

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ALECIA TRAPPS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

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

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

Counsel for Petitioner

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURTBY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☐ SUPERSEDING: Case No.**OFFENSE CHARGED**

PLEASE SEE INDICTMENT

☐ Petty☐ Minor☐ Misdemeanor☒ Felony

Place of offense

County of Stanislaus

U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)

EDCA

Fresno, CA

DEFENDANT -- U.S. vs.**ALECIA TRAPPS**

Address {

Birth Date

☐ Male☐ Alien☐ Female

(if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI / SA Brian Huberty☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per FRCrP ☐ 20 ☐ 21 ☐ 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendantSHOW
DOCKET NO.☐ prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded underMAGISTRATE
JUDGE CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

Sara Thomas

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S.
Att'y (if assigned)

MELANIE L. ALSWORTH

☒ FORFEITURE ALLEGATION

ADDITIONAL INFORMATION OR COMMENTS.

DEFENDANT**IS NOT IN CUSTODY**1) ☒ Has not been arrested, pending outcome of this proceeding

If not detained, give date any prior summons was served on above charges

2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges☐ Fed'l ☒ State

If answer to (6) is "Yes," show name of institution

Has detainer
been filed?☐ Yes☒ NoIf "Yes,"
give date
filed

Mo.

Day

Year

**DATE OF
ARREST**

Or... if Arresting Agency & Warrant were not Federal

Mo.

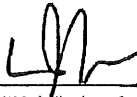
Day

Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted

Penalties: See Penalty Slip. Please Issue No Bail Warrant

PENALTY SLIP -- INDICTMENT


AUSA Initial

DEFENDANT: ALECIA TRAPPS

COUNT ONE:

VIOLATION: 21 U.S.C. 841(a)(1) and (b)(1)(A)(viii) – Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances (Methamphetamine)

PENALTY: 10 year mandatory minimum
Life maximum
\$10,000,000 Fine
5 yrs. supervised release
\$100 special assessment

VIOLATION: 21 U.S.C. 841(a)(1) and (b)(1)(B)(i) – Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances (Heroin)

PENALTY: 5 year mandatory minimum
40 yr. maximum
\$5,000,000 Fine
4 yrs. supervised release
\$100 special assessment

FORFEITURE ALLEGATION: 21 U.S.C. 853 – As stated in Indictment

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING: Case No.
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Place of offense

County of Stanislaus

U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)
 EDCA

Fresno, CA

DEFENDANT -- U.S. vs.

JIMMY BRANTLEY

Address {

Birth
 Date

☐ Male☐ Alien☐ Female

(if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI / SA Brian Huberty

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☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S.
 Att'y (if assigned)

MELANIE L. ALSWORTH

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ADDITIONAL INFORMATION OR COMMENTS

Penalties: See Penalty Slip. Please Issue No Bail Warrant

PENALTY SLIP -- INDICTMENT


AUSA Initial

DEFENDANT: JIMMY BRANTLEY

COUNT ONE:

VIOLATION: 21 U.S.C. 841(a)(1) and (b)(1)(A)(viii) – Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances (Methamphetamine)

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EDCA

Fresno, CA

DEFENDANT -- U.S. vs.

CARMEN CONEJO

Address

Birth
Date☐ Male☐ Alien☐ Female

(If applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI / SA Brian Huberty

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FORFEITURE ALLEGATION

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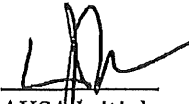
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PENALTY SLIP -- INDICTMENT


AUSA Initial

DEFENDANT: CARMEN CONEJO

COUNT ONE:

VIOLATION: 21 U.S.C. 841(a)(1) and (b)(1)(A)(viii) - Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances (Methamphetamine)

PENALTY: 10 year mandatory minimum
Life maximum
\$10,000,000 Fine
5 yrs. supervised release
\$100 special assessment

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Place of offense

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U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)
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Fresno, CA

DEFENDANT -- U.S. vs.

ERNEST WESTLEY

Address {

Birth
 Date

☐ Male☐ Alien☐ Female

(if applicable)

(Optional unless a juvenile)

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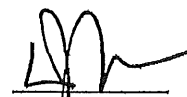
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Penalties: See Penalty Slip. Please Issue No Bail Warrant

PENALTY SLIP -- INDICTMENT


AUSA Initial

DEFENDANT: ERNEST WESTLEY

COUNT ONE:

VIOLATION: 21 U.S.C. 841(a)(1) and (b)(1)(A)(viii) – Conspiracy to
Distribute and Possess with Intent to Distribute Controlled
Substances (Methamphetamine)

PENALTY: 10 year mandatory minimum
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- ☐
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- ☐
- Misdemeanor
-
- ☒
- Felony

Place of offense

County of Stanislaus

U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)
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Fresno, CA

DEFENDANT -- U.S. vs.

SHEENA TAYLOR

Address {

Birth Date

☐ Male☐ Alien☐ Female

(if applicable)

(Optional unless a juvenile)

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- ☐
- this person/proceeding is transferred from another district per FRCrP
- ☐
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- ☐
- 21
- ☐
40. Show District
-
- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:
-
- ☐
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- ☐
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-
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ADDITIONAL INFORMATION OR COMMENTS

Penalties: See Penalty Slip. Please Issue No Bail Warrant

PENALTY SLIP -- INDICTMENT


AUSA Initial

DEFENDANT: SHEENA TAYLOR

COUNT ONE:

VIOLATION: 21 U.S.C. 841(a)(1) and (b)(1)(A)(viii) – Conspiracy to
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(Rev. 9/92)

☐ YES: SAB conflict in USAO (before 01/01/13)☐ YES: SKO conflict in USAO (Before 4/12/10)

PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURTBY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☐ SUPERSEDING: Case No.**OFFENSE CHARGED**

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☐ Petty☐ Minor☐ Misdemeanor☒ Felony

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U.S.C. Citation

Please see Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)
EDCA

Fresno, CA

DEFENDANT -- U.S. vs.

JOSEPH VASQUEZ, JR.

Address {

Birth
Date☐ Male☐ Alien☐ Female

(if applicable)

(Optional unless a juvenile)

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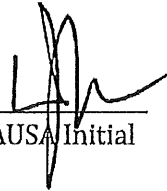
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ADDITIONAL INFORMATION OR COMMENTS

Penalties: See Penalty Slip. Please Issue No Bail Warrant

PENALTY SLIP -- INDICTMENT


AUSA Initial

DEFENDANT: JOSEPH VASQUEZ, JR.

COUNT ONE:

VIOLATION: 21 U.S.C. 841(a)(1) and (b)(1)(A)(viii) – Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances (Methamphetamine)

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FORFEITURE ALLEGATION: 21 U.S.C. 853 – As stated in Indictment

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, : Case No. 1:18-cr-00076-DAD-BAM

Plaintiff, : Fresno, California

Thursday, April 12, 2018

v. : 2:15 p.m.

ALECIA TRAPPS, ET AL., : ARRAIGNMENT AND PLEA

Defendants. : RE: INDICTMENT

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE STANLEY A. BOONE,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES :

For the United States of
America:

United States Attorney's Office
BY: LAUREL J. MONTOYA, AUSA
2500 Tulare Street, Suite 4401
Fresno, CA 93721

For Defendants, Alecia
Trapps and Joseph
Vasquez, Jr.:

Office of Federal Public Defender
BY: HOPE ALLEY, AFPD
2300 Tulare Street, Suite 330
Fresno, CA 93721

Court Recorder:

J. THORP

Transcript prepared by: JANICE RUSSELL TRANSCRIPTS
1418 Red Fox Circle
Severance, CO 80550
(757) 422-9089
trussell31tdsmaill.com

Proceedings recorded by electronic sound recording; transcript produced by transcription service.

1 APPEARANCES (continued):

2 For Defendant, Jimmy
3 Brantley:Nuttall Coleman & Drandell
BY: MARK W. COLEMAN, ESQ.
2333 Merced Street
Fresno, CA 937214
5 For Defendant, Ernest
6 Westley:RICHARD M. OBERTO, ESQ.
516 W. Shaw Avenue, Suite 200
Fresno, CA 937047 For Defendant, Sheena
8 Taylor:JOHN GARLAND, ESQ.
2950 Mariposa Street, Suite 130
Fresno, CA 93721

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1 FRESNO, CALIFORNIA, THURSDAY, APRIL 12, 2018, 2:15 P.M.

2 THE COURT: All right. Calling Item No. 4 on the
3 calendar, United States of America versus Alecia Trapps, Jimmy
4 Brantley, Ernest Westley, Sheena Taylor, and Joseph Vasquez,
5 Jr.

6 MR. COLEMAN: Your Honor, Mark Coleman appearing
7 seeking appointment on behalf of Mr. Brantley.

8 THE COURT: All right.

9 MR. OBERTO: Richard Oberto anticipating appointment
10 in the matter of Mr. Westley. And I can approach with the
11 financial affidavit.

12 THE COURT: Yes, please.

13 MS. ALLEY?

14 MS. HOPE: Hope Alley seeking appointment for Alecia
15 Trapps and I have provided a financial affidavit for, to the
16 Court.

17 THE COURT: All right.

18 And, Mr. Garland, are you here on Mr. Vasquez?

19 MR. GARLAND: No, your Honor.

20 THE COURT: Oh.

21 MR. GARLAND: John Garland appearing for Sheena
22 Taylor.

23 THE COURT: Ah, yes.

24 MR. GARLAND: I'll be seeking appointment.

25 THE COURT: All right. Thank you.

1 MS. ALLEY: Your Honor, my understanding is that
2 Mr. Vasquez has hired Kirk McAllister. He is obviously not in
3 the courtroom, but I'm happy to represent him for just this
4 hearing. And if we could continue it to tomorrow.

5 THE COURT: All right.

6 Mr. Vasquez, where are you?

7 Mr. Vasquez, are you okay with Ms. Alley just
8 representing you here today?

9 DEFENDANT VASQUEZ: Yes, your Honor.

10 THE COURT: All right, fine.

11 All right. Let us begin.

12 All right, Ms. Trapps. You are charged in Count 1
13 with a violation of Title 21, United States Code, Section
14 841(a)(1) and (b)(1)(A)(viii) conspiracy to distribute and
15 possess with the intent to distribute a controlled substance,
16 namely, methamphetamine. If convicted of this offense, you
17 could serve a mandatory minimum of ten years to a maximum of
18 life, a \$10 million fine, five years of supervised release, and
19 a \$100 special assessment.

20 Ms. Montoya, appearing on behalf of the United States?

21 MS. MONTOYA: Yes, your Honor.

22 THE COURT: In the penalty slip, it's got a repeat of
23 the violation, but a different -- is that Count 2? It doesn't
24 list the count.

25 MS. MONTOYA: No, your Honor. There's one count in

1 the indictment. There are two different controlled substances
2 alleged and as to the methamphetamine, it's a ten-year
3 mandatory minimum and I believe as to the heroin, it's a five-
4 year mandatory minimum, whatever's on the penalty slip.

5 THE COURT: Yes. In -- so in Count 1 you're charging
6 not two separate counts?

7 MS. MONTTOYA: No.

8 THE COURT: Oh, okay.

9 MS. MONTTOYA: It's one count to distribute, to possess
10 with the intent to distribute both methamphetamine and heroin.

11 THE COURT: I see. I see. I, I, I see why you broke
12 it up there, rather than -- okay. Because of the quantity.
13 All right.

14 And you're also charged with the same violation, Title
15 21, United States Code, Section 841(a)(1) and (b)(1)(B)(i),
16 conspiracy to distribute and possess with the intent to
17 distribute a controlled substance, heroin. And that carries
18 with it a 5-year mandatory minimum up to a maximum of 40 years,
19 a \$5 million fine, 4 years of supervised release, and a \$100
20 special assessment.

21 There's also a forfeiture allegation.

22 Also, if you're not a United States citizen, you have
23 the right to have your consulate of your nationality advised of
24 your arrest.

25 And finally, you have the right to have court-

1 appointed counsel if you cannot afford counsel.

2 I am in receipt of your financial affidavit. It
3 appears you qualify for the service of court-appointed counsel
4 and, therefore, I will appoint court-appointed counsel to
5 represent you.

6 MS. ALLEY: Sorry, your Honor.

7 THE COURT: That's all right.

8 MS. ALLEY: At this point in time we'd like to enter a
9 not guilty plea to the count contained in the indictment and
10 deny the forfeiture allegation and the allegations therein. We
11 waive further reading of the charges against my client and my
12 client's statutory and constitutional rights. We request
13 discovery and we would also request a status conference.

14 THE COURT: All right.

15 And are all counsel requesting discovery to which is,
16 are present here?

17 (All defense counsel answer affirmatively)

18 THE COURT: All right.

19 And the Government's requesting reciprocal discovery
20 as to all?

21 MS. MONTOYA: Yes, your Honor.

22 THE COURT: All right.

23 As to this defendant and all future defendants related
24 to this case, I will order initial discovery two weeks from
25 today's date and reciprocal discovery three weeks from today's

1 date. I'll remind the parties of their continuing duty to
2 supplement the record pursuant to Federal Rule of Criminal
3 Procedure 16 and Local Rule 440.

4 MS. MONTOYA: Your Honor, the, the Government has
5 provided to the counsel that are present approximately 86 pages
6 of a, of redacted search warrant applications and affidavits
7 for their review.

8 THE COURT: All right. That is noted.

9 Is it the intent to set status conference or wait till
10 after the detention hearings? What's the parties' general
11 preference?

12 MS. ALLEY: If the Government is moving for detention,
13 your Honor, then we could do it at the detention hearing.

14 MR. GARLAND: I would agree, your Honor.

15 MR. COLEMAN: I would agree, your Honor.

16 THE COURT: All right. Let me -- let me -- let me --
17 let me wait for the shocker.

18 Is the Government -- is the Government -- hang on
19 everybody -- seeking detention?

20 MS. MONTOYA: Yes, your Honor.

21 THE COURT: Okay. All right.

22 So the Government is seeking detention. Are we all
23 going to go to the same date or are we going to move it around,
24 do you know?

25 MS. MONTOYA: Well, I, in speaking with Mr. Oberto,

1 he's not available on Monday. So he's requesting Tuesday.

2 Mr. Garland is requesting Monday. I have not -- I think that
3 the Federal Defender's okay with Monday.

4 MS. ALLEY: I would prefer Monday, yes, your Honor.

5 THE COURT: All right. And then Mr. McAllister isn't
6 here, but we'll find out tomorrow and advise him of that.

7 MR. COLEMAN: Monday.

8 THE COURT: Huh?

9 MR. COLEMAN: I'm requesting Monday, your Honor, on
10 behalf of Mr. Brantley.

11 THE COURT: Yes. I, I was trying to think.
12 Mr. McAllister's going to come tomorrow.

13 MR. COLEMAN: Okay.

14 THE COURT: So.

15 MS. MONTOYA: I, frankly, would, would prefer that he
16 come on Monday. However, I, I spoke with Ms. Alley about that
17 and she doesn't have any information --

18 THE COURT: She --

19 MS. MONTOYA: -- so.

20 THE COURT: That's my understanding. Okay.

21 All right. Mr. Oberto, then we'll set you on Tuesday.
22 Why don't you all just kind of work on a potential future date.
23 That way, then Mr. Oberto on Tuesday doesn't mess it up by you
24 all picking a date and then he goes, "I can't make it that
25 day," so.

1 All right. So we'll do that on Monday.

2 All right. As to Ms. Trapps, then the matter is
3 continued to Monday, April 16, 2018, at 2:00 p.m., before the
4 Duty Magistrate Judge. In the interim, you are temporarily
5 detained pending that detention hearing.

6 All right. Anything further, Ms. Alley, on that?

7 MS. ALLEY: No. Thank you, your Honor.

8 THE COURT: All right.

9 Let's move on to Mr. Brantley.

10 Mr. Brantley, you are also charged in Count 1 --

11 Are they all charged with the same thing, Ms. Montoya?

12 MS. MONTOYA: They are, your Honor.

13 THE COURT: Oh, okay. The way it was divided up here,
14 I assumed --

15 So let me just tell each and every one of you, the
16 remaining of you, Ms., Mr. Westley, Ms. Taylor, and
17 Mr. Vasquez, each one of you is charged in Count 1 with a
18 violation of Title 21, United States Code, Section 841(a)(1)
19 and (b)(1)(A)(viii), conspiracy to distribute and possess with
20 the intent to distribute a controlled substance,
21 methamphetamine. If convicted of that offense, you could be
22 ordered to serve up to ten-year mandatory minimum to a maximum
23 of life, a \$10 million fine, five years of supervised release,
24 and a \$100 special assessment. Also in that count you are
25 charged with a violation of Title 21, United States Code,

1 the interim, Mr. Vasquez is temporarily detained pending that
2 detention hearing.

3 All right. Anything further?

4 MS. ALLEY: No. Thank you, your Honor.

5 THE COURT: All right. Thank you.

6 MS. MONTOYA: Thank you, your Honor.

7 (Proceedings concluded at 2:31 p.m.)
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12 CERTIFICATE

13 I, court approved transcriber, certify that the
14 foregoing is a correct transcript from the official electronic
15 sound recording of the proceedings in the above-entitled
16 matter..

17 /s/ Janice Russell

December 2, 2021

18 Janice Russell, Transcriber

Date
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALECIA TRAPPS,

Defendant.

No. 18-cr-00076

DETENTION ORDER

A. Order For Detention

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

B. Statement Of Reasons For The Detention

The Court orders the defendant's detention because it finds:

- ☒ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- ☒ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. Findings of Fact

The Court's findings are based on the evidence which was presented in Court and that which was contained in the Pretrial Services Report, and includes the following:

- ☒ (1) Nature and Circumstances of the offense charged:
- ☒ (a) The crime, Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, is a serious crime and carries a maximum penalty of life
- ☐ (b) The offense is a crime of violence.
- ☒ (c) The offense involves a narcotic drug.
- ☐ (d) The offense involves a large amount of controlled substances.
- ☐ (2) The weight of the evidence against the defendant is high.
- ☒ (3) The history and characteristics of the defendant including:
- (a) General Factors:
- ☐ The defendant appears to have a mental condition which may affect whether the defendant will appear.
- ☐ The defendant has no known family ties in the area.
- ☐ The defendant has no known steady employment.
- ☒ The defendant has no known substantial financial resources.
- ☐ The defendant is not a long time resident of the community.
- ☐ The defendant does not have any known significant community ties.
- ☐ Past conduct of the defendant :
- ☒ The defendant has a history relating to drug abuse.
- ☒ The defendant has a history relating to alcohol abuse.
- ☒ The defendant has a significant prior criminal record.
- ☐ The defendant has a prior record of failure to appear at court proceedings.
- ☐ The defendant has a history of violating probation and/or parole.

(b) Whether the defendant was on probation, parole, or release by a court;

At the time of the current arrest, the defendant was on:

- ☐ Probation
☐ Parole
☐ Release pending trial, sentence, appeal or completion of sentence.

(c) Other Factors:

- ☐ The defendant is an illegal alien and is subject to deportation.
☐ The defendant is a legal alien and will be subject to deportation if convicted.
☐ Other:

(4) The nature and seriousness of the danger posed by the defendant's release are as follows:

(5) Rebuttable Presumptions

In determining that the defendant should be detained, the court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:

- ☒ a. The crime charged is one described in § 3142(f)(1).
☐ (A) a crime of violence; or
☐ (B) an offense for which the maximum penalty is life imprisonment or death; or
☒ (C) a controlled substance violation that has a maximum penalty of ten years or more; or
☐ (D) A felony after the defendant had been convicted of two or more prior offenses described in (A) through (C) above, and the defendant has a prior conviction of one of the crimes mentioned in (A) through (C) above which is less than five years old and which was committed while the defendant was on pretrial release
- ☒ b. There is probable cause to believe that defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed
☒ in the Controlled Substances Act, 21 U.S.C. §§ 801, et seq.,
☐ the Controlled Substances Import and Export Act, 21 U.S.C. §§ 951, et seq.,
☐ the Maritime Drug Law Enforcement Act, 46 U.S.C. App. §§ 1901, et seq., or
☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b.
☐ an offense involving a minor under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

The defendant be afforded reasonable opportunity for private consultation with counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated: April 16, 2018

/s/ Eileen P. Davis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

Eastern District of California

UNITED STATES OF AMERICA,

v.

ALECIA TRAPPS

Defendant

Case No. 1:18-CR-76 LJO BAM

FILED
MAY 17 2018
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

APPEARANCE AND COMPLIANCE BOND

Defendant's Agreement

I, ALECIA TRAPPS (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
- (☒) if convicted, to surrender to serve a sentence that the court may impose; or
- (☒) to comply with all conditions set forth in any Order Setting Conditions of Release for me.

Type of Bond

(☒) (1) This is a personal recognizance bond.

(☐) (2) This is an unsecured bond of \$ _____, with net worth of: \$ _____

(☐) (3) This is a secured bond of \$ _____, secured by:

(☐) (a) \$ _____, in cash deposited with the court.

(☐) (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(*describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value*):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

(☐) (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11- BDCA [Fresno 11/13]) Appearance and Compliance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property/Net Worth. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not reduce my net worth, sell any property, allow further claims to be made against any property, or do anything to reduce the value while this Appearance and Compliance Bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance and Compliance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 5/15/18


Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

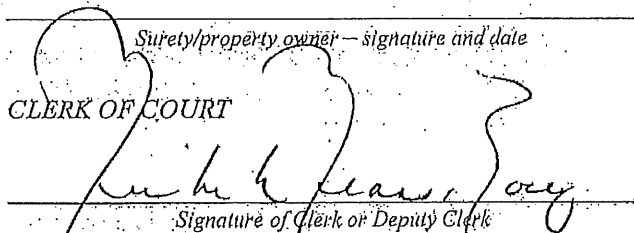
Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

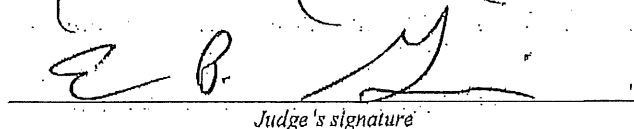
Date: 5/17/18

CLERK OF COURT


Signature of Clerk or Deputy Clerk

Approved.

Date: 5/17/18


Judge's signature

UNITED STATES OF AMERICA, : Case No. 1:18-cr-00076-DAD-BAM
Plaintiff, : Fresno, California
 : Tuesday, May 15, 2018
v. : 1:29 p.m.
ALECIA TRAPPS, ET AL., : MOTION FOR BAIL REVIEW
Defendants. :

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1 FRESNO, CALIFORNIA, TUESDAY, MAY 15, 2018, 1:29 P.M.

2 (Call to Order of the Court)

3 THE COURT: Good afternoon. Please be seated.

4 Calling the case United States versus Alecia Trapps,
5 18-cr-76, for a motion for bail review.

6 Let me take appearances, starting with the Government.

7 MS. MONTOYA: Laurel Montoya appearing on behalf of
8 the United States.

9 THE COURT: Thank you. Good afternoon, Ms. Montoya.

10 MS. MONTOYA: Good afternoon --

11 MS. HOPKINS: Good after --

12 MS. MONTOYA: -- your Honor.

13 MS. HOPKINS: Good afternoon, your Honor. Megan
14 Hopkins here with Alecia Trapps, who's present in custody
15 seated at counsel table.

16 THE COURT: Thank you. Good afternoon, Ms. Hopkins.

17 Good afternoon, Ms. Trapps.

18 DEFENDANT TRAPPS: Good afternoon.

19 THE COURT: Okay. So just to remind myself and the
20 parties where, where we are, about a month ago we held the
21 detention hearing. I've reviewed the recordings of that to
22 remind myself what happened. We had an extensive argument.
23 Ultimately, I detained Ms. Trapps, but wanted to revisit it in
24 a month, I, I guess, to put it bluntly, because I, I felt that
25 she may be having a substance abuse problem, that putting her

1 2018, at 2:00 p.m., before Judge Grosjean.

2 THE COURT: Okay.

3 And I appreciate the family members being present. I
4 think you, you see how important both for my decision and for
5 Ms. Trapps that she has support from her family. And I, I
6 would like to see a third-party custodian.

7 So we'll, we'll keep working with that before we get
8 to that point.

9 Okay. Thank you.

10 Court is adjourned.

11 MS. HOPKINS: Thank you.

12 MS. MONTOYA: Thank you, your Honor.

13 DEFENDANT TRAPPS: Thank you.

14 MR. BECKWITH: Your Honor, do you want us to --

15 (Off record at 1:46:08 p.m.)

16 (Back on record at 1:46:23 p.m.)

17 THE COURT: -- than what I say. So please do.

18 MR. BECKWITH: The defendant shall be released on her
19 personal recognizance with the following conditions of release:

20 You must report to and comply with the rules and
21 regulations of the Pretrial Services agency.

22 You must report in person to the Pretrial Services
23 agency on the first working day following your release from
24 custody.

25 You must cooperate with the collection of a DNA

1 sample.

2 You must restrict your travel to the Eastern District
3 of California unless otherwise approved in advance by the
4 Pretrial Services officer.

5 You must not obtain a passport or other travel
6 documents pending the outcome of this case.

7 You must not possess, have in your residence, or have
8 access to a firearm or ammunition, destructive device, or other
9 dangerous weapons. Additionally, you must provide written
10 proof of divestment of all firearms and ammunition currently
11 under your control.

12 You must refrain from any use of alcohol or any use of
13 a narcotic drug or other controlled substance without a
14 prescription from a licensed medical practitioner. And you
15 must notify Pretrial Services immediately of any prescribed
16 medication. However, medicinal marijuana prescribed and/or
17 recommended may not be used.

18 You must submit to drug and alcohol testing as
19 approved by the Pretrial Services officer. You must submit all
20 or part, or you must pay all or part of the cost of the testing
21 services based upon your ability to pay as determined by the
22 Pretrial Services officer.

23 You must participate in a program of medical or
24 psychiatric treatment, including treatment for drug dependency,
25 as approved by the Pretrial Services officer. You must pay all

1 or part of the cost of the counseling service based upon your
2 ability to pay as determined by your Pretrial Services officer.

3 You must not associate or have any contact with any
4 co-defendants unless in the presence of counsel or otherwise
5 approved in advance by the Pretrial Services officer.

6 You must report any contact with law enforcement to
7 your Pretrial Services officer within 24 hours.

8 You must participate in the substance abuse treatment
9 program at WestCare Fresno inpatient facility and comply with
10 all the rules and regulations of the program.

11 You must remain at the inpatient facility until
12 released by the Pretrial Services officer.

13 A responsible party approved by Pretrial Services must
14 escort you to all required court hearings and escort you back
15 to the inpatient facility upon completion of the hearing.

16 Upon successful completion of residential substance
17 abuse treatment, you must reside at a location approved by the
18 Pretrial Services officer and not move or absent yourself from
19 this residence for more than 24 hours without the approval of
20 Pretrial Services.

21 Upon, upon successful completion of residential
22 substance abuse treatment, you must seek and maintain
23 employment and provide proof of same as requested by your
24 Pretrial Services officer.

25 And your release on bond shall be delayed until

1 Friday, May 18, 2018, at 9:00 a.m., at which time she will be
2 released to WestCare staff for transportation to their facility
3 in Fresno.

4 THE COURT: Any, anything further? Any questions?

5 MS. HOPKINS: Nothing further from the defense, your
6 Honor. Thank you.

7 THE COURT: Okay. Thank you.

8 Court is adjourned.

9 MS. MONTOYA: Thank you, your Honor.

10 (Proceedings concluded at 1:49 p.m.)

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CERTIFICATE

16 I, court approved transcriber, certify that the
17 foregoing is a correct transcript from the official electronic
18 sound recording of the proceedings in the above-entitled
19 matter.

20 /s/ Janice Russell

December 2, 2021

21 Janice Russell, Transcriber

Date

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UNITED STATES DISTRICT COURT
for the
Eastern District of California

FILED

MAY 17 2018

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

ALECIA TRAPPS,

Case No. 1:18-CR-76 LJO BAM

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: United States District Court, 2500 Tulare Avenue, Fresno, CA 93721
Place

on August 6, 2018, at 2:00 PM before Magistrate Judge Erica P. Grosjean
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance and Compliance Bond, if ordered

DEFENDANT'S RELEASE IS DELAYED UNTIL 9:00 AM ON MAY 18, 2018, WITH DEFENDANT RELEASED DIRECTLY TO WESTCARE STAFF

TRAPPS, Alecia

Doc. No. 1:18-CR-00076-DAD-BAM

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:

Name of person or organization

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED: _____
CUSTODIAN

- ☒ (7) The defendant must:
- ☒ (a) report on a regular basis to the following agency:
Pretrial Services and comply with their rules and regulations;
 - ☒ (b) travel restricted to Eastern District of California, unless otherwise approved in advance by PSO;
 - ☒ (c) report any contact with law enforcement to your PSO within 24 hours;
 - ☒ (d) participate in the substance abuse treatment program at WestCare Fresno inpatient facility, and comply with all the rules and regulations of the program. You must remain in the inpatient facility until released by the PSO; A responsible party approved by Pretrial Services, shall escort you to all required court hearings and escort you back to the program upon completion of the hearing;
 - ☒ (e) not associate or have any contact with any codefendants unless in the presence of counsel or otherwise approved in advance by the PSO;
 - ☒ (f) upon successful completion of residential abuse treatment, you must seek and/or maintain employment, and provide proof thereof to the PSO, upon request;
 - ☒ (g) not possess, have in your residence, or have access to a firearm/ammunition, destructive device, or other dangerous weapon; additionally, you must provide written proof of divestment of all firearms/ammunition currently under your control;
 - ☒ (h) submit to drug or alcohol testing as approved by the PSO. You must pay all or part of the costs of the testing services based upon your ability to pay, as determined by the PSO;
 - ☒ (i) refrain from any use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you must notify Pretrial Services immediately of any prescribed medication(s). However, medical marijuana, prescribed and/or recommended may not be used;
 - ☒ (j) participate in a program of medical or psychiatric treatment including treatment for drug or alcohol dependency, as approved by the PSO; you must pay all or part of the costs of the counseling services based upon your ability to pay, as determined by the PSO;
 - ☒ (k) not obtain a passport or other traveling documents during the pendency of this case;
 - ☒ (l) upon successful completion of residential substance abuse treatment, you must reside at a location approved by the PSO and not move or absent yourself from this residence for more 24 hours without the prior approval of the PSO;
 - ☒ (m) appear for a status conference on Monday, August 6, 2018; and,

USMS SPECIAL INSTRUCTIONS:

- ☒ (n) have your release on bond delayed until Friday, May 18, 2018, at 9:00 a.m., at which time you will be released to WestCare Staff for transportation to their facility.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

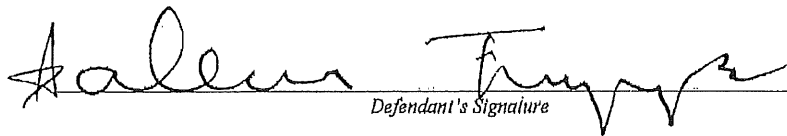
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

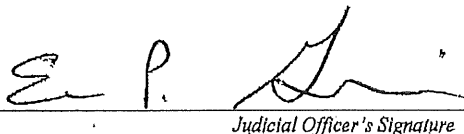

Defendant's Signature

Directions to the United States Marshal

☒ The defendant is ORDERED released after processing.

Date: _____

5/17/18


Judicial Officer's Signature

Erica P. Grocjan U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF CALIFORNIA
PRETRIAL SERVICES VIOLATION PETITION

FILED

NOV 02 2018

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

UNITED STATES OF AMERICA,
v.
Alecia Trapps

Docket No. 1:18-CR-00076-LJO-BAM-1
Federal Charges: 21:846, 841(a)(1) – Conspiracy to
Distribute and Possess With Intent to Distribute Heroin and
Methamphetamine

COMES NOW, Margarita Zepeda, Pretrial Services Officer of the Court, presenting an official report upon the conduct of Alecia Trapps, who was placed on bond by the Honorable Erica P. Grosjean sitting in the Court at Fresno, California, on May 15, 2018, who imposed the following **RELEVANT** condition(s) of pretrial release which are at issue in this report:

RELEVANT CONDITION(S): 1. Not associate or have any contact with any codefendants unless in the presence of counsel or otherwise approved in advance by the Pretrial Services Officer. 2. Upon successful completion of residential substance abuse treatment, you must reside at a location approved by the Pretrial Services Officer and not move or absent yourself from this residence for more than 24 hours without the prior approval of the Pretrial Services Officer. 3. Report on a regular basis to the following agency: Pretrial Services and comply with their rules and regulations. 4. Submit to drug or alcohol testing as approved by the Pretrial Services Officer. You must pay all or part of the costs of the testing services based upon your ability to pay, as determined by the Pretrial Services Officer.

ALLEGED VIOLATION CONDUCT: On September 4, 2018, the defendant failed to call this officer for her monthly check in as directed by Pretrial Services.

On September 7, 2018, the defendant had contact with her nephew/co-defendant Jimmy Brantley in Modesto, California without the presence of counsel, and without prior approval by the Pretrial Services Officer.

On September 8, 2018, the defendant failed to appear for a random drug test at our contracted vendor.

On October 1, 2018, the defendant submitted a urine sample at our contracted vendor. On October 11, 2018, Pretrial Services received notification from the regional lab indicating the sample was diluted, however, the specimen ultimately tested negative for the presence of illegal substances.

On October 19, 2018, the defendant was terminated from the Comprehensive Addiction Program – 1040 Sober Living house, due to reported misconduct. On the same date, the defendant failed to report her termination from the sober living house, and was absent from the residence for more than 24 hours without the prior approval of the Pretrial Services Officer. From October 20 through October 25, 2018, the defendant failed to provide a physical address of where she had been residing since her removal from the sober living house.

PRAYING THAT THE COURT WILL ORDER a bond violation hearing be set before the Honorable Stanley A. Boone on November 8, 2018, at 2:00 p.m., and that Pretrial Services be ordered to direct the defendant and defense counsel to appear.

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

Respectfully submitted,

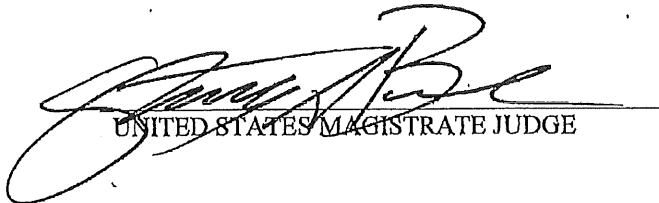
/s/ Margarita Zepeda
U.S. Pretrial Services Officer

Dated: November 2, 2018

ORDER

- ☐ The Court hereby orders a bench warrant be issued for the arrest of the defendant.
- ☐ The Court hereby orders this ex parte motion and order be sealed.
- ☐ The Court orders a summons be issued with an appearance date of
- ☒ The Court hereby orders this matter placed on the Honorable Stanley A. Boone's calendar on November 8, 2018 at 2:00 p.m., and orders the Pretrial Services officer to contact the defendant and/or attorney of record to advise them of said order.
- ☐ The Court orders no action be taken.
- ☐ Petition submitted by email/pdf and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 4(d) before me.

Dated: November 2, 2018


UNITED STATES MAGISTRATE JUDGE

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, : Case No. 1:18-cr-00076-DAD-BAM
Plaintiff, : Fresno, California
 : Thursday, November 8, 2018
v. : 2:06 p.m.
ALECIA TRAPPS, ET AL., : INITIAL APPEARANCE RE:
 : PRETRIAL RELEASE VIOLATION
Defendants. :

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE STANLEY A. BOONE,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES :

For the United States of
America:

United States Attorney's Office
BY: LAUREL J. MONTOYA, AUSA
2500 Tulare Street, Suite 4401
Fresno, CA 93721

For Defendant, Alecia
Trapps:

Office of Federal Public Defender
BY: MEGAN T. HOPKINS, AFD
801 I Street, Third Floor
Sacramento, CA 95814

Court Recorder:

A. TIMKEN

Transcript prepared by:

JANICE RUSSELL TRANSCRIPTS
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Severance, CO 80550
(757) 422-9089
trussell31tdsmaill.com

Proceedings recorded by electronic sound recording; transcript produced by transcription service.

1 FRESNO, CALIFORNIA, THURSDAY, NOVEMBER 8, 2018, 2:06 P.M.

2 THE COURT: All right. Calling Item No. 2 on the
3 calendar, United States of America versus Alecia Trapps, Case
4 No. 18-cr-76.

5 MS. MONTOYA: Laurel Montoya appearing on behalf of
6 the United States.

7 THE COURT: Ms. Montoya.

8 MS. HOPKINS: Good afternoon, your Honor. Megan
9 Hopkins appearing with Alecia Trapps, who is present out of
10 custody for today's hearing.

11 THE COURT: All right.

12 Ms. Trapps, you are charged in a petition for
13 violation of your terms of supervised release -- I'm sorry --
14 your terms of pre-trial release -- and just getting a copy of
15 it. There's a variety of them. So let me --

16 Thank you.

17 -- which includes on September 4th you failed to call
18 the officer for your monthly check-in; on September 7, 2018,
19 you were in contact with a co-defendant in the case without the
20 presence of counsel and without prior approval of the Pretrial
21 Services officer; on September 8th, you failed to appear for a
22 random drug test at a contracted vendor; on October 1st, you
23 submitted a urine sample that, indicating it was diluted.
24 However, the test was determined to be negative; and then on
25 October 19th, you were terminated from your comprehensive

1 Submitted.

2 THE COURT: All right. All right.

3 Submitted, Ms. Hopkins?

4 MS. HOPKINS: Yes, your Honor.

5 THE COURT: All right.

6 I am going to allow the defendant to be released, but
7 I am going to place her on home detention during the period of
8 time between now and the contested hearing. I think all of
9 these issues are going to come down to the analysis and the
10 facts through the contested hearing.

11 But in light of the fact that it is a contested
12 hearing and the pertinent issue that the Court is, needs to
13 have answered before it determines the issues of detention,
14 feels that in this case there are appropriate conditions at
15 this time based upon the disputed facts to allow the defendant
16 to be ordered released.

17 But I am, in light of the allegations related to the
18 failed testing, the dilution of the testing, as well as the
19 termination from the program, which seems to be a fact, whether
20 it was just or not, she was still terminated and the fact that
21 she didn't report it immediately to Pretrial is basis for me to
22 place her on home detention.

23 And how -- what -- Officer Smith, what do you want?
24 Because she works a different shift than normal.

25 MR. SMITH: Your Honor, Carl Smith from Pretrial

1 THE COURT: Yes. If, if she's found in violation of
2 her term of pre-trial release, then we go to the second-tier
3 analysis and then I'll hear the arguments, including Better
4 Choices, okay?

5 MS. HOPKINS: Thank you, your Honor.

6 THE COURT: All right. Thank you.

7 We're in recess.

8 (Proceedings concluded at 2:56 p.m.)

9

10

11

12

13

14

CERTIFICATE

15 I, court approved transcriber, certify that the
16 foregoing is a correct transcript from the official electronic
17 sound recording of the proceedings in the above-entitled
18 matter.

19 /s/ Janice Russell

December 2, 2021

20 Janice Russell, Transcriber

Date

21

22

23

24

25

UNITED STATES DISTRICT COURT
for the
Eastern District of California

FILED
NOV - 8 2018
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY HEAVY SIGN

UNITED STATES OF AMERICA,

v.

ALECIA TRAPPS,

Case No. 1:18-CR-00076-LJO-BAM

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.
- (5) The defendant must appear at: U.S. DISTRICT COURT, 2500 TULARE STREET, FRESNO CA

ORDER SETTING CONDITIONS OF RELEASE

On NOVEMBER 20, 2018 AT 1:00 P.M. BEFORE MAGISTRATE JUDGE STANLEY A. BOONE

Date and Time

- (1) The defendant must not violate federal, state, or local law while on release.
If blank, defendant will be notified of next appearance.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (5) The defendant must sign an Appearance and Compliance Bond, if ordered.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. DISTRICT COURT, 2500 TULARE STREET, FRESNO CA

Place

On NOVEMBER 30, 2018 AT 1:00 P.M. BEFORE MAGISTRATE JUDGE STANLEY A. BOONE

Date and Time

- (1) The defendant must not violate federal, state, or local law while on release.
If blank, defendant will be notified of next appearance.
- (5) The defendant must sign an Appearance and Compliance Bond, if ordered.

App:100

ER201

TRAPPS, Alecia

Dkt. No. 1:18-CR-00076-1

MODIFIED

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:

Name of person or organization:

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED:

- ☒ (7) The defendant must:

☒ (a) participate in the following Location Monitoring program component and abide by all the requirements of the program, which will include having a location monitoring unit installed in your residence and a radio frequency transmitter device attached to your person. You must comply with all instructions for the use and operation of said devices as given to you by the Pretrial Services Agency and employees of the monitoring company. You must pay all or part of the costs of the program based upon your ability to pay as determined by the PSO.

CURFEW: You are restricted to your residence every day from 7:30 a.m. to 9:30 p.m., or as adjusted by the Pretrial Services office or supervising officer, for medical, religious services, employment or court-ordered obligations; and,

- ☒ (b) all other previously ordered conditions, not in conflict with this order, shall remain in full force and effect.

SIGNED:

CUSTODIAN

The defendant must:

(a) participate in the following Location Monitoring program component and abide by all the requirements of the program, which will include having a location monitoring unit installed in your residence and a radio frequency transmitter device attached to your person. You must comply with all instructions for the use and operation of said devices as given to you by the Pretrial Services Agency and employees of the monitoring company. You must pay all or part of the costs of the program based upon your ability to pay as determined by the PSO.

CURFEW: You are restricted to your residence every day from 7:30 a.m. to 9:30 p.m., or as adjusted by the Pretrial Services office or supervising officer, for medical, religious services, employment or court-ordered obligations; and,

- (b) all other previously ordered conditions, not in conflict with this order, shall remain in full force and effect.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

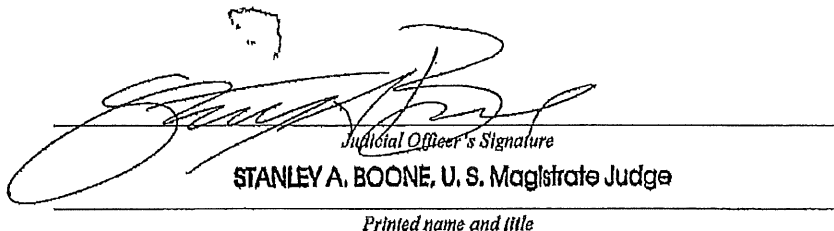
I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


Defendant's Signature

Directions to the United States Marshal

(☐) The defendant is ORDERED released after processing.

Date: 11/8/2018


Judicial Officer's Signature
STANLEY A. BOONE, U. S. Magistrate Judge
Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

--oOo--

UNITED STATES OF AMERICA,) Docket No. 18-CR-76
Plaintiff,) Fresno, California
v.) November 20, 2018
ALECIA TRAPPS,) 1:00 p.m.
Defendant.) Re: Contested hearing

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE STANLEY A. BOONE
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: HON. MCGREGOR W. SCOTT
United States Attorney by
MS. LAUREL MONTOYA
Assistant U.S. Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721

For the Defendant: OFFICE OF THE FEDERAL DEFENDER by
MS. MEGAN TAYLOR HOPKINS
2300 Tulare Street, Suite 330
Fresno, CA 93721

Also Present: JULIE BUTLER
VINCENT LEE

Court Recorder: ALICE TIMKEN
U.S. District Court
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Fresno, CA 93721
(559)499-5928

Transcribed by: JENNIFER COULTHARD, RMR, CRR
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Proceedings recorded by electronic sound recording; transcript
produced by official court reporter.

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1 FRESNO, CALIFORNIA, TUESDAY, NOVEMBER 20, 2018

2 --oOo--

3 (In open court.)

4 THE COURT: Good afternoon. Please be seated.

5 All right. Calling the matter of the United States of
6 America v. Alecia Trapps.

7 MS. MONTOYA: Laurel Montoya appearing on behalf of
8 the United States.

9 THE COURT: Ms. Montoya.

10 MS. HOPKINS: Good afternoon, Your Honor; Megan
11 Hopkins here with Alecia Trapps, who is out of custody for
12 today's hearing. I also have with me a paralegal, Julie
13 Butler, and my investigator, Vincent Lee.

14 THE COURT: All right. And good afternoon to all of
15 you.

16 All right. Ready to proceed?

17 MS. HOPKINS: Yes, Your Honor.

18 THE COURT: Okay. Government?

19 MS. MONTOYA: Your Honor, it's my understanding, first
20 of all, that the defendant is going to be admitting some of the
21 allegations in the petition, and I'll have Ms. Hopkins state
22 that information.

23 THE COURT: All right. Ms. Hopkins?

24 MS. HOPKINS: Your Honor, yes. Ms. Trapps will be
25 admitting all violations with the exception of the allegation

1 that she submitted a dilute test, which the government's in
2 agreement to dismiss. And I have a factual bases I can provide
3 to the Court or I can read into the record.

4 THE COURT: Is it a factual basis that all of you
5 agree to?

6 MS. HOPKINS: Yes.

7 THE COURT: Okay. All right. Then let's have
8 Ms. Trapps come forward so we can take the admission.

9 Ms. Montoya is -- are you agreeing to dismiss the
10 diluted count?

11 MS. MONTOYA: Yes, Your Honor.

12 THE COURT: Okay. All right. Ms. Trapps, if you
13 would please raise your right hand to be sworn.

14 (Defendant duly sworn.)

15 MS. TRAPPS: Yes, ma'am.

16 THE COURT: All right. Ms. Trapps, now that you're
17 under oath, you recognize that if you give me any false
18 statement that can subject you to a separate prosecution for
19 perjury,, making a false statement. Do you understand that?

20 MS. TRAPPS: Yes, sir.

21 THE COURT: All right. It is my understanding that
22 you're agreeing to admit to the following violations: That on
23 September 7th, 2018, you had contact with your nephew,
24 Codefendant Jimmy Brantley, in Modesto, California, without the
25 presence of counsel and without prior approval of your pretrial

1 services officer. Is that what you wish to admit?

2 MS. TRAPPS: Yes, sir.

3 THE COURT: Do you also wish to admit that on
4 September 8, 2018, you failed to appear for a random drug test
5 at a contracted vendor? Do you also agree to admit that?

6 MS. TRAPPS: Yes, sir.

7 THE COURT: Also, on October 19th, 2018, you were
8 terminated from the Comprehensive Addiction Program sober
9 living house due to reported misconduct; and that you failed to
10 report your termination from the sober living house and were
11 absent from a residence for more than 24 hours without the
12 prior approval of the pretrial services officer; and that from
13 October 20th through 25th, 2018, you failed to provide a
14 physical address where you had been residing since your removal
15 from the sober living house. Is that what you wish to admit to
16 here today?

17 MS. HOPKINS: Your Honor, just one correction. And my
18 understanding is there's no allegation of misconduct. That
19 information was provided as background to the violations of
20 absenting herself for more than 24 hours without notice to
21 pretrial and failing to reside at an approved residence. So
22 she will admit to all, but we would ask to strike any factual
23 basis regarding misconduct at CAP.

24 THE COURT: Is it a dispute or is it just sufficient
25 for the factual basis? Ms. Montoya, what's the --

1 MS. MONTOYA: Your Honor, I believe that since she was
2 not ordered to reside there, necessarily, by the Court --

3 THE COURT: Yes.

4 MS. MONTOYA: -- that her being terminated and failing
5 to report her absence is sufficient enough for a violation of
6 that condition of her pretrial release.

7 THE COURT: All right. So the issue from October 20th
8 through 25th, 2018, is that she failed to provide a physical
9 address where she was residing. That's the crux of the
10 violation; is that correct?

11 MS. HOPKINS: Well, Your Honor, the issue is that she
12 failed to notify pretrial services on the 19th that she would
13 no longer be residing at that address; and then secondarily,
14 that she was not at an approved residence from October 20th to
15 25th. So I think it's two -- my understanding from pretrial's
16 petition is that it's two-fold.

17 THE COURT: Okay. All right. So?

18 MS. MONTOYA: Well, that she did not notify them and
19 did not notify them of her current address for a period of the
20 25th -- the 20th through the 25th. I believe that's what is
21 reflected in the petition.

22 THE COURT: Doesn't it really come down to that she
23 failed to advise him of her residence from October 19th through
24 the 25th, 2018? Isn't that the crux of the violation?

25 MS. HOPKINS: Yes. I think -- I think so. She failed

1 to adequately provide them information so they could verify it,
2 and she didn't receive approval for where she was residing
3 during that time.

4 THE COURT: Would you agree, Ms. Montoya?

5 MS. MONTOYA: Yes, Your Honor.

6 THE COURT: All right. Do you understand, Ms. Trapps,
7 that's what you're admitting to here today?

8 MS. TRAPPS: Yes, sir.

9 THE COURT: All right. All right, Ms. Trapps. You
10 have the right -- and let me advise you that the maximum
11 possible penalty associated with your admission here today is
12 that you could go back into custody during the pendency of your
13 case. Do you understand that?

14 MS. TRAPPS: Yes, sir.

15 THE COURT: Knowing that, do you still wish to admit
16 the charges here today?

17 MS. TRAPPS: Yes, sir.

18 THE COURT: All right. Ms. Trapps, you have a right
19 to enter a denial and persist in that denial and require that
20 the government prove by a preponderance of the evidence that
21 you violated your terms of your pretrial release. But by
22 admitting the charges here today, you're giving up that right.
23 Do you understand that?

24 MS. TRAPPS: Yes, sir.

25 THE COURT: Knowing that, do you still wish to admit

1 the charges here today?

2 MS. TRAPPS: Yes, sir.

3 THE COURT: All right, Ms. Trapps. You have a right
4 again to persist in the denial and require again that the
5 government prove, by a preponderance of the evidence at a
6 contested hearing that you violated your terms and conditions.
7 At that contested hearing, you would have the right to confront
8 adverse witnesses and the right to confront adverse evidence.
9 You would have the right to counsel. And if you could not
10 afford counsel, counsel would be appointed for you at no cost
11 to you.

12 But by admitting the charges here today, you're giving
13 up all those rights. Do you understand that?

14 MS. TRAPPS: Yes, sir.

15 THE COURT: I need you to --

16 MS. TRAPPS: Yes, sir.

17 THE COURT: All right. Knowing that, do you still
18 wish to admit the charges here today?

19 MS. TRAPPS: Yes, sir.

20 THE COURT: And while the government bears the sole
21 burden to prove by a preponderance of the evidence that you
22 violated the terms of your pretrial release, you do have the
23 right, if you wish to, to testify on your own behalf, to
24 provide evidence on your own behalf, which includes witnesses
25 as well as documents. If those witnesses or documents would

1 not come voluntarily, you would have the subpoena power of the
2 Court to bring those individuals here. Do you understand that?

3 MS. TRAPPS: Yes, sir.

4 THE COURT: But by admitting the charges here today,
5 you're giving up that right. Do you understand that?

6 MS. TRAPPS: Yes.

7 THE COURT: Knowing that, do you still wish to admit
8 the charges here today?

9 MS. TRAPPS: Yes, sir.

10 THE COURT: All right. Ms. Hopkins, do you want to
11 give the factual basis then?

12 MS. HOPKINS: Yes, Your Honor. As to Charge 1,
13 Ms. Trapps failed to check in with her Pretrial Services
14 Officer, Margarita Zepeda, on September 4th, 2018, in violation
15 of the condition that she follow the directives of pretrial
16 services.

17 With regard to the second charge, Ms. Trapps had
18 unauthorized contact with a codefendant, Brantley, on September
19 7, 2018, in violation of the condition that she not have
20 contact with a codefendant outside the presence of counsel or
21 without the permission of pretrial services.

22 As to the third charge, Ms. Trapps failed to appear
23 for a urinalysis test on September 8th, 2018, in violation of
24 the condition that she participate in drug testing as directed
25 by pretrial services.

1 And fourth, Ms. Trapps failed to notify her pretrial
2 services officer of a change in residence that occurred on
3 October 19, 2018, and failed to reside at an approved residence
4 from October 20th to 25th, 2018, in violation of the condition
5 that she reside at an approved residence and not absent herself
6 for more than 24 hours without the permission of pretrial
7 services.

8 THE COURT: All right. Ms. Trapps, is that what you
9 did?

10 MS. TRAPPS: Yes, sir.

11 THE COURT: All right. Ms. Hopkins, any reason why we
12 should not take your client's admission at this time?

13 MS. HOPKINS: No, Your Honor.

14 THE COURT: Ms. Montoya?

15 MS. MONTOYA: No, Your Honor.

16 THE COURT: All right. Ms. Trapps, as to Charge
17 No. 1, that you had contact with codefendant Jimmy Brantley in
18 Modesto, California, on September 7th, 2018, do you admit or
19 deny that?

20 MS. TRAPPS: I admit.

21 THE COURT: All right. As to the second allegation
22 that on September 8, 2018, you failed to appear for random drug
23 testing, do you admit or deny that?

24 MS. TRAPPS: I admit.

25 THE COURT: And as to the fact that on -- from October

1 19th, through 25th, you resided in a residence that was not --
2 that you failed to notify your pretrial services officer that
3 you were in a residence and that you did not get approval from
4 your pretrial service officer to be in that residence. Do you
5 admit or deny that?

6 MS. TRAPPS: I admit, sir.

7 THE COURT: All right. Then the Court accepts the
8 defendant's admission, note that it is knowingly and
9 intelligently given and supported by an independent basis in
10 fact and, therefore, the defendant is adjudged to have admitted
11 the charges.

12 All right. Now we move on to the next phase, I take
13 it.

14 MS. HOPKINS: Yes, Your Honor. With permission, I'd
15 like to have Ms. Trapps and I sit at counsel table --

16 THE COURT: You may.

17 MS. HOPKINS: -- for the next phase of the hearing.

18 THE COURT: You may.

19 MS. HOPKINS: Thank you.

20 THE COURT: Ms. Montoya?

21 MS. MONTOYA: Your Honor, the government seeks to have
22 Ms. Trapps detained because the government feels there are no
23 conditions or combination of conditions that can assure the
24 safety of the community or her appearing in court based on the
25 numerous violations that this defendant has committed, not only

1 the ones that are alleged in this petition but other violations
2 that have been taken care of informally. The government
3 believes that she will not abide by the pretrial services
4 orders, and I have witnesses from pretrial services as well as
5 the Westcare program and the sober living house to testify
6 concerning their interactions with Ms. Trapps in order to show
7 that she is not amenable to supervision.

8 THE COURT: All right. Okay.

9 MS. MONTROYA: Government calls Carl Smith.

10 THE COURT: All right. Mr. Smith.

11 And Ms. Hopkins, I take it you oppose that, but are
12 there conditions that you think are adequate at this time that
13 you think would be appropriate in addition so that I think
14 about it? If not, it's fine.

15 MS. HOPKINS: Yes, Your Honor, I do. I mean, I can
16 propose a combination of conditions. I will be -- the one I'm
17 proposing I think goes beyond the standards set forth in the
18 Bail Reform Act.

19 THE COURT: Just tell me what -- I don't want any
20 argument. I just want to know what conditions you'd like --

21 MS. HOPKINS: So --

22 THE COURT: -- and then you can argue some thing.

23 MS. HOPKINS: -- some combination -- some combination
24 of her existing conditions to include location monitoring.

25 THE COURT: Okay.

1 MS. HOPKINS: With a proposal that additional
2 conditions could include targeting counseling with her current
3 counselor through Turning Point, Sandy Holland, on behavioral
4 and cognitive health as opposed to simply substance abuse
5 treatment.

6 THE COURT: Okay.

7 MS. HOPKINS: Participation in Better Choices Court.
8 And to the extent that there's a concern about a codefendant
9 also participating, accompaniment to court sessions monthly by
10 federal defender staff to ensure that there is no contact with
11 the codefendant secondary to her participation in the court.

12 THE COURT: Okay.

13 MS. HOPKINS: And appointment of a third-party
14 custodian, Stephanie Brazil.

15 THE COURT: Okay. And what is this third-party
16 custodian? What's the relationship?

17 MS. HOPKINS: Stephanie Brazil appeared with
18 Ms. Trapps at the last hearing, Your Honor. She is currently
19 housing Ms. Trapps and has daily contact with her. She's a
20 long-term friend of the defendant.

21 THE COURT: Does pretrial know about her?

22 MS. HOPKINS: I believe pretrial is aware of her.
23 They are aware that that's where Ms. Trapps is residing. I
24 don't know if pretrial has had an opportunity to evaluate her
25 suitability as a third-party custodian.

1 THE COURT: That's what I wanted to know.

2 Pretrial, no, yes?

3 PROBATION OFFICER: (Inaudible) Your Honor. We
4 haven't had an opportunity to vet her.

5 THE COURT: Okay. All right. Thank you. All right.
6 Officer Smith, come forward and be sworn, please.

7 OFFICER SMITH: Yes, Your Honor.

8 (Witness duly sworn and takes the stand.)

9 THE CLERK: State your full name for the record and
10 spell your last name.

11 THE WITNESS: Carl William Smith, S-M-I-T-H.

12 THE CLERK: Okay. Please have a seat.

13 CARL SMITH, GOVERNMENT WITNESS, SWORN

14 DIRECT EXAMINATION

15 BY MS. MONTROYA:

16 Q Mr. Smith, with whom are you employed?

17 A I'm employed by the United States Court at the Eastern
18 District Court of California, the Fresno Division.

19 Q And how are you so employed?

20 A I am a supervisor, United States Pretrial Services Officer.

21 Q And how long have you been a supervisor of pretrial
22 services officers?

23 A Roughly a year and a half.

24 Q And how long have you been a pretrial services officer?

25 A Roughly seven years.

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1 THE CLERK: Raise your right hand.

2 (Witness duly sworn and takes the stand.)

3 THE WITNESS: I swear.

4 THE CLERK: Please state your full name for the record
5 and spell your last name.

6 THE WITNESS: Margarita Zepeda, Z-E-P-E-D-A.

7 THE CLERK: Okay. Please have a seat.

8 THE COURT: All right. Ms. Montoya, you may prepared.

9 MARGARITA ZEPEDA, GOVERNMENT WITNESS, SWORN

10 DIRECT EXAMINATION

11 BY MS. MONTOKA:

12 Q Ms. Zepeda, with whom are you employed?

13 A U.S. Pretrial Services.

14 Q In what capacity?

15 A I am a U.S. Pretrial Services Officer.

16 Q And how long have you been so employed?

17 A Since May of this year, 2018.

18 Q And upon becoming a pretrial services officer, did you
19 receive training at an academy or a training institute to train
20 you on how to interact and how to report your duties as a
21 pretrial services officer?

