

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 12, 2023

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AZUSENA MARIBEL SIERRA,
a/k/a Suzy,

Defendant - Appellant.

No. 23-1184
(D.C. No. 1:20-CR-00292-WJM-2)
(D. Colo.)

ORDER AND JUDGMENT*

Before **MORITZ, EBEL**, and **KELLY**, Circuit Judges.

Azusena Maribel Sierra pleaded guilty to one count of conspiracy to distribute heroin and one count of conspiracy to commit money laundering. She was sentenced to 288 months' imprisonment. Although her plea agreement contained a waiver of her appellate rights, she 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).

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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

In response to the government’s motion, Ms. Sierra, through counsel, “concedes that the appeal waiver contained in her Plea Agreement applies and that no exception set forth in [*Hahn*] negates enforcement of that waiver.” Resp. at 1. Based on this concession, we grant the government’s motion to enforce the appeal waiver and dismiss the appeal.

Entered for the Court
Per Curiam