

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-10048-JWB

MARIA ALONSO-ESPINOZA,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Defendant's motion to appoint counsel. (Doc. 39.) For the reasons stated below, the motion is DENIED.

On November 4, 2019, Defendant entered a plea of guilty to one count of unlawful possession with intent to distribute 500 grams or more of a mixture containing methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A) and 18 U.S.C. § 2. (Docs. 8, 30.) Defendant entered into a plea agreement in which she waived her right to appeal or collaterally attack her conviction or sentence, subject to limited exceptions. (Doc. 31 at 5.) On January 27, 2020, Defendant was sentenced by the court to a term of imprisonment of 85 months. (Doc. 35.) Defendant was assisted by appointed counsel at all stages of the proceedings. Judgment was entered on January 29, 2020. (Doc. 36.) No direct appeal was filed.

On August 17, 2020, Defendant filed the pro se motion now before the court, in which she asks for "court appointed counsel to help me file my appeal." (Doc. 39.) But it is too late at this point for Defendant to file a direct appeal. In a criminal case, "a defendant's notice of appeal must be filed in the district court within 14 days after the later of ... the entry of the judgment ... or ...

the filing of the government’s notice of appeal.” Fed. R. App. P. 4(b)(1)(A). That time has passed. Accordingly, appointment of counsel is not warranted to assist Defendant in filing an appeal, and the motion suggests no other basis for the appointment of counsel.

Accordingly, Defendant’s motion for appointment of counsel (Doc. 39) is DENIED. IT IS SO ORDERED this 26th day of August, 2020.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE