

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

January 8, 2020

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MIRANDA ADAMS,

Defendant - Appellant.

No. 19-2146
(D.C. No. 1:17-CR-01712-SWS-1)
(D. N.M.)

ORDER AND JUDGMENT*

Before **LUCERO, MATHESON, and EID**, Circuit Judges.

Pursuant to a plea agreement, Miranda Adams pleaded guilty to 20 counts of bank fraud, in violation of 18 U.S.C. § 1344. She was sentenced to 57 months’ imprisonment. Although the plea agreement contained a waiver of her appellate rights, Ms. Adams filed a notice of appeal. The government has moved to enforce the appeal waiver in the plea agreement pursuant to *United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc) (per curiam).

Under *Hahn*, we consider “(1) whether the disputed appeal falls within the scope of the waiver of appellate rights; (2) whether the defendant knowingly and

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

voluntarily waived his appellate rights; and (3) whether enforcing the waiver would result in a miscarriage of justice.” *Id.* at 1325. The government asserts that all of the *Hahn* conditions have been satisfied because: (1) Ms. Adams’ appeal is within the scope of the appeal waiver; (2) she knowingly and voluntarily waived her appellate rights; and (3) enforcing the waiver would not result in a miscarriage of justice. In her response to the motion to enforce, Ms. Adams concedes, through counsel, “that her appeal waiver is enforceable under the standard set out in [*Hahn*].” Resp. at 1.

Based on this concession and our independent review of the record, we grant the government’s motion to enforce the appeal waiver and dismiss the appeal. This dismissal does not affect Ms. Adams’ right to pursue post-conviction relief on the grounds permitted in her plea agreement.

Entered for the Court
Per Curiam