

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA

Plaintiff,

v.

DARNELL ROCKETTE,

Defendant.  
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ORDER

10-cr-201-bbc

Defendant Darnell Rockette has written to ask for a 60-day extension of time in which to file his direct appeal. He does not say whether he is appealing the denial of his request for a transcript at government expense or his conviction and sentence.

I reminded defendant in an order entered on December 5, 2011 denying his motion for a transcript that as part of his plea agreement he had given up his right to appeal his conviction and any sentence of less than 73 months. He did not receive a sentence longer than 73 months, so he remains bound by his plea agreement.

Moreover, defendant was sentenced on June 24, 2011. The judgment and commitment order was entered the same day, so the 14-day period that defendant had in which to take an appeal began to run on June 25, 2011 and would have expired on July 11,

2011. (Because the fourteenth day fell on a Saturday, the appeal period ran until the next business day, Monday, July 11.) This court cannot give defendant the extension of time he is requesting, even if he had shown excusable neglect or good cause. Under Fed. R. App. P. 4(b)(4), a district court may “extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b),” which in this case would be August 10, 2011.

ORDER

IT IS ORDERED that defendant Darnell Rockettte’s motion for a 60-day extension of time in which to file a direct appeal is DENIED.

Entered this 25th day of May, 2012.

BY THE COURT:

/s/  
BARBARA B. CRABB  
District Judge