

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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NOHE DOMINGUEZ-MORALES,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent

---

PETITION FOR A WRIT OF CERTIORARI

APPENDIX

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Appendix A Judgment and Opinion of Fifth Circuit (Pet.App.a1-a2)

Appendix B Judgment and Sentence of the United States District Court for the Northern District of Texas (Pet.App.a3-a6)

Appendix C Petitioner's Objections to the Presentence Report (Pet.App.a7-a10)

Appendix D Sentencing Transcript (Pet.App.a11-a26)

## APPENDIX A

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

October 4, 2022

Lyle W. Cayce  
Clerk

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No. 22-10037  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

NOHE DOMINGUEZ-MORALES,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:21-CR-220-1

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Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Nohe Dominguez-Morales appeals his conviction and sentence for illegal reentry after deportation under 8 U.S.C. § 1326(a) and (b)(1). He argues that treating a prior felony conviction that increases the statutory

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

maximum under § 1326(b) as a sentencing factor, rather than a separate element of the offense, violates the Constitution.

Dominguez-Morales correctly concedes that his argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), but he wishes to preserve it for further review. *See United States v. Pervis*, 937 F.3d 546, 553-54 (5th Cir. 2019). The Government has moved without opposition for summary affirmance or, alternatively, for an extension of time to file its brief.

Because the Government’s position “is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case,” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), summary affirmance is proper. Accordingly, the motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED. The Government’s alternative motion for an extension of time to file a brief is DENIED.

## APPENDIX B

**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF TEXAS  
Fort Worth Division

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

v.  
NOHE DOMINGUEZ-MORALES

Case Number: 4:21-CR-00220-O(01)  
U.S. Marshal's No.: 67358-051  
Levi Thomas, Assistant U.S. Attorney  
Michael Lehmann, Attorney for the Defendant

On September 8, 2021 the defendant, NOHE DOMINGUEZ-MORALES, entered a plea of guilty as to Count One of the Indictment filed on August 17, 2021. Accordingly, the defendant is adjudged guilty of such Count, which involves the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. § 1326(a) and (b)(1)	Illegal Reentry After Deportation	6/14/2021	One

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission pursuant to Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$100.00 as to Count One of the Indictment filed on August 17, 2021.

The defendant shall notify the United States Attorney for this district within thirty days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Sentence imposed January 7, 2022.

  
REED O'CONNOR  
U.S. DISTRICT JUDGE

Signed January 7, 2022.

Judgment in a Criminal Case  
Defendant: NOHE DOMINGUEZ-MORALES  
Case Number: 4:21-CR-00220-O(1)

### IMPRISONMENT

The defendant, NOHE DOMINGUEZ-MORALES, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a term of **FORTY-SIX (46) MONTHS** as to Count One of the Indictment filed on August 17, 2021. This sentence shall run consecutively to any future sentence which may be imposed in Case No. 1688556D, in the 372<sup>nd</sup> Judicial District Court, Tarrant County, Texas, which is unrelated to the instant offense.

The defendant is remanded to the custody of the United States Marshal.

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS** as to Count One of the Indictment filed on August 17, 2021.

As a condition of supervised release, upon the completion of the sentence of imprisonment, the defendant shall be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Nationality Act, 8 USC § 1101 et seq. As a further condition of supervised release, if ordered deported or removed, the defendant shall remain outside the United States.

In the event the defendant is not deported immediately upon release from imprisonment, or should the defendant ever be within the United States during any portion of the term of supervised release, the defendant shall also comply with the standard conditions contained in the Judgment and shall comply with the mandatory and special conditions stated herein.

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- ( 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- ( 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- ( 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- ( 4) You must answer truthfully the questions asked by your probation officer.
- ( 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.



- (6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- (7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- (8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- (9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- (10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- (11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- (12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- (13) You must follow the instructions of the probation officer related to the conditions of supervision.

In addition the defendant shall:

not commit another federal, state, or local crime;

not illegally possess controlled substances;

cooperate in the collection of DNA as directed by the probation officer;

not possess a firearm, ammunition, destructive device, or any dangerous weapon;

report in person to the U.S. Probation Office in the district to which the defendant is released from the custody of the Federal Bureau of Prisons within 72 hours of release;

refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court;

pay the assessment imposed in accordance with 18 U.S.C. § 3013;

take notice that if this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment;

not illegally reenter the United States if deported or allowed voluntary departure; and,

participate in an outpatient program approved by the probation officer for treatment of narcotic or drug or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month.

