UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	No. 12-10253
Plaintiff - Appellee,	D.C. No. 4:10-cr-01032-CKJ-1
v.	
MOSES ANTONIO SHEPARD,	MEMORANDUM[*]
Defendant - Appellant.	

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Argued and Submitted May 12, 2014
San Francisco, California

Before: GRABER, W. FLETCHER, and PAEZ, Circuit Judges.

Defendant Moses Antonio Shepard appeals from his conviction for interstate

stalking and cyberstalking in violation of 18 U.S.C. § 2261A(1) and (2)(A). We

affirm.

1. The district court did not err in allowing Defendant to invoke his right to

represent himself pursuant to Faretta v. California, 422 U.S. 806 (1975).

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[*] This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Assuming without deciding that <u>Indiana v. Edwards</u>, 554 U.S. 164 (2008), established an affirmative requirement to determine a defendant's competency to represent himself, the court did not err in finding Defendant competent to represent himself after holding a hearing and observing Defendant. Defendant appeared intelligent and educated, had no history of mental illness and suffered only from "grandiosity" and some obsessive behavior, clearly understood the proceedings and procedures, participated extensively in pretrial matters, and chose a rational (if ill-advised) trial strategy.

2. The district court set appropriate limitations during trial preparation. Defendant had reasonable access to the materials and means necessary to prepare a defense. For example, Defendant received seven continuances, the assistance of advisory counsel, and access to sufficient resources.

3. The statutes of conviction are not unconstitutionally vague. <u>United States v. Osinger</u>, No. 11-50338, 2014 WL 2498131, at *3–7 (9th Cir. June 4, 2014).

AFFIRMED.