

**General Docket**  
**United States Court of Appeals for the First Circuit**

<b>Court of Appeals Docket #:</b> 14-1088 US v. Peake <b>Appeal From:</b> District Court of Puerto Rico, San Juan <b>Fee Status:</b> filing fee paid	<b>Docketed:</b> 01/22/2014 <b>Termed:</b> 10/14/2015								
<b>Case Type Information:</b> 1) criminal 2) conviction and/or sentence 3) -									
<b>Originating Court Information:</b> <b>District:</b> 0104-3 : <a href="#">3:11-cr-00512-DRD-1</a> <span style="float: right;"><b>Lead:</b> <a href="#">3:11-cr-00512-DRD-1</a></span> <b>Court Reporter:</b> FTR - PR <b>Court Reporter:</b> Crystal Inchaustegui <b>Court Reporter:</b> Annette Montalvo <b>Court Reporter:</b> Yvette Pearl Richardson <b>Court Reporter:</b> Zulma Migdalia Ruiz <b>Court Reporter:</b> Amy A. Walker <b>Ordering Judge:</b> Daniel R. Dominguez, U.S. District Judge <b>Trial Judge:</b> Jose Antonio Fuste, U.S. District Judge <b>Trial Judge:</b> Silvia L. Carreno-Coll, Magistrate Judge <b>Trial Judge:</b> Marcos E. Lopez, Magistrate Judge <b>Trial Judge:</b> Camille L. Velez-Rive, Magistrate Judge <b>Date Filed:</b> 11/17/2011 <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><b>Date Order/Judgment:</b></td> <td style="width: 25%;"><b>Date Order/Judgment EOD:</b></td> <td style="width: 25%;"><b>Date NOA Filed:</b></td> <td style="width: 25%;"><b>Date Rec'd COA:</b></td> </tr> <tr> <td>12/06/2013</td> <td>12/27/2013</td> <td>12/27/2013</td> <td>01/16/2014</td> </tr> </table>		<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	<b>Date Rec'd COA:</b>	12/06/2013	12/27/2013	12/27/2013	01/16/2014
<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	<b>Date Rec'd COA:</b>						
12/06/2013	12/27/2013	12/27/2013	01/16/2014						
<b>Prior Cases:</b> None									
<b>Current Cases:</b> None									
<b>Panel Assignment:</b> <b>Panel:</b> SLL JRT RT <b>Date of Hearing:</b> 03/02/2015 <b>Date of Decision:</b>									

UNITED STATES  
 Appellee

William J. Baer  
 Direct: 202-353-0093  
 [On Brief]  
 US Dept of Justice  
 Antitrust Division  
 950 Pennsylvania Ave NW  
 Washington, DC 20530-0001

James Joseph Fredricks  
 Direct: 202-307-1403  
 Fax: 202-514-0536  
 [COR NTC Federal Government]  
 US Dept of Justice  
 Antitrust Division  
 Ste 3224  
 950 Pennsylvania Ave NW  
 Washington, DC 20530-0001

Craig Y. Lee  
 Direct: 202-307-1044  
 [COR NTC Fed Public Defender]  
 US Dept of Justice  
 Ste 11300  
 450 5th St NW  
 Washington, DC 20001-0000

Jessica Lefort  
 Direct: 202-353-2259  
 Fax: 202-514-6525  
 [No Notice]  
 US Dept of Justice  
 Suite 11300  
 450 5th St NW

Washington, DC 20001-0000

Nelson Jose Perez-Sosa  
Direct: 787-282-1800  
Fax: 787-772-3976  
[NTC Federal Government]  
US Attorney's Office  
350 Carlos Chardon Ave  
Torre Chardon, Room 1201  
San Juan, PR 00918-0000

Brent Snyder  
Direct: 415-436-6675  
Fax: 415-436-6687  
[No Notice]  
US Dept of Justice  
Room 10-0101  
450 5th St NW  
Washington, DC 20001-0000

Heather S. Tewksbury  
Direct: 415-436-6856  
Fax: 415-436-6687  
[No Notice]  
US Dept of Justice  
Anti-Trust Division  
Room 10-0101  
450 Golden Gate Avenue  
San Francisco, CA 94102-0000

Shana Marie Wallace  
Direct: 202-353-0093  
Fax: 202-514-0536  
[COR NTC Federal Government]  
US Dept of Justice  
Antitrust Division  
Ste 3317  
950 Pennsylvania Ave NW  
Washington, DC 20530-0001

Michael Louis Whitlock  
Direct: 202-373-6196  
[No Notice]  
Morgan Lewis & Bockius LLP  
2020 K St, NW  
Washington, DC 20006-1806

v.

FRANK PEAKE  
Defendant - Appellant

David Oscar Markus  
Direct: 305-379-6667  
Fax: 305-379-6668  
[COR NTC Retained]  
Markus/Moss PLLC  
40 NW 3rd St  
Penthouse 1  
Miami, FL 33128

A. Margot Moss  
Direct: 305-379-6667  
Fax: 305-379-6668  
[No Notice]  
Markus/Moss PLLC  
40 NW 3rd St  
Penthouse 1  
Miami, FL 33128

Francisco Rebollo-Casalduc  
Direct: 787-765-0505  
Fax: 787-765-0585  
[NTC Retained]  
Francisco Rebollo Casalduc Law Office  
PO Box 195571  
San Juan, PR 00919-0000

-----  
HORIZON LINES LLC  
Interested Party

Nereida Melendez Rivera  
Direct: 787-281-8100  
Fax: 787-281-8310  
[NTC Retained]  
Melendez Torres Law PSC  
Ste 715  
MCS Plaza, Ste 1200  
255 Ponce de Leon Ave  
San Juan, PR 00917






































UNITED STATES


Appellee


v.


FRANK PEAKE


Defendant - Appellant



01/22/2014	 	CRIMINAL CASE docketed. Notice of appeal (doc. #232) filed by Appellant Frank Peake. Docketing Statement due 02/05/2014. Transcript Report/Order form due 02/05/2014. Appearance form due 02/05/2014. [14-1088] (CP)
01/22/2014	 	NOTICE of appearance on behalf of Appellant Frank Peake filed by Attorney David Oscar Markus. Certificate of service dated 01/22/2013. [14-1088] (DOM)
01/23/2014	 	NOTICE of appearance on behalf of Appellee US filed by Attorney Shana M. Wallace. Certificate of service dated 01/23/2014. [14-1088] (SMW)
02/03/2014	 	DOCKETING statement filed by Appellant Frank Peake. Certificate of service dated 02/03/2014. [14-1088] (DOM)
02/03/2014	 	TRANSCRIPT report/order form filed by Appellant Frank Peake indicating transcripts are being ordered. Certificate of service dated 02/03/2014. [14-1088] (DOM)
02/03/2014	 	TRANSCRIPT report/order form filed by Appellant Frank Peake indicating transcripts are being ordered. Certificate of service dated 02/03/2014. [14-1088] (DOM)
02/03/2014	 	TRANSCRIPT report/order form filed by Appellant Frank Peake indicating transcripts are being ordered. Certificate of service dated 02/03/2014. [14-1088] (DOM)
02/04/2014	 	TRANSCRIPT report/order form filed by Appellant Frank Peake indicating the following transcript has been ordered: 12/06/2013, Sentencing. Transcript due 04/07/2014 from Court Reporter Annette Montalvo. [14-1088] (CP)
02/04/2014	 	TRANSCRIPT report/order form filed by Appellant Frank Peake indicating the following transcripts are being ordered: 01/03/2013, jury voir dire; 01/04/2013, jury voir dire. Transcript(s) due 04/07/2014 from Court Reporter FTR - PR. [14-1088] (CP)
02/04/2014	 	ORDER directing appellant to file a corrected Transcript Report/Order Form by 02/18/2014. [14-1088] (CP)
02/05/2014	 	TRANSCRIPT report/order form filed by Appellant Frank Peake indicating transcripts are being ordered. Certificate of service dated 02/05/2014. [14-1088] (DOM)
02/11/2014	 	NOTICE issued. The following attorneys have failed to register for an appellate ECF account and will no longer receive notice of court issued documents in this case: A. Margot Moss for Frank Peake, Craig Y. Lee for US, Jessica Lefort for US, Brent Snyder for US, Heather S. Tewksbury for US and Michael L. Whitlock for US. [14-1088] (CP)
02/18/2014	 	TRANSCRIPT report/order form filed by Appellant Frank Peake indicating the following transcripts are being ordered: 01/10/2013, trial including Jury Voir Dire; 01/14/2013, trial including opening statements; 01/15/2013, trial; 01/16/2013, trial; 01/17/2013, trial; 01/18/2013, trial; 01/22/2013, trial; 01/23/2013, trial; 01/24/2013, trial; 01/25/2013, trial including closing arguments and jury instructions and Judge's response to jury notes; 01/28/2013, trial including Judges response to jury notes; 01/29/2013, trial including Judge's response to jury notes. Transcript(s) due 04/21/2014 from Court Reporter Yvette Pearl Richardson. [14-1088] (CP)