**FINE/RESTITUTION**

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

BY \_\_\_\_\_  
Deputy Marshal

## APPENDIX C

**United States District Court  
Northern District of Texas  
Fort Worth Division**

**United States of America,**  
*Plaintiff,*

v.

**Nohe Dominguez-Morales,**  
*Defendant*

**No. 4:21-CR-220-O**

**Defendant's Objection to the Presentence Investigation Report**

Comes now before the Court the Defendant, Nohe Dominguez-Morales, with his objection to the presentence report.

**Objection**

The Defendant was indicted for illegal reentry into the United States, an offense punishable by a maximum of two years of imprisonment and one year's supervised release under 8 U.S.C. § 1326(a). Section 1326(b) increases the maximum punishment if the alien was removed after having been convicted of certain categories of offenses. The Defendant's indictment did not allege that he had such a prior conviction. The Defendant contends that, because the indictment did not allege a prior conviction, it charged only an offense under § 1326(a). He further contends that his sentence exceeds the statutory maximum punishment for the § 1326(a) offense.

The Defendant concedes this argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224, 235, 239 (1998). But its narrow exception for

previous convictions is severely undermined by the very opinions of Supreme Court justices who created it:

*Almendarez-Torres*, like *Taylor*, has been eroded by this Court's subsequent Sixth Amendment jurisprudence, and a majority of the Court now recognizes that *Almendarez-Torres* was wrongly decided. *See* 523 U.S., at 248-249, 118 S.Ct. 1219 \*28 (SCALIA, J., joined by STEVENS, SOUTER, and GINSBURG, JJ., dissenting); *Apprendi*, *supra*, at 520-521, 120 S.Ct. 2348 (THOMAS, J., concurring). The parties do not request it here, but in an appropriate case, this Court should consider *Almendarez-Torres*' continuing viability. Innumerable criminal defendants have been unconstitutionally sentenced under the flawed rule of *Almendarez-Torres*, despite the fundamental "imperative that the Court maintain absolute fidelity to the protections of the individual afforded by the notice, trial by jury, and beyond-a-reasonable-doubt requirements." *Harris v. United States*, 536 U.S. 545, 581-582, 122 S.Ct. 2406, 153 L.Ed.2d 524 (2002) (THOMAS, J., dissenting).

*Shepard v. United States*, 544 U.S. 13, (2005) (Thomas, J., concurring). The shifting composition of the Supreme Court, and the justices' repeated expressions of doubt about the continuing vitality of that case provide reason to believe the may ultimately have a right indictment as to the fact of his prior conviction. The Court has thus far declined to revisit the issue by the narrowest of margins in recent opinions. *See Alleyne v. United States*, 133 S.Ct. 2151, 2160 n.1 (2013) ("In *Almendarez-Torres v. United States*...we recognized a narrow exception to

this general rule for the fact of a prior conviction. Because the parties do not contest that decision's vitality, we do not revisit it for purposes of our decision today.”); *Descamps v. United States*, 133 S. Ct. 2276, 2294–2295 (2013) (Thomas, J., concurring) (reluctantly noting that the Supreme Court has not “yet” overruled *Almendarez-Torres*); *Jones v. United States*, 125 S. Ct. 8, at n.\* (2014) (Mem.) (Scalia, J., dissenting from denial of certiorari); *Apprendi v. New Jersey*, 530 U.S. 466 (2000) (“[I]t is arguable that *Almendarez-Torres* was incorrectly decided. . .).

If *Apprendi*, its progeny, and, most recently, *Alleyne*, undermine *Almendarez-Torres*, as the Defendant argues, his sentence exceeds the statutory maximum. The indictment alleged only the elements of the § 1326(a) offense; it did not allege a prior conviction. Nor did the Defendant admit to any prior conviction in his Factual Resume. Because the Defendant was charged only with the § 1326(a) offense, he preserves for possible Supreme Court review the argument that his maximum punishment was limited to two years’ imprisonment and one year of supervised release.<sup>1</sup>

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<sup>1</sup> The Defendant recognizes that the Fifth Circuit has expressed the opinion, in dictum, that the issue he raises “no longer serves as a legitimate basis for appeal[,]” and that it would view appeals raising this issue “with skepticism.” *United States v. Pineda-Arrellano*, 492 F.3d 624, 625–26 (5th Cir. 2007); see also *id.* at 626–27 (Dennis, J., concurring) (characterizing majority’s statement on this issue as “dictum”). *Alleyne*’s broad reasoning and discussion of

Respectfully submitted this the 12<sup>th</sup> day of November, 2021.

