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7 UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,  
10  
11 Plaintiff,  
v.  
12 Ilene Marie Wahpeta,  
13 Defendant.

No. 2:17-cr-00041-003-PHX-GMS

**Reply to the government’s response  
opposing Ms. Wahpeta’s reduction-  
in-sentence motion for her rape and  
sexual assault**

14  
15 The government spends its response addressing why Ilene Wahpeta, a recognized victim  
16 of sexual assault, should not be believed. But the DOJ has already decided whether Ms.  
17 Wahpeta is lying. And it decided she isn’t. It decided she isn’t when the U.S. Attorney’s Office  
18 for the Northern District of California invited her to read a victim impact statement at Officer  
19 Andrew Jones’s sentencing hearing. If the government believed that Ms. Wahpeta was lying,  
20 it would have had a duty to tell the Court. It did not do so. In fact, until its response here, at  
21 no point during the duration of Ms. Wahpeta’s cooperation with the government has the  
22 government questioned what happened to Ms. Wahpeta to either her or her counsel. Nor  
23 could it. Because it’s true. She was raped and sexually assaulted by two Dublin guards. And,  
24 for that reason, applying the pre-November 1 law, a reduction in sentence is appropriate.  
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1           **I.       The pre-November 1, 2023 law applies to Ms. Wahpeta’s claims.**

2           In denying the government’s motion to stay, the Court noted there was an open  
3 question about “whether the substantiation requirement” set forth in U.S.S.G. § 1B1.13(b)(4)  
4 applies.<sup>1</sup> The government’s response ignores that question and again presumes the post-  
5 November 1 law applies to Ms. Wahpeta.<sup>2</sup> It does not. As Ms. Wahpeta argued in her response  
6 to the motion to stay,<sup>3</sup> the pre-November 1 law applies because (1) she exhausted before  
7 November 1, and (2) principles of non-retroactivity apply.<sup>4</sup> The pre-November 1 law  
8 empowers district court judges to “consider *any* extraordinary and compelling reason for  
9 release.” *United States v. Aruda*, 993 F.3d 797, 801 (9th Cir. 2021) (emphasis added). This entails  
10 considering all facts available to the Court to assess the veracity of the claims before it. *See id.*  
11 The pre-November 1 standard does not require the type of substantiation that the government  
12 appears to argue is mandatory.<sup>5</sup> But even if it does, for the reasons previously argued, Ms.  
13 Wahpeta prevails because she meets the substantiation requirement in U.S.S.G § 1B1.13(b)(4),  
14 or she has been unduly delayed and is excused from (b)(4)’s requirement.<sup>6</sup>

17           **II.       Ms. Wahpeta did not make up that she was raped and sexually assaulted.**

18           Setting aside the legal standard, the core of the government’s argument is that Ms.  
19 Wahpeta was not abused<sup>7</sup> because she (1) did not immediately report; (2) did not tell her family  
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<sup>1</sup> ECF No. 153.

22 <sup>2</sup> *See* ECF No. 154, at 10 (citing U.S.S.G. § 1B1.13(b)(4)).

23 <sup>3</sup> LRCrim 47.1 (“With regard to Forms of Papers and Motion, see rules 7.1 and 7.2” of  
LR Civ.); LRCiv 7.1(d)(2) (“If a party desires to call the Court’s attention to anything  
24 contained in a previous pleading. . .the party shall do so by incorporation by reference.”).

25 <sup>4</sup> *See* ECF No. 150, at 4–7.

<sup>5</sup> *See* ECF No. 154, at 10.

<sup>6</sup> *See* ECF No. 146, at 18–19; ECF No. 149, at 7–12.

<sup>7</sup> *See* ECF No. 154, at 5, 10.

1 and friends about her abuse in letters that BOP officials would read; (3) sought counsel; (4)  
2 gave “remarkably similar” statements to other victims; and (5) could not be “corroborated.”<sup>8</sup>  
3 The government’s position conflicts with the position that the DOJ has taken in other  
4 litigation, and it ignores social science, methods of evidentiary analysis, and the facts.