03/31/2014	 	NOTICE of appearance on behalf of Appellee US filed by Attorney Craig Lee. Certificate of service dated 03/31/2014. [14-1088] (CYL)
04/10/2014		NOTICE of filing the following transcript in district court by Court Reporter Annette Montalvo: 12/06/2013, Sentencing. In accordance with Judicial Conference Policy, the transcript will not be available to the public by remote electronic access for ninety days after the filing date. During that ninety day period, the transcript may be purchased through the court reporter or viewed at the public terminal at the district court. [14-1088] (CP)
04/15/2014	 	Mail returned as undeliverable to Attorney Michael L. Whitlock for Appellee US. Copy of February 11, 2014 notice. Forwarding address unknown. [14-1088] (CP)
04/23/2014		NOTICE of filing the following transcript in district court by Court Reporter Crystal Inchaustegui: 01/03/2013, Jury voir dire. In accordance with Judicial Conference Policy, the transcript will not be available to the public by remote electronic access for ninety days after the filing date. During that ninety day period, the transcript may be purchased through the court reporter or viewed at the public terminal at the district court. [14-1088] (CP)
04/28/2014		NOTICE of filing the following transcript in district court by Court Reporter Crystal Inchaustegui: 01/04/2013, further jury voir dire. In accordance with Judicial Conference Policy, the transcript will not be available to the public by remote electronic access for ninety days after the filing date. During that ninety day period, the transcript may be purchased through the court reporter or viewed at the public terminal at the district court. [14-1088] (CP)
04/29/2014	 	MOTION to extend time to file transcript(s) filed by Court Reporter Yvette Pearl Richardson. [14-1088] (RA)
05/01/2014	 	ORDER granting motion to extend time to file transcripts filed by Yvette Pearl Richardson. Transcripts due 05/07/2014. [14-1088] (CP)



05/07/2014  NOTICE of filing the following transcript(s) in district court by Court Reporter Yvette Pearl Richardson: 01/14/2013, trial; 01/24/2013, trial; 01/23/2013, trial; 01/22/2013, trial; 01/18/2013, trial; 01/17/2013, trial; 01/16/2013, trial; 01/15/2013, trial; 01/14/2013, trial. In accordance with Judicial Conference Policy, the transcript will not be available to the public by remote electronic access for ninety days after the filing date. During that ninety day period, the transcript may be purchased through the court reporter or viewed at the public terminal at the district court. [14-1088] (CP)



05/12/2014  NOTICE of filing the following transcript in district court by Court Reporter Zulma Migdalia Ruiz: 01/28/2013, further jury trial. In accordance with Judicial Conference Policy, the transcript will not be available to the public by remote electronic access for ninety days after the filing date. During that ninety day period, the transcript may be purchased through the court reporter or viewed at the public terminal at the district court. [14-1088] (CP)



05/13/2014  NOTICE of filing the following transcript(s) in district court by Court Reporter Zulma Migdalia Ruiz: 01/25/2013, trial; 01/29/2013, trial. In accordance with Judicial Conference Policy, the transcript will not be available to the public by remote electronic access for ninety days after the filing date. During that ninety day period, the transcript may be purchased through the court reporter or viewed at the public terminal at the district court. [14-1088] (CP)



