

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

United States of America,

Plaintiff,

v.

Case No. 07-20018-01-JWL

Shaune Frazier,

Defendant.

MEMORANDUM & ORDER

Defendant Shaune Frazier entered into a plea agreement with the government pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), pleading guilty to conspiracy to distribute or possess with intent to distribute more than 5 kilograms of cocaine and to distribute or possess with intent to distribute more than 50 kilograms of cocaine base. The parties agreed to a sentence of 235 months. The court accepted the plea agreement on November 30, 2009.

This matter is presently before the court on Mr. Frazier's motion to appoint counsel for purposes of assessing whether he has a claim for relief in light of the Supreme Court's decision in *Hughes v. United States*, 138 S. Ct. 1765 (2018). His motion is denied. There is no constitutional right to counsel beyond the direct appeal of a conviction. *Swazo v. Wyo. Dep't of Corrs.*, 23 F.3d 332, 333 (10th Cir. 1994). "[T]he right to appointed counsel extends to the first appeal of right, and no further." *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). While Mr. Frazier references the *Hughes* opinion, he does not articulate why he believes that opinion might alter his sentence. Nonetheless, if Mr. Frazier files a motion for relief with respect to his

sentence based on *Hughes* and that motion reflects that Mr. Frazier may be entitled to relief, the court will consider a request for the appointment of counsel at that point.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Frazier's motion to appoint counsel (doc. 440) is **denied**.

IT IS SO ORDERED.

Dated this 19th day of July, 2018, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge