

A-1

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATTHEW LEE STASZAK,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 15-cv-20-JPG

Criminal No 12-cr-40064-JPG

JUDGMENT

This matter having come before the Court, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that petitioner Matthew Lee Staszak's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is denied, that judgment is entered in favor of respondent United States of America and against petitioner Matthew Lee Staszak, and that this case is dismissed with prejudice.

DATED: February 21, 2020

MARGARET M. ROBERTIE, Clerk of Court

s/Tina Gray, Deputy Clerk

Approved: s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE

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United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 29, 2020
Decided November 5, 2020

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 20-1381

MATTHEW LEE STASZAK,
Petitioner-Appellant,

Appeal from the United States District
Court for the Southern District of Illinois.

No. 3:15-cv-00020-JPG

v.

UNITED STATES OF AMERICA,
Respondent-Appellee.

J. Phil Gilbert,
Judge.

ORDER

Matthew Staszak has filed a notice of appeal from the denial of his motion under 28 U.S.C. § 2255 and an application for a certificate of appealability. We have reviewed the final order of the district court and the record on appeal and find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, Staszak's request for a certificate of appealability and his motion for appointment of appellate counsel are denied.

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United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

December 3, 2020

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 20-1381

MATTHEW LEE STASZAK,
Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,
Respondent-Appellee.

Appeal from the United States District
Court for the Southern District of Illinois.

No. 3:15-cv-00020-JPG

J. Phil Gilbert,
Judge.

ORDER

On consideration of the appellant's petition for rehearing and rehearing en banc, no judge in regular active service has requested a vote on the motion for rehearing en banc and the judges on the original panel have voted to deny rehearing. It is, therefore, ORDERED that the petition for rehearing and rehearing en banc is DENIED.

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**SUPPRESSED
FILED**

NOV 16 2012

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

UNITED STATES OF AMERICA,
)
Plaintiff,
)
vs.
)
MATTHEW STASZAK,
)
Defendant.
)

CRIMINAL NO. 12-40064-JPG

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

SEXUAL EXPLOITATION OF A MINOR

Between on or about June 1, 2011 and on or about July 31, 2011, in Williamson County, Illinois, within the Southern District of Illinois,

MATTHEW STASZAK,

defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, K.G., to engage in sexually explicit conduct, for the purpose of producing a visual depiction of such conduct, and did attempt to do so, which visual depiction was produced using materials that had been mailed, shipped, and transported in interstate commerce; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT 2

TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT

On or about March 22, 2011, in Williamson County, Illinois, within the Southern District of Illinois, and the State of North Carolina.

MATTHEW STASZAK,

defendant herein, did knowingly travel in interstate commerce from North Carolina to Williamson County, Illinois, for the purpose of engaging in illicit sexual conduct, that being a sexual act (as defined in section 2423(f)) with a person under 18 years of age, all in violation of Title 18, United States Code, Section 2423(b).

COUNT 3

TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT

On or about May 29, 2011, in Williamson County, Illinois, within the Southern District of Illinois, and the State of North Carolina,

MATTHEW STASZAK,

defendant herein, did knowingly travel in interstate commerce from North Carolina to Williamson County, Illinois, for the purpose of engaging in illicit sexual conduct, that being a sexual act (as defined in section 2423(f)) with a person under 18 years of age, all in violation of Title 18, United States Code, Section 2423(b).

COUNT 4

FAILURE TO APPEAR

On or about October 4, 2012, in Franklin County, Illinois, within the Southern District of Illinois,

MATTHEW STASZAK,

defendant herein, having been charged with violations of Title 18, United States Code, Sections 2251(a) and (e) and 2423(b), felony offenses, and having been released pursuant to chapter 207 of

Title 18, United States Code, in connection with the aforementioned criminal charges, for appearance before Magistrate Judge Philip M. Frazier at 11:30 a.m. on October 4, 2012, for an initial appearance on a superseding indictment in Case No. 12-40064-JPG, entitled *United States v. Matthew Staszak*, did knowingly and willfully fail to appear as required, all in violation of Title 18, United States Code, Section 3146(a)(1).

FORFEITURE

As a result of the commission of the offenses charged in Counts 1 and 2 of the Second Superseding Indictment, defendant MATTHEW STASZAK shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a)(3), the defendant's interest in any property used or intended to be used to commit or to promote the commission of such offense, or any property traceable to such property. The property to be forfeited includes, but is not limited to: 1) a 2007 Jeep Grand Cherokee, VIN: 1J8HR48N87C689206, and all accessories, attachments, and components therein or thereon; and 2) a Verizon cellular telephone, model Droid X2, bearing serial number SJUG6250.

As a result of the commission of the offense charged in Count 3 of the Second Superseding Indictment, defendant MATTHEW STASZAK shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428(a)(1), the defendant's interest in any property used or intended to be used to commit or to facilitate the commission of such offense. The property to be forfeited

includes, but is not limited to: a Verizon cellular telephone, model Droid X2, bearing serial number SJUG6250.

A TRUE BILL

[REDACTED]
FOREPERSON

Kit R. Morrissey
KIT R. MORRISSEY
Assistant United States Attorney

Angela Scott
ANGELA SCOTT
Assistant United States Attorney

Stephen R. Wigington
STEPHEN R. WIGGINTON
United States Attorney

Recommended Bond: Detention

A-5

UNITED STATES DISTRICT COURT

Southern District of Illinois

UNITED STATES OF AMERICA

v.

Matthew Staszak

JUDGMENT IN A CRIMINAL CASE

Case Number: 12CR40064-001

USM Number: 24227-171

Melissa A. Day, AFPD

Defendant's Attorney

THE DEFENDANT:

 pleaded guilty to count(s) 1, 2, 3 AND 4 of the Second Superseding Indictment. pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C.2423(b)	Travel With Intent to engage in Illicit Sexual Conduct	5/29/2011	2ss,3ss
18 U.S.C.2423(b)	Travel With Intent to engage in Illicit Sexual Conduct		3ss

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

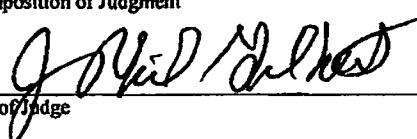
 The defendant has been found not guilty on count(s) _____ Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must 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 must notify the court and United States attorney of material changes in economic circumstances.

2/5/2014

Date of Imposition of Judgment

Signature of Judge



J. Phil Gilbert, District Judge

Name and Title of Judge

Date



DEFENDANT: Matthew Staszak
CASE NUMBER: 12CR40064-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

240 months (180 months on Counts 1, 2 and 3 of the 2nd Superseding Indictment. Counts 1, 2 and 3 are to run concurrent with each other. 60 months on Count 4 of the 2nd Superseding Indictment to run consecutive to Counts 1, 2 and 3 of the 2nd Superseding Indictment.

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

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 _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Matthew Staszak
CASE NUMBER: 12CR40064-001**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

10 years (This consists of 10 years on Counts 1, 2 and 3 of the 2nd Superseding Indictment and 3 years on Count 4 of the 2nd Superseding Indictment. All Counts to run concurrent with each other.

The defendant must 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 unlawfully 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.

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. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *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 restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

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.

DEFENDANT: Matthew Staszak
CASE NUMBER: 12CR40064-001

SPECIAL CONDITIONS OF SUPERVISION

Due to concerns related to the defendant's mental health, the defendant shall participate in a program of mental health treatment, which may include participation in treatment for anger management, domestic violence, cognitive skills, or other forms of therapy or counseling that may be recommended, as directed by the probation officer. This may include a mental health regimen prescribed by a licensed practitioner, at the direction of the probation officer. The defendant shall pay for the costs associated with services, rendered, based on a Court approved sliding fee scale as directed by the probation officer. The defendant's obligation shall never exceed the total cost of services rendered.

The defendant shall participate in an approved sexual offender treatment program, as directed by the probation officer. If deemed necessary, the defendant shall submit to an approved, sexual-predator evaluation, as directed by the probation officer. The defendant shall abide by all rules, requirements, and conditions of the treatment program, including submission to polygraph and/or plethysmograph examination to determine compliance with the conditions of release. The defendant shall remain in the program until successfully completed, or until such time as the defendant is released from the program by the Court and/or probation officer. The defendant shall pay for the costs associated with counseling and/or evaluation based on a copay sliding fee scale as directed and approved by the United States Probation Office. The copay shall never exceed the total costs of counseling.

The defendant shall permit the probation officer to have access to any personal computer and/or electronic device capable of accessing the Internet, World Wide Web, and Electronic Mail. The defendant shall also allow the probation officer or designee to conduct regular searches of his computer and/or electronic device using software monitoring devices if determined necessary by the probation officer. The defendant shall advise the probation officer of all e-mail addresses used on both public and private computers. The defendant shall consent to third-party disclosure to any employer or potential employer, concerning any computer-related restrictions that may be imposed. The defendant shall warn other residents or occupants of his home that computer systems will be subject to inspection by the probation officer and/or authorized contractor.

The defendant shall submit his person, residence, real property, place of business, computer, or vehicle to a search, conducted by the United States probation Officers at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.

Based on the nature of the offense/defendant's history, he shall not have any contact with K.G.

The defendant shall not possess or use electronic devices capable of taking photographs or videos.

The defendant shall not subscribe to any text messaging services or data file services.

The defendant is prohibited from activity in social media sites, internet chat rooms, and internet forums.

Based on the nature of the offense/defendant's history, he shall not have any contact with females under the age of 18 unless in the presence of a responsible adult who is aware of the nature of the defendant's background and instant offense and who has been approved by the probation officer.

The defendant shall provide the probation officer and the financial litigation Unit of the United States Attorney's Office with access to any requested financial information. The defendant is advised that the probation office may share financial information with the Financial litigation Unit.

The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation. The defendant shall immediately notify the probation officer of the receipt of any indicted monies.

The defendant shall forfeit interest in the following property to the United States: 2007 Jeep Grand Cherokee, VIN 1J8HR48N87C689206 and Verizon cellular telephone, model Droid X2, serial number SJUG6250.

The defendant shall make monthly payments in the amount of \$20.00 or 10% of his net monthly income, whichever is greater.

DEFENDANT: Matthew Staszak
CASE NUMBER: 12CR40064-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>TOTALS</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ 400.00	\$ 1,250.00	\$ 0.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
TOTALS	\$ 0.00	\$ 0.00	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* 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.

DEFENDANT: Matthew Staszak
CASE NUMBER: 12CR40064-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A Lump sum payment of \$ 1,650.00 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:
Defendant shall make monthly payments in the amounts of \$20.00 or ten percent of his net monthly income, whichever is greater.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:
2007 Jeep Grand Cherokee, VIN : 1J8HR48N87C689206 and Verizon cellular telephone, model Droid X2, serial number SJUG6250

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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2251(a) A person who employs, uses, persuades, induces, entices or coerces a minor to engage in, sexually explicit conduct, for the purpose of producing a visual depiction of such conduct, or for the purpose of transmitting of a live visual depiction of such conduct, shall be punished as provided under subsection(e), if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate commerce; all in violation of Title, United States Code, Sections 2251(a) and (e).

(ref. A-4 Second Superseding Indictment)

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2423(b); A person who travels in interstate commerce with a motivating purpose of engaging in illicit sexual conduct with another person.
(ref. A-4 Second Superseding Indictment)

3146(a)(1) Whoever have been released under this chapter knowingly fails to appear before a court as required by the conditions of release.
(ref. A-4 Second Superseding Indictment)

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**U.S. District Court
Southern District of Illinois (Benton)
CRIMINAL DOCKET FOR CASE #: 4:12-cr-40064-JPG-1**

Case title: USA v. Staszak
Magistrate judge case number: 3:12-mj-07029-SCW

Date Filed: 06/20/2012
Date Terminated: 02/20/2014

Assigned to: Judge J. Phil Gilbert

Defendant (1)

Matthew Lee Staszak

TERMINATED: 02/20/2014

also known as

Matthew Staszak

TERMINATED: 02/20/2014

represented by **Judith A. Kuenneke**

Federal Public Defender's Office

401 W. Main Street

P.O. Box 1075

Benton, IL 62812

618-435-2552

Email: Judy_Kuenneke@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

Melissa A. Day

Federal Public Defender's Office -
Benton

401 West Main Street

P.O. Box 1075

Benton, IL 62812

618-435-2552

Email: Melissa_Day@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

Terry M. Green

Law Offices of Terry M. Green

Generally Admitted

1209 E. Main Street

Suite A

West Frankfort, IL 62896

618-937-3305

Fax: 618-937-3294

Email: terrymgreenattorney@mchsi.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Justin A. Kuehn

Kuehn, Beasley & Young, P.C.

23 South 1st Street

Belleville, IL 62220

618-277-7260

Fax: 618-277-7718

Email: justinkuehn@kuehnlawfirm.com

TERMINATED: 07/23/2012

Designation: Retained

Thomas Q. Keefe , III

Keefe, Keefe & Unsell, P.C.

6 Executive Woods Court

Belleville, IL 62226

618-236-2221

Fax: 618-236-2194

Email: keefetq@gmail.com

TERMINATED: 06/03/2013

Designation: Retained

Pending Counts

18:2251(a)and (e)SEXUAL
EXPLOITATION OF CHILDREN
(1ss)

18:2423(b) TRAVEL WTIH INTENT
TO ENGAGE IN ILLICIT SEXUAL
CONDUCT;COERCION OR
ENTICEMENT OF MINOR FEMALE

Disposition

Defendant committed to custody of Bureau of Prisons for a term of 240 months. This sentence consists of 180 months on Counts 1,2,3 of the Second Superseding Indictment to run concurrent with each other and 60 months on Count 4 of the 2nd Superseding Indictment to run consecutive to Counts 1, 2 and 3 of the 2nd Superseding Indictment. Upon release from imprisonment, defendant is placed on Supervised Release for a term of 10 years on Counts 1, 2 and 3 of the 2nd Superseding Indictment and 3 years on Count 4 of the 2nd Superseding Indictment. All Counts to run concurrent with each other. Defendant fined \$1250.00 \$300.00 on each of Counts 1, 2 and 3 and \$350.00 on Count 4 of the 2nd Superseding Indictment. Special Assessment of \$400.00

Defendant committed to custody of Bureau of Prisons for a term of 240 months. This sentence consists of 180 months on Counts 1,2,3 of the Second

(2ss-3ss)

18:3146(a)(1)FAILURE TO APPEAR
(4ss)

Superseding Indictment to run concurrent with each other and 60 months on Count 4 of the 2nd Superseding Indictment to run consecutive to Counts 1, 2 and 3 of the 2nd Superseding Indictment. Upon release from imprisonment, defendant is placed on Supervised Release for a term of 10 years on Counts 1, 2 and 3 of the 2nd Superseding Indictment and 3 years on Count 4 of the 2nd Superseding Indictment. All Counts to run concurrent with each other. Defendant fined \$1250.00 \$300.00 on each of Counts 1, 2 and 3 and \$350.00 on Count 4 of the 2nd Superseding Indictment. Special Assessment of \$400.00

Defendant committed to custody of Bureau of Prisons for a term of 240 months. This sentence consists of 180 months on Counts 1,2,3 of the Second Superseding Indictment to run concurrent with each other and 60 months on Count 4 of the 2nd Superseding Indictment to run consecutive to Counts 1, 2 and 3 of the 2nd Superseding Indictment. Upon release from imprisonment, defendant is placed on Supervised Release for a term of 10 years on Counts 1, 2 and 3 of the 2nd Superseding Indictment and 3 years on Count 4 of the 2nd Superseding Indictment. All Counts to run concurrent with each other. Defendant fined \$1250.00 \$300.00 on each of Counts 1, 2 and 3 and \$350.00 on Count 4 of the 2nd Superseding Indictment. Special Assessment of \$400.00

Highest Offense Level (Opening)

Felony

Terminated Counts

18 USC 2251(a) - Production of Child Pornography
(1)
18:2251(a) - Production of Child

Disposition

Dismissed by Government
Dismissed by Government

Pornography
(1s)

18 USC 2423(b) - Travel with Intent to Engage in Illicit Sexual Conduct (2)

Dismissed by Government

18:2423(b) - Travel with Intent to Engage in Illicit Sexual Conduct (2s-3s)

Dismissed by Government

Highest Offense Level (Terminated)

Felony

Complaints

Count 1, 18:2251(a), Production of Child Pornography; Count 2, 18:2251(a), and 2422(b), Enticement of a Minor; Count 3, 18:2423(b), Travel with intent to engage in illicit sexual conduct

Disposition

Plaintiff

USA

represented by **Kit R. Morrissey**

Assistant U.S. Attorney - Fairview Heights
9 Executive Drive
Suite 300
Fairview Heights, IL 62208
618-628-3700
Email: cally.killian@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Angela Scott

Assistant U.S. Attorney - Fairview Heights
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618-628-3700
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ATTORNEY TO BE NOTICED

Michael Thompson

Assistant U.S. Attorney - Fairview Heights

St. Clair County
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 Suite 300
 Fairview Heights, IL 62208
 618-628-3700
 Email: Michael.Thompson2@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/08/2012	<u>1</u>	SEALED COMPLAINT as to Matthew Staszak (1). (amv) [3:12-mj-07029-SCW] (Entered: 06/11/2012)
06/08/2012	<u>2</u>	Arrest Warrant Issued in case as to Matthew Staszak. (amv) [3:12-mj-07029-SCW] (Entered: 06/11/2012)
06/08/2012	<u>3</u>	Sealed Document unredacted arrest warrant(amv) [3:12-mj-07029-SCW] (Entered: 06/11/2012)
06/08/2012	<u>5</u>	MOTION to Seal by USA as to Matthew Staszak. (amv) [3:12-mj-07029-SCW] (Entered: 06/11/2012)
06/11/2012	<u>6</u>	ORDER granting <u>5</u> Motion to Seal as to Matthew Staszak (1). Signed by Magistrate Judge Stephen C. Williams on 6/11/12. (amv) [3:12-mj-07029-SCW] (Entered: 06/11/2012)
06/12/2012		Attorney update in case as to Matthew Staszak. Attorney Deirdre A. Durborow terminated. (amv) [3:12-mj-07029-SCW] (Entered: 06/12/2012)
06/18/2012	<u>7</u>	SEALED MOTION by USA as to Matthew Staszak. (Scott, Angela) [3:12-mj-07029-SCW] (Entered: 06/18/2012)
06/19/2012	<u>8</u>	NOTICE OF HEARING ON <u>7</u> SEALED MOTION: Motion Hearing SET for 6/21/2012 at 09:00 AM in Benton Courthouse before Judge G. Patrick Murphy as to Matthew Staszak. (lmm)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. [3:12-mj-07029-SCW] (Entered: 06/19/2012)
06/20/2012	<u>1</u>	INDICTMENT as to Matthew Lee Staszak (1) count(s) 1, 2. (tkm) (Entered: 06/21/2012)
06/20/2012	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE Kit R. Morrissey appearing for USA. (Morrissey, Kit) [3:12-mj-07029-SCW] (Entered: 06/20/2012)
06/21/2012	<u>4</u>	Warrant Issued in case as to Matthew Lee Staszak. (tkm) (Entered: 06/21/2012)
06/21/2012	<u>10</u>	Minute Entry for proceedings held before Judge G. Patrick Murphy (bkl):Matter is called for Motion Hearing as to Matthew Staszak on 6/21/2012 re <u>7</u> SEALED MOTION filed by USA. Melissa Day, FPD, appeared on behalf of Defendant and requests a continuance. Defendant has retained counsel who was unavailable for this hearing. Defendant has met the conditions of bond. Enlargement of time is Granted. All conditions of bond remain in full force.

		Motion hearing will be reset after retained counsel enters an appearance. (Court Reporter Michelle Zimmerman.) (blk)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. [3:12-mj-07029-SCW] (Entered: 06/21/2012)
06/21/2012	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: Justin A. Kuehn appearing for Matthew Staszak (Kuehn, Justin) [3:12-mj-07029-SCW] (Entered: 06/21/2012)
06/25/2012	<u>12</u>	Docket Annotation--Magistrate Case #12-7029 merged with criminal case as to Matthew Lee Staszak. (djs,) (Entered: 06/25/2012)
06/25/2012	<u>13</u>	Rule 5(c)(3) Documents Received as to Matthew Lee Staszak (originally received 6/21/12) (blk) (Entered: 06/25/2012)
06/26/2012	<u>14</u>	MINUTE ORDER (kjr) as to Matthew Lee Staszak re <u>7</u> SEALED MOTION filed by USA. Motion Hearing set for 6/28/2012 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert. (jdh) (Entered: 06/26/2012)
06/28/2012	<u>15</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert: (kjr)Arraignment and DeNovo Hearing as to Matthew Lee Staszak held on 6/28/2012. The Court arraigs the defendant on Counts 1 and 2 of the indictment and enters a not guilty plea for the defendant. Motion Hearing reset for 7/26/2012 10:00 AM in Benton Courthouse before Judge J. Phil Gilbert. Final Pretrial Conference set for 8/16/2012 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert. Jury Trial set for 8/20/2012 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter Jane Northcutt.) (jdh) (Entered: 06/28/2012)
06/28/2012	<u>16</u>	ORDER REGARDING PRETRIAL DISCOVERY AND MOTION PRACTICE as to Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 6/28/2012. (krm) (Entered: 06/28/2012)
07/06/2012	<u>17</u>	REDACTED Arrest Warrant Returned in re: 12-mj-7029 Executed on 6/12/12 as to Matthew Lee Staszak. (cekf) (Entered: 07/06/2012)
07/06/2012	<u>18</u>	Sealed Document - UNREDACTED Arrest Warrant Returned Executed (cekf) (Entered: 07/06/2012)
07/12/2012	<u>19</u>	NOTICE OF ATTORNEY APPEARANCE: Thomas Q. Keefe, III appearing for Matthew Lee Staszak (Keefe, Thomas) (Entered: 07/12/2012)
07/19/2012	<u>20</u>	MOTION to Withdraw as Attorney by Justin A. Kuehn. by Matthew Lee Staszak. (Kuehn, Justin) (Entered: 07/19/2012)
07/23/2012	<u>21</u>	ORDER as to Matthew Lee Staszak granting <u>20</u> MOTION to Withdraw as Attorney by Justin A. Kuehn. Signed by Judge J. Phil Gilbert on 7/23/2012. (dka,) (Entered: 07/23/2012)
07/23/2012	<u>22</u>	MINUTE ORDER (kjr) as to Matthew Lee Staszak. DeNovo Hearing reset for 8/2/2012 11:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (jdh) (Entered: 07/23/2012)
07/27/2012	<u>23</u>	STRICKEN PER DOC#24- MOTION for Victim Rights <i>and Protective</i>

		<i>Order by USA as to Matthew Lee Staszak. (Scott, Angela) Modified on 7/30/2012 (jdh). (Entered: 07/27/2012)</i>
07/30/2012	<u>24</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>23</u> Motion for Victim Rights filed by USA. See attached document for specifics. (jdh) (Entered: 07/30/2012)
07/30/2012	<u>25</u>	MOTION for Protective Order for <i>Discovery Materials</i> , MOTION for Victim Rights by USA as to Matthew Lee Staszak. (Scott, Angela) (Entered: 07/30/2012)
07/30/2012	<u>26</u>	MOTION to Continue <i>Trial Setting</i> by Matthew Lee Staszak. (Keefe, Thomas) (Entered: 07/30/2012)
07/31/2012	<u>27</u>	ORDER as to Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 7/31/2012. (jdh) (Entered: 07/31/2012)
08/02/2012	<u>28</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert:(kjr)DeNovo Hearing as to Matthew Lee Staszak held on 8/2/2012. The Court after hearing evidence hereby denies the motion at doc. #7. The Court Grants <u>26</u> MOTION to Continue Trial Setting filed by Matthew Lee Staszak. Final Pretrial Conference reset for 10/18/2012 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert. Jury Trial reset for 10/22/2012 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter Chris Simpson.) (jdh) (Entered: 08/03/2012)
08/03/2012	<u>29</u>	EXHIBIT AND WITNESS LIST by Matthew Lee Staszak re <u>28</u> . (bkl) (Additional attachment(s) added on 6/23/2016: # <u>1</u> Portion of Transcript, # <u>2</u> Personal Inventory) (mar). (Entered: 08/06/2012)
08/06/2012	30	EXHIBIT re <u>29</u> Exhibit List (One envelope exhibits placed in Benton vault). (bkl) (Entered: 08/06/2012)
09/19/2012	<u>31</u>	SUPERSEDING INDICTMENT as to Matthew Lee Staszak (1) count(s) 1s, 2s-3s. (drb) (Entered: 09/20/2012)
09/20/2012	<u>34</u>	SUMMONS issued to USMS as to Matthew Lee Staszak: Arraignment on Superseding Indictment set for 10/4/2012 11:30 AM in Benton Courthouse before Magistrate Judge Philip M. Frazier. (krm) (Entered: 09/20/2012)
09/25/2012	<u>35</u>	Arrest Warrant Returned Executed on 6/28/12 in case as to Matthew Lee Staszak. (dka,) (Entered: 09/25/2012)
10/02/2012	<u>36</u>	Summons Returned Executed on 10/1/2012 as to Matthew Lee Staszak (jdh) (Entered: 10/02/2012)
10/03/2012	<u>37</u>	MOTION in Limine <i>Regarding Defining Reasonable Doubt, Arguing Potential Sentence and Arguing Jury Nullification</i> by USA as to Matthew Lee Staszak. (Scott, Angela) (Entered: 10/03/2012)
10/03/2012	<u>38</u>	MOTION in Limine <i>Pursuant to Federal Rule of Evidence 412</i> by USA as to Matthew Lee Staszak. (Scott, Angela) (Entered: 10/03/2012)
10/04/2012	<u>39</u>	MOTION to Revoke Bond by USA as to Matthew Lee Staszak. (Scott,

		Angela) Modified on 10/4/2012 (krm). (Motion originally filed under seal and unsealed pursuant to 40 . (Entered: 10/04/2012)
10/04/2012	40	Minute Entry for proceedings held before Magistrate Judge Philip M. Frazier: Cause called for Arraignment on Superseding Indictment. Defendant fails to appear. Bond Revocation Hearing held on 10/4/2012. Motion to Revoke Bond 39 granted. Warrant to issue. (Court Reporter Christine A. Simpson, OCR.) (krm); Modified on 10/4/2012 (djs,). (Attachment added on 6/6/2016: # 1 Exhibit) (krm). (Exhibit removed from Benton vault & attached to this entry under seal.) (krm). (Entered: 10/04/2012)
10/04/2012	41	Warrant for Arrest issued as to Matthew Lee Staszak. (krm) (Entered: 10/04/2012)
10/10/2012	42	MOTION to Continue <i>Motion to Remove Case From the Trial Docket</i> by Matthew Lee Staszak. (Keefe, Thomas) (Entered: 10/10/2012)
10/11/2012	43	MOTION in Limine <i>Prohibiting Consent as a Defense</i> by USA as to Matthew Lee Staszak. (Scott, Angela) (Entered: 10/11/2012)
10/11/2012	44	RESPONSE by Matthew Lee Staszak re 37 Motion in Limine (Keefe, Thomas) (Entered: 10/11/2012)
10/16/2012	45	MINUTE ORDER (kjr)as to Matthew Lee Staszak, Granting 42 MOTION to Continue Motion to Remove Case From the Trial Docket filed by Matthew Lee Staszak. Final Pretrial Conference reset for 11/30/2012 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert. Jury Trial reset for 12/10/2012 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (jdh) (Entered: 10/16/2012)
10/22/2012	46	RESPONSE to Motion by Matthew Lee Staszak re 38 MOTION in Limine <i>Pursuant to Federal Rule of Evidence 412</i> (Keefe, Thomas) (Entered: 10/22/2012)
10/24/2012	47	RESPONSE to Motion by Matthew Lee Staszak re 43 MOTION in Limine <i>Prohibiting Consent as a Defense</i> (Keefe, Thomas) (Entered: 10/24/2012)
11/13/2012	48	SEALED REPLY TO RESPONSE to Motion by USA as to Matthew Lee Staszak re 38 MOTION in Limine <i>Pursuant to Federal Rule of Evidence 412</i> (Scott, Angela) (Entered: 11/13/2012)
11/27/2012	49	MOTION Remove Case from Docket by USA as to Matthew Lee Staszak. (Morrissey, Kit) (Entered: 11/27/2012)
11/27/2012	50	MINUTE ORDER (kjr) as to Matthew Lee Staszak, This matter is before the court for purposes of case management and calendar control.It is hereby ORDERED that the final pre-trial conference set for 11/30/2012 at 9:30 a.m. is STRICKEN from the courts calendar. It is further ORDERED that this matter is reset for final pre-trial by telephone on 11/30/2012 at 8:20 a.m.All parties are to call in at number 618-439-7733. (jdh) (Entered: 11/27/2012)
11/30/2012	51	Minute Entry for proceedings held before Judge J. Phil Gilbert:(kjr)Final Pretrial Conference as to Matthew Lee Staszak held on 11/30/2012.

		Granting <u>49</u> MOTION Remove Case from Docket filed by USA. (Court Reporter Chris Simpson.) (jdh) (Entered: 11/30/2012)
06/03/2013	<u>52</u>	MOTION to Withdraw as Attorney by Matthew Lee Staszak. (Keefe, Thomas) (Entered: 06/03/2013)
06/03/2013	<u>53</u>	SECOND SUPERSEDING INDICTMENT as to Matthew Lee Staszak (1) count(s) 1ss, 2ss-3ss, 4ss. (jdh) originally filed suppressed on 11/16/2012. Modified on 6/6/2013 (jdh,). (Entered: 06/03/2013)
06/03/2013	<u>56</u>	Minute Entry for proceedings held before Magistrate Judge Philip M. Frazier and Minute Order: Arraignment as to Matthew Lee Staszak (1) held on 6/3/2013. Motion to Withdraw as Counsel <u>52</u> granted. FPD's office present for defendant and appointed. The Court orders the Second Superseding Indictment unsealed. The Government provides a file-marked copy to the Court and the parties agree to proceed to arraignment. Not guilty plea entered as to Count 1s,1ss,2s-3s,2ss-3ss,4ss. Final Pretrial Conference set for 6/20/2013 09:30 AM and Jury Trial set for 7/8/2013 09:00 AM, both in Benton Courthouse before Judge J. Phil Gilbert. Court recessed until 1:00 PM 6/3/2013 for detention hearing. (Court Reporter Digital Audio Recording.) (krm) (Entered: 06/03/2013)
06/03/2013	<u>57</u>	CJA 23 Financial Affidavit by Matthew Lee Staszak. (krm) (Entered: 06/03/2013)
06/03/2013	<u>58</u>	NOTICE and Assertion of Fifth and Sixth Amendment Rights by Matthew Lee Staszak. (krm) (Entered: 06/03/2013)
06/03/2013	<u>59</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Matthew Lee Staszak. Signed by Magistrate Judge Philip M. Frazier on 6/3/2013. (krm) (Entered: 06/03/2013)
06/03/2013	<u>60</u>	Minute Entry for proceedings held before Magistrate Judge Philip M. Frazier: Detention Hearing as to Matthew Lee Staszak held on 6/3/2013. Defendant ordered detained. On Government's request, Attorney Keefe, shall, within 10 days, forward to the FPD, all discovery materials received to date. This will be the only exception to the protective order entered in this case. (Court Reporter Digital Audio Recording.) (krm) (Entered: 06/03/2013)
06/03/2013	<u>61</u>	ORDER OF DETENTION as to Matthew Lee Staszak. Signed by Magistrate Judge Philip M. Frazier on 6/3/2013. (krm) (Entered: 06/03/2013)
06/03/2013	<u>62</u>	Arrest Warrant Issued in case as to Matthew Lee Staszak. (jdh) (Entered: 06/04/2013)
06/07/2013	<u>63</u>	Arrest Warrant Returned Executed on 6/2/2013 in case as to Matthew Lee Staszak. (jdh) (Entered: 06/10/2013)
06/07/2013	<u>64</u>	Arrest Warrant Returned Executed on 6/2/2013 in case as to Matthew Lee Staszak. (jdh) (Entered: 06/10/2013)
06/20/2013	<u>65</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert: (kjr) Final Pretrial Conference as to Matthew Lee Staszak held on 6/20/2013. Final Pretrial Conference reset for 8/15/2013 at 10:00 AM in Benton Courthouse

		before Judge J. Phil Gilbert. Jury Trial reset for 9/9/2013 at 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert.(Court Reporter Chris Dohack.) (kjr,) (Entered: 06/20/2013)
06/24/2013	<u>66</u>	ORDER finding as moot <u>39</u> Sealed Motion as to Matthew Lee Staszak (1). Motion is moot in light of detention ordered June 3, 2013 (Doc. 61). Signed by Judge J. Phil Gilbert on 6/24/13. (tlp) (Entered: 06/24/2013)
07/16/2013	<u>67</u>	NOTICE OF ATTORNEY APPEARANCE: Judith A. Kuenneke, AFPD appearing for Matthew Lee Staszak (Kuenneke, Judith) (Entered: 07/16/2013)
07/31/2013		Set/Reset Hearings as to Matthew Lee Staszak: Change of Plea Hearing set for 8/5/2013 at 02:00 PM in Benton Courthouse before Judge J. Phil Gilbert. (kjr,) (Entered: 07/31/2013) (Entered: 07/31/2013)
08/05/2013	<u>68</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert. Change of Plea Hearing as to Matthew Lee Staszak held on 8/5/2013. Defendant withdraw plea of not guilty to Counts 1, 2, 3 and 4 of the 2nd Superseding Indictment and enters a plea of guilty to Counts 1, 2, 3 and 4 of the 2nd Superseding Indictment. Sentencing set for 12/6/2013 at 10:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter Chris Dohack.) (kjr,) (Entered: 08/05/2013) (Entered: 08/05/2013)
08/06/2013	<u>69</u>	STIPULATION OF FACTS as to Matthew Lee Staszak.(kjr,) (Entered: 08/06/2013) (Entered: 08/06/2013)
08/06/2013	<u>70</u>	PLEA AGREEMENT as to Matthew Lee Staszak.(kjr,) (Entered: 08/06/2013) (Entered: 08/06/2013)
09/12/2013	<u>71</u>	MOTION FOR ENTRY OF PRELIMINARY ORDER OF FORFEITURE by USA as to Matthew Lee Staszak. (Thompson, Michael) (Entered: 09/12/2013)
10/25/2013	<u>72</u>	INITIAL SEALED PRESENTENCE INVESTIGATION REPORT as to Matthew Lee Staszak. Objections are due within 14 days. (prmcr,) (Entered: 10/25/2013)
12/03/2013	<u>73</u>	SEALED MOTION to <i>Continue Sentencing</i> by Matthew Lee Staszak. (Day, Melissa) (Entered: 12/03/2013)
12/04/2013	<u>74</u>	MINUTE ORDER as to Matthew Lee Staszak re <u>73</u> The SEALED MOTION filed by Matthew Lee Staszak. (kjr) Sentencing reset for 12/20/2013 at 11:00 AM in Benton Courthouse before Judge J. Phil Gilbert. Signed by Judge J. Phil Gilbert on 12/4/2013.(kjr,) (Entered: 12/4/2013) (Entered: 12/04/2013)
12/09/2013	<u>75</u>	MOTION to Continue <i>Sentencing Hearing</i> by USA as to Matthew Lee Staszak. (Morrissey, Kit) (Entered: 12/09/2013)
12/12/2013	<u>76</u>	MINUTE ORDER as to Matthew Lee Staszak re <u>75</u> MOTION to Continue Sentencing Hearing filed by USA. (kjr) Sentencing reset for 1/16/2014 at 01:30 PM in Benton Courthouse before Judge J. Phil Gilbert. The Court is hereby granting <u>75</u> The MOTION to Continue Sentencing Hearing filed by USA. Signed by Judge J. Phil Gilbert on 12/12/2013.(kjr,) (Entered: 12/12/2013)

01/10/2014	<u>77</u>	STRICKEN PER ORDER AT DOC. 80 - SEALED SENTENCING MEMORANDUM as to Matthew Lee Staszak (Attachments: # <u>1</u> Appendix Attachment A, # <u>2</u> Appendix Attachment B, # <u>3</u> Appendix Attachment C, # <u>4</u> Appendix Attachment D, # <u>5</u> Appendix Attachment E, # <u>6</u> Appendix Attachment F)(Day, Melissa) Modified on 2/3/2014 (cekf). (Entered: 01/10/2014)
01/15/2014	<u>78</u>	MINUTE ORDER as to Matthew Lee Staszak. (kjr) Sentencing reset for 2/5/2014 at 01:30 PM in Benton Courthouse before Judge J. Phil Gilbert. This matter is STRICKEN from the 1/16/2014 docket. Signed by Judge J. Phil Gilbert on 1/14/2014. (kjr,) (Entered: 01/15/2014)
01/31/2014	<u>79</u>	MOTION to Withdraw Document <u>77</u> Sentencing Memorandum, by Matthew Lee Staszak. (Day, Melissa) (Entered: 01/31/2014)
01/31/2014	<u>80</u>	ORDER as to Matthew Lee Staszak, Granting <u>79</u> MOTION to Withdraw Document <u>77</u> Sentencing Memorandum. Signed by Judge J. Phil Gilbert on 1/31/2014. (jdh) (Entered: 01/31/2014)
02/03/2014	<u>81</u>	SEALED SENTENCING MEMORANDUM as to Matthew Lee Staszak (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Attachment C, # <u>4</u> Attachment D, # <u>5</u> Attachment E, # <u>6</u> Attachment F)(Day, Melissa) (Entered: 02/03/2014)
02/07/2014	<u>82</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert. (kjr) Sentencing held on 2/5/2014 for Matthew Lee Staszak (1), Count(s) 1s, 2, 2s-3s, Dismissed by Government; Count(s) 1ss, 2ss-3ss, 4ss, Defendant committed to custody of Bureau of Prisons for a term of 240 months. This sentence consists of 180 months on Counts 1,2,3 of the Second Superseding Indictment to run concurrent with each other and 60 months on Count 4 of the 2nd Superseding Indictment to run consecutive to Counts 1, 2 and 3 of the 2nd Superseding Indictment. Upon release from imprisonment, defendant is placed on Supervised Release for a term of 10 years on Counts 1, 2 and 3 of the 2nd Superseding Indictment and 3 years on Count 4 of the 2nd Superseding Indictment. All Counts to run concurrent with each other. Defendant fined \$1250.00 \$300.00 on each of Counts 1, 2 and 3 and \$350.00 on Count 4 of the 2nd Superseding Indictment. Special Assessment of \$400.00. (Court Reporter Chris Dohack.) (kjr,) (Entered: 02/07/2014)
02/07/2014	<u>83</u>	PRELIMINARY ORDER OF FORFEITURE as to Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 2/5/2014. (kjr,) (Entered: 02/07/2014)
02/20/2014	<u>85</u>	JUDGMENT as to Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 2/20/2014. (kjr,) (Entered: 02/20/2014)
02/20/2014	<u>86</u>	SEALED STATEMENT OF REASONS to <u>85</u> Judgment as to Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 2/20/2014. (kjr,) (Entered: 02/20/2014)
04/22/2014	<u>87</u>	NOTICE as to Matthew Lee Staszak (Attachments: # <u>1</u> Exhibit)(Morrissey, Kit) (Entered: 04/22/2014)
04/22/2014	<u>88</u>	MOTION FOR ORDER OF FINDING OF NO THIRD PARTY

		INTERESTS by USA as to Matthew Lee Staszak. (Morrissey, Kit) (Entered: 04/22/2014)
04/30/2014	<u>89</u>	ORDER OF FINDING OF NO THIRD PARTY INTERESTS (FINAL ORDER OF FORFEITURE) Signed by Judge J. Phil Gilbert on 4/30/2014. (jdh) (Entered: 04/30/2014)
08/08/2014	<u>90</u>	<p>Transcript of Motion Hearing as to Matthew Lee Staszak held on 06/21/2012, before Judge Philip M. Frazier. Court Reporter Michelle Zimmerman, Telephone number (618) 242-1737.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>91</u>	<p>Transcript of Arraignment and De Novo Hearing as to Matthew Lee Staszak held on 06/28/2012, before Judge Philip M. Frazier. Court Reporter Jane Northcutt, Telephone number (618) 242-1737.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>92</u>	<p>Transcript of De Novo Hearing as to Matthew Lee Staszak held on 08/02/2012, before Judge J. Phil Gilbert. Court Reporter Christine Dohack, Telephone number (618) 439-7725.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the</p>

		<p>website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>93</u>	<p>Transcript of Arraignment on Superseding Indictment as to Matthew Lee Staszak held on 10/04/2012, before Judge Philip M. Frazier. Court Reporter Christine Dohack, Telephone number (618) 439-7725.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>94</u>	<p>Transcript of Telephone Status Conference as to Matthew Lee Staszak held on 11/30/2012, before Judge J. Phil Gilbert. Court Reporter Christine Dohack, Telephone number (618) 439-7725.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>95</u>	<p>Transcript of Arraignment on Superseding Indictment and Second Superseding Indictment as to Matthew Lee Staszak held on 06/03/2013, before Judge Philip M. Frazier. Court Reporter/Transcriber Christine Dohack, Telephone number (618) 439-7725. Tape Number: Liberty Recording.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21</p>

		<p>calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>96</u>	<p>Transcript of Final Pretrial Conference as to Matthew Lee Staszak held on 06/20/2013, before Judge J. Phil Gilbert. Court Reporter Christine Dohack, Telephone number (618) 439-7725.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>97</u>	<p>Transcript of Change of Plea as to Matthew Lee Staszak held on 08/05/2013, before Judge J. Phil Gilbert. Court Reporter Christine Dohack, Telephone number (618) 439-7725.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
08/08/2014	<u>98</u>	<p>Transcript of Sentencing as to Matthew Lee Staszak held on 02/05/2014, before Judge J. Phil Gilbert. Court Reporter Christine Dohack, Telephone</p>

		<p>number (618) 439-7725.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TranscriptPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/6/2014. (cad) (Entered: 08/08/2014)</p>
03/05/2020	<u>99</u>	STRICKEN NOTICE OF APPEAL by Matthew Lee Staszak (Green, Terry) (Entered: 03/05/2020)
03/06/2020	100	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>99</u> Notice of Appeal - Final Judgment filed by Matthew Lee Staszak. Document filed in incorrect case. Document was filed correctly in case 15-20-JPG. (amv)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/06/2020)

PACER Service Center			
Transaction Receipt			
01/22/2021 19:21:26			
PACER Login:	dstasz55:4285915:0	Client Code:	
Description:	Docket Report	Search Criteria:	4:12-cr-40064-JPG
Billable Pages:	13	Cost:	1.30

A-9

**U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:15-cv-00020-JPG**

Staszak v. USA
Assigned to: Judge J. Phil Gilbert
Case in other court : USCA-7, 20-01381
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 01/08/2015
Date Terminated: 02/21/2020
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate
Sentence
Jurisdiction: U.S. Government
Defendant

Petitioner

Matthew Lee Staszak
24227-171
FORREST CITY LOW
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
P.O. BOX 9000
FORREST CITY, AR 72336-9000
12-cr-40064-JPG

represented by **Terry M. Green**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 01/10/2018

V.

Respondent

USA

represented by **Kit R. Morrissey**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/08/2015	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) filed by Matthew Lee Staszak. (Attachments: # <u>1</u> letter to US Attorney)(jlrr) (Entered: 01/08/2015)
01/13/2015	<u>2</u>	NOTICE of Appearance by Angela Scott on behalf of USA (Scott, Angela) (Entered: 01/13/2015)
04/07/2015	<u>3</u>	MEMORANDUM AND ORDER, The Court ORDERS the Government to file a response to Grounds 1 through 11 of the petitioners § 2255 motion within THIRTY DAYS of the date this order is entered. Signed by Judge J. Phil Gilbert on 4/7/2015. (jdh) (Entered: 04/07/2015)
05/06/2015	<u>4</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by USA. (Morrissey, Kit) (Entered: 05/06/2015)
05/07/2015	<u>5</u>	ORDER granting <u>4</u> Motion for Extension of Time to File Response/Reply. The Government shall have up to and including July 10, 2015, to respond to the petitioner's § 2255 motion. Signed by Judge J. Phil Gilbert on 5/7/15. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/07/2015)
05/22/2015	<u>6</u>	MOTION to Amend/Correct <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by Matthew Lee Staszak. (Attachments: # <u>1</u> envelope)(Proposed amended document was not included with motion)(cds) (Entered: 05/22/2015)
05/27/2015	<u>7</u>	ORDER granting <u>6</u> Motion to Amend/Correct. The Court construes the motion as a supplement to Staszak's § 2255 motion and ORDERS the Government to respond to the new Ground 13 in its response. Signed by Judge J. Phil Gilbert on 5/27/15. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/27/2015)
07/10/2015	<u>8</u>	STRICKEN per notice at doc 9 - MOTION for Order to <i>Authorize Defense Counsel to Provide Written Response and Motion for an Additional 45 Days After Receipt of the Written Response to Respond to Petitioner's 2255 Motion</i> by USA. (Scott, Angela) Modified on 7/13/2015 (msd). (Entered: 07/10/2015)

07/13/2015	<u>9</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>8</u> Motion for Order filed by USA. See attached document for specifics (msd) (Entered: 07/13/2015)
07/14/2015	<u>10</u>	MOTION for Order to <i>Authorize Defense Counsel to Provide Written Response</i> , MOTION for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by USA. (Morrissey, Kit) (Entered: 07/14/2015)
07/17/2015	<u>11</u>	RESPONSE to Motion re <u>10</u> MOTION for Order to <i>Authorize Defense Counsel to Provide Written Response</i> MOTION for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by Matthew Lee Staszak. (cds) (Entered: 07/17/2015)
07/21/2015	<u>12</u>	MEMORANDUM AND ORDER, granting <u>10</u> MOTION for Order to <i>Authorize Defense Counsel to Provide Written Response</i> MOTION for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by USA. Signed by Judge J. Phil Gilbert on 7/21/2015. (jdh) (Entered: 07/21/2015)
09/04/2015	<u>13</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) <i>and (6) Amended 2255 Motion</i> by USA. (Morrissey, Kit) (Entered: 09/04/2015)
09/08/2015	<u>14</u>	ORDER granting <u>13</u> Motion for Extension of Time to File Response to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) and <u>6</u> Supplement to 2255 Motion. The Government shall have up to and including October 9, 2015, to respond to the petitioner's § 2255 motion and its supplement. Signed by Judge J. Phil Gilbert on 9/8/15. (tlp) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/08/2015)
09/14/2015	<u>15</u>	RESPONSE to Motion re <u>13</u> MOTION for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) <i>and (6) Amended 2255 Motion</i> filed by Matthew Lee Staszak. (cds) (Entered: 09/14/2015)
10/05/2015	<u>16</u>	MOTION Requiring the Government to Obtain Permission from Court Prior to any Contact with the Federal Bureau of Prisons Regarding Movant's Case by Matthew Lee Staszak. (cds) (Entered: 10/05/2015)
10/09/2015	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) <i>and (6) Amended 2255 Motion</i> by USA. (Morrissey, Kit) (Entered: 10/09/2015)
10/09/2015	<u>18</u>	ORDER granting <u>17</u> Motion for Extension of Time to File Response to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) and <u>6</u> Amended 2255 Motion. Response due by 10/23/2015. Signed by Judge J. Phil Gilbert on 10/9/15. (tlp) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/09/2015)
10/23/2015	<u>19</u>	STRICKEN - RESPONSE to <u>6</u> Motion to Amend/Correct, <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by USA. (Attachments:

		# <u>1</u> Exhibit Day affidavit, # <u>2</u> Exhibit Kavanaugh affidavit, # <u>3</u> Exhibit Martin affidavit, # <u>4</u> Exhibit Jones affidavit, # <u>5</u> Exhibit Krug affidavit, # <u>6</u> Exhibit Letters, # <u>7</u> Exhibit Letter)(Morrissey, Kit) Modified on 10/26/2015 (slh). (Entered: 10/23/2015)
10/23/2015	<u>20</u>	RESPONSE to <u>6</u> Motion to Amend/Correct, <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by USA. (Attachments: # <u>1</u> Exhibit Day affidavit, # <u>2</u> Exhibit Kavanaugh affidavit, # <u>3</u> Exhibit Martin affidavit, # <u>4</u> Exhibit Jones affidavit, # <u>5</u> Exhibit Krug affidavit, # <u>6</u> Exhibit Letters, # <u>7</u> Exhibit Letter)(Morrissey, Kit) (Entered: 10/23/2015)
10/26/2015	<u>21</u>	MOTION to Withdraw <u>19</u> Response, by USA. (Morrissey, Kit) (Entered: 10/26/2015)
10/26/2015	<u>22</u>	ORDER granting <u>21</u> Motion to Withdraw <u>19</u> Response. Document was filed in error. Correct response was filed at <u>20</u> . The Clerk of Court is DIRECTED to strike <u>19</u> Response. Signed by Judge J. Phil Gilbert on 10/26/15. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/26/2015)
11/05/2015	<u>23</u>	ORDER denying <u>16</u> Motion for Order Requiring the Government to Obtain Permission from Court Prior to any Contact with the Federal Bureau of Prisons Regarding Movant's Case. Staszak has provided no authority for the relief he requests. To the extent he believes he needs an extension of time in this case because of his conditions of confinement, he is free to request one. Signed by Judge J. Phil Gilbert on 11/5/15. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/05/2015)
11/05/2015	<u>24</u>	MOTION for Extension of Time to File a Reply Brief by Matthew Lee Staszak. (cds) (Entered: 11/05/2015)
11/05/2015	<u>25</u>	ORDER granting <u>24</u> Motion for Extension of Time to Reply to <u>20</u> Government's Response. Reply due 12/18/15. Signed by Judge J. Phil Gilbert on 11/5/15. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/05/2015)
12/14/2015	<u>26</u>	Reply to <u>20</u> Response to Movant's Petition to Vacate, Set Aside, or Correct Sentence filed by Matthew Lee Staszak. (cds) (Entered: 12/15/2015)
01/14/2016	<u>27</u>	MOTION for Order by Matthew Lee Staszak. (cds) (Entered: 01/14/2016)
01/28/2016	<u>28</u>	ORDER dismissing <u>27</u> Motion for Order. In this motion, Staszak asks to be transferred from the custody of the Bureau of Prisons to the United States Marshals Service. He is unhappy with the treatment he is receiving where he is currently incarcerated, including his ability to access the law library. The Court does not have jurisdiction to consider this motion. If Staszak is unhappy with the conditions of his current confinement, he may seek an administrative remedy where he is housed. If his inability to access the law library prevents him from meeting a court deadline, he may petition the court for an extension of that deadline. Signed by Judge J. Phil Gilbert on 1/28/16. (tlp)THIS TEXT

		ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/28/2016)
09/06/2016	<u>29</u>	MOTION to Expedite Ruling by Matthew Lee Staszak. (cds) (Entered: 09/06/2016)
09/19/2016	<u>30</u>	MOTION for Discovery by Matthew Lee Staszak. (cds) (Entered: 09/19/2016)
11/14/2016	<u>31</u>	MOTION to Amend/Correct <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by Matthew Lee Staszak. (cds) (Entered: 11/14/2016)
01/17/2017	<u>32</u>	STRICKEN - Notice of Appeal by Matthew Lee Staszak. (cds) Modified on 1/19/2017 (cds). (Entered: 01/18/2017)
01/17/2017	<u>33</u>	STRICKEN - USCA Case Number 17-1108 for <u>32</u> Notice of Appeal filed by Matthew Lee Staszak. (Attachments: # <u>1</u> notice of docketing, # <u>2</u> fee notice) (cds) Modified on 1/19/2017 (cds). (Entered: 01/18/2017)
01/17/2017	<u>36</u>	NOTICE of USCA Case Number 17-1108 in re filing of Writ of Mandamus (Attachments: # <u>1</u> notice of docketing, # <u>2</u> fee notice)(cds) (Entered: 01/19/2017)
01/19/2017	<u>34</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>32</u> Notice of Appeal filed by Matthew Lee Staszak. Pleading was docketed in error. (cds) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/19/2017)
01/19/2017	<u>35</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>33</u> USCA Case Number. Clerk's Office selected incorrect event. Notice will be refilled using correct event. (cds) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/19/2017)
01/20/2017	<u>37</u>	ORDER granting <u>31</u> Motion to Amend. The Court construes the motion as a supplement to Staszak's § 2255 motion and ORDERS that the Government shall have 60 days from the date of this order to respond to Grounds 13 and 14. Staszak shall have 30 days from the Government's response to file a reply brief. Signed by Judge J. Phil Gilbert on 1/20/17. (tlp) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/20/2017)
01/20/2017	<u>38</u>	ORDER deferring ruling on <u>30</u> Motion for Discovery. The Government shall have 30 days from the date of this order to respond to this motion. Signed by Judge J. Phil Gilbert on 1/20/17. (tlp) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/20/2017)
01/25/2017	<u>39</u>	USCA ORDER Denying the Petition for Writ of Mandamus.(cds) (Entered: 01/25/2017)
01/31/2017	<u>40</u>	MOTION for Bond Pending Decision of the 28:2255 Motion by Matthew Lee Staszak. (jlrr) (Entered: 01/31/2017)

02/13/2017	<u>41</u>	Letter regarding Writ of Mandamus from Mattew L. Staszak (cds) (Entered: 02/13/2017)
02/21/2017	<u>42</u>	RESPONSE to Motion re <u>30</u> MOTION for Discovery <i>and to Unseal Documents</i> filed by USA. (Morrissey, Kit) (Entered: 02/21/2017)
02/22/2017	<u>43</u>	EXHIBIT by USA. Exhibit to <u>42</u> Response to Motion . (Attachments: # <u>1</u> Exhibit)(Morrissey, Kit) (Entered: 02/22/2017)
02/28/2017	<u>44</u>	REPLY to Response to Motion re <u>30</u> MOTION for Discovery filed by Matthew Lee Staszak. (slj2) (Entered: 02/28/2017)
02/28/2017	<u>45</u>	MOTION to Strike <u>42</u> Response to Motion by Matthew Lee Staszak. See Doc. <u>44</u> . (slj2) (Entered: 03/01/2017)
03/07/2017	<u>46</u>	Petition to Attach and Incorporate Exhibits by Matthew Lee Staszak. (cds) (Entered: 03/07/2017)
03/21/2017	<u>47</u>	RESPONSE to Motion re <u>31</u> MOTION to Amend/Correct <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255), <u>6</u> MOTION to Amend/Correct <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by USA. (Morrissey, Kit) (Entered: 03/21/2017)
04/21/2017	<u>48</u>	MOTION for Extension of Time to File Reply as to <u>47</u> Response to Motion by Matthew Lee Staszak. (Attachments: # <u>1</u> Exhibit)(cds) (Entered: 04/24/2017)
04/24/2017	<u>49</u>	MOTION for Extension of Time to File Reply as to <u>47</u> Response to Motion by Matthew Lee Staszak. (Attachments: # <u>1</u> Exhibit)(cds) (Entered: 04/24/2017)
04/26/2017	<u>50</u>	ORDER granting <u>49</u> Motion for Extension of Time to File Reply. Petitioner shall have up to and including May 26, 2017, to file a reply to the Government's response to his § 2255 motion. This ruling renders the <u>29</u> Motion for an Expedited Ruling and <u>48</u> Motion for Extension of Time moot. Signed by Judge J. Phil Gilbert on 4/26/17. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/26/2017)
04/27/2017		Set Deadlines: Petitioner's Reply to Government's Response to § 2255 motion due by 5/26/2017. (kek) (Entered: 04/27/2017)
05/08/2017	<u>51</u>	REPLY to Response to Motion re <u>31</u> MOTION to Amend/Correct <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by Matthew Lee Staszak. (Attachments: # <u>1</u> Exhibit)(cds) (Entered: 05/08/2017)
05/08/2017	<u>52</u>	MOTION to Stay Proceedings by Matthew Lee Staszak. (cds) (Entered: 05/08/2017)
05/09/2017	<u>53</u>	ORDER denying <u>52</u> Motion to Stay. Staszak asks the Court to stay these proceedings until he has adequate time to prepare a reply brief in support of his § 2255 motion. Apparently, he is now confined in the special housing unit with insufficient access to materials and resources to prepare his reply. The Court notes, however, that Staszak has already filed his <u>51</u> reply brief, so no stay is necessary. Signed by Judge J. Phil Gilbert on 5/9/17. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER

		DOCUMENTATION WILL BE MAILED. (Entered: 05/09/2017)
06/12/2017	<u>54</u>	Petition to Attach and Incorporate Exhibit Z in support of his section 2255 Motion by Matthew Lee Staszak. (Exhibit Z received and is under review) (cds) (Entered: 06/12/2017)
06/19/2017	<u>55</u>	ORDER granting <u>46</u> Petition to Attach and Incorporate Exhibits; granting <u>54</u> Motion to Supplement with Exhibit Z. The Court will consider Exhibits J-S, which are attached to Staszak's petition to attach, in deciding the motions pending in this case. The Court DIRECTS the Clerk of Court to file the tendered Exhibit Z as a supplement to Staszak's <u>51</u> reply in support of his § 2255 motion. The Court further ORDERS that the Government shall have 30 days from the date of this order to supplement its response to Staszak's § 2255 motion in light of these additional exhibits, if it believes a supplement is required. No further supplements to Staszak's § 2255 motion briefing will be allowed absent extraordinary circumstances. Signed by Judge J. Phil Gilbert on 6/19/17. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/19/2017)
06/20/2017	<u>56</u>	SUPPLEMENT to <u>51</u> Reply to Response to Motion by Matthew Lee Staszak. (kek) (Entered: 06/20/2017)
07/19/2017	<u>57</u>	MOTION for Extension of Time to File <i>Supplement to Response to Petitioner's 2255 Petition</i> by USA. (Morrissey, Kit) (Entered: 07/19/2017)
07/19/2017	<u>58</u>	ORDER granting <u>57</u> Motion for Extension of Time to File. The Government's response is due August 2, 2017. Signed by Judge J. Phil Gilbert on 7/19/17. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/19/2017)
07/20/2017		Set Deadlines: Government's Response due by 8/2/2017 (kek) (Entered: 07/20/2017)
07/28/2017	<u>59</u>	MOTION for Extension of Time to Reply to Government's Response by Matthew Lee Staszak. (cds) (Entered: 07/28/2017)
08/02/2017	<u>60</u>	RESPONSE to Motion re <u>54</u> MOTION to Supplement, <u>46</u> MOTION filed by USA. (Morrissey, Kit) (Entered: 08/02/2017)
08/10/2017	<u>61</u>	REPLY to Response to Motion re <u>54</u> MOTION to Supplement, <u>46</u> MOTION filed by Matthew Lee Staszak. (jsm2) (Entered: 08/10/2017)
08/10/2017	<u>62</u>	ORDER denying as moot <u>59</u> Motion for Extension of Time in light of petitioner Staszak's <u>61</u> reply filed August 10, 2017. Signed by Judge J. Phil Gilbert on 8/10/2017. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 08/10/2017)
11/21/2017	<u>63</u>	MEMORANDUM AND ORDER, denying <u>30</u> MOTION for Discovery filed by Matthew Lee Staszak, denying <u>40</u> MOTION for Bond filed by Matthew Lee Staszak, and denying <u>45</u> MOTION to Strike <u>42</u> Response to Motion filed by Matthew Lee Staszak. The Court RESERVES RULING on Staszak's § 2255 motion (Docs. 1, 6 & 31), appoints Patricia Gross to represent Staszak at

		the hearing only and sets an Evidentiary Hearing for 2/13/2018 01:30 PM in Benton Courthouse before Judge J. Phil Gilbert. Signed by Judge J. Phil Gilbert on 11/21/2017. (jdh) (Entered: 11/21/2017)
11/22/2017	<u>64</u>	NOTICE of Appearance by Patricia Gross on behalf of Matthew Lee Staszak (Gross, Patricia) (Entered: 11/22/2017)
11/29/2017	<u>65</u>	Second MOTION for Bond by Matthew Lee Staszak. (cds) (Entered: 11/30/2017)
01/02/2018	<u>66</u>	Exhibit to <u>65</u> Second MOTION for Bond filed by Matthew Lee Staszak. (trb) Modified on 1/3/2018 (kek). (Entered: 01/02/2018)
01/02/2018	<u>67</u>	Movant's Petition for the withdrawal of appointed counsel and as attorney of record in the above entitled cause by Matthew Lee Staszak.(trb) (Entered: 01/02/2018)
01/03/2018	<u>68</u>	NOTICE OF MODIFICATION re <u>66</u> Motion for Bond filed by Matthew Lee Staszak. Document filed is an Exhibit to the Motion for Bond filed at Document <u>65</u> . Docket text has been modified accordingly. This notice is sent for informational purposes only. (kek)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/03/2018)
01/05/2018	<u>69</u>	MEMORANDUM AND ORDER, denying <u>65</u> MOTION for Bond filed by Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 1/5/2018. (jdh) (Entered: 01/05/2018)
01/09/2018	<u>70</u>	STRICKEN - MOTION to Withdraw as Attorney by Matthew Lee Staszak. (Gross, Patricia) Modified on 1/9/2018 (kek). (Entered: 01/09/2018)
01/09/2018	<u>71</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>70</u> Motion to Withdraw as Attorney filed by Matthew Lee Staszak. Document stricken at the request of the filer. Corrected motion to be filed. (kek)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/09/2018)
01/09/2018	<u>72</u>	MOTION to Withdraw as Attorney by Matthew Lee Staszak. (Gross, Patricia) (Entered: 01/09/2018)
01/10/2018	<u>73</u>	ORDER, granting <u>67</u> MOTION to Withdraw filed by Matthew Lee Staszak and <u>72</u> MOTION to Withdraw as Attorney filed by Matthew Lee Staszak.The Court appoints CJA Panel Attorney Terry Green to represent Staszak for the hearing. Signed by Judge J. Phil Gilbert on 1/10/2018. (jdh) (Entered: 01/10/2018)
01/10/2018	<u>74</u>	NOTICE of Appearance by Terry M. Green on behalf of Matthew Lee Staszak (Green, Terry) (Entered: 01/10/2018)
01/11/2018	<u>75</u>	STRICKEN PER ORDER AT DOC.#78- MOTION Request to Attend the Feburary 13, 2018, Evidentiary Hearing at 1:30pm in the Benton Courthouse, in Civilian Attire - A Suit and Tie Before Judge Gilbert by Matthew Lee Staszak. (tkm) Modified on 1/18/2018 (jdh). (Entered: 01/11/2018)

01/18/2018	<u>76</u>	STRICKEN PER ORDER AT DOC.#79- MOTION to Strike <u>72</u> MOTION to Withdraw as Attorney by Matthew Lee Staszak. (cds) Modified on 1/19/2018 (jdh). (Entered: 01/18/2018)
01/18/2018	<u>77</u>	STRICKEN PER ORDER AT DOC.#79- MOTION to Amend <u>76</u> MOTION to Strike re <u>72</u> MOTION to Withdraw as Attorney by Matthew Lee Staszak. (cds) Modified on 1/19/2018 (jdh). (Entered: 01/18/2018)
01/18/2018	<u>78</u>	MEMORANDUM AND ORDER, striking <u>75</u> MOTION Request to Attend the Feburary 13, 2018, Evidentiary Hearing at 1:30pm in the Benton Courthouse, in Civilian Attire - A Suit and Tie Before Judge Gilbert filed by Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 1/18/2018. (jdh) (Entered: 01/18/2018)
01/19/2018	<u>79</u>	MEMORANDUM AND ORDER, striking <u>76</u> MOTION re <u>72</u> MOTION to Withdraw as Attorney and <u>77</u> MOTION to Amend/Correct filed by Matthew Lee Staszak. Signed by Judge J. Phil Gilbert on 1/19/2018. (jdh) (Entered: 01/19/2018)
02/06/2018	<u>80</u>	MOTION to Continue (<i>Re-Set Evidentiary Hearing</i>) by Matthew Lee Staszak. (Green, Terry) (Entered: 02/06/2018)
02/07/2018	<u>81</u>	ORDER Granting <u>80</u> MOTION to Continue Evidentiary Hearing filed by Matthew Lee Staszak. The Evidentiary Hearing is Reset for 3/8/2018 at 1:30 PM in Benton Courthouse before Judge J. Phil Gilbert. Signed by Judge J. Phil Gilbert on 2/7/2018. (tag)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/07/2018)
03/06/2018	<u>82</u>	MOTION to Continue <i>Evidentiary Hearing</i> by Matthew Lee Staszak. (Green, Terry) (Entered: 03/06/2018)
03/07/2018	<u>83</u>	ORDER GRANTING <u>82</u> MOTION to Continue Evidentiary Hearing filed by Matthew Lee Staszak. The Evidentiary Hearing is Reset for 3/22/2018 at 1:30 PM in Benton Courthouse before Judge J. Phil Gilbert. Signed by Judge J. Phil Gilbert on 3/7/2018. (tag)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/07/2018)
03/22/2018	<u>84</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert: Evidentiary Hearing held on 3/22/2018. Evidentiary Hearing is continued to 3/23/2018 at 9:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter Stephanie Rennegarbe.) (tag) (Entered: 03/22/2018)
03/23/2018	<u>85</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert: Evidentiary Hearing held on 3/23/2018. The Evidentiary Hearing is continued to 4/16/2018 at 9:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter Christine Dohack.) (tag) (Entered: 03/23/2018)
03/30/2018	<u>86</u>	Transcript of Evidentiary Hearing (Volume #1) held on 03-22-2018, before Judge J. Phil Gilbert. Court Reporter Stephanié Rennegarbe, Telephone number 618-439-7735.

		<p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/20/2018. Redacted Transcript Deadline set for 4/30/2018. Release of Transcript Restriction set for 6/28/2018. (skr) (Entered: 03/30/2018)</p>
04/04/2018	<u>87</u>	<p>Transcript of Evidentiary Hearing (Volume #2) held on 03/23/2018, before Judge J. Phil Gilbert. Court Reporter Christine Dohack, Telephone number (618) 439-7725.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/25/2018. Redacted Transcript Deadline set for 5/7/2018. Release of Transcript Restriction set for 7/3/2018. (cad) (Entered: 04/04/2018)</p>
04/04/2018	<u>88</u>	NOTICE of Intent to Request Redaction by Kit R. Morrissey re <u>86</u> , <u>87</u> Transcript. (Morrissey, Kit) (Entered: 04/04/2018)
04/12/2018	<u>89</u>	MOTION for In Camera Review of Trial Counsel's Documents, Emails, and Notes by USA. (Morrissey, Kit) (Entered: 04/12/2018)
04/12/2018	90	ORDER granting <u>89</u> Motion in camera review. Documents in question shall be delivered to chambers by 8:30 a.m. Friday, April 13, 2018, for review. Signed by Judge J. Phil Gilbert on 4/11/2018. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/12/2018)
04/13/2018	91	ORDER re: disclosure of documents by Staszak's former counsel AFPD Melissa Day. The Court has reviewed <i>in camera</i> the documents submitted by Day this morning and finds that, in light of the nature of petitioner Matthew Lee Staszak's allegations of Day's ineffective assistance as counsel brought in this § 2255 proceeding, he has waived the attorney-client privilege as to all parts of the submitted documents, all of which are relevant to the matters at issue before the Court. "It has long been the rule in the federal courts that,

		where a habeas petitioner raises a claim of ineffective assistance of counsel, he waives the attorney-client privilege as to all communications with his allegedly ineffective lawyer." <i>Bittaker v. Woodford</i> , 331 F.3d 715, 716-17 (9th Cir. 2003); <i>Smith v. Berge</i> , 139 F.3d 902, at *2 (7th Cir. 1998) (Table); <i>Seifer v. United States</i> , 225 F. Supp. 3d 811, 812 (E.D. Wis. 2016); <i>see Garcia v. Zenith Elec. Corp.</i> , 58 F.3d 1171, 1175 n. 1 (7th Cir.1995) ("We note that the attorney-client privilege is generally waived when the client asserts claims or defenses that put his attorney's advice at issue in the litigation."). Accordingly, pursuant to <i>United States v. Evans</i> , 113 F.3d 1457 (7th Cir. 1997), the Court authorizes Day to disclose the documents to the Government's counsel. Signed by Judge J. Phil Gilbert on 4/13/2018. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/13/2018)
04/16/2018	<u>92</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert: Evidentiary Hearing held on 4/16/2018. The Evidentiary Hearing is continued to 4/19/2018 at 9:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter Stephanie Rennegarbe.) (tag) (Entered: 04/16/2018)
04/19/2018	<u>93</u>	Transcript Redaction Request re <u>87</u> Transcript,,, by attorney Kit R. Morrissey. (Morrissey, Kit) (Entered: 04/19/2018)
04/19/2018	<u>94</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert: Evidentiary Hearing held on 4/19/2018. The Evidentiary Hearing is continued to 4/25/2018 at 1:30 PM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter Stephanie Rennegarbe.) (tag) (Entered: 04/19/2018)
04/24/2018	<u>95</u>	Mail Returned as Undeliverable.(doc 63) Orginally sent to Matthew Lee Staszak (cds) (Entered: 04/24/2018)
04/25/2018	<u>96</u>	MEMORANDUM AND ORDER, The Court GRANTS the request (Doc. 93), but ORDERS that the material requested to be redacted be blacked out, the policy in this Court, rather than replaced by initials. The Court ORDERS that the unredacted transcript shall be kept under seal and not made publicly available. Signed by Judge J. Phil Gilbert on 4/25/2018. (jdh) (Entered: 04/25/2018)
04/25/2018	<u>97</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert: Evidentiary Hearing held on 4/25/2018. Written Order to follow. (Court Reporter Stephanie Rennegarbe.) (tag) (Entered: 04/26/2018)
04/26/2018	<u>98</u>	Exhibit and Witness List. (tag) (Entered: 04/26/2018)
05/09/2018	<u>99</u>	Transcript of Evidentiary Hearing (Volume #3) held on 04-16-2018, before Judge J. Phil Gilbert. Court Reporter Stephanie Rennegarbe, Telephone number 618-439-7735.
		NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the

