

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM F. WALSH, IV,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition For A Writ of *Certiorari* To The United States Court of Appeals
for the Ninth Circuit**

**APPENDIX (VOLUME IV) – PRESENTED SEPARATELY UNDER S. CT.
R. 14.1(i)**

DAVID A. SCHLESINGER
JACOBS & SCHLESINGER LLP
The Douglas Wilson Companies Building
1620 Fifth Avenue, Suite 750
San Diego, CA 92101
Telephone: (619) 230-0012
david@jsslegal.com

Counsel for Petitioner

1 HIDDEN CAMERAS BEING SET UP IN HIS HOME, CAPTURING IMAGES OF
2 HIS WIFE AND CAPTURING IMAGES OF OTHER FEMALES USING THE
3 BATHROOM TO CHANGE AND GO TO THE BATHROOM, YOUR HONOR.

4 SO THAT'S ADDITIONAL CONDUCT THAT -- IT'S
5 AGGRAVATING. IT IS BEYOND THE SCOPE OF WHAT WE ORDINARILY SEE
6 IN THESE TYPES OF RUN-OF-THE-MILL DISTRIBUTION/POSSESSION OF
7 CHILD PORNOGRAPHY THROUGH PEER-TO-PEER FILE-SHARING.

8 SO, YOUR HONOR, WE THEN LOOK AT THE PERSONAL HISTORY
9 AND CHARACTERISTICS OF THE DEFENDANT, TO DETERMINE IF THERE IS
10 A REASON TO VARY DOWNWARD FROM THE GUIDELINE RANGE. THERE IS
11 NOTHING OUT OF THE ORDINARY IN THIS CASE. THERE IS NOTHING
12 UNIQUE ABOUT THE DEFENDANT'S CHARACTERISTICS.

13 COUNSEL POINTS TO THE FACT THAT HE HAS NO CRIMINAL
14 HISTORY ASIDE FROM THIS DUI. THAT IS NOT ANYTHING OUT OF
15 ORDINARY IN THESE CASES. THAT IS ROUTINE. THE MAJORITY OF THE
16 TIME DEFENDANTS COMING BEFORE THE COURT IN THESE TYPES OF CASES
17 HAVE NO PRIOR CRIMINAL HISTORY.

18 HE TALKS ABOUT THE FACT THAT HE HAS LIVED AN
19 EXEMPLARY LIFE OF SERVICE AND PRODUCTIVITY. YOUR HONOR, I WILL
20 BORROW THE IDEA THAT THE DEFENDANT IS ASKING YOU TO LOOK AT HIS
21 PUBLIC PERSONA, TO LOOK AT HIS TIME IN THE MARINE CORPS, LOOK
22 AT HIS TIME AS A FIREFIGHTER.

23 WHAT WE ARE ASKING IS TO LOOK AT THE CONDUCT THAT
24 BRINGS HIM BEFORE THE COURT, THE CONDUCT THAT HE ENGAGED IN IN
25 THE QUIET OF HIS HOME, BEHIND HIS COMPUTER. AND, YOUR HONOR,

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1 THAT OFFENSE CONDUCT IS WHAT BRINGS US TO THE GUIDELINE RANGE
2 OF 210 MONTHS.

3 THE UNITED STATES SEES NO REASON TO VARY DOWNWARD
4 FROM THAT RANGE. AND WE WOULD ASK THE COURT TO IMPOSE SENTENCE
5 AT THE LOW END OF 210 MONTHS.

6 THE COURT: OKAY.

7 MS. CABRAL: WE ASK THAT THE COURT ADDITIONALLY
8 IMPOSE 10 YEARS OF SUPERVISED RELEASE. BEYOND THAT TIME, I DO
9 NOTE THAT THE COURT PREVIOUSLY ENTERED A PRELIMINARY ORDER OF
10 FORFEITURE, DOCUMENT NUMBER 51. WE ASK THE COURT TO ORALLY
11 ORDER FORFEITURE AND TO INCLUDE THAT IN THE JUDGMENT.

12 AND I DO NOTE THE DEFENDANT IS INDIGENT, HAS BEEN
13 FOUND TO BE INDIGENT, SO THAT THE ADDITIONAL \$5,000 SPECIAL
14 ASSESSMENT DOES NOT APPEAR TO APPLY IN THIS CASE.

15 ABSENT ANY QUESTIONS FROM THE COURT, THE UNITED
16 STATES SUBMITS.

17 THE COURT: NO. THANK YOU.

18 MR. MORRILL, WHAT WOULD YOU LIKE TO ADD?

19 THE PROBATION OFFICER: YOUR HONOR, WE JOIN THE
20 GOVERNMENT IN THEIR COMMENTS IN REGARD TO THIS DEFENDANT. THE
21 OFFENSE IS, OBVIOUSLY, EXTREMELY TROUBLING. ALL OF THE DETAILS
22 ARE LAID OUT IN AN EXTREMELY THOROUGH PRESENTENCE REPORT.

23 I WOULD NOTE THAT OFTEN WHEN WE LOOK AT AREAS OF
24 POSSIBLE VARIANCE WE ARE LOOKING AT, YOU KNOW, THE ACTION OF
25 THE DEFENDANT, HIS HISTORY AND CHARACTERISTICS. HE OBVIOUSLY

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1 SERVED OUR COUNTRY. HE HAS PROVIDED SOME SERVICE TO THE
2 COMMUNITY AS A FIREMAN, BUT, YOU KNOW, JUST READING THAT REPORT
3 I WOULD ARGUE THAT HE ACTUALLY USED THOSE POSITIONS OF TRUST
4 AGAINST THE PUBLIC.

5 HE PROBABLY, MOST LIKELY, GOT HIS JOB AS A FIREMAN
6 THROUGH CAMP PENDLETON, PARTIALLY BECAUSE HE WAS A MARINE,
7 SOMEBODY WHO IS SUPPOSED TO BE PROTECTING THE PUBLIC. HE WAS,
8 OBVIOUSLY, DISOBEYING THAT TRUST BY TAKING VIDEOS OF
9 UNSUSPECTING FEMALES WHILE HE WAS THERE.

10 THOSE ARE THINGS THAT WE WOULD TAKE INTO
11 CONSIDERATION, NORMALLY. BUT IN THIS DEFENDANT'S CASE, WE
12 WOULD SAY THAT THOSE JUST WOULDN'T APPLY IN TERMS OF VARYING
13 DOWNWARD. THE SENTENCING GUIDELINES ARE THERE FOR A REASON.
14 THEY ARE HIGH FOR A REASON. AND WE WOULD MOVE THAT A 210-MONTH
15 SENTENCE IS APPROPRIATE WITH THE SUPERVISED RELEASE PERIOD OF
16 10 YEARS, WITH ALL THE CONDITIONS TO FOLLOW.

17 **THE COURT:** WELL, THANK YOU. THE FACTORS WE LOOK AT,
18 MR. WALSH --

19 **THE DEFENDANT:** YES, SIR.

20 **THE COURT:** -- ARE UNDER OUR FEDERAL SENTENCING
21 STATUTE AND THEY START WITH THE NEED TO PUNISH AND DETER THE
22 DEFENDANT. THERE IS ALSO A NEED FOR GENERAL DETERRENCE, TO
23 DETER THE PUBLIC AT LARGE FROM BEING INVOLVED IN THIS CRIMINAL
24 ACTIVITY.

25 YOU KNOW, I KNOW THAT YOU DENIED RESPONSIBILITY AND

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1 NO DOUBT CONTINUE TO DO SO. I KNOW YOU TRIED TO PASS IT OFF ON
2 YOUR SON-IN-LAW, BUT THE JURY DIDN'T SEEM TO BUY ANY OF THAT,
3 NOR DID I. IT'S A SERIOUS CASE. AND IT IS A VICTIM'S CRIME.
4 YOU ARE NOT THE FIRST OF THESE CASES I HAVE HAD IN THE LAST FEW
5 YEARS. THERE HAS BEEN ABOUT 18 OF THEM.

6 AND I HAVE READ NOT ONLY THE ACCOUNTS AND
7 SUMMARIZATIONS OF THE VICTIM STATEMENTS, AND SOME OF THE VICTIM
8 STATEMENTS OVER TIME, AND, INDEED, THEY SUFFER CONSTANTLY AND
9 RUN IN FEAR OF EXPOSURE, IDENTIFICATION, AND RECRIMINATION FOR
10 BEING THE SUBJECTS OF THESE FILMS.

11 THAT IS WHY THE SENTENCING COMMISSION HAS SET HIGH
12 SENTENCES FOR THESE, THAT BEING THE NEED TO ADDRESS CRIMINALITY
13 AND SET A STAGE FOR A REGULARIZATION OF SENTENCING NATIONWIDE,
14 SUBJECT TO VARIANCE OR DEPARTURE WHERE INDICATED.

15 SO I WON'T BELABOR THE POINT. IT'S A REAL SERIOUS
16 CRIME. HISTORY AND CHARACTERISTICS ARE IMPORTANT. I TEND TO
17 AGREE WITH MR. MORRILL. WE CAN DO A LOT OF GOOD THINGS BUT IT
18 ONLY TAKES A MINOR BIT OF CONDUCT, SOMETIMES, TO ERASE THAT
19 GOOD AND PRESENT ONESELF AS A DANGER TO THE COMMUNITY, TO THE
20 HEALTH AND WELL-BEING OF MANY.

21 THE OTHER ACTIVITY, IN TERMS OF HISTORY AND
22 CHARACTERISTICS, IS VERY DISTURBING; EXPRESSES, AT LEAST TO ME,
23 A NEED FOR EXTREME SEXUAL OFFENDER TREATMENT AND A SIGNIFICANT
24 AMOUNT -- IF NOT EXTREME -- BUT A SIGNIFICANT AMOUNT BECAUSE
25 IT'S DEVIANT BEHAVIOR.

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1 AND YOU'RE NOT UNLIKE THE MANY DEFENDANTS I HAVE HAD.
2 ALL OF THEM, BY HISTORY, SCORE IN CRIMINAL HISTORY CATEGORY
3 ONE. ALL OF THEM ARE 40, 50 YEARS OLD OR IN THAT RANGE. GOOD
4 EMPLOYMENT HISTORIES, GOOD WORK OR FAMILY HISTORY AND SO FORTH.
5 AND THEN WE GET TO THE SPECTRUM OF THE LEVEL OF CONDUCT, AND
6 YOURS IS ON THE EXTREME END, IN MY EXPERIENCE, WHICH IS ONLY
7 LIMITED TO MY CASES.

8 WE HAVE TO BE CONSISTENT, NOT DISPARATE, IN HOW WE
9 SENTENCE. SENTENCES DON'T NEED TO BE EQUAL IN EVERY CASE, BUT
10 NEED TO HAVE SOME RELATIVE COMPARISON, NOT THE ARBITRARILY LOW
11 OR HIGH.

12 IN SENTENCING, AS MR. MORRILL SAID, THE COURT DOES
13 MUCH THE SAME THING. WE LOOK AT REASONS FOR MITIGATION, WHICH
14 WOULD ALLOW US TO VARY, THINGS THAT ARE DISTINCT OR DIFFERENT
15 THAT WARRANT SOME CONSIDERATION. I DON'T FIND ANY OF THOSE
16 HERE, SIR.

17 WEIGHING ALL OF THE FACTORS AND LOOKING AT THE
18 GUIDELINES, PREDOMINANTLY ON A 3553(A) BASIS, WITH THE CRIMINAL
19 ACTIVITY REPRESENTED BY THE EVIDENCE BEFORE THE COURT, THE
20 OTHER SOCIAL PSYCHO INFORMATION RELATED TO THIS CONDUCT OF
21 SURVEILLING OTHERS AS VOYEURISTIC BEHAVIOR, I THINK THE 210
22 MONTHS IS THE APPROPRIATE SENTENCE. IT'S SUFFICIENT BUT NOT
23 GREATER THAN NECESSARY. I WOULD SO IMPOSE THAT SENTENCE.

24 I WILL WAIVE WHAT WOULD BE \$15,000 IN THE JVTA FEES,
25 FINDING THAT YOU ARE INDIGENT. AND I WILL EVEN REMIT THE \$300

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1 PENALTY ASSESSMENT AND WAIVE ANY OTHER FINES ON THAT BASIS,
2 GIVEN THE LENGTH OF THE SENTENCE AND THE ABSENCE FROM
3 EMPLOYMENT. THOSE WILL BE INSURMOUNTABLE HURDLES, SO I AM NOT
4 GOING TO IMPOSE THEM.

5 WITH REGARD TO SUPERVISED RELEASE, I AM GOING TO
6 FOLLOW THE RECOMMENDATIONS OF THE PROBATION OFFICE FAIRLY
7 CLOSELY, BUT I AM GOING TO GO THROUGH THEM SO THAT I CAN ADJUST
8 ANYTHING THAT NEEDS ADJUSTING.

9 FIRST, YOU ARE TO SUBMIT YOUR PERSON, PROPERTY,
10 RESIDENCE, ABODE, VEHICLE, PAPERS, COMPUTERS, SOCIAL MEDIA
11 ACCOUNTS, ANY OTHER ELECTRONIC COMMUNICATIONS OR DATA STORAGE
12 DEVICES OR MEDIA, AND EFFECTS TO A SEARCH AT ANY TIME, WITH OR
13 WITHOUT A WARRANT, BY ANY LAW ENFORCEMENT OFFICER OR PROBATION
14 OFFICER WITH REASONABLE SUSPICION CONCERNING A VIOLATION OF A
15 CONDITION OF SUPERVISED RELEASE OR UNLAWFUL CONDUCT, AND
16 OTHERWISE IN THE LAWFUL DISCHARGE OF THE OFFICER'S DUTIES,
17 UNDER 18 U.S.C. SECTIONS 3563, SUBPARAGRAPH (B)(23), AND 3583
18 SUBPARAGRAPH (D)(3). FAILURE TO SUBMIT TO SUCH A SEARCH MAY BE
19 GROUNDS FOR REVOCATION; YOU ARE TO WARN OTHER RESIDENTS THAT
20 THE PREMISES MAY BE SUBJECT TO SEARCH PURSUANT TO YOUR
21 CONDITION.

22 TWO, CONSENT TO THIRD-PARTY DISCLOSURE TO ANY
23 EMPLOYER, POTENTIAL EMPLOYER, CONCERNING ANY RESTRICTIONS
24 IMPOSED BY THE COURT.

25 THREE, NOT USE OR POSSESS DEVICES WHICH CAN

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1 COMMUNICATE DATA VIA MODEM OR DEDICATED CONNECTION AND MAY NOT
2 HAVE ACCESS TO THE INTERNET WITHOUT PRIOR APPROVAL FROM THE
3 COURT OR THE PROBATION OFFICER. YOU ARE TO CONSENT TO AN
4 INSTALLATION OF SYSTEMS THAT WILL ENABLE THE PROBATION OFFICER
5 TO MONITOR COMPUTER USE ON ANY COMPUTER OWNED OR CONTROLLED BY
6 YOU. AND YOU ARE TO PAY THE COST OF THE INSTALLATION, THE
7 COMPUTER SOFTWARE, BASED UPON ABILITY TO PAY.

8 NOT KNOWINGLY ASSOCIATE WITH, OR HAVE CONTACT WITH
9 ANY KNOWN SEX OFFENDERS UNLESS IN AN APPROVED TREATMENT OR
10 COUNSELING SETTING.

11 NOT HAVE ANY CONTACT, DIRECT OR INDIRECTLY,
12 TELEPHONICALLY, VISUALLY, VERBALLY OR THROUGH WRITTEN MATERIALS
13 OR THROUGH THIRD-PARTY COMMUNICATIONS, WITH THE VICTIM OR THE
14 VICTIM'S FAMILY, WITHOUT THE PRIOR APPROVAL OF THE PROBATION
15 OFFICER.

16 NOT INITIATE ANY CONTACT -- PERSONAL, ELECTRONIC OR
17 OTHERWISE -- OR ASSOCIATE WITH ANYONE UNDER THE AGE OF 18,
18 UNLESS IN THE PRESENCE OF A SUPERVISING ADULT WHO IS AWARE OF
19 THE OFFENDER'S DEVIANT SEXUAL BEHAVIOR AND NATURE OF THE
20 OFFENSE AND CONVICTION, WITH THE EXCEPTION OF BIOLOGICAL
21 CHILDREN, UNLESS APPROVED IN ADVANCE BY THE PROBATION OFFICER.