5 **A. The U.S. Attorney’s Office for the Northern District of California’s**  
6 **actions show that Ms. Wahpeta did not fabricate her claims.**

7 First, the U.S. Attorney’s Office for the Northern District of California has already  
8 determined Ms. Wahpeta is not lying. It invited Ms. Wahpeta to give a victim impact statement  
9 at Officer Jones’s sentencing hearing.<sup>9</sup> Not only that, but it was an AUSA from the N.D. of  
10 California—not Ms. Wahpeta—who originally broached the idea of Ms. Wahpeta’s  
11 participation.<sup>10</sup> This was after the AUSA had met with Ms. Wahpeta in September 2023.<sup>11</sup> Ms.  
12 Wahpeta declined the invitation to testify, and the N.D. of California followed up to invite her  
13 to write and read a victim impact statement.<sup>12</sup> They even made arrangements with the Court  
14 and the prison for this to happen over Zoom.<sup>13</sup> To make this invitation, the N.D. of California  
15 must have believed that Ms. Wahpeta met the definition of a “crime victim.” 18 U.S.C. §  
16 3771(a)(4). A “crime victim” is defined as a “person directly and proximately harmed as a  
17 result of the commission of a Federal offense.” 18 U.S.C. § 3771(e)(2)(A). Only a “crime  
18 victim” can give a victim impact statement. 18 U.S.C. § 3771(a)(4).

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21 The government is right that Officer Jones’s defense counsel objected to Ms.  
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23 <sup>8</sup> See *id.* at 2–5.

24 <sup>9</sup> See Ex. S, at 1.

25 <sup>10</sup> See *id.*, at 1-2.

<sup>11</sup> See ECF No. 156, Ex. 10, at 1.

<sup>12</sup> See Ex. S, at 1.

<sup>13</sup> See *id.*, at 4-7.

1 Wahpeta’s statement because she was not a “statutory victim” and claimed there was an email  
2 from an AUSA stating that Ms. Wahpeta’s and A.N.’s statements were not “sufficiently reliable  
3 to be considered.”<sup>14</sup> But, in response, the AUSA clarified that the “government could not  
4 sufficiently corroborate their statements to allow the government to present their allegations  
5 to the court for consideration at sentencing.”<sup>15</sup> “Not sufficiently corroborate[d]” does not  
6 mean untrue. If the AUSA had believed the statements were untrue, then he would have been  
7 obligated by statute and Rules of Professional Conduct to prevent Ms. Wahpeta from  
8 speaking.<sup>16</sup> Yet the AUSA paved the way for her to speak.

9  
10       There are many reasons why the government could not have been able to “sufficiently  
11 corroborate” Ms. Wahpeta’s statement for purposes of a sentencing hearing. It could mean  
12 that the Northern District of California made a strategic decision to not further investigate  
13 Ms. Wahpeta’s claim against Officer Jones because it had already achieved a conviction and  
14 did not need her testimony. The District has used this strategy in Dublin cases before. During  
15 the Warden Garcia prosecution, for example, the government was planning to call at least five  
16 unnamed victims at trial to testify to unindicted conduct.<sup>17</sup> The defense argued that the  
17 unnamed victims could not be relied on, and it requested an evidentiary hearing to make this  
18 credibility determination.<sup>18</sup> The government moved forward without the unnamed victims’  
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22 <sup>14</sup> ECF No. 154, at 3–4.

23 <sup>15</sup> ECF No. 150, Ex. A, at 23–24.

24 <sup>16</sup> Rule 3.3(a)(3) of the California Rules of Professional Conduct states a “lawyer shall not . . .  
25 offer evidence that the lawyer knows to be false.” “Knows” is defined as “actual knowledge  
of the fact in question” and that “a person’s knowledge may be inferred from  
circumstances.” Cal. Rules of Pro. Conduct r. 1.0.1(f).

<sup>17</sup> See *United States v. Garcia*, No. 4:23-cr-00429-YGR, ECF No. 145, at 4–5, 9 (N.D. Cal.).

<sup>18</sup> See *id.*, ECF No. 148, at 1–2.

1 testimony.<sup>19</sup> Again, “not sufficiently corroborated” by the government does not mean untrue.  
2 Rather, the U.S. Attorney’s Office for the Northern District of California’s actions show that  
3 Ms. Wahpeta’s claims are not fabricated. They show quite the opposite.

4 **B. Ms. Wahpeta’s reluctance to report abuse to people who had failed to**  
5 **protect her and placed her in the SHU does not mean she is lying.**

6 But even if the issue of Ms. Wahpeta’s credibility has not yet been decided, the facts  
7 show that she was raped and sexually abused. Contrary to the government’s argument, the  
8 failure to immediately report abuse, does not mean Ms. Wahpeta is lying.<sup>20</sup> As she explained  
9 to the U.S. Attorney’s Office for the Northern District of California, Ms. Wahpeta did not  
10 report her abuse because she was afraid of retaliation<sup>21</sup> and feared she was “under  
11 investigation.”<sup>22</sup> This belief was reinforced by the fact that nobody had told her why she had  
12 been placed in the SHU, and no one had come to talk to her once there.<sup>23</sup> Civil litigation has  
13 revealed that FCI Dublin used this tactic to discourage survivors from reporting.<sup>24</sup> The first  
14 time that Ms. Wahpeta had the opportunity to report her abuse *after* her abusers had been  
15 removed from the prison was on June 2, 2022—78 days after first being taken to the SHU.  
16 Believing she was “under investigation,”<sup>25</sup> she was taken to a meeting with the FBI.<sup>26</sup> This  
17 meeting resembled an interrogation.<sup>27</sup> Ms. Wahpeta said that the questions were “really  
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21 <sup>19</sup> See *id.*, ECF No. 168, at 9–10.

22 <sup>20</sup> See ECF No. 154, at 5.

23 <sup>21</sup> See ECF 156, Ex. 10, at 8.

24 <sup>22</sup> See Exhibit T (Letter from the SHU).

25 <sup>23</sup> See ECF No. 146, Ex. C, ¶¶ 74–77.

<sup>24</sup> See *Cal. Coal. for Women Prisoners v. United States of Am. Fed. Bureau of Prisons*, No. 3:23-cv-04155-YGR, ECF No. 10, at 14, 16 (N.D. Cal. Aug. 17, 2023).

<sup>25</sup> See Exhibit T.

<sup>26</sup> See ECF No. 156, Ex. 9.

<sup>27</sup> See ECF No. 146, Ex. C, at ¶¶ 81–84.

1 direct.”<sup>28</sup> When Ms. Wahpeta met with the FBI again in September 2023, it was the same male  
2 FBI agent acknowledged how harsh his questioning was in the first interview. Harsh  
3 questioning is a proven way to retraumatize survivors which dissuades them from reporting.<sup>29</sup>

4 Moreover, as Dr. Terry Kupers—a board-certified psychiatrist with nearly 50 years of  
5 experience who specializes in how carceral environments impact mental health and who has  
6 testified in front of the PREA Commission multiple times<sup>30</sup>—noted in his evaluation of Ms.  
7 Wahpeta’s case, she likely “distrust[ed] others in positions of official authority” because her  
8 abusers had acted “in their capacity as government employees who ha[d] a duty to protect and  
9 care for her.”<sup>31</sup> Ms. Wahpeta’s reluctance to report reflects what science says about how  
10 survivors of carceral sexual abuse act. As Dr. Kupers explains,  
11

12 [t]he reasons for underreporting are complex, and there are many variables. The  
13 one that stands out is that women who are sexually abused by staff very often  
14 do not report the abuse. Of course, their shame plays a role. But I have  
15 interviewed hundreds of women who have been the victims of sexual abuse in  
16 prison and all of them report they are terrified about retaliation for reporting  
17 abuse, or they are terrified they will be consigned to solitary confinement, even  
18 if their transfer . . . is officially designated “protection.”<sup>32</sup>

17 **C. Ms. Wahpeta’s reluctance to tell her parents in BOP-monitored**  
18 **letters that she had been raped does not mean she is lying.**

19 Ms. Wahpeta’s failure to “tell her parents she is personally a victim of sexual abuse” in  
20 her letters from the SHU also do not indicate she is lying.<sup>33</sup> First, Ms. Wahpeta’s primary  
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22 <sup>28</sup> *Id.* ¶ 82.

23 <sup>29</sup> See Emma Lathan et al., *The Promise Initiative: Promoting a Trauma-Informed Police Response to*  
*Sexual Assault in a Mid-Size Southern Community*, 47 J. Cmty. Psych. 1733, 1735–36 (2019).

24 <sup>30</sup> See ECF No. 146, Ex. I-2.

25 <sup>31</sup> See ECF No. 146, Ex. I-1, at 22.

<sup>32</sup> *Id.* at 4.

