[redacted]

General Docket
United States Court of Appeals for the Fourth Circuit

Court of Appeals Docket #: 91-5430 **Docketed:** 10/21/1991
US v. Fitzpatrick **Termed:** 07/01/1993
Appeal From: United States District Court for the Northern District of West Virginia at Elkins
Fee Status: fee paid

Case Type Information:
1) Criminal
2) Criminal-Conviction & Sentence
3) null

Originating Court Information:
District: 0424-2 : CR-90-87
Court Reporter: Gilbert Halasz, Official Court Reporter
Presiding Judge: Robert R. Merhige, Jr., Senior U. S. District Court Judge
Date Filed: 05/24/1990

Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
10/11/1991	10/11/1991	10/18/1991

Prior Cases:
None

Current Cases:

	Lead	Member	Start	End
Consolidated				
	91-5350	91-5430	10/21/1991	
	91-5350	91-5870	09/30/1991	

UNITED STATES OF AMERICA
Plaintiff - Appellee

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v.

STEVEN FITZPATRICK, a/k/a Sundarakara

Richard Allen Dezio

[redacted]

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

STEVEN FITZPATRICK, a/k/a Sundarakara

Defendant - Appellant

10/21/1991	1	Criminal case docketed. SLW [Entered: 10/21/1991 09:14 AM]
10/21/1991	2	Clerk order filed consolidating case(s) 91-5430 with previously consolidated cases 91-5870 and 91-5350(L). Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 10/21/1991 09:44 AM]
10/22/1991	3	Docketing notice issued. [91-5430] SLW [Entered: 10/22/1991 01:25 PM]
10/22/1991	4	Response to [1563636-1] motion to file separate briefs in 91-5350, 91-5870, [1563636-2] motion to deconsolidate cases in 91-5350, 91-5870, [1563644-1] motion to file separate briefs in 91-5350, 91-5870 requested of Appellant Steven Fitzpatrick in 91-5430 on or before 10/29/91. [91-5430, 91-5350, 91-5870] SLW [Entered: 10/22/1991 01:43 PM]
11/12/1991	8	Response to [1563636-1] motion to file separate briefs in 91-5350, 91-5870, [1563636-2] motion to deconsolidate cases in 91-5350, 91-5870, [1563644-1] motion to file separate briefs in 91-5350, 91-5870 requested of Appellant Steven Fitzpatrick in 91-5430 on or before 11/19/91. [91-5430, 91-5350, 91-5870] SLW [Entered: 11/12/1991 02:01 PM]
11/20/1991	10	Motion filed by Appellant Steven Fitzpatrick in 91-5430 to file separate briefs [10] [91-5430, 91-5350, 91-5870] BAL [Entered: 11/20/1991 10:52 AM]
11/20/1991	11	Docketing statement filed by Appellant Steven Fitzpatrick in 91-5430 [11] T/S needed: Y; T/S already on file: Y. [91-5430] BAL [Entered: 11/20/1991 01:03 PM]
11/20/1991	14	Transcript order filed for Gilbert F. Halasz in 91-5430, Gilbert F. Halasz in 91-5350, Gilbert F. Halasz in 91-5870 . [91-5430, 91-5350, 91-5870] BAL [Entered: 11/20/1991 01:14 PM]