05/13/2014  NOTICE **\*\*SEALED\*\*** ex-parte transcript filed in district court by Court Reporter Amy A. Walker: 01/10/2013, Jury Voir Dire. In accordance with Judicial Conference Policy, the transcript will not be available to the public by remote electronic access for ninety days after the filing date. During that ninety day period, the transcript may be purchased through the court reporter or viewed at the public terminal at the district court. [14-1088] (CP)



05/13/2014   BRIEFING schedule set. Brief due 06/23/2014 for appellant Frank Peake. Appendix due 06/23/2014 for appellant Frank Peake. Pursuant to F.R.A.P. 31(a), appellee's brief will be due 30 days following service of appellant's brief and appellant's reply brief will be due 14 days following service of appellee's brief. [14-1088] (CP)  
9 pg, 246.56 KB



05/15/2014   MOTION to extend time to file *brief* filed by Appellant Frank Peake. Certificate of service dated 05/15/2014. [14-1088] (DOM)  
4 pg, 53.55 KB


05/15/2014   ORDER granting motion to extend time to file brief and appendix filed by Appellant Frank Peake. Brief due 08/07/2014 for appellant Frank Peake. Appendix due 08/07/2014 for appellant Frank Peake. [14-1088] (CP)  
1 pg, 6.12 KB



08/04/2014   JOINT MOTION to extend time to file *appendix* filed by Appellant Frank Peake. Certificate of service dated 08/04/2014. [14-1088] (DOM)  
3 pg, 54.98 KB



08/05/2014   ORDER granting motion to extend time to file joint appendix filed by Appellant Frank Peake. Joint Appendix due 08/21/2014 for appellant Frank Peake. We are disinclined to grant a request for further enlargement of this deadline.. [14-1088] (GK)  
1 pg, 9.62 KB



08/06/2014   BRIEF tendered by Appellant Frank Peake. Certificate of service dated 08/06/2014. [14-1088] (DOM)  
173 pg, 15.07 MB


08/07/2014   APPELLANT'S BRIEF filed by Appellant Frank Peake. Certificate of service dated 08/06/2014. Brief due 09/08/2014 for APPELLEE United States. [Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 08/14/2014.](#) [14-1088] (DK)  
175 pg, 15.2 MB


08/08/2014  ELEVEN (11) paper copies of appellant/petitioner brief [\[5844022-2\]](#) submitted by Appellant Frank Peake. [14-1088] (CC)



08/21/2014   NOTICE of appearance on behalf of Appellee US filed by Attorney James J. Fredricks. Certificate of service dated 08/21/2014. [14-1088] (JJF)  
2 pg, 49.89 KB


08/22/2014   ASSENTED TO MOTION to extend time to file *brief* filed by Appellee US. Certificate of service dated 08/22/2014. [14-1088] (JJF)  
3 pg, 10.27 KB


08/22/2014   ORDER granting motion to extend time to file brief filed by Appellee US. Brief due 10/08/2014 for appellee United States. [14-1088] (CP)  
1 pg, 6.27 KB



08/25/2014  PLEADING tendered: Appendix filed by Appellant Frank Peake. Number of volumes: 4. Number of copies: 5. Certificate of service was not included. [14-1088] (DK)
































08/25/2014  PLEADING tendered: Appendix (PSR - provisionally under seal) filed by Appellant Frank Peake. Number of volumes: 1. Number of copies: 5. Certificate of service was not included. [14-1088] (DK)

08/25/2014   CERTIFICATE of service for pleading tendered [\[5847985-2\]](#), pleading tendered [\[5847982-2\]](#) filed by Appellant Frank Peake. Certificate of service dated 08/20/2014. [14-1088] (DOM)  
2 pg, 40.44 KB

08/25/2014  APPENDIX filed by Appellant Frank Peake. Number of volumes: 4. Number of copies: 5. Certificate of service dated 08/20/2014. [14-1088] (CP)