<sup>33</sup> ECF No. 154, at 5. Ms. Wahpeta’s letter to “Dad” is not addressed to her biological father.  
“Dad” is a close friend who has no familial relation.

1 concern was her safety.<sup>34</sup> As Ms. Wahpeta sat in the SHU for nearly three months, she learned  
2 that investigators were interested in the sexual abuse at FCI Dublin.<sup>35</sup> She had a decision to  
3 make: “[D]o the right thing or just sit here [and] do the rest of my time and forget everything  
4 I saw?”<sup>36</sup> In other words, Ms. Wahpeta had to weigh whether she should report and face the  
5 very real risk of retaliation<sup>37</sup> or keep quiet and stay safe. Given that Ms. Wahpeta was never  
6 told why she was placed in the SHU in the first place,<sup>38</sup> it’s reasonable to conclude it was  
7 because FCI Dublin was using the SHU to discourage reporting.<sup>39</sup> Ultimately, when Ms.  
8 Wahpeta was taken to the first FBI meeting, she denied the abuse because she “was scared  
9 that if [she] reported [her] abuse to someone at FCI Dublin, another guard might find out and  
10 write [her] up or hurt [her].”<sup>40</sup>

11  
12         Second, why would anyone want to tell their family that they were raped, particularly  
13 in a letter from prison the BOP would read? Although Ms. Wahpeta told her mom that “all  
14 kinds of officers [are] getting walked off [for] sexual assaults,” she begged her mom “don’t be  
15 mad at me” because she “didn’t do nothing wrong.”<sup>41</sup> As she explained to the FBI,<sup>42</sup> Ms.

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<sup>34</sup> See ECF No. 156, Ex. 7, at 3 (“I know what I should do but I don’t want [people] looking  
at me as a snitch. You know, that’s my main concern, [because] [people] will talk, but my  
thing is also is I don’t [want to] testify or nothing in court. I’m too embarrassed.”).

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<sup>35</sup> See *id.* at 2.

<sup>36</sup> *Id.* at 1–2.

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<sup>37</sup> See Cal. Coal. for Women Prisoners v. United States of America Fed. Bureau of Prisons,  
No. 3:23-cv-04155-YGR, ECF No. 10, at 14, 16 (N.D. Cal. Aug. 17, 2023).

23  
<sup>38</sup> Ex. T, at 1 (“I’ve been down [in the SHU] for 2 weeks now since the 16th. So I’m under  
investigation. Nobody’s come to talk to us. . . . I don’t know why I’m here.”).

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<sup>39</sup> See Cal. Coal. for Women Prisoners v. United States of America Fed. Bureau of Prisons,  
No. 3:23-cv-04155-YGR, ECF No. 10, at 14, 16 (N.D. Cal. Aug. 17, 2023).

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<sup>40</sup> ECF No.146, Ex. C, at ¶ 94.

<sup>41</sup> Ex. T, at 1.

<sup>42</sup> ECF No. 156, Ex. 10, at 7 (“Wahpeta felt lower than dirt.”).

1 Wahpeta was embarrassed.<sup>43</sup> And this makes sense. Most survivors of sexual abuse feel  
 2 “shame, self-loathing, and a sense of failure.”<sup>44</sup> In fact, Ms. Wahpeta has never told her family  
 3 about her abuse. Undersigned counsel did.<sup>45</sup>

4 **D. Ms. Wahpeta’s request for a lawyer does not mean that she is lying.**

5 The government’s last assertion about reporting behavior is that because Ms. Wahpeta  
 6 wanted a lawyer, she should not be believed.<sup>46</sup> Ms. Wahpeta was not concocting a scheme to  
 7 get herself out of prison.<sup>47</sup> She was crying out for help:  
 8

9 Mom I’m really writing [for] some [advice]. See I’ve been in the SHU going on  
 10 3 months now. But the FBI came to talk to my friend last week [they’re] saying  
 11 she’s having an relationship with one of my bosses [at] work. She denied it all  
 12 but now she’s sitting here thinking about it. We don’t know what to do.  
 13 Honestly, I think I need a lawyer for this one [because] if we say anything or  
 14 before we say anything we [want to] know if we talk will this get us home. . . .  
 I guess what I’m saying is do I do the right thing or just sit here [and] do the  
 15 rest of my time and forget everything I saw or had to look for, I know I’m  
 16 grown and a lot of things were consensual but that is against the law. I’m lost  
 17 right now [and] I feel only you can tell me what I should do.<sup>48</sup>

18 The Supreme Court has been clear “lawyers in criminal courts are necessities, not luxuries.”  
 19 *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963). That Ms. Wahpeta wanted to seek the advice of  
 20 counsel should not be used against her. She simply “require[d] the guiding hand of counsel”  
 21 to protect her because she knew FCI Dublin was not going to do that for her. *Id.* (quoting  
 22 *Powell v. Alabama*, 287 U.S. 45, 68–69 (1932)).

