

ALLEN, HANSEN & MAYBROWN

JUN 15 1999

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UNITED STATES DISTRICT COURT

ENTERED ON DOCKET

Western District of Washington

JUN 11 1999

UNITED STATES OF AMERICA V.

JUN 11 1999

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

Case Number:

CR98-5393RJB-01

CARL EDWARD JOHNSON

Todd Maybrow

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s)

pleaded nolo contendere to count(s) which was accepted by the court.

XX was found guilty on count(s) 2-5 of the Superseding Indictment after a plea of not guilty.

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s)

SEE ATTACHED

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

XX The defendant has been found not guilty on count 1 of the Superseding Indictment Count(s) (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 456-45-0297

Defendant's Date of Birth: 05/06/49

Defendant's USM No.: 05987-196

Defendant's Residence Address: c/o of U.S. Marshal

Defendant's Mailing Address:

VERTICAL stamp: CERTIFIED TRUE COPY... Western District of Washington

ROBB LONDON Assistant United States Attorney

June 11, 1999 Date of Imposition of Sentence

Signature of Judicial Officer (Signature)

THE HONORABLE ROBERT J. BRYAN United States District Judge

11 Jun '99 Date

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<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Concluded</u>	<u>Number(s)</u>
18 U.S.C. § 115(a)(1)(B) and (b)(4) and Section 2	Retaliation Against Judicial Officer	06/23/97	II
18 U.S.C. § 1503(a) and (b)(3)	Obstruction of Justice by Threat of Death Against Judicial Officer	12/09/97	III
18 U.S.C. § 875(c)	Threatening Communications in Interstate Or Foreign Commerce	12/09/97	IV
18 U.S.C. § 875(c)	Threatening Communications in Interstate Or Foreign Commerce	03/20/98	V

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### IMPRISONMENT

The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of THIRTY-SEVEN (37) MONTHS, WITH CREDIT FOR TIME SERVED.

The court makes the following recommendations to the Bureau of Prisons:

A FACILITY WHERE APPROPRIATE PSYCHIATRIC TREATMENT IS AVAILABLE.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at  a.m./p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy U.S. Marshal

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## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE  
(3) YEARS

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

XX The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

     The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

XX The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below):

**SEE ATTACHED SPECIAL CONDITIONS OF SUPERVISION**

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer 10 days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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**ADDITIONAL SUPERVISED RELEASE TERMS**

1. The defendant shall be prohibited from possessing a firearm or destructive device as defined in Title 18, U.S.C. § 921.
2. The defendant shall submit to a search of his person, residence, office, property, or vehicle conducted in a reasonable manner and at a reasonable time by a probation officer.
3. The defendant shall participate as instructed by the U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency or substance abuse, which may include testing to determine if defendant has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants during the term of supervision.
4. The defendant shall submit to mandatory drug testing pursuant to 18 U.S.C. 3563(a)(4) and 18 U.S.C. 3583(d).
5. The defendant shall participate in a mental health program approved by the United States Probation Office.
6. The defendant shall provide the probation officer with access to any requested financial information including authorization to conduct credit checks and obtain copies of defendant's Federal Income Tax Returns.
7. The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without the approval of the United States Probation Officer.
8. All employment shall be subject to the prior approval of his U.S. Probation Officer.
9. The defendant shall not possess or use a computer <sup>or a modem</sup> or use the Internet without the permission of his U.S. Probation Officer. ~~If permitted to use a computer, he shall provide his U.S. Probation Officer with the name and the Internet address of his Internet account use.~~
10. ~~The defendant shall not use or possess, nor direct anyone to use or possess any computer software, scanner, printer, data card readers, embossing equipment, magnetic strip readers/encoders, "zip" drives, CD-Rom drives or hard drives or any kind.~~
11. The defendant shall not possess or use any computer encryption software or programs, remailers, or anonymizers.

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### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS:</b>	\$400.00	\$	\$

If applicable, restitution amount ordered pursuant to plea agreement..... \$

### FINE

**XX** The Court finds that the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

The above fine includes costs of incarceration and/or supervision in the amount of \$

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The court has determined that the defendant does not have the ability to pay interest and it is ordered that:  
The interest requirement is waived.  
The interest requirement is modified as follows:

### RESTITUTION

The determination of restitution is deferred until. An Amended Judgment in a Criminal Case will be entered after such determination.

The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
<b>Totals:</b>	\$	\$	

\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

The court has determined that the defendant does not have the ability to pay interest on restitution and it is ordered that:  
The interest requirement is waived.  
The interest requirement is modified as follows:

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## SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A XX in full immediately; or
- B \_\_\_\_\_ \$ \_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C \_\_\_\_\_ not later than \_\_\_\_\_; or
- D \_\_\_\_\_ in installments to commence \_\_\_\_\_ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E \_\_\_\_\_ in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ year(s) to commence \_\_\_\_\_ day(s) after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

XX MAKE CHECK(S) FOR ALL CRIMINAL MONETARY PENALTIES, INCLUDING SPECIAL ASSESSMENTS, FINES, AND RESTITUTION, PAYABLE TO:

United States District Court Clerk, Western District of Washington. For restitution payments, the Court is to forward money received to \_\_\_\_\_. See addresses on page \_\_\_\_ of this judgment.

\_\_\_\_\_ The defendant shall pay the cost of prosecution.

\_\_\_\_\_ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States Attorney.