/s/ Michael A. Lehmann  
Assistant Federal Public Defender  
Federal Public Defenders Office  
819 Taylor Street, Room 9A10  
Fort Worth, Texas 76102  
817.978.2753  
Texas Bar No. 24048615  
Attorney for Nohe Dominguez-Morales

### **Certificate of Service**

I, Michael A. Lehmann, hereby certify that on the 12<sup>th</sup> day of November, 2021 a copy of the foregoing motion was delivered via ECF to the United States Attorney's Office, attention Levi Thomas.

/s/ Michael A. Lehmann  
Assistant Federal Public Defender

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the precedential strength of *Apprendi* suggests that the Court may revisit *Almendarez-Torres v. United States*, 523 U.S. 224, 235, 239 (1998). For this reason, counsel raises the issue to fulfill his obligation of zealous representation, and to preserve the issue for further review.

## APPENDIX D



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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA, ) CASE NO. 4:21-cr-00220-O-1  
 )  
Government, ) FORT WORTH, TEXAS  
 )  
VS. ) JANUARY 7, 2022  
 )  
NOHE DOMINGUEZ-MORALES, )  
 )  
Defendant. ) 8:51 A.M.

VOLUME 1 of 1  
TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE REED C. O'CONNOR  
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S:

FOR THE GOVERNMENT: M. LEVI THOMAS  
ASSISTANT U.S. ATTORNEY  
NORTHERN DISTRICT OF TEXAS  
801 Cherry Street, Suite 1700  
Fort Worth, Texas 76102  
Telephone: 817.252.5200

FOR THE DEFENDANT: MICHAEL LEHMANN  
ASSISTANT FEDERAL PUBLIC DEFENDER  
NORTHERN DISTRICT OF TEXAS  
819 Taylor Street, Room 9A10  
Fort Worth, Texas 76102  
Telephone: 817.978.2753

## P R O C E E D I N G S

(Participants wearing masks.)

January 7, 2022

oOo

THE COURT: Please be seated.

All right. We'll start now with Case Number  
4:21-cr-220. The United States vs. Nohe Dominguez Morales.

Counsel for the government is here.

Counsel for the defendant here.

Sir, would you state your name for the record,  
please.

THE DEFENDANT: Nohe Dominguez Morales.

THE COURT: Thank you, sir.

THE DEFENDANT: I was born --

THE COURT: That's okay. We don't want to put  
that on the record. So we will keep that information  
private.

THE DEFENDANT: February 1988.

THE COURT: Very good then.

THE DEFENDANT: Thank you, sir.

THE COURT: We are here to consider the sentencing  
in your case.

Counsel, did you and your client receive a copy of  
the presentence investigation report and the addendum?

MR. LEHMANN: Yes, your Honor.

1 THE COURT: And have you reviewed that document  
2 with your client?

3 MR. LEHMANN: Yes, your Honor.

4 THE COURT: Did the government receive these?

5 MR. THOMAS: Yes, your Honor.

6 THE COURT: All right. I will overrule the  
7 objection. I will adopt the fact findings in these  
8 documents.

9 I will adopt the probation officer's conclusions  
10 as to the appropriate guideline calculations and determine  
11 that they should be as follows:

12 Total offense level of 17, a Criminal History  
13 Category of 4, an imprisonment range of between 37 and 46  
14 months, a supervised release range of one to three years,  
15 and a fine range of between then 10,000 and \$95,000.

16 Does the government wish to be heard on  
17 sentencing?

18 MR. THOMAS: Your Honor, in this case the  
19 government simply asks for a sentence at the top of the  
20 guideline illegal. Given the fact that the defendant has  
21 two prior illegal reentry convictions in federal court, this  
22 last one he received 24 months. That obviously wasn't a  
23 sufficient deterrence for him.