23 <sup>43</sup> See ECF No. 146, Ex. F, at 4; ECF No. 146, Ex. C, at ¶ 94; ECF No. 150, Ex. A, at 32.

24 <sup>44</sup> See ECF No. 146, Ex. I-1, at 22.

25 <sup>45</sup> See ECF No. 156, Ex. 11, at 8.

<sup>46</sup> See ECF No. 154, at 4.

<sup>47</sup> See *id.*

<sup>48</sup> ECF No. 156, Ex. 7, at 1–2.



1           **E. Evidence shows that Ms. Wahpeta is not making this up.**

2           Finally, the way that federal courts typically review the credibility of sexual-abuse  
3 victims also shows that Ms. Wahpeta is credible. Although not strictly applicable in this  
4 context, Congress has outlined an analytical framework to assess the veracity of sexual-assault  
5 claims.<sup>49</sup> Federal Rule of Evidence 413 permits factfinders to consider evidence of other sexual  
6 assaults committed by the accused in sexual-assault cases. *See* Fed. R. Evid. 413. Because of  
7 the uniqueness of sex crimes,<sup>50</sup> factfinders are permitted to use prior sexual assaults as  
8 “evidence that the defendant has the motivation or disposition to commit sexual assaults, and  
9 a lack of effective inhibitions against acting on such impulses, and as evidence bearing on the  
10 probability or improbability that the defendant was falsely implicated in the offense of which  
11 he is presently accused.” 137 Cong. Rec. S3191-02, S3239 (1991). Employing the FRE 413  
12 analysis here supports Ms. Wahpeta.  
13  
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15           Ms. Wahpeta is not Officer Jones’s only victim.<sup>51</sup> Officer Jones pleaded guilty to the  
16 repeated rapes and sexual abuse of three other women.<sup>52</sup> This is not a coincidence. There is a  
17 pernicious pattern to Officer Jones’s criminal behavior.<sup>53</sup> Although the sheer frequency of  
18 Officer Jones’s abuse should be enough to prove the veracity of Ms. Wahpeta’s own claims,  
19 as outlined in Exhibit T, Ms. Wahpeta’s abuse falls within a neat timeline of Officer Jones’s  
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21 <sup>49</sup> *See* Jessica D. Khan, *He Said, She Said, She Said: Why Pennsylvania Should Adopt Federal Rules of*  
22 *Evidence 413 and 414*, 52 Villanova L. Rev. 641, 676 (2007) (noting that unlike other crimes,  
23 the issues of prosecuting sex crimes “include[] a lack of physical evidence, a lack of witnesses  
24 other than the victim, delays in reporting, societal bias against believing women and children  
25 who report sexual crimes and an overall focus on the victim’s credibility”).

<sup>50</sup> *Id.*

<sup>51</sup> *See* ECF No. 146, Ex. B, at ¶ 2(b)–(k).

<sup>52</sup> *See* ECF No. 146, Ex. B, at ¶ 2(b)–(k).

<sup>53</sup> *See* Ex. U.

1 predatory style of abuse.<sup>54</sup> This is not a coincidence. This Court should carefully read the  
 2 descriptions of Officer Jones’s abuse of the three women he pleaded guilty to raping. Officer  
 3 Jones admits to a pattern of singling out his victim, taking her to a secluded area, and forcing  
 4 her to have sex with him.<sup>55</sup> Ms. Wahpeta is not the only victim Officer Jones singled out.<sup>56</sup>  
 5 Ms. Wahpeta is not the only victim Officer Jones directed to go to the staff bathroom of the  
 6 kitchen.<sup>57</sup> Ms. Wahpeta is not the only victim Officer Jones forced to have vaginal sex.<sup>58</sup> And  
 7 this is not a coincidence. Ms. Wahpeta’s account of what happened to her is much like the  
 8 other victims. Not because she is lying,<sup>59</sup> but because Officer Jones followed a pattern.  
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10 **III. The § 3553(a) analysis focuses solely on her crime and ignores all else.**

