

APPENDIX B

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF ARIZONA
3

4 United States of America,)
5)
6 Plaintiff,) CR 09-01297-PHX-SRB (DKD)
7)
8 vs.) Phoenix, Arizona
9) December 18, 2017
10 Roger William Campbell, II,)
11)
12 Defendant.)
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BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FINAL DISPOSITION HEARING

For the Government:

U.S. Attorney's Office
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For the Defendant:

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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared with Computer-Aided Transcription

P R O C E E D I N G S

THE COURTROOM DEPUTY: Criminal case 09-1297, United States of America versus Roger William Campbell, II. Time set for final disposition hearing.

MS. EDELSTEIN: Monica Edelstein for Kevin Rapp on behalf of the United States. Seated with me at counsel table is Michael McClain of U.S. Probation. Good morning, Your Honor.

THE COURT: Good morning.

MR. WILLIAMS: Morning, Your Honor. Jeffrey Williams on behalf of Mr. Campbell.

THE COURT: Ready for disposition?

MR. WILLIAMS: We are.

THE COURT: Mr. Campbell, what is your full name, please?

THE DEFENDANT: Roger William Campbell the second.

THE COURT: What is your date of birth?

THE DEFENDANT: May 13, 1971.

THE COURT: Based on the defendant's prior admission, it is now the judgment of the Court that the defendant's in violation of the terms of supervised release previously imposed.

I have read the supervised release disposition report and its recommendations.

1 Ms. Edelstein, have you read the report and
2 recommendations?

3 MS. EDELSTEIN: Yes, Your Honor.

4 THE COURT: What is the government's recommendation
5 regarding disposition?

6 MS. EDELSTEIN: The government concurs with the
7 recommendation of the probation officer for the reasons stated
8 in the report itself, Your Honor.

9 The government does note that the time recommended,
10 because it is a consecutive sentence, is more than the
11 original sentence, Your Honor, but given the nature of these
12 violations and the seriousness of the underlying offense and
13 the conduct thereafter, once on release, the government does
14 concur the time recommended by the probation department is
15 appropriate.

16 We would also ask, as the probation department did,
17 Your Honor, for an additional term of supervised release.

18 This is a financial crime, Your Honor. The only way
19 for the court and the probation office to monitor is if there
20 is compliance with those very specific financial requirements
21 that are part of supervised release, and so we would
22 recommend, despite the fact the defendant absconded the first
23 time, to have that additional period of supervised release
24 imposed as recommended.

25 THE COURT: Thank you.

1 Mr. Williams, have you read the report and
2 recommendations?

3 MR. WILLIAMS: I have.

4 THE COURT: What would you like to say on your
5 client's behalf?

6 MR. WILLIAMS: Judge, we would ask the Court to
7 consider a sentence within the policy statement, the
8 recommended range. This is his first violation --

9 THE COURT: This is actually within the policy
10 statement, it's just consecutive.

11 MR. WILLIAMS: I mean concurrent, within the three to
12 nine months range. Within the three to nine month range.
13 This is his first violation.

14 THE COURT: Yeah, but it's a doozy.

15 MR. WILLIAMS: It is, Judge. But what's not
16 reflected in the report is that during that period of time he
17 was also involved in a very serious car accident.

18 THE COURT: I don't know what he was doing for the
19 755 days he was --

20 MR. WILLIAMS: Part of that time he was working,
21 paying child support, he was rehabilitating from --
22 rehabilitation from a very serious car accident. His hips
23 were broken. He was in the hospital for eight days,
24 rehabilitation -- rehab for five weeks or so, and then --

25 THE COURT: He couldn't call his probation officer?

1 MR. WILLIAMS: Not saying he couldn't, just saying
2 that these are things that were going on during that period of
3 time.

4 As I indicated, he does have two children. He is
5 current in child support as far as I know.

6 He did attempt to do community service. He's
7 informed me that he's completed it, or at least some portion
8 of it. There was some financial requirements to get the
9 certificate which he was unable to comply with, but he says he
10 can do that shortly to verify that he has complied at least
11 with a portion of it.

12 There is some reference to some credit cards that
13 suggests improper behavior. It's my understanding those were
14 gift cards, Visa gift cards, a debit card, and a prepaid
15 American Express card and that there was nothing illegal about
16 those particular cards.

17 So we would ask the Court to sentence him somewhere
18 within the three to nine month range and run those sentences
19 concurrent.

20 THE COURT: Thank you.

21 Mr. Campbell, have you read the report and
22 recommendations?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Did you and your lawyer have a chance to
25 discuss the contents of the report?

1 THE DEFENDANT: Yes, Your Honor, we did.

2 THE COURT: Is there anything you would like to say
3 on your own behalf?

4 THE DEFENDANT: Well, Your Honor, I do understand
5 there's some serious things that have taken place here. You
6 know, I've really been focusing on taking care of my family.