24 He has multiple DWI convictions, as well as a  
25 handful of other convictions, your Honor. So given that

1 immigration and the criminal history, we would ask for a  
2 sentence at the top of the range.

3 THE COURT: Thank you.

4 Counsel, I will turn the floor over to you.

5 MR. LEHMANN: Thank you.

6 Your Honor, we would ask the Court to consider a  
7 downward variance in Mr. Dominguez's case. He's a  
8 33-year-old young man from a small town outside of Juarez,  
9 Mexico.

10 He was brought to the United States when he was  
11 three years old. Attended Fort Worth ISD schools throughout  
12 his entire life. Ultimately, culminating in him finishing  
13 the 11th grade at Western Hills High School.

14 Mr. Dominguez was not aware of his undocumented  
15 status until he found himself in deportation proceedings 10  
16 years ago. All of this followed a felony DWI arrest. All  
17 of Mr. Dominguez's immediate family are U.S. citizens or  
18 have secured some kind of lawful status.

19 He has a 13-year-old daughter who is a U.S.  
20 citizen. Mr. Dominguez's primary motivation in life is to  
21 be a good father and to provide for his daughter.

22 For the last 13 years, despite his returns to  
23 Mexico, he's always sent money back to his ex-spouse to  
24 provide for his daughter, and he fears that he's becoming  
25 marginalized in her life because he does not have a lasting,

1 continuing presence.

2 He understands that every time he comes back to  
3 the United States now, he will go to prison, and that  
4 further diminishes his role in her life. We would submit  
5 that that is an adequate deterrent for him to return to the  
6 United States.

7 We note that Mr. Dominguez presents a compelling  
8 case for leniency under what the guidelines call cultural  
9 assimilation. He was brought to the United States at a  
10 young age. He continuously lived here until he was deported  
11 at age 22.

12 His primary motivation to return to the United  
13 States are his cultural ties to his family. We do concede  
14 that he has three prior deportations and a felony DWI  
15 conviction. His criminal history, however, is all  
16 nonviolent.

17 We last note that Mr. Dominguez has spent eight  
18 months in primary State custody that will not be attributed  
19 to his federal back time.

20 Again, the guidelines suggest that leniency may be  
21 warranted for that reason. And again, we note that he has  
22 no violent criminal history.

23 For these reasons, your Honor, we would ask the  
24 Court to consider a downward variance in this case.

25 THE COURT: Thank you, Mr. Lehmann.

1 Sir, do you wish to speak on your behalf or  
2 present evidence in mitigation of your sentence?

3 THE DEFENDANT: Yes, sir.

4 Do you mind if I stand up instead of sit?

5 THE COURT: Whatever you're comfortable doing.  
6 Just make sure that we can hear you.

7 THE DEFENDANT: I just want to say on behalf of  
8 myself that I just want to work, you know? I came to this  
9 country to see my family and be a good man, you know? Be  
10 with my daughter and just work, you know?

11 THE COURT: Thank you, sir.

12 THE DEFENDANT: I've been here since I've been  
13 three years old, you know?

14 THE COURT: Okay.

15 THE DEFENDANT: Thank you.

16 THE COURT: Thank you, sir.

17 MR. LEHMANN: Your Honor --

18 THE COURT: Yes.

19 MR. LEHMANN: -- Mr. Dominguez has two sisters in  
20 attendance. If I may check with them to see if they want to  
21 address the Court?

22 THE COURT: Yes.

23 MR. LEHMANN: Thank you.

24 We have Adriana Dominguez and Consuelo Dominguez.

25 THE COURT: Would you raise your hand and be

1 sworn, please.

2 (The oath was administered.)

3 ADRIANA DOMINGUEZ: Good morning, your Honor.

4 I just want to say that we love my brother. He's  
5 a great person. If he goes home, we would provide for him.  
6 We would make sure he won't come back. We'll take care of  
7 him. He's a great person.

8 Thank you, your Honor.

9 THE COURT: Thank you.

10 MR. LEHMANN: That's all, your Honor. Thank you.

11 THE COURT: Okay. I will now state the sentence  
12 determined pursuant to Title 18 U.S.C., Section 3553,  
13 treating the sentencing guidelines as advisory only.

14 It is the judgment of the Court that the defendant  
15 is committed to the custody of Federal Bureau of Prisons for  
16 a period of 46 months.

