

# APPENDIX A

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16<sup>th</sup> day of October, two thousand twenty.

Present:

John M. Walker, Jr.,  
Raymond J. Lohier,  
*Circuit Judges,*  
Timothy Stanceu,\*  
*Judge.*

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United States of America,

*Appellee,*

v.

20-1279

Stephen Aguiar,

*Defendant-Appellant.*

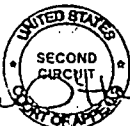
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Appellant, pro se, moves for the appointment of CJA counsel and in the alternative, if the Court should deny this motion for CJA counsel, to "raise appeal issues in a pro se capacity." Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED as moot because Appellant has finished serving the challenged term of imprisonment. *See United States v. Propper*, 170 F.3d 345, 348 (2d Cir. 1999) (ruling appeal of violation of supervised release moot where defendant's term of re-imprisonment, the only penalty imposed, expired before appeal was heard).

It is further ORDERED that Appellant's motions are DENIED as moot.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

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\* Chief Judge Timothy Stanceu, of the United States Court of International Trade, sitting by designation.

# **APPENDIX B**

## UNITED STATES DISTRICT COURT

District of Vermont

UNITED STATES OF AMERICA

v.

STEPHEN AGUIAR

Judgment in a Criminal Case

(For Revocation of Probation or Supervised Release)

Case No. 2:00-cr-119-01

USM No. 03722-082

David J. Williams, Esq.

Defendant's Attorney

## THE DEFENDANT:

- ☐ admitted guilt to violation of condition(s) \_\_\_\_\_ of the term of supervision.
- ☒ was found in violation of condition(s) 1 of the USPO report after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
1	Conspiracy to Distribute and Distribution of Cocaine & Heroin	07/29/2009

was charged in related case 2:09cr90-01

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

- ☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

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.

Last Four Digits of Defendant's Soc. Sec. No.: 761012/12/2011

Date of Imposition of Judgment

Defendant's Year of Birth: 1969/s/ William K. Sessions III

Signature of Judge

City and State of Defendant's Residence:  
Burlington, VermontWilliam K. Sessions III

U.S. District Judge

Name and Title of Judge

12/15/2011

Date

JUDGMENT ENTERED ON DOCKET

DATE: 12-16-11

DEFENDANT: STEPHEN AGUIAR  
CASE NUMBER: 2:00-cr-119-01

### IMPRISONMENT

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

36 months concurrent to 360 month sentence imposed in related case 2:09cr90-01 to be followed by no term of S/R in this case.

☐ 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 \_\_\_\_\_

at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

AO 245B

(Rev. 09/11) Judgment in a Criminal Case  
Sheet 1

## UNITED STATES DISTRICT COURT

District of Vermont

UNITED STATES OF AMERICA

v.

STEPHEN AGUIAR

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:09-cr-90-01

USM Number: 03722-082

David J. Williams, Esq.

Defendant's Attorney

## THE DEFENDANT:

☐ pleaded guilty to count(s) \_\_\_\_\_☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☒ was found guilty on count(s) 1rssss - 7rssss of the Redacted Fourth Superseding Indictment  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21:846;841(b)(1)(A);851	Conspiracy to Distribute Heroin & 5 Kilos or More Cocaine	7/31/2009	1rssss
21:841(a)(1);(b)(1)(C);85	Distribution of Cocaine	7/31/2009	2rssss-
			7rssss

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) Underlying Indictments ☐ 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.

12/12/2011

Date of Imposition of Judgment

/s/ William K. Sessions III

Signature of Judge

William K. Sessions III

Name and Title of Judge

U.S. District Judge

JUDGMENT ENTERED ON DOCKET

DATE: 12-16-1112/15/2011

Date

AO 245B (Rev. 09/11) Judgment in Criminal Case  
Sheet 2 — Imprisonment

Judgment — Page 2 of 6

DEFENDANT: STEPHEN AGUIAR  
CASE NUMBER: 2:09-cr-90-01

### IMPRISONMENT

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

360 months on each count concurrent to each other and the 36 month sentence in related case 2:00cr119-1

☐ 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: STEPHEN AGUIAR  
CASE NUMBER: 2:09-cr-90-01

### SUPERVISED RELEASE

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

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: STEPHEN AGUIAR

CASE NUMBER: 2:09-cr-90-01

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall not possess a firearm or other dangerous weapon.

The defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or the availability of third party payment. The defendant shall refrain from the use of alcohol and other intoxicants during and after treatment.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall submit their person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the defendant. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

DEFENDANT: STEPHEN AGUIAR  
CASE NUMBER: 2:09-cr-90-01

### CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 700.00	\$	\$

- ☐ 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>

TOTALS	\$	0.00	\$	0.00
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- ☐ 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: STEPHEN AGUIAR  
CASE NUMBER: 2:09-cr-90-01

### 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 \$ 700.00 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:

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:  
\$88,000 as outlined in the Preliminary Order of Forfeiture, document number \_\_\_\_\_ on the docket.

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.

# APPENDIX C

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26<sup>th</sup> day of January, two thousand twenty-one.

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United States of America,

Appellee,

v.

Stephen Aguiar,

Defendant - Appellant.

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**ORDER**

Docket No: 20-1279

Appellant, Stephen Aguiar, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request as a motion for reconsideration, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the motion and petition are denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

The block contains a handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is a circular official seal of the United States Court of Appeals for the Second Circuit. The seal features the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with small stars on either side of the central text.

# APPENDIX D

Prob12B  
(7/93)

**United States District Court  
for the District of Massachusetts**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

**Name of Offender:** Stephen T. Aguiar

**D/VT Case Number:** 00-119-01

**D/MA Case Number:** 07-10257

**Name of Sentencing Judicial Officer:**

Honorable William K. Sessions, III  
U. S. District Judge

**Name of D/MA Judicial Officer:**

Honorable Nancy Gertner  
U. S. District Judge

**Date of Original Sentence:** 7/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted of a Felony Drug Offense , 21 U.S.C., §§ 841(a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for years, for a total term of years  
☒ To modify the conditions of supervision as follows:

To add a special condition of Supervised Release to require that the defendant complete twenty (20) hours of community service.

**CAUSE**

At 3:10 AM on 10/11/08, the defendant was arrested for Speeding in the district of New Hampshire. The defendant had not sought or obtained the permission of the U.S. Probation Office to travel out of state as is required by the conditions of his supervision. Due to this violation, the Probation Office respectfully recommends that the Court order him to complete the above-referenced period of community service. The defendant has met with the Probation Office regarding this matter, has agreed to the imposition of this sanction, and has voluntarily waived his right to a hearing on the matter and signed the attached Probation Form 49 Waiver of Hearing to Modify Conditions of Supervision.

The matter of the defendant's speeding will be adjudicated in the district of New Hampshire and the Probation office has made requests of the New Hampshire State Police to obtain a police report which has not yet been received. It is not recommended that the Court take any action as to the matter of the defendant's speeding at this time. The Probation Office will advise the Court if any further action is warranted once the police report is obtained and reviewed.

Prob 12B  
Stephen Aguiar

- 2 -

**Request for Modifying the  
Conditions or Terms of Supervision  
with Consent of the Offender**

Reviewed/Approved by:

Respectfully submitted,

/s/ Joseph LaFratta  
Joseph LaFratta  
Supervising U.S. Probation Officer

By /s/Andrew J. Laudate  
Andrew J. Laudate  
Sr. U.S. Probation Officer  
Date: 12/19/08

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**THE COURT ORDERS**

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☐ The Modification of Conditions as Noted Above
- ☐ Other

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

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PROB 49

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT**  
**for the**  
**District of Massachusetts**

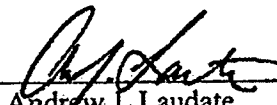
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To add the following special condition of supervised release:

The defendant shall be required to complete twenty (20) hours of community service.

Witness: \_\_\_\_\_

  
Andrew J. Laudate  
Sr. U.S. Probation Officer

Signed: \_\_\_\_\_

  
Stephen Aguiar  
Supervised Releasee

12/1/08  
December 1, 2008

Prob128  
(7/93)

**United States District Court  
for the District of Massachusetts**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

**Name of Offender:** Stephen T. Aguiar

**D/VT Case Number:** 00-119-01

**D/MA Case Number:** 07-10257

**Name of Sentencing Judicial Officer:** Honorable William K. Sessions, III  
U. S. District Judge

**Name of D/MA Judicial Officer:** Honorable Nancy Gertner  
U. S. District Judge

**Date of Original Sentence:** 7/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted  
of a Felony Drug Offense , 21 U.S.C., §§ 841(a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

---

**PETITIONING THE COURT**

- ☐ To extend the term of supervision for years, for a total term of years  
☒ To modify the conditions of supervision as follows:

To add a special condition of Supervised Release to require that the defendant complete twenty (20)  
hours of community service.

**CAUSE**

At 3:10 AM on 10/11/08, the defendant was arrested for Speeding in the district of New Hampshire. The defendant had not sought or obtained the permission of the U.S. Probation Office to travel out of state as is required by the conditions of his supervision. Due to this violation, the Probation Office respectfully recommends that the Court order him to complete the above-referenced period of community service. The defendant has met with the Probation Office regarding this matter, has agreed to the imposition of this sanction, and has voluntarily waived his right to a hearing on the matter and signed the attached Probation Form 49 Waiver of Hearing to Modify Conditions of Supervision.

The matter of the defendant's speeding will be adjudicated in the district of New Hampshire and the Probation office has made requests of the New Hampshire State Police to obtain a police report which has not yet been received. It is not recommended that the Court take any action as to the matter of the defendant's speeding at this time. The Probation Office will advise the Court if any further action is warranted once the police report is obtained and reviewed.

Prob 12B  
Stephen Aguiar

- 2 -

Request for Modifying the  
Conditions or Terms of Supervision  
with Consent of the Offender

Reviewed/Approved by:

Respectfully submitted,

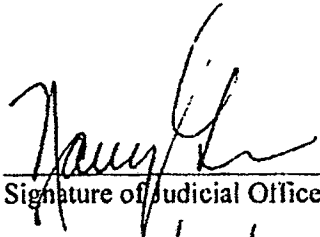
/s/ Joseph LaFratta  
Joseph LaFratta  
Supervising U.S. Probation Officer

By /s/Andrew J. Laudate  
Andrew J. Laudate  
Sr. U.S. Probation Officer  
Date: 12/19/08

---

**THE COURT ORDERS**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer  
  
\_\_\_\_\_  
Date 1/21/09

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PROB 49

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT**  
for the  
District of Massachusetts

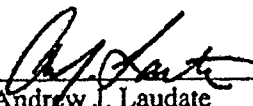
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

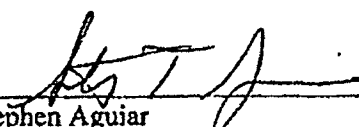
To add the following special condition of supervised release:

The defendant shall be required to complete twenty (20) hours of community service.

Witness:

  
Andrew J. Laudate  
Sr. U.S. Probation Officer

Signed:

  
Stephen Aguiar  
Supervised Releasee

12/1/08  
December 1, 2008

# **APPENDIX E**

Prob12A  
(7/93)

**United States District Court  
for the District of Massachusetts  
Report on Offender Under Supervision**

**Name of Offender:** Stephen T. Aguiar

**Case Number:** 07-CR-10257

**Name of Sentencing Judicial Officer:** Honorable Nancy Gertner, U.S. District Judge

**Date of Original Sentence:** 07/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted of a Felony, 21 U.S.C. §§ 84 (a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

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**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

**Violation Number    Nature of Noncompliance**

I

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

At approximately 11:25 AM on 4/28/09, the defendant was issued a criminal application citation by the Erving, MA Police Department for operating a motor vehicle recklessly or negligently to endanger and speeding. The defendant was driving eighty-five (85) miles per hour in a forty (40) mile per hour zone, in an area that was highly congested with traffic and a public way. It was reported to the Erving Police that the defendant was passing cars on the solid double lines and nearly striking cars head on. It is important to note that the defendant had just received his right to operate a motor vehicle restored on 4/9/09 because it had been suspended for a reckless operation complaint.

**U.S. Probation Officer Action:**

The Probation Office recommends that no action be taken at this time and will apprise the Court of any further developments as the matter is addressed by the Commonwealth of Massachusetts.

Reviewed/Approved by:

\_\_\_\_\_  
Joseph Lafratta  
Supervising U.S. Probation Officer

Respectfully Submitted,

By

\_\_\_\_\_  
Andrew Laudate  
Sr. U.S. Probation Officer  
Date: 6/8/2009

Prob 12A

- 2 -

**Report on Offender  
Under Supervision**

- ☐ Approved
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

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# APPENDIX F

Prob12A  
(7/93)

**United States District Court  
for the District of Massachusetts  
Report on Offender Under Supervision**

**Name of Offender:** Stephen T. Aguiar

**Case Number:** 07-CR-10257

**Name of Sentencing Judicial Officer:** Honorable Nancy Gertner, U.S. District Judge

**Date of Original Sentence:** 07/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted of a Felony, 21 U.S.C. §§ 84 (a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

---

**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

**Violation Number    Nature of Noncompliance**

**I**

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

At approximately 11:25 AM on 4/28/09, the defendant was issued a criminal application citation by the Erving, MA Police Department for operating a motor vehicle recklessly or negligently to endanger and speeding. The defendant was driving eighty-five (85) miles per hour in a forty (40) mile per hour zone, in an area that was highly congested with traffic and a public way. It was reported to the Erving Police that the defendant was passing cars on the solid double lines and nearly striking cars head on. It is important to note that the defendant had just received his right to operate a motor vehicle restored on 4/9/09 because it had been suspended for a reckless operation complaint.

**U.S. Probation Officer Action:**

The Probation Office recommends that no action be taken at this time and will apprise the Court of any further developments as the matter is addressed by the Commonwealth of Massachusetts.

**Reviewed/Approved by:**

\_\_\_\_\_  
Joseph LaRatta  
Supervising U.S. Probation Officer

**Respectfully submitted,**

**By**

\_\_\_\_\_  
Andrew Laudate  
Sr. U.S. Probation Officer  
Date: 6/8/2009

Prob 12A

- 2 -

**Report on Offender  
Under Supervision**

- ☒ Approved  
☐ Submit a Request for Modifying the Conditions or Term of Supervision  
☐ Submit a Request for Warrant or Summons  
☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Date

---

# APPENDIX G

Prob12A  
(7/93)

**United States District Court  
for the District of Massachusetts  
Report on Offender Under Supervision**

**Name of Offender:** Stephen T. Aguiar

**Case Number:** 07-CR-10257

**Name of Sentencing Judicial Officer:** Honorable Nancy Gertner, U.S. District Judge

**Date of Original Sentence:** 07/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted of a Felony, 21 U.S.C. §§ 84 (a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

---

**NON-COMPLIANCE SUMMARY**

---

As Your Honor was previously advised on 6/8/09, the defendant previously disclosed the motor vehicle violation referenced below. As indicated below, that matter has since been adjudicated by the state court.

**Violation Number**    **Nature of Noncompliance**

I

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

At approximately 11:25 AM on 4/28/09, the defendant was issued a criminal application citation by the Erving, MA Police Department for operating a motor vehicle recklessly or negligently to endanger and speeding. The defendant was driving eighty-five (85) miles per hour in a forty (40) mile per hour zone, in an area that was highly congested with traffic and a public way. It was reported to the Erving Police that the defendant was passing cars on the solid double lines and nearly striking cars head on. It is important to note that the defendant had just received his right to operate a motor vehicle restored on 4/9/09 because it had been suspended for a reckless operation complaint.

On 7/13/09, the defendant appeared before the Orange District Court, Orange MA. The matter was continued without a finding. The defendant was placed on unsupervised Probation to 10/9/09 with orders that he pay \$450 in court fees and complete a safe driver course. Regarding the latter, the defendant is registered to complete that course on 7/25/09 at the Eastern Nazarene College in Quincy, MA. Verification of his enrollment in the class same has been obtained, and the defendant will be required to provide verification that the course has been completed and the court fees are paid prior to 10/9/09.

U.S. Probation Officer Action:

Prob 12A

- 2 -

**Report on Offender  
Under Supervision**

The Probation Office recommends that no action be taken at this time and will apprise the Court of any further developments in this matter.

Reviewed/Approved by:

Respectfully submitted,

/s/ Joseph LaFratta  
Joseph LaFratta  
Supervising U.S. Probation Officer

By /s/ Andrew J. Laudate  
Andrew J. Laudate  
Sr. U.S. Probation Officer  
Date: 7/22/2009

---

- ☐ Approved
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

---

Prob12A  
(7/93)

**United States District Court  
for the District of Massachusetts  
Report on Offender Under Supervision**

**Name of Offender:** Stephen T. Aguiar

**Case Number:** 07-CR-10257

**Name of Sentencing Judicial Officer:** Honorable Nancy Gertner, U.S. District Judge

**Date of Original Sentence:** 07/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted of a Felony, 21 U.S.C. §§ 84 (a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

---

**NON-COMPLIANCE SUMMARY**

As Your Honor was previously advised on 6/8/09, the defendant previously disclosed the motor vehicle violation referenced below. As indicated below, that matter has since been adjudicated by the state court.

**Violation Number**    **Nature of Noncompliance**

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

At approximately 11:25 AM on 4/28/09, the defendant was issued a criminal application citation by the Erving, MA Police Department for operating a motor vehicle recklessly or negligently to endanger and speeding. The defendant was driving eighty-five (85) miles per hour in a forty (40) mile per hour zone, in an area that was highly congested with traffic and a public way. It was reported to the Erving Police that the defendant was passing cars on the solid double lines and nearly striking cars head on. It is important to note that the defendant had just received his right to operate a motor vehicle restored on 4/9/09 because it had been suspended for a reckless operation complaint.

On 7/13/09, the defendant appeared before the Orange District Court, Orange MA. The matter was continued without a finding. The defendant was placed on unsupervised Probation to 10/9/09 with orders that he pay \$450 in court fees and complete a safe driver course. Regarding the latter, the defendant is registered to complete that course on 7/25/09 at the Eastern Nazarene College in Quincy, MA. Verification of his enrollment in the class same has been obtained, and the defendant will be required to provide verification that the course has been completed and the court fees are paid prior to 10/9/09.

**U.S. Probation Officer Action:**

Prob 12A

- 2 -

Report on Offender  
Under Supervision

The Probation Office recommends that no action be taken at this time and will apprise the Court of any further developments in this matter.

