

MAR - 8 2010

Stephan Harris, Clerk
Casper

**United States District Court for the
District of Wyoming**

UNITED STATES OF AMERICA,)	File Number <u>10 M 053 - D</u>
)	
Plaintiff,)	
)	
vs.)	NOTICE OF APPEAL
)	
DALE KELLOGG, a/k/a "John Doe",)	
)	
Defendant.)	

Notice is hereby given that Dale Kellogg, Defendant, in the above named case, hereby appeals to the United States District Court for the District of Wyoming from the *JUDGEMENT IN A CRIMINAL CASE* entered in his misdemeanor criminal action on February 5, 2010, by United States Magistrate Judge, Teresa M. McKee in the misdemeanor criminal cases given the following identifiers

Case Number 2:08-M-6513

Violation Nos. F3690801, F3690803, F3690804

Mr. Kellogg does intend to request permission from the Court to proceed in forma pauperis and will shortly provide the necessary motion and affidavit so that the Court will be able to make that determination, however, in order to preserve his right to appeal he files this notice with the District Court.

Attorney for the Defendant has attached both the February 25, 2010 *JUDGEMENT IN A CRIMINAL CASE* and the *JUDGEMENT AND SENTENCE* in the same case filed November 20, 2009 that is referenced in the February 25, 2010 *JUDGEMENT IN A CRIMINAL CASE*.

By way of notice the attorney for the Defendant also informs the Court that Mr. Kellogg

did not receive any jail time in connection with this *JUDGEMENT IN A CRIMINAL CASE*, although during the course of the proceeding he was arrested and initially held. The attorney for the Defendant is Court appointed and is uncertain as to whether the right the Defendant had to a Court appointed attorney continues now that the sentence imposed does not include incarceration.

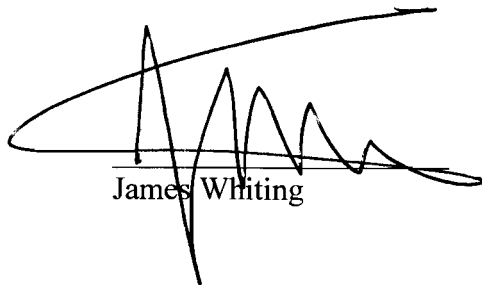


James Whiting
Attorney For Dale Kellogg
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(307) 332-5534

CERTIFICATE OF SERVICE

I, James Whiting, hereby certify that on the 5th day of March, 2010, a true and correct copy of the foregoing NOTICE OF APPEAL was hand delivered to:

Jason Conder
U.S. Attorney's Office
331 Main Street, Suite A
Lander, WY 82520
(307) 332-7104



James Whiting