22 NOT ACCEPT OR COMMENCE EMPLOYMENT OR VOLUNTEER
23 ACTIVITY WITHOUT PRIOR APPROVAL OF THE PROBATION OFFICER, AND
24 EMPLOYMENT SHOULD BE SUBJECT TO CONTINUOUS REVIEW AND
25 ASSESSMENT BY THE PROBATION OFFICER.

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1 NUMBER EIGHT ON THE LIST: NOT KNOWINGLY LOITER
2 WITHIN 200 YARDS OF A SCHOOL, SCHOOLYARD, PLAYGROUND, PARK,
3 AMUSEMENT CENTER/PARK, PUBLIC SWIMMING POOL, ARCADE, DAYCARE
4 CENTER, CARNIVAL, RECREATION VENUE, LIBRARY OR OTHER PLACES
5 PRIMARILY FREQUENTED BY PERSONS UNDER THE AGE OF 18, WITHOUT
6 THE PRIOR APPROVAL OF THE PROBATION OFFICER.

7 NOT POSSESS OR VIEW MATERIALS SUCH AS VIDEOS,
8 MAGAZINES, PHOTOGRAPHS, COMPUTER IMAGES OR OTHER MATTER THAT
9 DEPICTS SEXUALLY EXPLICIT CONDUCT INVOLVING CHILDREN AS DEFINED
10 BY 18 U.S.C. SECTION 2256(2) AND/OR ACTUAL SEXUALLY EXPLICIT
11 CONDUCT INVOLVING ADULTS AS DEFINED BY 18 U.S.C. SECTION
12 2257(H)(1), AND NOT PATRONIZE ANY PLACE WHERE SUCH MATERIALS OR
13 ENTERTAINMENT ARE THE PRIMARY MATERIAL OR ENTERTAINMENT
14 AVAILABLE.

15 YOU ARE TO COMPLETE A SEXUAL OFFENDER EVALUATION,
16 WHICH MAY INCLUDE PERIODIC PSYCHOLOGICAL/PHYSIOLOGICAL TESTING,
17 AND COMPLETION OF VISUAL REACTION TIME ASSESSMENT, AT THE
18 DIRECTION OF THE COURT OR THE PROBATION OFFICE. IF DEEMED
19 NECESSARY BY THE TREATMENT PROVIDER, YOU ARE TO PARTICIPATE IN
20 AND SUCCESSFULLY COMPLETE AN APPROVED STATE-CERTIFIED SEX
21 OFFENDER TREATMENT PROGRAM, INCLUDING COMPLIANCE WITH THE
22 TREATMENT REQUIREMENTS OF THE PROGRAM.

23 I WILL AUTHORIZE THE RELEASE OF THE PRESENTENCE
24 REPORT, AND AVAILABLE PSYCHOLOGICAL EVALUATIONS TO THE
25 TREATMENT PROVIDER, AS APPROVED BY THE PROBATION OFFICER. THE

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1 OFFICER WILL ALLOW RECIPROCAL RELEASE OF INFORMATION BETWEEN
2 THE PROBATION OFFICER AND THE -- I'M SORRY -- THE OFFENDER WILL
3 ALLOW RECIPROCAL RELEASE OF INFORMATION BETWEEN THE PROBATION
4 OFFICER AND THE TREATMENT PROVIDER.

5 AND YOU MAY BE REQUIRED TO CONTRIBUTE TO THE COST OF
6 SERVICES RENDERED IN THIS WAY IN AN AMOUNT TO BE DETERMINED BY
7 THE PROBATION OFFICER, BASED ON ABILITY TO PAY.

8 POLYGRAPH EXAMINATIONS MAY BE USED FOLLOWING THE
9 COMPLETION OF THE FORMAL TREATMENT PROGRAM, AS DIRECTED BY THE
10 PROBATION OFFICER IN ORDER TO MONITOR ADHERENCE TO THE GOALS
11 AND OBJECTIVES OF THE TREATMENT, AND AS A PART OF THE
12 CONTAINMENT MODEL.

13 YOU ARE TO RESIDE IN A RESIDENCE APPROVED IN ADVANCE
14 BY THE PROBATION OFFICER, AND ANY CHANGES IN RESIDENCE SHALL BE
15 PRE-APPROVED BY THE PROBATION OFFICER.

16 AND THAT WOULD ROUND OUT THE GENERAL CONDITIONS. THE
17 STANDARD CONDITIONS WILL ALSO APPLY.

18 I WILL ORDER ORALLY THE FORFEITURE OF THE EQUIPMENT.
19 I WILL FILE THE FINAL ORDER OF FORFEITURE IN THE JUDGMENT, AS
20 REQUESTED.

21 AND WITH THAT BEING THE SENTENCE AND ALL ITS
22 COMPONENTS, MR. WALSH, I FIND IT TO BE SUFFICIENT BUT NOT
23 GREATER THAN NECESSARY UNDER FEDERAL LAW.

24 I WILL ALERT YOU TO THE FACT THAT YOU DO HAVE A RIGHT
25 TO APPEAL A CONVICTION AND SENTENCE IN THE CASE.

MAY 21, 2018

AO 245B (CASDRev. 02/18) Judgment in a Criminal Case

MAY 24 2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

UNITED STATES OF AMERICA
v.
WILLIAM FRANCIS WALSH IV (01)

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 17CR1269-AJB

Marc Xavier Carlos
Defendant's Attorney

REGISTRATION NO. 61220298

☐ -

THE DEFENDANT:

☒ was found guilty on count(s) One, Two and Three of the Indictment
after a plea of not guilty

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18:2252(a)(2)	Distribution of Images of Minors Engaged in Sexually Explicit Conduct	1-2
18:2252(a)(4)(B)	Possession of Images of Minors Engaged in Sexually Explicit Conduct	3

The defendant is sentenced as provided in pages 2 through 5 of this judgment.
The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ dismissed on the motion of the United States.

☒ Assessment : (\$100.00 - As to each Count)
Total Assessment \$300.00 - Remitted

JVTA Assessment*: (\$5,000.00 as to each Count)
Total JVTA Assessment \$15,000.00 - Waived

☒

*Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

☒ Fine waived ☒ Forfeiture pursuant to order filed 5/11/2018, included herein.

IT IS 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. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

May 21, 2018
Date of Imposition of Sentence

[Signature]
HON. ANTHONY J. BATTAGLIA
UNITED STATES DISTRICT JUDGE

AO 245B (CASD Rev. 02/18) Judgment in a Criminal Case

DEFENDANT: WILLIAM FRANCIS WALSH IV (01)
CASE NUMBER: 17CR1269-AJB

Judgment - Page 2 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of: TWO HUNDRED AND TEN (210) MONTHS, As to each Count, to run Concurrent.

- 1
1
- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☒ **The court makes the following recommendations to the Bureau of Prisons:**
Defendant is to serve custody in the Western Region, Tuscon FCC.
Defendant is to participate in the RDAP (500) Hour Drug Treatment Program.
- ☐ 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. 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:
- ☐ on or before _____
- ☐ 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 UNITED STATES MARSHAL

AO 245B (CASD Rev. 02/18) Judgment in a Criminal Case

DEFENDANT: WILLIAM FRANCIS WALSH IV (01)
CASE NUMBER: 17CR1269-AJB

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
TEN (10) YEARS, As to each Count, to run Concurrent.

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 unless removed from the United States.

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

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. 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 determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ 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.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000, pursuant to 18 USC section 3583(a)(7) and 3583(d).
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(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 this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

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 in a manner and frequency directed by the court or probation officer;
- 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.