17 This sentence shall run consecutive to any  
18 sentence which may be imposed in Case Number 1688556-D out  
19 of the 372nd Judicial District Court of Tarrant County,  
20 Texas.

21 I do not order a fine.

22 I do order the mandatory special assessment of  
23 \$100.

24 I also order that, upon his release, he be placed  
25 on supervised release for a term of three years.

1           In the event he is not deported immediately upon  
2 his release or should he ever be within the United States  
3 during any portion of the term of his supervised release, he  
4 shall comply with all of the conditions imposed.

5           Those conditions are set forth in the terms of  
6 supervision set forth in Miscellaneous Order No. 64 and as  
7 outlined in Part G of the presentence report.

8           Is there any objection to this sentence from the  
9 government?

10          MR. THOMAS: No, your Honor.

11          THE COURT: From the defendant?

12          MR. LEHMANN: No, your Honor.

13          THE COURT: Then I'll order this sentence imposed  
14 as stated.

15          Now, you have the right to appeal this sentence,  
16 sir. You also have right to apply for leave to appeal in  
17 forma pauperis if you are unable to pay the cost of the  
18 appeal.

19          And if you decide to appeal, your notice must be  
20 filed within 14 days. Please instruct your counsel on how  
21 you wish to proceed in that regard.

22          Is there anything else we should take up from the  
23 government?

24          MR. THOMAS: No, your Honor.

25          THE COURT: From the defendant?



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MR. LEHMANN: No, your Honor.

THE COURT: Then thank you both for being here.

Good luck to you, sir.

THE DEFENDANT: Thank you.

(The proceedings concluded at 9:06 a.m.)

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REPORTER'S CERTIFICATE

I, ZOIE WILLIAMS, RMR, RDR, FCRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter to the best of my ability to hear.

Further, due to the COVID-19 pandemic, some participants are wearing masks, and/or appeared via videoconferencing, so proceedings were transcribed to the best of my ability.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 20th day of January, 2022.

\_\_\_\_\_/s/ Zoie Williams\_\_\_\_\_  
Zoie Williams, RMR, RDR, FCRR  
Official Court Reporter  
Northern District of Texas  
Fort Worth Division

Business Address: 501 W. 10th Street, Room 532  
Fort Worth, Texas 76102  
zwilliams.rmr@gmail.com  
817.850.6630

Pet.App.a21	<b>3</b>	again [2] 5/20 5/21
<b>ADRIANA DOMINGUEZ:</b> [1] 7/3	33-year-old [1] 4/8	age [2] 5/10 5/11
<b>MR. LEHMANN:</b> [9] 2/25	3553 [1] 7/12	ago [1] 4/16
3/3 4/5 6/17 6/19 6/23	37 [1] 3/13	all [7] 2/6 3/6 4/16 4/16
7/10 8/12 9/1	372nd Judicial [1] 7/19	5/15 7/10 8/4
<b>MR. THOMAS:</b> [4] 3/5	<b>4</b>	also [2] 7/24 8/16
3/18 8/10 8/24	46 [2] 3/13 7/16	always [1] 4/23
<b>THE COURT:</b> [23]	4:21-cr-00220-O-1 [1]	<b>AMERICA</b> [1] 1/5
<b>THE DEFENDANT:</b> [9]	1/5	any [3] 7/17 8/3 8/8
2/12 2/14 2/18 2/20 6/3	4:21-cr-220 [1] 2/7	anything [1] 8/22
6/7 6/12 6/15 9/4	<b>5</b>	appeal [4] 8/15 8/16 8/18
<b>\$</b>	501 [1] 10/20	8/19
<b>\$100</b> [1] 7/23	532 [1] 10/20	appeared [1] 10/9
<b>\$95,000</b> [1] 3/15	<b>6</b>	apply [1] 8/16
<b>/</b>	64 [1] 8/6	appropriate [1] 3/10
<b>/s</b> [1] 10/17	<b>7</b>	are [6] 2/21 4/17 5/13 8/5
<b>1</b>	76102 [3] 1/18 1/22 10/20	8/17 10/9
10 [1] 4/15	<b>8</b>	arrest [1] 4/16
10,000 [1] 3/15	801 [1] 1/17	as [7] 3/10 3/11 3/24 3/24
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