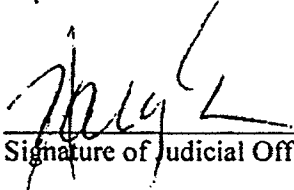
Reviewed/Approved by:

Respectfully submitted,

/s/ Joseph LaFratta  
Joseph Lafratta  
Supervising U.S. Probation Officer

By /s/ Andrew J. Laudate  
Andrew J. Laudate  
Sr. U.S. Probation Officer  
Date: 7/22/2009

- ☒ Approved  
☐ Submit a Request for Modifying the Conditions or Term of Supervision  
☐ Submit a Request for Warrant or Summons  
☐ Other

  
Signature of Judicial Officer

7/31/09  
Date

# **APPENDIX H**

**United States District Court  
for the District of Massachusetts  
Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Steven T. Aguiar

**Case Number:** 07-CR-10257

**Name of Sentencing Judicial Officer:** Honorable Nancy Gertner, U.S. District Judge

**Date of Original Sentence:** : 7/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted of a Felony, 21 U.S.C. §§ 84 (a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

**Asst. U.S. Attorney:** To be assigned

**Defense Attorney:** To be assigned

---

**PETITIONING THE COURT**

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation Number**      **Nature of Noncompliance**

- I      Violation of the standard condition of supervised release that the defendant shall not commit another federal, state or local crime.

On 7/29/09, a criminal complaint was issued by the Honorable John M. Conroy, U.S. Magistrate Judge, District of Vermont. The complaint charges that, from on or about 12/29/08 to 1/29/09, the defendant conspired with others to distribute cocaine and heroin, as evidenced and supported by the above-referenced criminal complaint, and by the affidavit of Drug Enforcement Agency (DEA) Task Force Agent Todd McCabe, in support of that complaint, in violation of 21 U.S.C. §§ 841(a) and 846.

According to the above-referenced affidavit, in mid-to-late 2008, the DEA began and investigation into a substantial and ongoing cocaine and heroin distribution ring operating in and around Burlington, Vermont. Through the use of cooperating subjects, interviews, surveillance, toll records and court authorized wire taps, law enforcement has learned that the defendant is the Burlington, Vermont and Chittenden County, Vermont area supplier of cocaine and heroin which he obtains from his provider in Massachusetts, transports to Vermont, utilizes his father's home as a "stash house" for the drugs, and distributes the cocaine and heroin through nine named codefendants who, in turn, distribute the drugs within the community.

The complaint sets out that during the course of the conspiracy, the defendant made regular

Steven Aguiar  
Case Number: 07-CR-10257  
Prob 12C

- 2 -

**Petition and Affidavit for Warrant or Summons  
for Offender Under Supervision**

trips, often on a weekly basis, from Massachusetts to Vermont to traffick cocaine and heroin.

The defendant was arrested on 7/30/09 and charged with indicated above. He was arraigned in U. S. District Court, District of Vermont on 7/31/09 before the Honorable John M. Conroy, U.S. Magistrate Judge and counsel was appointed. The defendant was detained in federal custody in Vermont and the matter was continued to 8/5/09.

**U.S. Probation Officer Recommendation:**

The term of supervision should be:

- ☒ Revoked  
☐ Extended for year(s), for a total term of years.

☐ The conditions of supervision should be modified as follows:

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

Reviewed/Approved by:

Respectfully submitted,

/s/ Brian McDonald  
Brian McDonald  
Supervising U.S. Probation Officer

By: /s/ Andrew J. Laudate  
Andrew J. Laudate  
Senior U.S. Probation Officer  
Date: 8/5/2009

**THE COURT ORDERS**

- ☐ No Action  
☐ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

Pub(IX)  
DMA (3-2005)

**United States District Court  
for the District of Massachusetts  
Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Steven T. Aguiar

**Case Number:** 07-CR-10257

**Name of Sentencing Judicial Officer:** Honorable Nancy Gertner, U.S. District Judge

**Date of Original Sentence:** : 7/25/2001

**Original Offense:** Possession with Intent to Distribute Heroin After Having Been Previously Convicted of a Felony, 21 U.S.C. §§ 84 (a)(1); (b)(1)(C), 851

**Original Sentence:** 92 months' CAG, 72 months' Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 1/1/2008

**Asst. U.S. Attorney:** To be assigned

**Defense Attorney:** To be assigned

---

**PETITIONING THE COURT**

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation Number**    **Nature of Noncompliance**

1

Violation of the standard condition of supervised release that the defendant shall not commit another federal, state or local crime.

On 7/29/09, a criminal complaint was issued by the Honorable John M. Conroy, U.S. Magistrate Judge, District of Vermont. The complaint charges that, from on or about 12/29/08 to 1/29/09, the defendant conspired with others to distribute cocaine and heroin, as evidenced and supported by the above-referenced criminal complaint, and by the affidavit of Drug Enforcement Agency (DEA) Task Force Agent Todd McCabe, in support of that complaint, in violation of 21 U.S.C. §§ 841(a) and 846.

