

No. 97-NUMBER

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CLIENT,
Defendant-Appellant.

Appeal from the United States District Court
for the (name of court)

BRIEF FOR APPELLANT

(NAME, OFFICE ADDRESS
AND TELEPHONE NUMBER
OF COUNSEL REPRESENTING
THE PARTY ON WHOSE
BEHALF THE BRIEF IS FILED)

CERTIFICATE OF INTERESTED PERSONS

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

No. 97-NUMBER

CLIENT,
Defendant-Appellant.

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

1. United States of America.
2. List each interested party by a separate number.

(COUNSEL'S NAME ADDRESS AND
TELEPHONE NUMBER)

REQUEST FOR ORAL ARGUMENT

The defendant-appellant, CLIENT'S NAME, respectfully requests oral argument. This appeal (briefly describe what issues the appeal presents to the court).

Oral discussion of the facts and the applicable precedent would benefit the Court.

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STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked under Section 1291, Title 28, United States Code, as an appeal from a final judgment of conviction and sentence in the United States District Court for the (name of court). Notice of appeal was timely filed in accordance with Rule 4(b) of the Federal Rules of Appellate Procedure.

**THIS IS FOR APPEALS NOT INVOLVING THE SENTENCING GUIDELINES
WHEN THE NOTICE OF APPEAL WAS TIMELY FILED.**

STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked under Section 1291, Title 28, United States Code, as an appeal from a final judgment of conviction and sentence in the United States District Court for the (name of court) and under Section 3742, Title 18, United States Code, as an appeal of a sentence imposed under the Sentencing Reform Act of 1984. Notice of appeal was timely filed in accordance with Rule 4(b) of the Federal Rules of Appellate Procedure.

**THIS IS FOR APPEALS INVOLVING THE SENTENCING GUIDELINES AND
ADDITIONAL ISSUES IF ANY WHEN THE NOTICE OF APPEAL WAS TIMELY
FILED.**

STATEMENT OF THE ISSUES

ISSUE ONE: Whether.

ISSUE TWO: Whether.

STATEMENT OF THE CASE

A. Proceedings Below

B. Statement of the Facts

SUMMARY OF THE ARGUMENT

ARGUMENT

ISSUE ONE RESTATED: The.

A. Standard of Review

B. The

CONCLUSION

For the foregoing reasons, the defendant-appellant, CLIENT'S NAME, respectfully requests that this Court.

Respectfully submitted,

(COUNSEL'S NAME, ADDRESS AND
TELEPHONE NUMBER)

CERTIFICATE OF SERVICE

I, ATTORNEY, certify that today, DATE, 1997, a copy of the brief for appellant, a copy of the record excerpts, and the official record in this case, consisting of NUMBER volume(s) of the pleadings, NUMBER volumes of transcript, NUMBER volumes of supplemental record, and NUMBER envelope(s) of exhibits, were served upon (name of opposing counsel by hand-delivery to his/her office at (street address of opposing counsel.)

OR by certified mail, No. NUMBER, postage prepaid to him/her at (street address or post office box number, city and state.)

ATTORNEY

CERTIFICATE OF COMPLIANCE

Pursuant to 5TH CIR. R. 32.2.7(c), undersigned counsel certifies that this brief complies with the type-volume limitations of 5TH CIR. R. 32.2.7(b).

1. Exclusive of the portions exempted by 5TH CIR. R. 32.2.7(b)(3), this brief contains **NUMBER** words printed in a proportionally spaced typeface. (In the alternative, for briefs prepared in monospaced typeface, you may certify the number of lines of text used.)
2. This brief is printed in a proportionally spaced, serif typeface using Times New Roman 14 point font in text and Times New Roman 12 point font in footnotes produced by Corel WordPerfect 6.1 software.
3. Upon request, undersigned counsel will provide an electronic version of this brief and/or a copy of the word printout to the Court.
4. Undersigned counsel understands that a material misrepresentation in completing this certificate, or circumvention of the type-volume limits in 5TH CIR. R. 32.2.7, may result in the Court's striking this brief and imposing sanctions against the person who signed it.

ATTORNEY

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UNITED STATES OF AMERICA,
Plaintiff-Appellee,

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CLIENT,
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Appeal from the United States District Court
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RECORD EXCERPTS

(NAME, ADDRESS AND
TELEPHONE NUMBER
OF COUNSEL)

RECORD EXCERPTS

Contents

Record Cite

1. Docket sheet.
2. Indictment
3. Jury verdict
4. Judgment
5. Notice of appeal
6. Other documents
7. Certificate of service.

CERTIFICATE OF SERVICE

I, ATTORNEY, certify that today, DATE, 1997, a copy of the brief for appellant, a copy of the record excerpts, and the official record in this case, consisting of NUMBER volume(s) of the pleadings, NUMBER volumes of transcript, NUMBER volumes of supplemental record, and NUMBER envelope(s) of exhibits, were served upon (name of counsel by hand-delivery to him/her office at (street address of opposing counsel.)

OR by certified mail, No. NUMBER, postage prepaid to him/her at (street address or post office box, city and state.)

ATTORNEY

(Attorney's Letterhead)

CERTIFIED MAIL NO. NUMBER RRR

Mr. Charles R. Fulbruge, III, Clerk
United States Court of Appeals
for the Fifth Circuit
600 Camp Street
New Orleans, LA 70130

Re: U.S.A. v. Client's Last Name, 5th Cir. No. Number

Dear Mr. Fulbruge:

Enclosed are the original and six copies of the brief of **Appellant Client's Last Name** in the case identified above. Four copies of the record excerpts are also enclosed.

We are forwarding copies of the enclosed brief and a copy of the record excerpts to (opposing counsel), along with the official record in this case consisting of Number volume(s) of the pleadings, NUMBER volumes of transcript, NUMBER volumes of supplemental record, NUMBER envelope(s) of exhibits.

Thank you for your assistance in this matter.

Very truly yours,

Enclosures

cc:
(see next page)

Mr. Charles R. Fulbruge III

DATE

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cc: (cont'd)

Opposing counsel's
name and full address
[If delivered by hand]

OR

Opposing counsel's
street address or P.O. Box no.
city and state
[If mailed]

