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**From:** Joshua B Carpenter [/O=FDO/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4AC481F1D80D7D17005EA68B852579E2]  
**Sent:** 1/11/2019 11:34:38 AM  
**To:** Heather Beam/NCWP/04/USCOURTS [Heather\_Beam@ncwp.uscourts.gov]  
**Subject:** RE: Moots

Heather,

Looking back at my e-mails, Ann sent invites for the September and October moots that included a small group of five or six people that included both JP and Caryn. This is our common practice – to invite the regular mooters to see how many are available. I should one note: Tony has done an excellent job of keeping confidential that Caryn has filed a complaint or the reason for her current telework status, so Ann had no idea then (and to my knowledge still has idea now) about the extent of the friction, for lack of a better word, between JP and Caryn. Some people have more or less surmised what is going on by this point, but especially in the beginning several people were under the impression that Caryn was on telework status to deal with a health issue. I mention all of that only to give you an idea of Ann's mindset when she sent those invites – Caryn and JP are both excellent mooters, so Ann would not have thought twice about including both of them on the invite.

The December invite was a bit different. For those moots, Ann sent an e-mail to the entire office seeking volunteers because we were hosting three moots for outside lawyers. One of the three was cancelled, so we ended up hosting two. Caryn participated in one of them by phone. My e-mail indicates that seven total people had planned to participate in that moot, including JP, but I don't have any record of whether he actually participated – I think he did, but I'm not certain.

Finally, for the January moot, Ann did not copy me on the e-mail so I'm not 100% if it was sent to JP and other trial attorneys or just to the three appellate / RW people (Jared, Melissa, and Caryn).

Let me know if this answers the question, or if there is anything else you need.

Josh

P.S. I'll respond to your other e-mail as soon as I finish up one other item.

Joshua B. Carpenter  
Appellate Chief  
Federal Public Defender  
Western District of North Carolina  
One Page Ave., Suite 210  
Asheville, NC 28801  
(828) 232-9992

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**From:** Heather\_Beam@ncwp.uscourts.gov <Heather\_Beam@ncwp.uscourts.gov>  
**Sent:** Friday, January 11, 2019 9:27 AM

Strickland v. US  
Trial Ex.

032

US00002803

**To:** Joshua B Carpenter <[Joshua\\_Carpenter@fd.org](mailto:Joshua_Carpenter@fd.org)>

**Subject:** Re: Moots

Hey Josh,

One more question ... do you know which dates JP participated when Caryn was invited? If not, I can ask him too. Thank you!

Heather Beam  
Human Resources  
Western District of North Carolina  
704-350-7601

▼ Joshua B Carpenter —01/09/2019 10:45:59 PM—Heather, Following up on one of your questions this afternoon, I thought it might be useful to send

From: Joshua B Carpenter <[Joshua\\_Carpenter@fd.org](mailto:Joshua_Carpenter@fd.org)>  
To: Heather Beam/NCWP/04/USCOURTS <[Heather\\_Beam@ncwp.uscourts.gov](mailto:Heather_Beam@ncwp.uscourts.gov)>  
Date: 01/09/2019 10:45 PM  
Subject: Moots

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Heather,

Following up on one of your questions this afternoon, I thought it might be useful to send along some confirmation of my answer on the moots. The e-mails attached show that Caryn was invited to participate in moots in September, October, and December, as well as one coming up for later this month. She participated by phone in one of the December moots, but has not been available on the other dates, including the date proposed for later this month. My recollection is that she did not ask any questions or provide any feedback in the December moot -- which was disappointing because, as I mentioned, she was an excellent contributor to our moots last spring.

If I can provide anything else that might be helpful, please let me know.

Thanks,

Josh

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(828) 232-9992

— Message from Caryn Strickland <[Caryn\\_Strickland@fd.org](mailto:Caryn_Strickland@fd.org)> on Tue, 11 Dec 2018 13:45:52 +0000 —



**To:** Ann Hester <[Ann\\_Hester@fd.org](mailto:Ann_Hester@fd.org)>, Joshua B Carpenter <[Joshua\\_Carpenter@fd.org](mailto:Joshua_Carpenter@fd.org)>

**cc:** Tony Hellen <[Tony\\_Hellen@fd.org](mailto:Tony_Hellen@fd.org)>

**Subject:** RE: Moot

I'm only on the 10am one. Thanks, Caryn

**From:** Ann Hester <[Ann\\_Hester@fd.org](mailto:Ann_Hester@fd.org)>

**Sent:** Tuesday, December 11, 2018 8:25 AM

**To:** Caryn Strickland <[Caryn\\_Strickland@fd.org](mailto:Caryn_Strickland@fd.org)>; Joshua B Carpenter <[Joshua\\_Carpenter@fd.org](mailto:Joshua_Carpenter@fd.org)>

**Cc:** Tony Hellen <[Tony\\_Hellen@fd.org](mailto:Tony_Hellen@fd.org)>

**Subject:** RE: Moot

Phil, how are we doing the audio for the moots? Can Caryn call in?

And Caryn, are you doing both the 10 am (Jenny) and 11:40 am (Lisa Lorish)?

