

United States Court of Appeals
For the Eighth Circuit

No. 19-1648

United States of America

Plaintiff - Appellee

v.

Aaron E. Winters, Jr.

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: December 20, 2019

Filed: December 30, 2019

[Unpublished]

Before STRAS, WOLLMAN, and KOBES, Circuit Judges.

PER CURIAM.

Aaron E. Winters, Jr., appeals the district court's¹ denial of a certificate of innocence under 28 U.S.C. § 2513. Our review of the record satisfies us that the

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

district court did not abuse its discretion as the factual record indicates that Winters possessed the firearm as charged, that his possession constituted additional offenses against the United States and the State of Missouri, and Winters's own conduct brought about his prosecution. See United States v. Racing Servs., Inc., 580 F.3d 710, 713 (8th Cir. 2009) (petitioner for certificate of innocence must persuade district judge he is "truly innocent of *all crimes* to qualify for civil damage relief" under 28 U.S.C. § 1495) (emphasis in original); see also United States v. Mills, 773 F.3d 563, 567-69 (4th Cir. 2014) (petitioner whose conviction for being felon in possession of firearm had been vacated was properly denied certificate of innocence under § 2513 where he was charged with possessing guns and that possession constituted other crimes). The judgment is affirmed. See 8th Cir. R. 47B.