7 I understand the seriousness of all of this and
8 really I'm hoping to just be able to put it behind me. It's
9 important to me to continue supporting my children, I know
10 they depend on the income that I have for that. At the same
11 time, you know, I understand that I need to do more to take
12 care of the other financial obligations that have been brought
13 forth, you know. I'm certainly more than willing to go back
14 on a period of supervised release so that that can be
15 monitored and handled accordingly.

16 I understand it's really time to -- it's past time to
17 really grow up and take responsibility for these things and
18 that's what I'm hoping I can do here.

19 THE COURT: Thank you.

20 The Court finds the disposition report is accurate
21 and that it correctly notes the Chapter 7 policy statement;
22 suggests that for this violation the sentence imposed be
23 between three and nine months.

24 There's several things that the Court is taking into
25 account in considering the appropriate disposition here.

1 The first, which I alluded to earlier, is that there
2 was warrant outstanding for Mr. Campbell's arrest for two
3 years because he had absconded from supervision and no one
4 knew where he was. We only have his word to tell us where he
5 was because until he was arrested on September 11 we had no
6 idea.

7 He is on supervised release in significant part
8 because he owes \$857,000 in restitution for the frauds that he
9 committed for which he was convicted of many counts.

10 The only way that Mr. Campbell can be checked to see
11 if he is remaining law abiding, to see if he is making an
12 effort to make his restitution payments to the best of his
13 ability and to comply with other conditions is if he is
14 supervised. And he has displayed a -- what he says today and
15 what his actions have been since the approximate two and a
16 half years since he was last seen by his probation officer
17 would suggest that this was a very deliberate attempt to avoid
18 the obligations that he had to the court and to avoid his
19 conditions of supervision.

20 The Chapter 7 policy statement doesn't take into
21 account the fact that he was an absconder for over two years,
22 that he made himself completely and totally unavailable for
23 supervision during that time. And I have no reason to believe
24 his explanation with respect to the credit cards that were
25 found in his possession and they certainly would justify the

1 suspicion that is indicated in the justification section by
2 the probation officer that Mr. Campbell is definitely in need
3 of the type of financial supervision that his conditions of
4 supervision required.

5 I agree substantially with the recommendation that
6 the defendant needs to recognize the seriousness of his
7 responsibilities of supervised release and that the
8 significant breach of the trust of this court needs to be
9 acknowledged through a term of imprisonment.

10 The Court will impose five rather than six months on
11 each count, consecutively, for a total revocation sentence of
12 25 months, plus 31 months of supervised release on each count,
13 concurrent, following his release.

14 Therefore, the reasons expressed and having
15 considered all of the information provided both orally and in
16 writing, it is the order of the Court that the supervised
17 release be revoked and the defendant is committed to the
18 custody of the Bureau of Prisons for a period of five months
19 on each of Counts 42 through 46, to run consecutively, and on
20 Counts 51 through 80, one count -- one day for each count, to
21 run concurrently.

22 When the defendant is released, he will be on
23 supervised release for 31 months on Counts 42 through 46, and
24 35 months and one day on Counts 51 through 80, to run
25 concurrently.

1 While on supervised release, the defendant is ordered
2 to comply with all standard conditions of supervision adopted
3 by this court in General Order 17-18. Of particular
4 importance is the defendant not commit another federal, state,
5 or local crime during the term of supervision.

6 The defendant is also ordered to comply with the
7 following additional conditions:

8 Defendant must submit his person, property, house,
9 residence, vehicle, papers or office to a search conducted by
10 his probation officer. Failure to submit to search may be
11 grounds for revocation of release. The defendant should warn
12 other occupants that the premises may be subject to searches
13 pursuant to this condition.

14 The defendant must provide his probation officer with
15 access to any requested financial information and authorize
16 the release of any financial information. His probation
17 officer may share the financial information with the U.S.
18 attorney's office.

19 The defendant is prohibited from making major
20 purchases, incurring new financial obligations, or entering
21 into any financial contracts in excess of \$500 for all of
22 those three items without the prior approval of his probation
23 officer.

24 The defendant must maintain full-time employment, as
25 directed by his probation officer, and shall pay no less than

1 \$100 per month towards his restitution and criminal monetary
2 penalties.

3 The financial terms previously imposed are reimposed,
4 with credit for any amounts paid to date.

5 Mr. Campbell, you have the right to appeal the orders
6 of the Court and have a lawyer represent you. If you can't
7 afford one, a lawyer would be appointed for you and necessary
8 records and transcripts provided at government expense.

9 If you wish to appeal, you must do so within 14 days
10 of today or your rights to appeal will be waived.

11 Do you understand?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Is there anything further from the
14 government?

15 MS. EDELSTEIN: Yes, Your Honor. The government
16 moves to dismiss remaining allegations in the document.

17 THE COURT: So ordered.

18 Anything else, Mr. Williams?

19 MR. WILLIAMS: No, Judge. Thank you.

20 THE COURT: Thank you.

21 Court is in recess until 11:30.

22 (End of transcript.)

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C E R T I F I C A T E

I, PATRICIA LYONS, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control, and to the best of my ability.

DATED at Phoenix, Arizona, this 8th day of March, 2018.

s/ Patricia Lyons, RMR, CRR
Official Court Reporter