According to the above-referenced affidavit, in mid-to-late 2008, the DEA began and investigation into a substantial and ongoing cocaine and heroin distribution ring operating in and around Burlington, Vermont. Through the use of cooperating subjects, interviews, surveillance, toll records and court authorized wire taps, law enforcement has learned that the defendant is the Burlington, Vermont and Chittenden County, Vermont area supplier of cocaine and heroin which he obtains from his provider in Massachusetts, transports to Vermont, utilizes his father's home as a "stash house" for the drugs, and distributes the cocaine and heroin through nine named codefendants who, in turn, distribute the drugs within the community.

The complaint sets out that during the course of the conspiracy, the defendant made regular

Steven Aguiar  
Case Number: 07-CR-10257  
Prob 12C

- 2 -

**Petition and Affidavit for Warrant or Summons  
for Offender Under Supervision**

trips, often on a weekly basis, from Massachusetts to Vermont to traffick cocaine and heroin.

The defendant was arrested on 7/30/09 and charged with indicated above. He was arraigned in U. S. District Court, District of Vermont on 7/31/09 before the Honorable John M. Conroy, U.S. Magistrate Judge and counsel was appointed. The defendant was detained in federal custody in Vermont and the matter was continued to 8/5/09.

**U.S. Probation Officer Recommendation:**

The term of supervision should be:

- ☒ Revoked  
☐ Extended for year(s), for a total term of years.

☐ The conditions of supervision should be modified as follows:

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

Reviewed/Approved by:


Respectfully submitted,

/s/ Brian McDonald  
Brian McDonald  
Supervising U.S. Probation Officer

By: /s/ Andrew J. Laudate  
Andrew J. Laudate  
Senior U.S. Probation Officer  
Date: 8/5/2009

**THE COURT ORDERS**

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer  
8/27/09  
\_\_\_\_\_  
Date

# APPENDIX I

AO 442 (Rev. 5/93) Warrant for Arrest

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

Steven T. Aguiar

Case Number: 07CR10257-NG

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Steven T. Aguiar

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complain ☐ Order of court ☒ Violation ☐ Probation Violation Petition

charging him or her (brief description of offense)

SEE PETITION FOR DETAILS.

in violation of \_\_\_\_\_ United States Code, Section(s) \_\_\_\_\_

Maryellen Morley

Name of Issuing Officer

Deputy Clerk

Title of Issuing Officer

[Signature]

Signature of Issuing Officer

8/27/09 Boston, MA

Date and Location

Bail \$600 at

by \_\_\_\_\_

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

# **APPENDIX J**

PEMEZ 540\*23 \* SENTENCE MONITORING \* 06-14-2021  
PAGE 001 \* COMPUTATION DATA \* 12:49:33  
AS OF 06-14-2021

REGNO...: 03722-082 NAME: AGUIAR, STEPHEN

FBI NO.....: 760441FA3 DATE OF BIRTH: 10-08-1969 AGE: 51  
ARS1.....: PEM/A-DES  
UNIT.....: C QUARTERS.....: C02-052L  
DETAINERS.....: NO NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 09-06-2034

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 03-06-2035 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 040 -----

COURT OF JURISDICTION.....: VERMONT  
DOCKET NUMBER.....: 2:09-CR-90-01  
JUDGE.....: SESSIONS III  
DATE SENTENCED/PROBATION IMPOSED: 12-12-2011  
DATE COMMITTED.....: 01-05-2012  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$700.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 391 21:846 SEC 841-851 ATTEMPT  
OFF/CHG: CT1-21:846;841(B)(1)(A);851 CONSPIRACY TO DISTRIBUTE HEROIN &  
5 KILOS OR MORE OF COCAINE; CTS2-7 21:841(A)(1);(B)(1)(C);85  
DISTRIBUTION OF COCAINE

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 360 MONTHS  
TERM OF SUPERVISION.....: 10 YEARS  
RELATIONSHIP OF THIS OBLIGATION  
TO OTHERS FOR THE OFFENDER....: CC W 050 010 040  
DATE OF OFFENSE.....: 07-31-2009

G0002 MORE PAGES TO FOLLOW . . .

PEMEZ 540\*23 \*  
PAGE 002 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 06-14-2021

\* 06-14-2021  
\* 12:49:33

REGNO...: 03722-082 NAME: AGUIAR, STEPHEN

-----CURRENT JUDGMENT/WARRANT NO: 050 -----

COURT OF JURISDICTION.....: VERMONT  
DOCKET NUMBER.....: 2:00-CR-119-01  
JUDGE.....: SESSIONS III  
DATE SENTENCED/PROBATION IMPOSED: 07-23-2001  
DATE SUPERVISION REVOKED.....: 12-12-2011  
TYPE OF SUPERVISION REVOKED.....: REG  
DATE COMMITTED.....: 01-05-2012  
HOW COMMITTED.....: COMMIT OF SUPERVISED REL VIOL  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 380 21:841 SCH I NARCOTIC  
OFF/CHG: 21:841 POSSESSION WITH INTENT TO DISTRIBUTE HEROIN AFTER  
HAVING BEEN PREVIOUSLY CONVICTED OF A FELONY DRUG OFFENSE.  
SRT VIO.