		<p>website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2018. Redacted Transcript Deadline set for 6/11/2018. Release of Transcript Restriction set for 8/7/2018. (skr) (Entered: 05/09/2018)</p>
05/09/2018	<u>100</u>	<p>Transcript of Evidentiary Hearing (Volume #4) held on 04-19-2018, before Judge J. Phil Gilbert. Court Reporter Stephanie Rennegarbe, Telephone number 618-439-7735.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2018. Redacted Transcript Deadline set for 6/11/2018. Release of Transcript Restriction set for 8/7/2018. (skr) (Entered: 05/09/2018)</p>
05/09/2018	<u>101</u>	<p>Transcript of Evidentiary Hearing (Volume #5) held on 04-25-2018, before Judge J. Phil Gilbert. Court Reporter Stephanie Rennegarbe, Telephone number 618-439-7735.</p> <p>NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf</p> <p>Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2018. Redacted Transcript Deadline set for 6/11/2018. Release of Transcript Restriction set for 8/7/2018. (skr) (Entered: 05/09/2018)</p>
05/16/2018	<u>102</u>	Redacted Transcript of <u>87</u> Transcript of 03/23/2018 Proceedings. (cad) (Entered: 05/16/2018)
05/16/2018	<u>103</u>	First MOTION for Extension of Time to File Argument by Matthew Lee Staszak. (Green, Terry) (Entered: 05/16/2018)
05/16/2018	<u>104</u>	MOTION To Return Petitioner to the Southern District of Illinois by Matthew Lee Staszak. (Green, Terry) (Entered: 05/16/2018)

05/24/2018	<u>105</u>	MEMORANDUM AND ORDER, The Court DENIES Staszak's motion for return to the Southern District of Illinois (Doc. <u>104</u>) and GRANTS his motion for an extension of time to file his post-hearing brief (Doc. <u>103</u>). Signed by Judge J. Phil Gilbert on 5/24/2018. (jdh) (Entered: 05/24/2018)
05/25/2018		Set Deadlines: Petitioner's Brief due by 7/27/2018, Government's Response Brief due by 8/24/2018. (kek) (Entered: 05/25/2018)
07/24/2018	<u>106</u>	Second MOTION for Extension of Time to File <i>Argument</i> by Matthew Lee Staszak. (Green, Terry) (Entered: 07/24/2018)
07/25/2018	107	ORDER granting <u>106</u> Motion for Extension of Time to File Argument. Petitioner shall have up to and including August 31, 2018, to file his post-hearing brief. The Government shall have up to and including September 28, 2018, to file a response brief. Signed by Judge J. Phil Gilbert on 7/25/2018. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/25/2018)
07/26/2018		Set Deadlines: Petitioner's Brief due by 8/31/2018; Government's Response due by 9/28/2018. (kek) (Entered: 07/26/2018)
08/31/2018	<u>108</u>	Third MOTION to Continue by Matthew Lee Staszak. (Green, Terry) (Entered: 08/31/2018)
09/04/2018	109	ORDER granting <u>108</u> Motion to Continue. Petitioner shall have up to and including September 21, 2018, to file his post-hearing brief. The Government shall have up to and including October 26, 2018, to file a response brief. Signed by Judge J. Phil Gilbert on 9/4/2018. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/04/2018)
09/04/2018		Set Deadlines: Petitioner's Brief due by 9/21/2018, Government's Responses due by 10/26/2018. (kek) (Entered: 09/04/2018)
09/21/2018	<u>110</u>	Fourth SEALED MOTION by Matthew Lee Staszak. (Green, Terry) (Entered: 09/21/2018)
09/25/2018	111	ORDER granting <u>110</u> Sealed Motion for extension of time. Petitioner shall have up to and including October 12, 2018, to file his post-hearing brief. The Government shall have up to and including November 16, 2018, to file a response brief. THE COURT WILL GRANT NO FURTHER EXTENSION OF TIME FOR THE PETITIONER'S BRIEF ABSENT EXTRAORDINARY CIRCUMSTANCES. Should the petitioner fail to file a timely brief, the Court will consider his § 2255 motion without the benefit of further briefing. Signed by Judge J. Phil Gilbert on 9/25/2018. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/25/2018)
09/26/2018		Set Deadlines: Petitioner's Brief due by 10/12/2018, Government's Response due by 11/16/2018. (kek) (Entered: 09/26/2018)
10/02/2018	<u>112</u>	Sealed Document- Letter from Matthew L. Staszak. (jdh) (Entered: 10/02/2018)

10/10/2018	113	ORDER extending deadline for Petitioner to file post-hearing brief. Due to a death in Petitioner's counsel's family, Petitioner shall have up to and including November 30, 2018, to file his post-hearing brief. The Government shall have up to and including January 4, 2019, to file a response brief. Signed by Judge J. Phil Gilbert on 10/10/2018. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/10/2018)
10/11/2018		Set Deadlines: Petitioner's Brief due by 11/30/2018, Government's Response due by 1/4/2019. (kek) (Entered: 10/11/2018)
12/02/2018	<u>114</u>	MOTION for Leave to File <i>Evidentiary Hearing Argument Instanter</i> by Matthew Lee Staszak. (Attachments: # <u>1</u> Exhibit Argument of Petitioner) (Green, Terry) (Entered: 12/02/2018)
12/03/2018	115	ORDER granting <u>114</u> Motion for Leave to File and DIRECTING the Clerk of Court to file the brief attached to the motion as a separate document. Signed by Judge J. Phil Gilbert on 12/3/2018. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/03/2018)
12/03/2018	<u>116</u>	Petitioner's Post-Hearing Brief by Matthew Lee Staszak. (kek) (Entered: 12/03/2018)
01/03/2019	<u>117</u>	First MOTION for Extension of Time by USA. (Morrissey, Kit) (Entered: 01/03/2019)
01/04/2019	118	ORDER granting <u>117</u> Motion for Extension of Time. The United States shall have up to and including March 1, 2019, to file its post-hearing brief. Signed by Judge J. Phil Gilbert on 1/4/2019. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/04/2019)
01/04/2019		Set Deadlines: Government's Post-Hearing Brief due by 3/1/2019 (kek) (Entered: 01/04/2019)
02/05/2019	<u>119</u>	STRICKEN - AFFIDAVITS by Matthew Lee Staszak. (cds) Modified on 2/12/2019 (cjo). (Entered: 02/06/2019)
02/08/2019	<u>120</u>	MEMORANDUM AND ORDER, The Court hereby ORDERS that Staszak's pro se filing (Doc. 119) be STRICKEN. The Court DIRECTS the Clerk of Court to return to Staszak unfiled any pro se motion he tenders in this case while he is represented by counsel, except for a notice of appeal. Signed by Judge J. Phil Gilbert on 2/8/2019. (jdh) (Entered: 02/08/2019)
03/01/2019	<u>121</u>	Second MOTION for Extension of Time to File <i>Post-Hearing Brief</i> by USA. (Morrissey, Kit) (Entered: 03/01/2019)
03/04/2019	<u>122</u>	RESPONSE to Motion re <u>121</u> Second MOTION for Extension of Time to File <i>Post-Hearing Brief</i> filed by Matthew Lee Staszak. (Green, Terry) (Entered: 03/04/2019)
03/05/2019	123	ORDER granting <u>121</u> Motion for Extension of Time to File. The Government shall have up to and including March 18, 2019, to file its post-hearing

		response brief. Signed by Judge J. Phil Gilbert on 3/5/2019. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/05/2019)
03/06/2019	<u>124</u>	RESPONSE to <u>122</u> Response to Motion (AMENDED) filed by Matthew Lee Staszak. (Green, Terry) (Entered: 03/06/2019)
03/18/2019	<u>125</u>	Third MOTION for Extension of Time to <i>File Post-Hearing Brief</i> by USA. (Morrissey, Kit) (Entered: 03/18/2019)
03/22/2019	<u>126</u>	RESPONSE to Motion re <u>125</u> Third MOTION for Extension of Time to <i>File Post-Hearing Brief</i> filed by Matthew Lee Staszak. (Green, Terry) (Entered: 03/22/2019)
03/26/2019	127	ORDER granting <u>125</u> Motion for Extension of Time. The Government shall have up to and including April 8, 2019, to file its response brief. Signed by Judge J. Phil Gilbert on 3/26/2019. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/26/2019)
03/27/2019		Reset Deadlines as to Order #127 - Response Brief due by 4/8/2019. (cjo) (Entered: 03/27/2019)
04/09/2019	<u>128</u>	MOTION for Leave to File Brief Following Limited Evidentiary Hearing on Petitioner's 2255 Motion Instanter by USA. (Morrissey, Kit) (Entered: 04/09/2019)
04/09/2019	<u>129</u>	<i>TRIAL BRIEF Government's Brief Following Limited Evidentiary Hearing on Petitioner's 2255 Motion</i> by USA. (Morrissey, Kit) (Entered: 04/09/2019)
04/12/2019	<u>130</u>	RESPONSE to Motion re <u>128</u> MOTION for Leave to File Brief Following Limited Evidentiary Hearing on Petitioner's 2255 Motion Instanter <i>Objection to Government's Motion</i> filed by Matthew Lee Staszak. (Green, Terry) (Entered: 04/12/2019)
04/15/2019	131	ORDER granting <u>128</u> Motion for leave to file brief instanter. Brief at <u>129</u> is deemed timely. Signed by Judge J. Phil Gilbert on 4/15/2019. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/15/2019)
07/18/2019	<u>132</u>	Notice of USCA Case Number 19-2367 regarding filing of Writ of Mandamus (Attachments: # <u>1</u> Case Opening, # <u>2</u> Fee Notice)(cds) (Entered: 07/18/2019)
07/24/2019	<u>133</u>	USCA-7 Notice denying the petition for a writ of mandamus. (cds) (Entered: 07/24/2019)
02/21/2020	<u>134</u>	MEMORANDUM AND ORDER, The Court DENIES Staszak's § 2255 motion and its supplements (Docs. 1, 6, & 31) and DIRECTS the Clerk of Court to enter judgment accordingly. The Court further DECLINES to issue a certificate of appealability. Signed by Judge J. Phil Gilbert on 2/21/2020. (jdh) (Entered: 02/21/2020)
02/21/2020	<u>135</u>	CLERK'S JUDGMENT. Approved by Judge J. Phil Gilbert on 2/21/2020. (jdh) (Entered: 02/21/2020)

03/05/2020	<u>136</u>	NOTICE OF APPEAL as to <u>135</u> Clerk's Judgment, <u>134</u> Memorandum & Opinion, by Matthew Lee Staszak. (Green, Terry) (Entered: 03/05/2020)
03/06/2020	<u>137</u>	Transmission of Short Record to US Court of Appeals re <u>136</u> Notice of Appeal (kek) (Entered: 03/06/2020)
03/06/2020	<u>138</u>	Rule 10 Letter (kek) (Entered: 03/06/2020)
03/06/2020	<u>139</u>	USCA Case Number 20-1381 for <u>136</u> Notice of Appeal filed by Matthew Lee Staszak. (Attachments: # <u>1</u> Notice of Docketing)(cds) (Entered: 03/06/2020)
03/20/2020	<u>140</u>	TRANSCRIPT INFORMATION SHEET by Attorney/Pro Se Party (Green, Terry) (Entered: 03/20/2020)
03/20/2020	<u>141</u>	TRANSCRIPT INFORMATION SHEET by Attorney/Pro Se Party (Green, Terry) (Entered: 03/20/2020)
03/20/2020	<u>142</u>	TRANSCRIPT INFORMATION SHEET by Court Reporter(skr) (Entered: 03/20/2020)
03/20/2020	<u>143</u>	TRANSCRIPT INFORMATION SHEET re: 03/23/2018 Evidentiary Hearing, Volume 2 at Doc. 87, by Court Reporter Chris Dohack LaBuwi (618) 439-7725 (cad) (Entered: 03/20/2020)
12/17/2020	<u>144</u>	MANDATE of USCA AFFIRMING case as to <u>136</u> Notice of Appeal filed by Matthew Lee Staszak (Attachments: # <u>1</u> Order, # <u>2</u> Order, # <u>3</u> Order)(ack) (Entered: 12/17/2020)

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01/18/2021 15:54:38		
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Billable Pages:	11	Cost: 1.10

A-10

**General Docket
Seventh Circuit Court of Appeals**

Court of Appeals Docket #: 17-1108

Matthew Lee Staszak v. J. Phil Gilbert

Docketed: 01/17/2017

Termed: 01/24/2017

Appeal From: Southern District of Illinois

Fee Status: Paid

Case Type Information:

1) originalProceeding

2) nonPaidMandamus

3) -

Originating Court Information:

District: 0754-3 : 3:15-cv-00020-JPG

Trial Judge: J. Phil Gilbert, District Court Judge

01/17/20 1 Petition for Writ of Mandamus filed. Fee due. Fee or IFP forms due on 01/31/2017 for
17 Petitioner Matthew Lee Staszak. [1] [6812042] [17-1108] (CMD) [Entered:
01/17/2017 03:30 PM]

01/24/20 Notice of fee payment. Receipt #000183. [6813771-2] [6813771] [17-1108] (SK)
17 [Entered: 01/24/2017 01:33 PM]

01/24/20 2 ORDER re: Petition for Writ of Mandamus, filed on 1/17/17. The petition for a writ
17 of mandamus is DENIED. William J. Bauer, Circuit Judge; Diane S. Sykes, Circuit
Judge and David F. Hamilton, Circuit Judge. [2] [6813860] [17-1108] (FP) [Entered:
01/24/2017 03:33 PM]

01/24/20 FOR COURT USE ONLY: Certified copy of 01/24/2017 Mandamus Final Order sent
17 to the District Court Clerk. [6813878-2] [6813878] [17-1108] (FP) [Entered:
01/24/2017 03:42 PM]

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7th Circuit Court of Appeals - 01/22/2021 19:05:53

PACER Login:

dstasz55

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Description:

Case Summary

Search Criteria:

17-1108

Billable Pages:

1

Cost:

0.10

A-11

**General Docket
Seventh Circuit Court of Appeals**

Court of Appeals Docket #: 19-2367

Matthew Staszak v. J. Phil Gilbert

Docketed: 07/18/2019

Termed: 07/24/2019

Appeal From: Southern District of Illinois

Fee Status: Paid

Case Type Information:

- 1) originalProceeding
- 2) nonPaidMandamus
- 3) -

Originating Court Information:

District: 0754-3 : 3:15-cv-00020-JPG

Trial Judge: J. Phil Gilbert, District Court Judge

07/18/201 1 Petition for Writ of Mandamus filed. Fee due. Fee or IFP forms due on 08/01/2019
9 for Petitioner Matthew Lee Staszak [1] [7018161] [19-2367] (PS) [Entered:
07/18/2019 02:16 PM]

07/23/201 2 Notice of fee payment, \$500.00. Receipt #00450. [2] [7018893] [19-2367] (CAH)
9 [Entered: 07/23/2019 11:59 AM]

07/24/201 3 ORDER re: Petition for writ of mandamus to compel United States district court to
9 issue a ruling on petitioner's outstanding section 2255 motion. IT IS ORDERED that
the petition for a writ of mandamus is DENIED. The court notes that post-hearing
briefing was completed in April of this year, so there has not been any unusual delay
that might call for the extraordinary relief of mandamus. William J. Bauer, Circuit
Judge; Diane S. Sykes, Circuit Judge and David F. Hamilton, Circuit Judge. [3]
[7019271] [19-2367] (AG) [Entered: 07/24/2019 03:07 PM]

07/24/201 FOR COURT USE ONLY: Certified copy of 07/24/2019 Mandamus Final Order
9 sent to the District Court Clerk. [7019283-2] [7019283] [19-2367] (AG) [Entered:
07/24/2019 03:17 PM]

08/05/201 15 copies filed Petition for Rehearing by Petitioner Matthew Lee Staszak. Dist.
9 [7021515-2] [7021515] [19-2367]--[Edited 08/05/2019 by CM] (CM) [Entered:
08/05/2019 11:38 AM]

09/09/201 4 ORDER: Petitioner Matthew Lee Staszak Petition for Rehearing is DENIED. (See
9 order for details.) [4] [7028990] [19-2367] (CG) [Entered: 09/09/2019 03:04 PM]

09/16/201 5 Pro se motion filed by Petitioner Matthew Lee Staszak to stay the mandate. [5]
9 [7030551] [19-2367] (FP) [Entered: 09/16/2019 04:10 PM]

09/18/201 6 ORDER re: Petition to stay mandate. [5] The motion is DENIED as unnecessary. A
9 stay is not necessary for Staszak to file a petition for writ of certiorari. EBG [6]
[7031190] [19-2367] (PS) [Entered: 09/18/2019 02:08 PM]

10/15/201 7 Filed letter from Petitioner Matthew Lee Staszak notifying our court of the Writ of
9 Mandamus filed in the U.S. Supreme Court with a copy of the mandamus. [7]
[7036889] [19-2367] (FP) [Entered: 10/16/2019 10:14 AM]

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PACER Login:	dstasz55	Client Code:	
Description:	Case Summary	Search Criteria:	19-2367
Billable Pages:	1	Cost:	0.10

A-12

No. 19-6121

Title: **In Re Matthew Lee Staszak, Petitioner**

Docketed: **October 2, 2019**

Lower Ct:

DATE	PROCEEDINGS AND ORDERS
Sep 17 2019	Petition for a writ of mandamus and motion for leave to proceed in forma pauperis filed. (Response due November 1, 2019) <u>Motion for Leave to Proceed in Forma Pauperis</u> <u>Petition</u> <u>Appendix</u> <u>Proof of Service</u>
Oct 15 2019	Waiver of right of respondent United States to respond filed. <u>Main Document</u>
Oct 24 2019	DISTRIBUTED for Conference of 11/8/2019.
Nov 12 2019	Petition DENIED.
Dec 03 2019	Petition for Rehearing filed. <u>Proof of Service</u> <u>Main Document</u>
Jan 08 2020	DISTRIBUTED for Conference of 1/24/2020.
Jan 27 2020	Rehearing DENIED.

NAME	ADDRESS	PHONE
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Attorneys for Petitioner

Matthew L. Staszak
#24227-171
FCC (Low)
PO Box 9000
Forrest City, AR 72336-9000

Party name: Matthew Lee Staszak

Attorneys for Respondent

Noel J. Francisco
Counsel of Record
Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001 202-514-2217

SupremeCtBriefs@USDOJ.gov

Party name: United States

A-13

Court of Appeals Docket #: 20-1381

Docketed: 03/06/2020

Nature of Suit: 2510 Prisoner Petition-Vacate Sentence

Termed: 11/04/2020

Matthew Staszak v. USA

Appeal From: Southern District of Illinois

Fee Status: In Forma Pauperis

Case Type Information:

- 1) prisoner
- 2) federal
- 3) 2255CaDenied

Originating Court Information:

District: 0754-3 : 3:15-cv-00020-JPG

Court Reporter: Christine Dohack, Court Reporter

Court Reporter: Stephanie Rennegarbe, Court Reporter

Trial Judge: J. Phil Gilbert, District Court Judge

Date Filed: 01/08/2015

Date Order/Judgment:

02/21/2020

Date NOA Filed:

03/05/2020

03/06/202	<u>3</u>	Motion filed by Appellant Matthew Lee Staszak for issuance of a certificate of appealability pursuant to 28 U.S.C. § 2253(c). [3] [7067197] [20-1381] (AD) [Entered: 03/06/2020 12:16 PM]
03/12/202	<u>4</u>	Docketing Statement filed by Appellant Matthew Lee Staszak. Prior or Related proceedings: No. [4] [7068344] [20-1381] (JR) [Entered: 03/13/2020 09:18 AM]
03/25/202	<u>5</u>	Filed Seventh Circuit Transcript Information Sheets by Appellant Matthew Lee Staszak. [5] [7070722] [20-1381] (JR) [Entered: 03/25/2020 11:37 AM]
11/04/202	<u>6</u>	ORDER: Matthew Staszak has filed a notice of appeal from the denial of his motion under 28 U.S.C. § 2255 and an application for a certificate of appealability. We have reviewed the final order of the district court and the record on appeal and find no substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). Accordingly, Staszak's request for a certificate of appealability and his motion for appointment of appellate counsel are denied. Frank H. Easterbrook, Circuit Judge and Amy J. St. Eve, Circuit Judge. [6] [7119655] [20-1381] (AG) [Entered: 11/04/2020 04:30 PM]
11/18/202	<u>7</u>	30 copies Filed Petition for Rehearing and Petition for Rehearing Enbanc by Appellant Matthew Lee Staszak. DIST. [7] [7122577] [20-1381] (CAH) [Entered: 11/18/2020 02:48 PM]
12/03/202	<u>8</u>	ORDER: Appellant Matthew Lee Staszak Petition for Rehearing and Petition for Rehearing Enbanc is DENIED. [8] [7125490] [20-1381] (ER) [Entered: 12/03/2020 09:07 AM]
12/15/202	<u>9</u>	Pro se motion filed by Appellant Matthew Lee Staszak to stay the mandate. [9] [7128480] [20-1381] (CAH) [Entered: 12/15/2020 10:23 AM]
12/15/202	<u>10</u>	ORDER re: Motion to stay the mandate. IT IS ORDERED that the motion is DENIED as unnecessary. As this court has previously informed appellant, a stay is not necessary to file a petition for a writ of certiorari. [9] JPK [10] [7128698] [20-

1381] (AP) [Entered: 12/15/2020 03:24 PM]

12/17/202 11 Mandate issued. No record to be returned. [11] [7129260] [20-1381] (GW)
0 [Entered: 12/17/2020 10:28 AM]

12/17/202  FOR COURT USE ONLY: Certified copy of 11/04/2020 Final Order with Mandate
0 sent to the District Court Clerk. [7129261-2] [7129261] [20-1381] (GW) [Entered:
12/17/2020 10:32 AM]

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7th Circuit Court of Appeals - 01/14/2021 18:58:28			
PACER Login:	dstasz55	Client Code:	
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Billable Pages:	1	Cost:	0.10

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A-14

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
MATTHEW STASZAK.,)
Defendant.)
CRIMINAL NO. 12-40064-JPG

STIPULATION OF FACTS

From approximately February 2011, continuing through May 29, 2012, the Defendant, date of birth December 15, 1982, engaged in a sexual relationship with K.G., a person under the age of 17, with a date of birth of May 29, 1995. On or about the dates named in the Second Superseding Indictment, the Defendant resided in North Carolina, and K.G. resided in the Southern District of Illinois.

On or about March 22, 2011, the Defendant traveled interstate from North Carolina to Williamson County, Illinois, within the Southern District of Illinois, for the purpose of engaging in illicit sexual conduct, that is, sexual intercourse, including genital to genital intercourse, with K.G., who was then 15 years old, and the two did engage in such conduct. (Count 2).

On or about May 29, 2011, K.G.'s 16th birthday, the Defendant traveled interstate from North Carolina to Williamson County, Illinois, within the Southern District of Illinois, for the purpose of engaging in illicit sexual conduct, that is, sexual intercourse, including genital to genital intercourse, with K.G., and the two did engage in such conduct. (Count 3).

In or around June or July 2011, when K.G. was 16 years old, the Defendant used K.G. to take part in sexually explicit conduct, that is, sexual intercourse, including genital to genital intercourse,

for the purpose of producing a visual depiction of such conduct with his Verizon cellular telephone, model Droid X2, bearing serial number SJUG6250, and the Defendant did produce such a visual depiction that he and K.G. watched after it was produced. The Verizon cellular telephone is not manufactured in the State of Illinois, and necessarily had traveled in interstate or foreign commerce to be in Illinois at the time the visual depiction was created with it. (Count 1)

On or about October 4, 2012, at 11:30 a.m., the Defendant was scheduled for an initial appearance on a superseding indictment in *United States v. Matthew Staszak*, Criminal No. 12-40064-JPG, before Magistrate Judge Philip M. Frazier at the United States Courthouse in Benton, Franklin County, within the Southern District of Illinois. The Defendant was on pretrial release pursuant to Chapter 207 of Title 18, pending trial on an indictment in the same case for violations of Title 18, United States Code, Sections 2251(a) and (e) and 2423(b), felony offenses. The Defendant knowingly and willfully failed to appear as required on that date, having removed an electronic ankle monitoring device the night before and fled the location of his electronic monitoring, the home of his father, for the purpose of avoiding prosecution. The Defendant remained a fugitive until his capture on June 2, 2013.

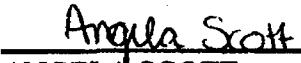
SO STIPULATED:

STEPHEN R. WIGGINTON
United States Attorney


MATTHEW STASZAK
Defendant


MELISSA DAY
Attorney for Defendant

Date: 8 - 5 - 2013


ANGELA SCOTT
Assistant United States Attorney


KIT R. MORRISSEY
Assistant United States Attorney

Date: 8/5/13

A-15

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PLEA AGREEMENT

The attorneys for the Government and the attorneys for the Defendant have engaged in discussions and have reached an agreement pursuant to Federal Rule of Criminal Procedure 11. As a result of that agreement, the Defendant intends to plead guilty in this case. The full and complete Plea Agreement is as follows:

I.

1. Defendant acknowledges that he has been advised of and does fully understand the following:

- (a) the nature of the charges to which the plea is offered, the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law; and
- (b) that he has the right to plead not guilty or to persist in that plea if it has already been made, and he has the right to be tried by a jury and at that trial has the right to the assistance of counsel, the right to confront and cross-examine witnesses against him, and the right not to be compelled to incriminate himself; and
- (c) that if he pleads guilty, there will not be a further trial of any kind, so that by pleading guilty, he waives the right to a trial; and
- (d) that if he pleads guilty, the Court may ask him questions about the offense to which he has pleaded, and if he answers these questions under oath, on the record,

and in the presence of counsel, his answers may later be used against him in a prosecution for perjury or false statement; and

(e) that if he pleads guilty, he will waive his right to persist in his plea of not guilty, to be tried by a jury, to have assistance of counsel at the trial, and to confront and cross-examine witnesses against him at trial; and

(f) that if he pleads, he is pleading guilty to a felony punishable by a term of imprisonment exceeding one year. Therefore, no matter what sentence the Court imposes (whether probation or any term of imprisonment), he will be forbidden by federal firearms laws from possessing any type of firearm in his lifetime, unless he obtains relief pursuant to 18 U.S.C. § 925, or other appropriate federal statute.

2. Defendant acknowledges that this Plea Agreement and Stipulation of Facts constitutes the entire agreement and that no promises, inducements or representations, other than those specifically set forth in this Plea Agreement and Stipulation of Facts, were made to induce him to enter into this Plea Agreement.

3. It is further understood that this agreement is limited to the Southern District of Illinois, and nothing herein is intended to bind other federal, state or local prosecuting authorities. It is further understood that this Plea Agreement does not prohibit the United States, any agency thereof, or any third party from initiating or prosecuting any civil proceedings directly or indirectly involving the Defendant.

4. Defendant understands that this offense is subject to Title 28, United States Code, Section 994(a). Defendant has been advised and understands that the Sentencing Guidelines are advisory and that the Court will consider the applicable Guidelines in conjunction with 18 U.S.C. § 3553(a), in determining the appropriate sentence.

5. Defendant understands that pursuant to Title 18, United States Code, Section 3013, the Court will assess a "Special Assessment" of \$100 per felony count. Defendant understands that

he will be ordered to pay the full amount of the special assessment prior to or at the time of sentencing.

6. Defendant understands that the Court must impose a term of "supervised release" to follow incarceration. *See 18 U.S.C. § 3583; U.S.S.G. § 5D1.1.*

7. Defendant understands that the Court may impose a fine, costs of incarceration, and costs of supervision and that the Government will recommend the imposition of a fine. The estimated costs of such incarceration or community confinement or supervision, pursuant to an advisory notice from the Administrative Office of the United States Courts pertaining to fiscal year 2011, are, for imprisonment: \$2,407.78 per month; for community confinement: \$2,180.27 per month; and for supervision: \$286.11 per month. The Defendant agrees to make complete financial disclosure by truthfully filling out, at the request of the United States Attorney, a Financial Statement (OMB-500).