11 Finally, the § 3553(a) factors support release.<sup>60</sup> Although her crime was very serious,<sup>61</sup>  
 12 who Ms. Wahpeta is *today* shows that she is ready to come home. *See Pepper v. United States*, 562  
 13 U.S. 476, 487–88 (2011) (internal citation omitted) (requiring consideration of post-offense  
 14 rehabilitation). Ms. Wahpeta has not just “claimed”<sup>62</sup> she is a different person; she has shown  
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17 <sup>54</sup> *See* Ex. U.

18 <sup>55</sup> *See* ECF No. 146, Ex. B, at ¶ 2(b)–(k).

19 <sup>56</sup> *Compare* ECF No. 146, Ex. B, at ¶ 2(b)–(c), (f)–(j) (Officer Jones admits instructing C.V.,  
 20 J.L., and R.C. to certain rooms away from others or already being in the room alone with his  
 21 victims) *with* ECF No. 146, Ex. C, at ¶¶ 33–36, 61–65 (Officer Jones directed Ms. Wahpeta  
 22 to go with him to the staff bathroom where Officer Jones locked the door).

23 <sup>57</sup> *Compare* ECF No. 146, Ex. B, at ¶ 2(b)–(c), (h), (j) (Officer Jones admits taking C.V. and  
 24 R.C. to the staff bathroom) *with* ECF No. 146, Ex. C, at ¶¶ 33–36, 61–65 (Officer Jones  
 25 directed Ms. Wahpeta to go to the bathroom).

<sup>58</sup> *Compare* ECF No. 146, Ex. B, at ¶ 2(c)–(e), (g), (i)–(k) (Officer Jones admits having vaginal  
 sex with C.V., J.L., and R.C.) *with* ECF No. 146, Ex. C, at ¶¶ 40, 68 (Officer Jones vaginally  
 penetrated Ms. Wahpeta).

<sup>59</sup> *See* ECF No. 154, at 5.

<sup>60</sup> *See id.* at 12–13.

<sup>61</sup> *See* ECF No. 146, Ex. J, at 15.

<sup>62</sup> ECF No. 154, at 12.

1 she is through her post-incarceration conduct. She has completed substance abuse treatment,<sup>63</sup>  
 2 willingly put herself in harm's way to protect other survivors,<sup>64</sup> became a mentor and leader  
 3 for other women,<sup>65</sup> kept strong relationships with her family,<sup>66</sup> and prepared herself for life  
 4 beyond bars.<sup>67</sup> Ms. Wahpeta's release date is June 2025, and she is eligible for a halfway house  
 5 in July 2024. *See* 18 U.S.C. § 3624(c). Ms. Wahpeta's post-conviction conduct shows that she  
 6 will not endanger her community. She will better it.  
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#### 8 IV. Conclusion

9 Ms. Wahpeta was the victim of sexual abuse by guards at FCI Dublin. The  
 10 government treated her as a victim in Officer Andrew Jones's case and now attempts to  
 11 retract that designation. Because Ms. Wahpeta was abused, and because her abuse is an  
 12 "extraordinary and compelling" reason for a reduced sentence, this Court should use its  
 13 authority to grant Ms. Wahpeta's motion under 18 U.S.C. § 3582(c)(1)(A).  
 14

15 Dated: January 29, 2024

16 */s/ Alison K. Guernsey*

17 Alison K. Guernsey

18 Attorney for Ilene Wahpeta

Clinical Professor

*Pro Hac Vice Admission*

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 24 <sup>63</sup> *See* ECF No. 146, Ex. L, at 9.

<sup>64</sup> *See* ECF No. 146, at 26–27.

<sup>65</sup> *See id.* at 28–29.

<sup>66</sup> *See id.* at 29.

<sup>67</sup> *See id.* at 27, 29–30.

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**Certificate of Service**

I certify that on January 29, 2024, I filed the above using the CM/ECF System, thereby sending notification to: Raynette Logan, U.S. Attorney's Office.

*s/ Alison K. Guernsey*  
Alison K. Guernsey

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