SENTENCE PROCEDURE.....: SUPERVISED RELEASE VIOLATION PLRA  
SENTENCE IMPOSED/TIME TO SERVE.: 36 MONTHS  
RELATIONSHIP OF THIS OBLIGATION  
TO OTHERS FOR THE OFFENDER....: CC W 040 010 040  
DATE OF OFFENSE.....: 11-06-2000

G0002 MORE PAGES TO FOLLOW . . .

PEMEZ 540\*23 \*  
PAGE 003 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 06-14-2021

\* 06-14-2021  
\* 12:49:33

REGNO...: 03722-082 NAME: AGUIAR, STEPHEN

-----CURRENT COMPUTATION NO: 040 -----

COMPUTATION 040 WAS LAST UPDATED ON 04-08-2020 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 02-10-2012 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 040: 040 010, 050 010

DATE COMPUTATION BEGAN.....: 12-12-2011  
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA  
TOTAL TERM IN EFFECT.....: 360 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 30 YEARS  
AGGREGATED TERM OF SUPERVISION...: 10 YEARS  
EARLIEST DATE OF OFFENSE.....: 11-06-2000

JAIL CREDIT.....: FROM DATE THRU DATE  
07-30-2009 12-11-2011

TOTAL PRIOR CREDIT TIME.....: 865  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 1607  
TOTAL GCT EARNED.....: 581  
STATUTORY RELEASE DATE PROJECTED: 03-06-2035  
ELDERLY OFFENDER TWO THIRDS DATE: 07-31-2029  
EXPIRATION FULL TERM DATE.....: 07-30-2039  
TIME SERVED.....: 11 YEARS 10 MONTHS 16 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 39.5  
PERCENT OF STATUTORY TERM SERVED: 46.3

PROJECTED SATISFACTION DATE.....: 03-06-2035  
PROJECTED SATISFACTION METHOD...: GCT REL

REMARKS.....: 1-4-12 COMP ENTERED. KPH/D. 11-2-12 DIS 13. KPH/D.  
4/8/20: FSA/GCT UPD D/JNW.

G0002 MORE PAGES TO FOLLOW . . .

PEMEZ 540\*23 \*  
PAGE 004 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 01-19-2007

\* 06-14-2021  
\* 12:49:33

REGNO...: 03722-082 NAME: AGUIAR, STEPHEN

FBI NO.....: 760441FA3                      DATE OF BIRTH: 10-08-1969    AGE: 51  
ARS1.....: PEM/A-DES  
UNIT.....: C                                  QUARTERS.....: C02-052L  
DETAINERS.....: NO                              NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 07-21-2006

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.  
THE INMATE WAS SCHEDULED FOR RELEASE: 01-19-2007 VIA 3621E CMPL

-----PRIOR JUDGMENT/WARRANT NO: 030 -----

COURT OF JURISDICTION.....: VERMONT  
DOCKET NUMBER.....: 2:00-CR-119-01  
JUDGE.....: SESSIONS III  
DATE SENTENCED/PROBATION IMPOSED: 07-23-2001  
DATE COMMITTED.....: 08-22-2001  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO                      AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 380                      21:841 SCH I NARCOTIC  
OFF/CHG: 21:841 POSSESSION WITH INTENT TO DISTRIBUTE HEROIN AFTER  
          HAVING BEEN PREVIOUSLY CONVICTED OF A FELONY DRUG OFFENSE.

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 92 MONTHS  
TERM OF SUPERVISION.....: 6 YEARS  
DATE OF OFFENSE.....: 11-06-2000

G0002                      MORE PAGES TO FOLLOW . . .

PEMEZ 540\*23 \*  
PAGE 005 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 01-19-2007

\* 06-14-2021  
\* 12:49:33

REGNO.: 03722-082 NAME: AGUIAR, STEPHEN

-----PRIOR COMPUTATION NO: 030 -----

COMPUTATION 030 WAS LAST UPDATED ON 05-11-2006 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 05-19-2006 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
PRIOR COMPUTATION 030: 030 010

DATE COMPUTATION BEGAN.....: 07-23-2001  
TOTAL TERM IN EFFECT.....: 92 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 7 YEARS 8 MONTHS  
EARLIEST DATE OF OFFENSE.....: 11-06-2000

JAIL CREDIT.....: FROM DATE THRU DATE  
11-06-2000 07-22-2001

TOTAL PRIOR CREDIT TIME.....: 259  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 262  
TOTAL GCT EARNED.....: 211  
STATUTORY RELEASE DATE PROJECTED: 10-18-2007  
ELDERLY OFFENDER TWO THIRDS DATE: 12-16-2005  
EXPIRATION FULL TERM DATE.....: 07-06-2008  
TIME SERVED.....: 6 YEARS 2 MONTHS 14 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 80.9  
PERCENT OF STATUTORY TERM SERVED: 89.2

3621E COMPLETE RESIDENT PROGRAM.: 06-09-2006  
3621E COMPLETE COMMUNITY PROGRAM: 01-21-2007  
3621E RELEASE DATE.....: 01-21-2007

G0002 MORE PAGES TO FOLLOW . . .