8. The Defendant understands that he is currently detained and will remain detained. The Defendant will not request release pending sentencing and will not request voluntary surrender following sentencing. While pending sentencing, the Defendant understands that if he commits any offense in violation of federal, state, or local law, the Government may file additional charges and may seek to be released from this Plea Agreement by the Court. No action taken or recommendation made by the Government pursuant to this paragraph shall be grounds for the Defendant to withdraw his plea.

9. The Defendant understands that the Government may move for an order pursuant to 18 U.S.C. § 6003 requiring the Defendant to give testimony or provide other information and that

if such order is granted and the Defendant refuses to give such testimony or other information he may be subject to punishment for contempt.

10. The Defendant states that he has read this agreement and has discussed it with his attorney, and understands it.

II

1. The Defendant states that he is actually guilty and will enter a plea of guilty to Counts 1 - 4 of the Second Superseding Indictment.

Count 1 charges Sexual Exploitation of a Minor in violation of Title 18, United States Code, Section 2251(a) and (e). The maximum penalty that can be imposed on Count 1 is a term of imprisonment not less than 15 years up to 30 years, a fine of \$250,000, or both, and a term of supervised release of not less than 5 years up to life.

Counts 2 and 3 charge Travel with Intent to Engage in Illicit Sexual Conduct in violation of Title 18, United States Code, Section 2423(b). The maximum penalty that can be imposed for each of Counts 2 and 3 is a term of imprisonment of 30 years, a fine of \$250,000, or both, and a term of supervised release of not less than 5 years up to life.

Count 4 charges Failure to Appear in violation of Title 18, United States Code, Section 3146(a)(1). The maximum penalty that can be imposed for Count 4 is a term of imprisonment of 10 years, said term to run consecutively to the sentences imposed on Counts 1 - 3, a fine of \$250,000, or both, and a term of supervised release of 3 years.

The Defendant will also be ordered to pay a special assessment of \$100 per count, for a total special assessment of \$400.

2. The Government and the Defendant agree that the following constitutes the essential elements of the offenses charged in the Second Superseding Indictment.

Count 1 - Sexual Exploitation of a Minor:

- First: At the time, the minor was under the age of eighteen years;
- Second: The Defendant used the minor to take part in sexually explicit conduct for the purpose of producing a visual depiction of such conduct; and
- Third: The visual depiction was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

Counts 2 and 3 - Travel with Intent to Engage in Illicit Sexual Conduct

- First: The Defendant traveled in interstate commerce; and
- Second: The Defendant's purpose in traveling in interstate commerce was to engage in a sexual act with a minor.

Count 4 - Failure to Appear

- First: The Defendant was released pursuant to the Bail Reform Act 1966 (Chapter 27 of Title 18);
- Second: The Defendant was required to appear in Court;
- Third: The Defendant was aware of the required appearance; and
- Fourth: The Defendant willfully failed to appear as required.

The Defendant agrees and admits that his conduct violated these essential elements of the offenses charged in Counts 1, 2, 3 and 4.

3. The Government and Defendant submit to the Court that it appears under the Sentencing Guidelines, after all factors have been considered, Defendant will have an Offense Level of 43 and a Criminal History Category of I, whereby the sentencing range is Life imprisonment.

However, because there is a statutory maximum sentence of 30 years' imprisonment on each of Counts 1, 2 and 3, the effective Guideline sentencing range for Counts 1, 2 and 3 is 360 months' imprisonment. The statutory maximum sentence on Count 4 is 10 years' imprisonment, consecutive to the sentence imposed on Counts 1, 2 and 3.

The Defendant and the Government agree, however, that the appropriate sentence to be imposed, considering all of the factors in Title 18, United States Code, Section 3553(a), is 300 months' imprisonment.

The Defendant and the Government further agree that, under the Sentencing Guidelines, after all factors have been considered, the Defendant's fine range will be \$25,000 to \$250,000, pursuant to U.S.S.G. §5E1.2.

4. Defendant and the Government agree that the Guideline calculations on Count 1 are as follows:

Base Offense Level per § 2G2.1:	32
Specific Offense Characteristics:	
- per 2G2.1(b)(2)(A) - offense involved sexual act:	+2
- per 2G2.1(b)(6) - offense involved use of interactive computer service:	+2
Obstruction of Justice per 3C1.1:	+2
Repeat and Dangerous Sex Offender Against Minor per § 4B1.5(b):	<u>+5</u>
Total of above:	43
Grouping rules per § 3D (when considering GSR for Counts 2 and3):	<u>+1</u>
Combined Offense Level:	44

Offense Level per § 5A app. note 2 43

Criminal History Category: I

Guideline sentencing range: LIFE

Guideline sentencing range with statutory maximum 360 months

5. Defendant and the Government agree it is appropriate in this case to group Counts 2 and 3 pursuant to § 3D1.2. The Guideline calculations for Counts 2 and 3 are as follows:

Base Offense Level per § 2G1.3: 24

Specific Offense Characteristics:

- per 2G1.3(b)(2)(B) - undue influence: +2
- per 2G1.3(b)(3) - offense involved use of interactive computer service +2
- per 2G1.3(b)(4) - offense involved a sexual act: +2

Obstruction of Justice per § 3C1.1: +2

Repeat and Dangerous Sex Offender Against Minor per § 4B1.5(b): +5

Total of above: 37

Criminal History Category: I

Guideline sentencing range: 210-262

6. Pursuant to § 2J1.6 Application Note 3, the Failure to Appear charged in Count 4 has been treated under § 3C1.1 as an obstruction of the underlying offense, and the failure to appear count and the counts for the underlying offenses are grouped together under § 3D1.2(c).

7. The Government and Defendant agree that the Guideline calculations submitted herein are not binding on the Court. They merely constitute the parties' good faith efforts to inform

the Court of their beliefs as to the applicable Guideline sentencing range and acknowledge that it is the Court which is ultimately responsible for determining the applicable Guideline sentencing range after receiving the Presentence Report and giving both parties the opportunity to comment thereon. The Defendant expressly recognizes that, regardless of the Guideline sentencing range found by the Court, he will not be permitted to withdraw his plea.

The Government specifically reserves the right to argue for, present testimony, or otherwise support the Probation Office's or the Court's findings as to Offense Level and Criminal History Category (which may be in excess of the calculations set forth herein by the Defendant and the Government). The Defendant understands that the Sentencing Guidelines are advisory only and that the Court has the discretion to sentence the Defendant anywhere up to the statutory maximum sentence after consideration of the Sentencing Guidelines, and the factors set forth in 18 U.S.C. § 3553(a), including the nature and circumstances of the offenses and the criminal history and characteristics of the Defendant.

8. Defendant and the Government submit to the Court that it appears that the Defendant has no criminal history points and that, therefore, his Sentencing Guidelines Criminal History Category is I. Defendant expressly recognizes that the final criminal history calculation will be determined by the Court after considering the Presentence Report, the views of the parties and any evidence submitted prior to sentencing. Defendant recognizes that, regardless of the criminal history found by the Court, he will not be able to withdraw his plea.

9. The Defendant understands that the Government will recommend the imposition of a fine. The Defendant understands that the Government's recommendation may be based in part on the Defendant's projected earnings through the Inmate Financial Responsibility Program.

10. Defendant will cooperate fully with the United States Probation Office in its collection of information and preparation of the Presentence Report in this matter. Said cooperation will include signing all releases, as requested.

11. **The parties agree that a sentence of 25 years' imprisonment is reasonable under all the facts and circumstances of the case and the sentencing factors the Court must consider under 18 U.S.C. § 3553(a), and the parties will make such a recommendation.** The agreement of the parties is not binding upon the Court or the United States Probation Office, and the Court may impose any sentence authorized by law.

12. The Defendant acknowledges that Title 18, United States Code, Section 3143(a)(2) requires that upon the Court's acceptance of a plea of guilty in this case, the Court must order the Defendant detained pending sentencing, in the absence of exceptional circumstances as set forth in Title 18, United States Code, Section 3145(c). The Defendant and Government agree that there are no exceptional circumstances that would justify the Defendant's release pending sentencing, and the Defendant agrees not to seek release pending sentencing or following sentencing.

III.

1. The Defendant understands that by pleading guilty, he is waiving all appellate issues that might have been available if he had exercised his right to trial. The Defendant states that he is fully satisfied with the representation he has received from his counsel, that they have discussed the Government's case, possible defenses and have explored all areas which the Defendant has requested relative to the Government's case and his defense.

2. The Defendant is aware that Title 18, Title 28 and other provisions of the United States Code afford every defendant limited rights to contest a conviction and/or sentence.

Acknowledging all this, and in exchange for the recommendations and concessions made by the United States in this plea agreement, the Defendant knowingly and voluntarily waives his right to contest any aspect of his conviction and sentence that could be contested under Title 18 or Title 28, or under any other provision of federal law, except that if the sentence imposed is in excess of the agreement of the parties herein, the Defendant reserves the right to appeal the reasonableness of the sentence. The Defendant acknowledges that in the event such an appeal is taken, the Government reserves the right to fully and completely defend the sentence imposed, including any and all factual and legal findings supporting the sentence, even if the sentence imposed is more severe than that recommended by the Government. Defendant knowingly and voluntarily waives his right to seek a pardon, whether before or after his release from custody.

3. Defendant's waiver of his right to appeal or bring collateral challenges shall not apply to: 1) any subsequent change in the interpretation of the law by the United States Supreme Court or the United States Court of Appeals for the Seventh Circuit, which is declared retroactive by those Courts, and which renders the defendant actually innocent of the charges covered herein, and 2) appeals based upon Sentencing Guideline amendments which are made retroactive by the United States Sentencing Commission (see U.S.S.G. § 1B1.10). The Government reserves the right to oppose such claims for relief.

4. Defendant's waiver of his appeal and collateral review rights shall not affect the Government's right to appeal Defendant's sentence pursuant to Title 18, United States Code, Section 3742(b). This is because United States Attorneys lack any right to control appeals by the United States, through plea agreements or otherwise; that right belongs to the Solicitor General. 28 C.F.R. § 0.20(b).

5. Defendant hereby waives all rights, whether asserted directly or by a representative, to request or receive from any Department or Agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation, any records that may be sought under the Freedom of Information Act, Title 5, United States Code, Section 552, or the Privacy Act of 1974, Title 5, United States Code, Section 552a.

6. Defendant waives all claims under the Hyde Amendment, Title 18, United States Code, Section 3006A, for attorney's fees and other litigation expenses arising out of the investigation or prosecution of this matter.

7. The Defendant acknowledges that the Government has provided complete discovery compliance in this case. Defendant states that he has reviewed said discovery compliance with his attorney.

IV.

Sex Offense Mandatory Registration. Defendant understands that by pleading guilty, defendant will be required to register as a sex offender upon his release from prison as a condition of supervised release pursuant to 18 U.S.C. § 3583(d). Defendant also understands that independent of supervised release, he will be subject to federal and state sex offender registration requirements, and that those requirements may apply throughout his life. The defendant understands that he shall keep his registration current, shall notify the state sex offender registration agency or agencies of any changes to defendant's name, place of residence, employment, or student status, or other relevant information. Defendant understands that he will be subject to possible federal and state penalties for failure to comply with any such sex offender registration requirements.

V. Forfeiture

1. The Defendant agrees to forfeit to the United States immediately and voluntarily the following items pursuant to 18 U.S.C. § 2253(a)(3):

- a. a 2007 Jeep Grand Cherokee, VIN 1J8HR48N87C689206, and all accessories, attachments, and components therein or thereon;
- b. a Verizon cellular telephone, model Droid X2, bearing serial number SJUG6250;
- c. a laptop computer.

Items (b) and (c) above are also subject to forfeiture pursuant to 18 U.S.C. § 2428(a)(1). however, the United States may, at its discretion, proceed with the destruction of said items without completing the forfeiture process against same. The United States may abandon forfeiture of any of the items by filing notice of same with the Court.

2. The Defendant agrees to forfeit all interests in the properties as described above and to take whatever steps are necessary to pass clear title to the United States. These steps include but are not limited to, the surrender of title, the signing of a consent decree of forfeiture, the signing of any other documents necessary to effectuate such transfers, and the execution of withdrawals of any claims or defenses which may have previously been asserted against the forfeiture of any of the property. The Defendant further authorizes his attorney, Melissa Day, to execute on the Defendant's behalf any documents requested by the Government to effectuate the forfeitures.

If requested by the Government, all steps necessary to locate property and to pass title to the United States shall be completed before the Defendant's sentencing.

The Defendant agrees that forfeiture of the Defendant's assets shall not be treated as satisfaction of any fine, restitution, costs of imprisonment, or any other penalty this Court may impose upon the Defendant in addition to forfeiture.

The Defendant agrees to consent to any civil, criminal or administrative forfeiture brought against the property described above. The Defendant waives service of process or notice in any such proceeding and agrees that an order for forfeiture may be entered in said proceeding without further notice or hearing.

3. The Defendant further specifically waives the following constitutional or legal rights which he may otherwise possibly have had:

- (a) Any right to assert that the forfeiture violates the 8th Amendment of the Constitution or otherwise constitutes an excessive fine or forfeiture or cruel and unusual punishment.
- (b) Any right to assert that the imposition of the forfeiture constitutes jeopardy with respect to the constitutional prohibition against double jeopardy; and the Defendant specifically agrees that the imposition of any fine, restitution, imprisonment, costs of imprisonment, or penalty (either judicial or administrative) shall not be barred by the imposition of the forfeiture, nor shall the imposition of the forfeiture be barred by any such fine, restitution, imprisonment, costs of imprisonment, or penalty (either judicial or administrative).
- (c) Any requirement that the forfeiture must be commenced or completed at or by any particular time, including but not limited to any time or date imposed by a statute of limitations, any other statute, the doctrine of laches, or any administrative

rule or regulation. The Defendant further specifically agrees that the Court may immediately enter a preliminary order of forfeiture in this criminal proceeding consistent with this plea agreement and that it is not necessary to wait for the formal sentencing of the Defendant for the entry of said order.

VI.

No matters are in dispute.

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Defendant


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Date: 8-5-2013

Date: August 5, 2013