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Ann L. Hester  
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**From:** Caryn Strickland <[Caryn\\_Strickland@fd.org](mailto:Caryn_Strickland@fd.org)>

**Sent:** Tuesday, December 11, 2018 8:07 AM

**To:** Joshua B Carpenter <[Joshua\\_Carpenter@fd.org](mailto:Joshua_Carpenter@fd.org)>; Ann Hester <[Ann\\_Hester@fd.org](mailto:Ann_Hester@fd.org)>

**Cc:** Tony Hellen <[Tony\\_Hellen@fd.org](mailto:Tony_Hellen@fd.org)>

**Subject:** Moot

Good morning, please let me know what call in number to use for the moot? Thank you, Caryn

— Message from Ann Hester <[Ann\\_Hester@fd.org](mailto:Ann_Hester@fd.org)> on Tue, 9 Oct 2018 13:28:44 +0000 —

Joshua B Carpenter <[Joshua\\_Carpenter@fd.org](mailto:Joshua_Carpenter@fd.org)>, Jared P Martin <[Jared\\_P\\_Martin@fd.org](mailto:Jared_P_Martin@fd.org)>, Caryn

**To:** Strickland <[Caryn\\_Strickland@fd.org](mailto:Caryn_Strickland@fd.org)>, "Melissa Baldwin" <[Melissa\\_Baldwin@fd.org](mailto:Melissa_Baldwin@fd.org)>, W Kelly

Johnson <[W\\_Kelly\\_Johnson@fd.org](mailto:W_Kelly_Johnson@fd.org)>, JP Davis <[JP\\_Davis@fd.org](mailto:JP_Davis@fd.org)>

**Subject:** Need help with moot 10/30

All,

I need help with a moot on 10/30, probably around 11 a.m. It'll be my 50<sup>th</sup> birthday, if that makes you more inclined to help me out.

The issue is whether NY 1<sup>st</sup> degree robbery is a COV for career offender purposes.

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— Message from Caryn Strickland <[Caryn.Strickland@fd.org](mailto:Caryn.Strickland@fd.org)> on Wed, 29 Aug 2018 12:15:22 +0000 —

To: Jared P Martin <[Jared.P.Martin@fd.org](mailto:Jared.P.Martin@fd.org)>

cc: Ann Hester <[Ann.Hester@fd.org](mailto:Ann.Hester@fd.org)>, Cheyenne Chambers <[CChambers@tinfulton.com](mailto:CChambers@tinfulton.com)>, Joshua B Carpenter <[Joshua.Carpenter@fd.org](mailto:Joshua.Carpenter@fd.org)>, "JP Davis" <[JP.Davis@fd.org](mailto:JP.Davis@fd.org)>

Subject: Re: Moot Sept. 24?

I'm available the 20th but not the 24th. Thanks, Caryn

Caryn Devins Strickland  
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▼ Jared P Martin—08/28/2018 03:33:48 PM—I'm available on both of those dates. Thanks. Jared P. Martin Research and Writing Specialist

From: Jared P Martin/NCWF/04/FDO  
To: Ann Hester/NCWF/04/FDO@FDO  
Cc: Caryn Devins/NCWF/04/FDO@FDO, "Cheyenne Chambers" <[CChambers@tinfulton.com](mailto:CChambers@tinfulton.com)>, Joshua B Carpenter/NCWF/04/FDO@FDO, JP Davis/NCWF/04/FDO@FDO  
Date: 08/28/2018 03:33 PM  
Subject: Re: Moot Sept. 24?

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I'm available on both of those dates. Thanks.

Jared P. Martin  
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▼ Ann Hester—08/28/2018 03:17:00 PM—I need to round up some folks for a moot in Darius Chaney's case, hopefully on Sept. 24 at around 1:

From: Ann Hester/NCWF/04/FDO  
 To: "Cheyenne Chambers" <[CCChambers@tinfulton.com](mailto:CCChambers@tinfulton.com)>, Jared P Martin/NCWF/04/FDO@FDO, Caryn Devins/NCWF/04/FDO@FDO, JP Davis/NCWF/04/FDO@FDO, Joshua B Carpenter/NCWF/04/FDO@FDO  
 Date: 08/28/2018 03:17 PM  
 Subject: Moot Sept. 24?

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I need to round up some folks for a moot in Darius Chaney's case, hopefully on Sept. 24 at around 1:30 p.m. If that date doesn't work, I'll shoot for 9/20. Are any of you available?

These are the issues:

I. The district court made a legal error when it failed to recognize its authority under 28 U.S.C. § 2255 to resentence Chaney on the carjacking count as part of the remedy for Chaney's unlawful § 922(g)(1) conviction

A. The "most appropriate remedy" in this case is a resentencing on the carjacking count

B. The district court abused its discretion by failing to recognize that § 2255 gave it the authority to resentence Chaney on Count One as part of the remedy for the unlawful conviction in Count Three

The government has raised a bunch of annoying procedural defenses in response, so that'll be fun.

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— Message from Ann Hester <[Ann.Hester@fd.org](mailto:Ann.Hester@fd.org)> on Mon, 7 Jan 2019 18:19:26 +0000 —  
 To: Joshua B Carpenter <[Joshua.Carpenter@fd.org](mailto:Joshua.Carpenter@fd.org)>

**Subject:**moots

I have 4 outside people lined up for my moot on the 29<sup>th</sup>, so if you need to re-deploy Jared or Melissa to your moots on the 28<sup>th</sup>, you can do that. Caryn was unavailable on the 29<sup>th</sup>.

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