PEMEZ 540\*23 \*  
PAGE 006 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 01-19-2007

\* 06-14-2021  
\* 12:49:33

REGNO...: 03722-082 NAME: AGUIAR, STEPHEN

ACTUAL SATISFACTION DATE.....: 01-19-2007  
ACTUAL SATISFACTION METHOD.....: 3621E CMPL  
ACTUAL SATISFACTION FACILITY.....: CPA  
ACTUAL SATISFACTION KEYED BY.....: WB\*

DAYS REMAINING.....: 532  
FINAL PUBLIC LAW DAYS.....: 2

DATE COMP BEGAN IS DATE OF ORIGINAL JUDGMENT AS STATED IN THE  
TOP LEFT CORNER OF THE J&C ORDER. ONLY AMENDED J&C EXISTS.

G0002 MORE PAGES TO FOLLOW . . .

# **APPENDIX K**

TRULINCS 03722082 - AGUIAR, STEPHEN - Unit: PEM-C-S

---

FROM: Unit E  
TO: 03722082  
SUBJECT: RE:\*\*\*Inmate to Staff Message\*\*\*  
DATE: 08/11/2017 03:47:02 PM

Below is the response I received from the Designations Center in Texas.  
PS 5880.28 pg 33 (2) Subsection (c) of Section 3584 provides the rules for the treatment (calculation) of multiple sentences and states, Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

\* This statement means that SRA sentences, including a term of imprisonment that results from a revocation of supervised release or probation, shall be aggregated to form a single sentence for computation purposes.

Above is policy statement.

I do not know what exactly is his question but both sentences are aggregated; therefore there will be no release date on the RJC sentence of 36 mos. It could be that inmate is done with the 36 mos sentence, but again the sentences are aggregated. His PRD for both sentences is 09-29-2035.

Thank you,  
S. Garcia

Delta Team Staff:  
Operations Manager- F. Clarke,,

>>> PEM/Inmate to Unit E 8/11/2017 11:57 AM >>>

Could you please assist me by providing a response to the below email? I truly do not know how to respond to this. Thanks in advance.

J. L. Alderman, Unit Manager

>>> -^I"AGUIAR, -^STEPHEN" <03722082@inmatemessage.com> 8/10/2017 3:45 PM >>>

To: Ms. Alderman  
Inmate Work Assignment: Compound

Dear Ms. Alderman:

I am serving two concurrent sentences. One is 30 years (2:09-cr-90) and one is 3 years (2:00-cr-119). The way that my sentence computation reads, it appears that the way that the Bureau of Prisons ("BOP") calculates concurrent sentences, I am currently in custody on BOTH sentences.

In September of 2014, however, I was told by prison staff that I was not in custody pursuant to my 36 month supervised release violation. However, after reviewing my sentence computation for case no. 2:00-cr-199, I do not have a listed release date nor satisfaction date for the 36 month sentence. Therefore, since the BOP calculates sentences the way they do, would I be incorrect in saying that I am still in custody on both sentences? If not, could you show me your calculation in my record where it states that I am no longer in custody on both my concurrent sentences (360 months and 36 months concurrent). Thank you.

# **APPENDIX L**

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BURLINGTON, VERMONT

August 9, 2012

**ATTORNEY/CLIENT MAIL**

**OPEN ONLY IN PRESENCE OF INMATE**

Stephen Aguiar

Inmate No. 03722-082

FCI Allenwood

P.O. Box 2000

White Deer, PA 17887

Dear Steve:

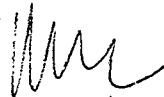
I have received your letter dated 8/2/12. Please note that the relief we have sought, i.e., a remand to the district court for a taint hearing, means that the convictions for conspiracy and possession will remain in place unless and until the courts agree with us that your fourth amendment rights were violated, that evidence must be suppressed, and that you are entitled to a new trial on those counts.

For that reason, we could not, on this direct appeal, ask the court to vacate the trial court's finding that you violated your supervised release. If your convictions are reversed, the court's finding that you violated your supervised release will have to be vacated.

Please note that the Burlington Police Department obtained a search warrant to search Gaboriault's home in December 2008. You do not have a copy of the warrant or the report detailing the search. Those documents are included in the batch of documents that I have not provided to you for all of the reasons we have previously discussed.

With regard to the other notes that you made, please be advised that I will not be filing another brief, other than the reply brief that will be due later this month.

Very Truly Yours,



David J. Williams

DJW:clp