

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**February 28, 2025**

**FOR THE TENTH CIRCUIT**

**Christopher M. Wolpert**  
**Clerk of Court**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH LEE BEECHER,

Defendant - Appellant.

No. 24-8082  
(D.C. No. 1:22-CR-00028-ABJ-1)  
(D. Wyo.)

---

**ORDER AND JUDGMENT\***

---

Before **MATHESON, BACHARACH, and PHILLIPS**, Circuit Judges. \*\*

---

This matter is before the court on appellant Joseph Lee Beecher's *Notice of Appellant's Death and Unopposed Motion to Dismiss Appeal and Abate Proceedings*, in which counsel for Mr. Beecher: (1) advises the court of Mr. Beecher's death; and (2) moves the court to dismiss Mr. Beecher's appeal and remand this case to the district court with instructions to vacate the judgment and dismiss the underlying indictment in accord with *United States v. Davis*, 953 F.2d 1482, 1486 (10th Cir. 1992) (holding that

---

\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

\*\* Because this matter is being decided on an unopposed motion seeking remand, this panel has determined unanimously that oral argument would not materially assist in the determination of the appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

“death pending direct review of a criminal conviction abates not only the appeal but also all proceedings had in the prosecution from its inception” (citation omitted)).

Upon consideration and review of the record, the court:

- A. Grants the motion;
- B. Remands this case to the district court with directions to VACATE the judgment of conviction and DISMISS the underlying indictment; and
- C. Directs its Clerk to issue the mandate forthwith.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk