IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v. **Criminal No. 3:25-CR-00049-DPJ-LGI**

WILLIAM BYRD MCHENRY, JR.

REPLY IN REBUTTAL TO GOVERNMENT'S RESPONSE TO EMERGENCY MOTION TO REMAIN ON BOND PENDING APPEAL WITH REPORT DATE OF SEPTEMBER 28, 2026 AND REQUEST FOR EMERGENCY HEARING

THIS REPLY is submitted respectfully to the Response filed by the Government on September 17, 2026 to Defendant, William Byrd McHenry's ("Mr. Henry") Emergency Motion to Remain on Bond Pending Appeal with Report Date of September 28, 2026 and Request for Emergency Hearing (Doc. 68). (the "Emergency Motion").

Mr. McHenry adopts and incorporates by reference the facts, statutory law, and case law recounted in his Emergency Motion. Mr. McHenry further replies specifically as follows, to-wit:

Except for the Transcript of the Sentencing Hearing, the Trial Transcripts and other District Court materials that should be included

eventually in the Record on Appeal are not currently available. Therefore, it is impossible for Mr. McHenry to present this Court with a trial transcript to support Mr. McHenry's petition before this Court. It is impossible because they do not exist at this time. That fact alone could be considered to lie at the heart of Mr. McHenry's Emergency Motion.

By its own admission, the Government states expressly that it agrees lease tacitly that McHenry has met the first two requirements of 18 U.S.C. § 3143(b)(1). Therefore, the Government offers no argument opposing Mr. McHenry's assertions that: (h) is not likely to flee or pose a danger to the safety of any other person or the community if released; and, (2) the appeal is not for the purposes of delay. This listing follows the primacy effect concerning what is most important is listed first. Further, as pointed out in the opening brief, the first requirement for bond pending appeal has a clear and convincing standard, but no standard is listed for the second requirement. 18 U.S.C. § 3143(b)(1)(B).

The Fifth Amendment to the Constitution requires that "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law[.]" Const. amend. V, Due Process Clause. At this time, Mr. McHenry has no transcripts to present in order to address the substantial question requirement. Does requiring Mr. McHenry to report for imprisonment at

this time deprive him of his rights to seek to remain on bond during the pendency of his appeal?

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that this emergency motion be granted and permit Mr. McHenry to remain on bond under the same previously-imposed release conditions pending the outcome of his appeal as described above

Respectfully submitted, this 17th day of September, 2026.

By: */s/ Tom L. Stingley*
TOM L. STINGLEY, MSB #8329
STINGLEY LAW FIRM, PLLC
LeFleur's Bluff Tower
4780 I-55 North, Suite 100-3 (39211)
Post Office Box 2326
Jackson, MS 39225
Telephone: (601) 709-3592
Facsimile: (601) 709-4611
Email-Mail: stingleylaw@gmail.com

CERTIFICATE OF SERVICE

I, Tom L. Stingley, do hereby certify that I have this day electronically filed the foregoing *Reply in Rebuttal to Government's Response to Emergency Motion to Remain on Bond Pending Appeal with Report Date of September 28, 2026 and Request for Emergency Hearing*, with the Clerk of the Court using the ECF System which sent notification of such filing to all counsel of record. I also caused the foregoing *Reply in Rebuttal to Government's Response to Reply in Rebuttal to Government's Response to Emergency Motion to Remain on Bond Pending Appeal with Report Date of September 28, 2026 and Request for Emergency Hearing*, to be provided to Mr. William Byrd McHenry by hand delivery at the office of the undersigned counsel.

This the 17th day of September, 2026.

/s/ Tom L. Stingley
TOM L. STINGLEY