11/20/1991	15	Transcript order acknowledgment filed. Pages: 25. Transcript due on 12/20/91 for Gilbert F. Halasz in 91-5350, for Gilbert F. Halasz in 91-5430, for Gilbert F. Halasz in 91-5870 . T/S certification due on 12/20/91 for Gilbert F. Halasz in 91-5350, for Gilbert F. Halasz in 91-5430, for Gilbert F. Halasz in 91-5870 [91-5350, 91-5430, 91-5870] BAL [Entered: 11/20/1991 01:20 PM]
11/20/1991	16	Appearance form filed by Richard Allen Dezio for Appellant Steven Fitzpatrick in 91-5430 . [91-5430] DAD [Entered: 11/20/1991 02:34 PM]
11/20/1991	17	Clerk order filed granting motion to file separate briefs [10] in 91-5350, 91-5430, 91-5870, granting motion to file separate briefs [1563636-1] in 91-5350, 91-5870, denying motion to deconsolidate cases [1563636-2] in 91-5350, 91-5870, granting motion to file separate briefs [1563644-1] in 91-5350, 91-5870 (combined length of all briefs not to exceed 100 pages) Copies to all counsel. [91-5350, 91-5430, 91-5870] BAL [Entered: 11/20/1991 03:01 PM]
01/02/1992	21	Certification transcript filed in district court by Gilbert F. Halasz in 91-5350, Gilbert F. Halasz in 91-5430, Gilbert F. Halasz in 91-5870 on 10/21/91. [91-5350, 91-5430, 91-5870] SLW [Entered: 01/02/1992 09:52 AM]
01/13/1992	22	Supplemental certification of ROA complete and retained in district court. [91-5350, 91-5430, 91-5870] SLW [Entered: 01/14/1992 07:43 AM]
01/14/1992	23	Briefing order filed. [91-5350, 91-5430, 91-5870] Appel- lants' briefs/joint appendix due 2/18/92 for Keith Gordon Ham in 91-5350, for Steven Fitzpatrick in 91-5430, for Terry Sheldon in 91-5870. (Separate briefs not to exceed 100 pages) Projected Calendar: April 1992 SLW [Entered: 01/14/1992 07:49 AM]
01/23/1992	25	Motion filed by Appellant Terry Sheldon in 91-5870 to file oversize brief of 60 pages, or in the alternative, an order equitably dividing the allotted pages for appeal among 3 appellants [25] [91-5870, 91-5350, 91-5430] SLW [Entered: 01/23/1992 02:49 PM]
01/23/1992	26	Motion filed by Appellant Terry Sheldon in 91-5870 to extend time to file appellant(s) brief until 30 days from the Court's ruling on the motion for leave to file an oversize brief. [26] [91-5870] SLW [Entered: 01/23/1992 02:56 PM]
01/24/1992	27	Clerk order filed denying motion to file oversize brief [25] in 91-5870, 91-5350, 91-5430, denying motion to extend time to file a's brief [26] in 91-5870 Copies to all counsel. [91-5870, 91-5350, 91-5430] SLW [Entered: 01/24/1992 03:43 PM]
01/24/1992	28	Corrected order filed acting on denying motion to file oversize brief [25] in 91-5870, 91-5350, 91-5430, denying motion to extend time to file a's brief [26] in 91-5870. [91-5870, 91-5350, 91-5430] SLW [Entered: 01/27/1992 03:35 PM]
01/28/1992	29	Motion filed by Appellant Keith Gordon Ham in 91-5350 [29] for reconsideration of [25] motion to file oversize brief in 91-5350, 91-5430, 91-5870 [91-5350, 91-5430, 91-5870] SLW [Entered: 01/28/1992 09:20 AM]

01/28/1992	30	Response to [29] motion for reconsideration in 91-5350, 91-5430, 91-5870 requested of Appellee US in 91-5350, Appellee US in 91-5430, Appellant Steven Fitzpatrick in 91-5430, Appellee US in 91-5870, Appellant Terry Sheldon in 91-5870 on or before 2/4/92. [91-5350, 91-5430, 91-5870] SLW [Entered: 01/28/1992 10:46 AM]
01/30/1992	31	Response [31] to motion for reconsideration [29] in 91-5350, 91-5430, 91-5870 filed by Appellant Terry Sheldon in 91-5870. [91-5350, 91-5430, 91-5870] SLW [Entered: 01/30/1992 10:57 AM]
02/03/1992	33	Motion filed by Appellant Steven Fitzpatrick in 91-5430 to extend time to file appellant(s) brief/appendix until 3/17/92 [33] [91-5430] DAD [Entered: 02/03/1992 10:51 AM]
02/03/1992	34	Response [34] to motion for reconsideration [29] in 91-5350, 91-5430, 91-5870 filed by Appellee US in 91-5350, Appellee US in 91-5430, Appellee US in 91-5870 . [91-5350, 91-5430, 91-5870] DAD [Entered: 02/03/1992 11:32 AM]
02/03/1992	37	Response [37] to motion for reconsideration [29] in 91-5430, 91-5350, 91-5870 filed by Appellant Steven Fitzpatrick in 91-5430. [91-5430, 91-5350, 91-5870] SLW [Entered: 02/12/1992 08:32 AM]
02/03/1992	9999	Response [9999] to motion for reconsideration [29] filed by Appellant Steven Fitzpatrick in 91-5430 . [91-5430] DAD [Entered: 02/03/1992 10:49 AM]
02/10/1992	35	Appellant Steven Fitzpatrick's motion to ext time to file a's br/apx [33] declared moot. (Briefing order suspended in all consolidated cases) [91-5430] SLW [Entered: 02/10/1992 01:56 PM]
02/10/1992	36	Clerk order filed suspending briefing order until ruling on motion for reconsideration. Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 02/10/1992 01:59 PM]
02/24/1992	39	COURT ORDER filed granting motion for reconsideration [29] in 91-5350, 91-5430, 91-5870. Each appellant may file a 50 page brief. Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 02/24/1992 01:44 PM]
02/24/1992	41	Briefing order resumed. Projected calendar: June 1992 [91-5350, 91-5430, 91-5870] Appellant(s) brief/joint appendix due 3/16/92 for Keith Gordon Ham in 91-5350, for Steven Fitzpatrick in 91-5430, for Terry Sheldon in 91-5870 . SLW [Entered: 02/24/1992 02:51 PM]
03/16/1992	42	Brief filed by Appellant Keith Gordon Ham in 91-5350 . Type of Service: HD Copies of brief: 8 # pages: 60. Sufficient [Y/N]: y. . [91-5350, 91-5430, 91-5870] Appellee(s) brief due 4/6/92 for US in 91-5350, for US in 91-5430, for US in 91-5870 . Robert Anderson [Entered: 03/17/1992 09:04 AM]
03/16/1992	43	Brief filed by Appellant Steven Fitzpatrick in 91-5430 . Type of Service: HD Copies of brief: 8 # pages: 22. Sufficient [Y/N]: y. . [91-5430, 91-5350, 91-5870] Robert Anderson [Entered: 03/17/1992 09:09 AM]
03/16/1992	44	Brief filed by Appellant Terry Sheldon in 91-5870 . Type of Service: HD Copies of brief: 8 # pages: 54. Sufficient [Y/N]: y. . [91-5870, 91-5350, 91-5430] Robert Anderson [Entered: 03/17/1992 09:14 AM]
03/16/1992	45	Joint appendix filed by Appellee US in 91-5350, Appellant Keith Gordon Ham in 91-5350, Appellee US in 91-5430, Appellant Steven Fitzpatrick in 91-5430, Appellee US in 91-5870, Appellant Terry Sheldon in 91-5870 . Type of Service: HD Copies of apx: 6 copies Vol. 1A and 1B, 2, 3,4, 5 # page: 1211 . Sufficient [Y/N]: y. .[91-5350, 91-5430, 91-5870] Robert Anderson [Entered: 03/17/1992 09:26 AM]
03/24/1992	46	Motion filed by Appellee US in 91-5350, Appellee US in 91-5430, Appellee US in 91-5870 to extend time to file appellee(s) brief until 5/11/92 [46], to file oversize brief of up to 100 pages [46] [91-5350, 91-5430, 91-5870] SLW [Entered: 03/24/1992 12:34 PM]
03/25/1992	47	CLERK ORDER FILED granting motion to file oversize brief [46] Pages: not to exceed 100 in 91-5350, 91-5430, 91-5870, granting motion to extend time to file e's br [46] Appellee(s) brief now due 4/27/92 for US in 91-5350, for US in 91-5430, for US in 91-5870. Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 03/25/1992 09:07 AM]
04/14/1992	51	Motion filed by Appellee US in 91-5350, Appellee US in 91-5430, Appellee US in 91-5870 to extend time to file appellee(s) brief until 5/11/92 [51] [91-5350, 91-5430, 91-5870] DAD [Entered: 04/14/1992 11:02 AM]
04/14/1992	52	CLERK ORDER FILED granting motion to extend time to file e's br [51] Appellee(s) brief now due 5/11/92 for US in 91-5350, for US in 91-5430, for US in 91-5870. Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 04/14/1992 01:27 PM]
05/12/1992	53	Case tentatively calendared for oral argument Term: June Place: Charleston. JLC [Entered: 05/12/1992 11:34 AM]

05/14/1992	56	Motion filed by Appellant Terry Sheldon in 91-5870 to strike appellee's brief [56] [91-5870, 91-5350, 91-5430] SLW [Entered: 05/14/1992 01:33 PM]
05/14/1992	57	Response to [56] motion to strike brief in 91-5870, 91-5350, 91-5430 requested of Appellee US in 91-5870, Appellee US in 91-5350, Appellee US in 91-5430 on or before 5/21/92. [91-5870, 91-5350, 91-5430] SLW [Entered: 05/14/1992 01:39 PM]
05/15/1992	58	Motion filed by Appellee US in 91-5350, Appellee US in 91-5430, Appellee US in 91-5870 for leave to file brief out of time [58] [91-5350, 91-5430, 91-5870] SLW [Entered: 05/15/1992 09:14 AM]
05/19/1992	59	Response [59] to motion to strike brief [56] in 91-5870, 91-5350, 91-5430 filed by Appellee US in 91-5870, Appellee US in 91-5350, Appellee US in 91-5430 . [91-5870, 91-5350, 91-5430] SLW [Entered: 05/19/1992 12:03 PM]
05/21/1992	60	CLERK ORDER FILED granting motion to file brief out of time [58] in 91-5350, 91-5430, 91-5870, denying motion to strike brief [56] in 91-5350, 91-5430, 91-5870 Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 05/21/1992 01:41 PM]
05/21/1992	61	Brief filed by Appellee US in 91-5350, Appellee US in 91-5430, Appellee US in 91-5870 . Type of Service: G - Order dated May 21, 1992 Copies: 8 # pages: 87. Sufficient [Y/N]: y. .[91-5350, 91-5430, 91-5870] Robert Anderson [Entered: 05/21/1992 04:03 PM]
05/22/1992	62	Case calendared for oral argument. [91-5350, 91-5430, 91-5870] JLC [Entered: 05/22/1992 12:34 PM]
05/22/1992	64	Motion filed by Appellant Terry Sheldon in 91-5870 to extend time to file reply brief until 5/27/92 [64] [91-5870] SLW [Entered: 05/26/1992 11:38 AM]
05/26/1992	65	CLERK ORDER FILED granting motion to ext time to file rply brief [64] until: 5/27/92. Copies to all counsel. [91-5870] SLW [Entered: 05/26/1992 11:39 AM]
05/26/1992	67	Reply brief filed by Appellant Keith Gordon Ham in 91-5350 . Type of Service: PM Copies of brief: 8 # pages: 30. Sufficient [Y/N]: y. . [91-5350, 91-5430, 91-5870] Robert Anderson [Entered: 05/27/1992 11:38 AM]
05/27/1992	66	CLERK ORDER FILED vacating order of 5/26/92 [66] which extended appellant's time for reply brief to 5/27/92. Appellant's reply brief now due 6/1/92. Copies to all counsel. [91-5350] DAD [Entered: 05/27/1992 10:51 AM]
05/29/1992	69	Reply brief filed by Appellant Steven Fitzpatrick in 91-5430 . Type of Service: PM Copies of brief: 8 # pages: 7. Sufficient [Y/N]: y. . [91-5430, 91-5350, 91-5870] JLE [Entered: 06/02/1992 01:46 PM]
06/01/1992	71	Reply brief filed by Appellant Terry Sheldon in 91-5870 . Type of Service: PM Copies of brief: 8 # pages: 14. Sufficient [Y/N]: y. . [91-5870, 91-5350, 91-5430] MR [Entered: 06/04/1992 09:47 AM]
06/04/1992	73	Motion filed by Appellant Terry Sheldon in 91-5870 for additional argument time. (no specific extra amount requested) [73] [91-5870] SLW [Entered: 06/04/1992 11:40 AM]
06/04/1992	74	Response to [73] motion for additional argument time in 91-5870 requested of Appellee US in 91-5870, Appellee US in 91-5350, Appellant Keith Gordon Ham in 91-5350, Appellee US in 91-5430, Appellant Steven Fitzpatrick in 91-5430 on or before 6/11/92. [91-5870, 91-5350, 91-5430] SLW [Entered: 06/04/1992 03:01 PM]
06/08/1992	76	Response [76] to motion for additional argument time [73] in 91-5870 filed by Appellant Steven Fitzpatrick in 91-5430. [91-5430, 91-5350, 91-5870] SLW [Entered: 06/08/1992 10:43 AM]
06/09/1992	77	Response [77] to motion for additional argument time [73] in 91-5870 filed by Appellant Keith Gordon Ham in 91-5350. [91-5350, 91-5430, 91-5870] SLW [Entered: 06/09/1992 09:31 AM]
06/11/1992	78	Response [78] to motion for additional argument time [73] in 91-5870 filed by Appellee US in 91-5350, Appellee US in 91-5430, Appellee US in 91-5870. [91-5350, 91-5430, 91-5870] SLW [Entered: 06/11/1992 11:12 AM]
06/12/1992	80	COURT ORDER filed granting motion for additional argument time [73] in 91-5870 Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 06/12/1992 03:00 PM]
06/18/1992	82	Oral argument heard. Courtroom Deputy: JLC. [91-5430, 91-5350, 91-5870] JLE [Entered: 06/19/1992 04:57 PM]
06/22/1992	83	Letter referencing clarification of questions asked at oral argument filed by Appellant Keith Gordon Ham in 91-5350 [83] [91-5350] SLW [Entered: 06/22/1992 01:23 PM]
06/29/1992	86	Motion filed by Appellee US in 91-5350 to strike brief (letter filed by appellant Ham) on 6/22/92. [86] [91-5350] SLW [Entered: 06/29/1992 10:14 AM]

07/01/1992	88	Response [88] to motion to strike letter [86] filed by Appellant Keith Gordon Ham in 91-5350. [91-5350] SLW [Entered: 07/01/1992 10:19 AM]
08/26/1992	90	COURT ORDER filed denying motion to strike brief [86] granting leave to appellee to file supplemental brief in letter form, not to exceed two pages in length on or before 9/4/92. [90] Copies to all counsel. [91-5350] SLW [Entered: 08/26/1992 11:29 AM]
09/08/1992	91	Letter referencing court order to file supplemental briefs (letter no longer than 2 pages) [90] filed by Appellee US in 91-5350 [91] [91-5350] SLW [Entered: 09/08/1992 01:38 PM]
07/01/1993	100	Published, authored opinion filed. [91-5350, 91-5430, 91-5870] SLW [Entered: 07/01/1993 10:04 AM]
07/01/1993	101	Judgment order filed. Decision: vacated in part and remanded for retrial; reversed in part; dissent. [91-5350, 91-5430, 91-5870] SLW [Entered: 07/01/1993 10:20 AM]
07/08/1993	102	Motion filed by Appellee US in 91-5350, Appellee US in 91-5430, Appellee US in 91-5870 to extend time to file petition for rehearing until: 8/16/93 [102] [91-5350, 91-5430, 91-5870] SLW [Entered: 07/08/1993 09:26 AM]
07/08/1993	103	CLERK ORDER FILED granting motion to extend time to file pet reh [102] in 91-5350, 91-5430, 91-5870 Copies to all counsel. [91-5350, 91-5430, 91-5870] SLW [Entered: 07/08/1993 09:30 AM]
07/21/1993	104	Order amending opinion filed. [91-5350, 91-5430, 91-5870] SLW [Entered: 07/21/1993 12:08 PM]
08/17/1993	105	Mandate issued. [91-5350, 91-5430, 91-5870] F [Entered: 08/17/1993 02:59 PM]
02/22/1994	106	Federal Reporter Citation: 998 f.2d 1247. [91-5350, 91-5430, 91-5870] SJC [Entered: 02/22/1994 11:08 AM]

Clear All

- **Documents and Docket Summary**
  Documents Only

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