responsibility, pursuant to USSG §3E1.1(a), unless the defendant is found to have obstructed justice prior to sentencing, pursuant to USSG §3C1.1, or acted in any way inconsistent with acceptance of responsibility. The United States will move for an additional one-level reduction, pursuant to USSG §3E1.1(b), if appropriate under the Guidelines. Finally, the parties agree to jointly recommend at sentencing

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that the defendant should receive a two-point enhancement under USSG § 2D1.1(b) because he possessed a firearm in connection with count 1.

The parties reserve the right to make any other arguments at the time of sentencing. The defendant understands that the Court is not bound by these recommendations.

7. Sentencing Guidelines: Although advisory, the parties agree that the U.S. Sentencing Guidelines must be applied, and a calculation determined, as part of the protocol of sentencing to determine what sentence will be reasonable.

8. Waiver of Appeal of the Sentence – Unconditional: The defendant understands the law provides a right to appeal and collaterally attack the sentence imposed in this case. 18 U.S.C. § 3742(a); 28 U.S.C. §§ 2241, 2255. Based on the concessions made by the United States, the defendant knowingly waives any right to appeal or collaterally attack any aspect of the sentence, including conditions of probation or supervised release. This waiver includes challenges to the constitutionality of any statute of conviction and arguments the admitted conduct does not fall within any statute of conviction. This waiver does not prohibit the right to pursue a collateral challenge alleging ineffective assistance of counsel.

The defendant also waives the right to appeal any aspect of a sentence imposed below or within the Guideline range upon a revocation of supervised release in this case number, except where the defendant unsuccessfully objects to

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the grade of violation applied by the court during the district court revocation proceedings. In that event, this waiver does not apply and the defendant may appeal the sentence imposed upon a revocation of supervised release, even if that sentence falls below or within the guideline range calculated by the court.

9. FOIA Waiver: The defendant waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a.

10. Loss of Federal Benefits: The defendant acknowledges that, based on the plea of guilty to a federal controlled substances crime, the defendant is no longer eligible for assistance under any state program funded under Part A of Title IV of the Social Security Act or benefits under the Food Stamp Act. 21 U.S.C. § 862a. The Court may also deny the defendant eligibility to participate in any federal grant, contract, loan, professional license, or commercial license. 21 U.S.C. § 862.

11. Forfeiture: The following property is subject to forfeiture as a result of the criminal conviction in this matter. The defendant agrees to abandon all right title and interest in the property:

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- \$430 in US currency;
- one 40 caliber S&W round;
- one 38 SPL +P round;
- a flip phone (IMEI: 356626350639813); and
- An iPhone with gold trim seized September 5, 2023, by the Federal Bureau of Investigation.

The defendant further consents to the entry of a Preliminary and Final Order of Forfeiture, pursuant to Fed. R. Crim. P. Rule 32.2; to waive any rights to notice of forfeiture and to pronouncement of forfeiture at sentencing; and/or agrees to execute a release and waiver of any interests, if any, of seized assets not forfeited, transferring the property to the United States.

12. Voluntary Plea: The defendant and the defendant's attorney acknowledge that no threats, promises, or representations have been made to induce the defendant to plead guilty, and that this agreement is freely and voluntarily endorsed by the parties.

13. Detention/Release After Plea: The defendant will not move or argue for release pending sentencing.

14. Breach: If the defendant breaches the terms of this agreement, or commits any new criminal offenses between signing this agreement and

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sentencing, the U.S. Attorney's Office is relieved of its obligations under this agreement, but the defendant may not withdraw the guilty plea.

15. Entire Agreement: Any statements or representations made by the United States, the defendant, or defense counsel prior to the full execution of this plea agreement are superseded by this plea agreement. No promises or representations have been made by the United States except as set forth in writing in this plea agreement. This plea agreement constitutes the entire agreement between the parties. Any term or condition which is not expressly stated as part of this plea agreement is not to be considered part of the agreement.

JESSE A. LASLOVICH
United States Attorney


PAULETTE L. STEWART
Assistant U. S. Attorney
Date: 11/5/24


ISAIAH STARR STANDINGROCK
Defendant
Date: 11-4-24


RACHEL JULAGAY
Defense Counsel
Date: 11/4/24

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FILED

APR - 4 2024

Clerk, U.S. District Court
District of Montana
Great Falls

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**ISAAH STARR
STANDINGROCK,**

Defendant.

CR 24-33 -GF-BMM

INDICTMENT

**POSSESSION WITH INTENT TO
DISTRIBUTE CONTROLLED
SUBSTANCES (Count 1)**
Title 21 U.S.C. § 841(a)(1)
(Penalty for Methamphetamine:
Mandatory minimum ten years to life
imprisonment, \$10,000,000 fine, and at
least five years of supervised release)
(Penalty for Fentanyl: 20 years of
imprisonment, a \$1,000,000 fine, and at
least three years of supervised release)

**PROHIBITED PERSON IN POSSESSION
OF AMMUNITION (Count 2)**
Title 18 U.S.C. § 922(g)(1)
(Penalty: 15 years of imprisonment,
\$250,000 fine, and three years of
supervised release)

	CRIMINAL FORFEITURE 21 U.S.C. §§ 853(a)(1) and (2) 18 U.S.C. § 924(d) TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR DRUG- RELATED FELONY CONVICTIONS
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THE GRAND JURY CHARGES:

COUNT 1

That on or about August 26, 2023, in Hill County, in the State and District of Montana, the defendant, ISALAH STARR STANDINGROCK, knowingly and unlawfully possessed, with the intent to distribute, 50 grams or more of actual methamphetamine, a Schedule II controlled substance, and a substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as “fentanyl,” a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT 2

That on or about August 26, 2023, in Hill County, in the State and District of Montana, the defendant, ISALAH STARR STANDINGROCK, knowing he had been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting interstate commerce, ammunition, in violation of 18 U.S.C. § 922(g)(1).

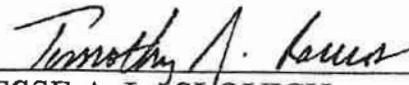
FORFEITURE ALLEGATIONS

Upon conviction of Count 1 set forth in this indictment, the defendant, ISALAH STARR STANDINGROCK, shall forfeit, pursuant to 21 U.S.C. §§ 853(a)(1) and (2): (1) any property constituting and derived from any proceeds obtained, directly and indirectly, as a result of the commission of said offense; and (2) any property used and intended to be used, in any manner and part, to commit, and facilitate the commission of, said offense.

Upon conviction of Count 2 set forth in this indictment, the defendant, ISALAH STARR STANDINGROCK, shall forfeit, pursuant to 18 U.S.C. § 924(d), any ammunition involved in any knowing violation of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

For 
JESSE A. LASHOVICH
United States Attorney


CYNDEE L. PETERSON
Criminal Chief Assistant U.S. Attorney