08/25/2014  SEALED APPENDIX (PSR) filed by Appellant Frank Peake. Number of volumes: 1. Number of copies: 5. Certificate of service dated 08/20/2014. [14-1088] (CP)

10/08/2014   BRIEF tendered by Appellee US. Certificate of service dated 10/08/2014. [14-1088] (SMW)  
83 pg, 287 KB

10/09/2014	 	APPELLEE'S BRIEF filed by Appellee US. Certificate of service dated 10/08/2014. Reply brief due 10/27/2014 for APPELLANT Frank Peake. <a href="#">Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 10/16/2014.</a> [14-1088] (DK)
10/10/2014	 	MOTION to extend time to file <i>reply brief</i> filed by Appellant Frank Peake. Certificate of service dated 10/10/2014. [14-1088] (DOM)
10/14/2014	 	ORDER granting motion to extend time to file reply brief filed by Appellant Frank Peake. Reply brief due 11/26/2014 for appellant Frank Peake. No further extension of this deadline should be expected. [14-1088] (CP)
10/15/2014		NINE (9) paper copies of appellee/respondent brief <a href="#">[5858800-2]</a> submitted by Appellee US. [14-1088] (CC)
11/26/2014	 	BRIEF tendered by Appellant Frank Peake. Certificate of service dated 11/26/2014. [14-1088] (DOM)
11/26/2014	 	REPLY BRIEF filed by Appellant Frank Peake. Certificate of service dated 11/26/2014. <a href="#">Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 12/03/2014.</a> [14-1088] (DK)
12/01/2014		TEN (10) paper copies of reply brief <a href="#">[5869895-2]</a> submitted by Appellant Frank Peake. [14-1088] (CC)
01/26/2015	 	CASE calendared: Monday, 03/02/2015 San Juan, PR. Jose V. Toledo Post Office & Courthouse, 300 Recinto Sur Street, San Juan, PR 00901. Designation form due 02/09/2015. [14-1088] (LM)
01/27/2015	 	DESIGNATION of attorney presenting oral argument filed by Attorney Shana Marie Wallace for Appellee US. Certificate of service dated 01/27/2015. [14-1088] (SMW)
01/27/2015	 	DESIGNATION of attorney presenting oral argument filed by Attorney David Oscar Markus for Appellant Frank Peake. Certificate of service dated 01/27/2015. [14-1088] (DOM)
02/27/2015	 	CITATION of supplemental authorities pursuant to Fed. R. App. P. 28(j) filed by Appellant Frank Peake. Certificate of service dated 02/27/2015. [14-1088] (DOM)
02/27/2015	 	RESPONSE to citation of supplemental authorities pursuant to Fed. R. App. P. 28(j) <a href="#">[5889094-2]</a> filed by Appellee US. Certificate of service dated 02/27/2015. [14-1088] (SMW)
03/02/2015		CASE argued. Panel: Sandra L. Lynch, Chief Appellate Judge; Juan R. Torruella, Appellate Judge and Rogeriee Thompson, Appellate Judge. Arguing attorneys: David Oscar Markus for Frank Peake and Shana Marie Wallace for US. [14-1088] (LM)
07/31/2015	 	CITATION of supplemental authorities pursuant to Fed. R. App. P. 28(j) filed by Appellant Frank Peake. Certificate of service dated 07/31/2015. [14-1088] (DOM)
10/02/2015	 	CITATION of supplemental authorities pursuant to Fed. R. App. P. 28(j) filed by Appellant Frank Peake. Certificate of service dated 10/02/2015. [14-1088] (DOM)
10/14/2015	 	OPINION issued by Juan R. Torruella, Appellate Judge; Sandra L. Lynch, Appellate Judge and Rogeriee Thompson, Appellate Judge. Published. [14-1088] (CP)
10/14/2015	 	JUDGMENT entered by Juan R. Torruella, Appellate Judge; Sandra L. Lynch, Appellate Judge and Rogeriee Thompson, Appellate Judge. Affirmed [14-1088] (CP)

Clear All

- Documents and Docket Summary
- Documents Only

Include Page Numbers

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