AO 245B (CASD Rev. 02/18) Judgment in a Criminal Case

DEFENDANT: WILLIAM FRANCIS WALSH IV (01)
CASE NUMBER: 17CR1269-AJB

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SPECIAL CONDITIONS OF SUPERVISION

1. Submit your person, property, residence, abode, vehicle, papers, computer, social media accounts, any other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation/supervised release or unlawful conduct, and otherwise in the lawful discharge of the officer's duties. 18 U.S.C. §§ 3563 (b)(23); 3583 (d)(3). Failure to submit to a search may be grounds for revocation; you shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. Consent to third party disclosure to any employer, potential employer, concerning any restrictions that are imposed by the court.
3. Not use or possess devices which can communicate data via modem or dedicated connection and may not have access to the Internet without prior approval from the court or the probation officer. The offender shall consent to the installation of systems that will enable the probation officer to monitor computer use on any computer owned or controlled by the offender. The offender shall pay for the cost of installation of the computer software.
4. Not knowingly associate with, or have any contact with any known sex offenders unless in an approved treatment and/or counseling setting.
5. Not knowingly have any contact, direct or indirect, either telephonically, visually, verbally or through written material, or through any third-party communication, with the victim or victim's family, without prior approval of the probation officer.
6. Not initiate any contact (personal, electronic or otherwise) or associate with anyone under the age of 18, unless in the presence of a supervising adult who is aware of the offender's deviant sexual behavior and nature of offense and conviction, with the exception of the offender's biological children, unless approved in advance by the probation officer.
7. Not accept or commence employment or volunteer activity without prior approval of the probation officer, and employment should be subject to continuous review and assessment by the probation officer.
8. Not knowingly loiter within 200 yards of a school, schoolyard, playground, park, amusement center/park, public swimming pool, arcade, daycare center, carnival, recreation venue, library and other places primarily frequented by persons under the age of 18, without prior approval of the probation officer.

AO 245B (CASD Rev. 02/18) Judgment in a Criminal Case

DEFENDANT: WILLIAM FRANCIS WALSH IV (01)
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9. Not possess or view any materials such as videos, magazines, photographs, computer images or other matter that depicts "sexually explicit conduct" involving children as defined by 18 USC § 2256(2) and/or "actual sexually explicit conduct" involving adults as defined by 18 USC § 2257(h)(1), and not patronize any place where such materials or entertainment are the primary material or entertainment available.
10. Complete a sex offender evaluation, which may include periodic psychological, physiological testing, and completion of a visual reaction time (VRT) assessment, at the direction of the court or probation officer. If deemed necessary by the treatment provider, the offender shall participate and successfully complete an approved statecertified sex offender treatment program, including compliance with treatment requirements of the program. The Court authorizes the release of the presentence report, and available psychological evaluations to the treatment provider, as approved by the probation officer. The offender will allow reciprocal release of information between the probation officer and the treatment provider. The offender may also be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on ability to pay. Polygraph examinations may be used following completion of the formal treatment program as directed by the probation officer in order to monitor adherence to the goals and objectives of treatment and as a part of the containment model.
11. Reside in a residence approved in advance by the probation officer, and any changes in residence shall be pre-approved by the probation officer.

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM F. WALSH, IV,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition For A Writ of *Certiorari* To The United States Court of Appeals
for the Ninth Circuit**

PROOF OF SERVICE

I, David A. Schlesinger, declare that on March 9, 2020, as required by Supreme Court Rule 29, I served Petitioner William F. Walsh, IV's MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on counsel for Respondent by depositing an envelope containing the motion and the petition in the United States mail (Priority, first-class), properly addressed to him, and with first-class postage prepaid.

The name and address of counsel for Respondent is as follows:

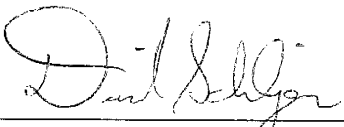
The Honorable Noel J. Francisco, Esq.
Solicitor General of the United States
United States Department of Justice
950 Pennsylvania Ave., N.W., Room 5614
Washington, DC 20530-0001
Counsel for Respondent

Additionally, I mailed a copy of the motion and the petition to my client,
Petitioner William F. Walsh, IV, by depositing an envelope containing the
documents in the United States mail, postage prepaid, and sending it to the
following address:

William F. Walsh, IV
Register No. 61220-298
FCI Seagoville
Federal Correctional Institution
P.O. Box 9000
Seagoville, TX 75159

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 9, 2020



DAVID A. SCHLESINGER
Declarant