22 A Yes, I did.

23 Q And are you also supervised during the course of your
24 interactions with clients and defendants who you are
25 supervising on pretrial services?

1 A Yes.

2 Q And regarding the academy that you went to, approximately
3 how long was that academy?

4 A It was six weeks long.

5 Q And you currently have a caseload; is that correct?

6 A Yes.

7 Q And is Ms. Trapps, Alecia Trapps, one of your defendants?

8 A Not at this time, but previously, yes.

9 Q So she was on your caseload from approximately August 10th,
10 2018, until November 8th, 2018?

11 A Yes.

12 Q And did you first meet with Ms. Trapps on August 10th,
13 2018?

14 A Yes.

15 Q And that was upon her entry into the Comprehensive
16 Addiction Program sober living home?

17 A Yes.

18 Q And when you met with Ms. Trapps, you were with Mr. Smith;
19 is that correct?

20 A Yes, that's correct.

21 Q And you went over her terms of pretrial release again; is
22 that correct?

23 A Yes.

24 Q And did she state whether or not she understood these
25 terms?

1 A Yes.

2 Q And part of these terms were to report the first Tuesday of
3 every month?

4 A Correct.

5 Q And to test, as directed?

6 A Yes.

7 Q And you went over the testing schedule or how do you
8 determine when she is to test and the testing instructions with
9 her?

10 A Yes.

11 Q And you also went over her -- with her the -- how to report
12 and when to report?

13 A Yes.

14 Q Now, on the -- you were advised or you noted that on the
15 4th of September, she did not report as she was required to do;
16 is that correct?

17 A Yes.

18 Q And then on the 8th, you were alerted by the testing
19 service that she had missed a test?

20 A Yes.

21 Q And the 8th is a Saturday; is that correct?

22 A Yes.

23 Q And then on Sunday, September 9th, at approximately 8:19
24 p.m., did you receive a voice message from Ms. Trapps?

25 A Yes.

1 Q And 8:19 on a Sunday night is not part of your normal work
2 hours; is that correct?

3 A Yes, that is correct.

4 Q And when you received this phone message from Ms. Trapps,
5 did she address the fact that she failed to report?

6 A No.

7 Q Did she address the fact that she had missed a test the day
8 before?

9 A No.

10 Q What did she report to you in that voice message?

11 A May I refer to my records, Your Honor?

12 THE COURT: You may.

13 THE WITNESS: She left a voice message stating in part
14 that she got her car from her nephew. She specifically stated,
15 "I went and got my car from my nephew. It's in my name.
16 Everything was okay. Just letting you know, giving you a heads
17 up. You know, he's my codefendant, but everything is okay.
18 You want to give me a call."

19 BY MS. MONTOKA:

20 Q Did you have phone contact with Ms. Trapps the following
21 day, which would be the 10th of September?

22 A Yes.

23 Q And did she report to you the type of contact that she had
24 with Mr. Brantley?

25 A At this time she stated she got her vehicle from her nephew

Zepeda - Direct by Montoya

1 you make regular contact with her, or what was your contact
2 with her at that point?

3 A I'm required to have a contact with her once a month at
4 least by telephone, and home visits are also completed.

5 Q And during those contacts with Ms. Trapps, how was she
6 doing at that point in time in the sober living home, based on
7 your contact with her?

8 A Just in general?

9 Q In general.

10 A As far as I was concerned, she was doing okay. There
11 weren't any issues aside from the violation conduct that I had
12 to address throughout her period of supervision with me.

13 Q And what conduct is that?

14 A For instance, the missed drug test and her failure to call
15 for monthly reporting, her contact with the codefendant and
16 then thereafter, upon her removal from the sober living house,
17 finding out that she had been removed and then changing
18 address.

19 Q You found out from Ms. Trapps on about -- on approximately
20 the 23rd of October 2018, that she had been terminated from the
21 sober living home on the 19th of October 2018?

22 A Yes.

23 Q And how were you advised -- how did you learn of this?

24 A I received a phone call from Ms. Trapps on Tuesday, which
25 was October 23rd of this year.

1 All right. Ms. Hopkins.

2 CROSS-EXAMINATION

3 BY MS. HOPKINS:

4 Q Good afternoon, Ms. Zepeda. Just -- just to clarify --

5 A Yes.

6 Q -- the meeting was moved before Ms. Trapps left you any of
7 these voicemails, right?

8 A One second, just so I can make sure.

9 THE COURT: Yes. It appears that's what she just
10 testified to at 1:34.

11 THE WITNESS: Yes.

12 BY MS. HOPKINS:

13 Q Okay. Can I ask you, what was Alecia's weekly schedule
14 like when you were supervising her?

15 A How do you mean weekly schedule, in general?

16 Q Her work schedule, treatment schedule, testing schedule.

17 A She's required to test three times a month, to attend
18 substance abuse counseling I believe twice a month, one hour at
19 a time, and her work schedule involves her working the
20 graveyard shift.

21 Q And what about aftercare?

22 A What do you -- how do you mean "aftercare"?

23 Q Substance abuse treatment.

24 A Are you referencing to substance abuse counseling?

25 Q So she received -- isn't it true that she was counseling

1 with Sandy Holland at Turning Point and also receiving
2 substance abuse treatment through aftercare at Westcare?

3 A By attending -- are you referring to AA/NA meetings or at
4 Westcare --

5 Q No. I'm talking about --

6 A -- aftercare?

7 Q -- group and individual counseling sessions through
8 aftercare at Westcare. Are you familiar with the fact that she
9 was participating in that?

10 A I don't have the documents pertaining to the aftercare
11 portion.

12 Q Are you familiar with the fact that she was participating
13 in the aftercare?

14 A Yes, but I don't have any details pertaining to those
15 particular group meetings.

16 Q Okay. But you're aware that she was going to group
17 meetings and individual sessions as well on a weekly basis?

18 A Right.

19 Q Were you aware that she was testing at the sober living
20 facility at the aftercare and at her --

21 A Yes.

22 Q -- counseling at Turning Point?

23 A I was only aware of counseling and then also through
24 testing that she was doing three times a month with Turning
25 Point. I was unaware of whether she was to be testing at the

1 sober living house.

2 Q Okay. Or aftercare --

3 A Right.

4 Q -- on a weekly basis?

5 A Yes.

6 Q Okay. What about her AA schedule, how often was she
7 attending AA?

8 A She had not provided me the signature sheets for AA/NA
9 meetings, so I'm not sure how many of them she's been
10 attending.

11 Q Did you spend any time talking to her about what her weekly
12 schedule looked like, what her treatment plan looked like,
13 reviewing that with her at all?

14 A For some of the time I was spending in Sacramento for
15 training, so some interactions happened with me and happened
16 with another officer who was at the pretrial services office
17 here in Fresno.

18 Q Would you see you had a familiarity with what she was
19 juggling while on supervision?

20 A I know she had a lot going on and that she was attending
21 counseling as required.

22 Q Are you aware of what's involved at aftercare at Westcare,
23 the frequency of those meetings or the duration?

24 A I'm still a bit unfamiliar with that portion of it because
25 it is through the residential treatment program.

1 Q The work schedule that she's on, she's working the
2 graveyard shift --

3 A Uh-huh.

4 Q -- right now?

5 Do you know what she's doing at Foster Farms specifically
6 in terms of a work task?

7 A No, not specifically the work task.

8 Q Okay. Have you had a chance to review the report cards
9 from Foster Farms?

10 A She's not provided such documentation, so I -- I don't know
11 what that consists of.

12 Q Has she provided you confirmation of her employment?

13 A Yes. Paycheck stubs.

14 Q Okay. And she's attending counseling with Sandy Holland at
15 Turning Point?

16 A Yes.

17 Q And she's gone to all of those appointments?

18 A Yes.

19 Q Have you received any feedback from Sandy about the
20 counseling she's receiving there?

21 A That she was attending treatment as required and that she's
22 making progress through counseling and that her improvement or
23 participation is of satisfaction.

24 Q And Ms. Holland also told you that she appears open and
25 honest in treatment; isn't that correct?

1 A Yes.

2 Q And you've received positive feedback as well from the
3 Westcare aftercare component; is that correct, from Ryan
4 Moench, M-O-E-N-C-H?

5 A I'd have to review documentation pertaining to that because
6 the documents may have been received regarding that, but I
7 don't have -- I did not personally review them myself, although
8 I do acknowledge that they show that she's attending groups and
9 she's had no behavioral issues or noncompliance that needs to
10 be addressed.

11 Q Regarding the contact with Jimmy Brantley, you learned
12 about her retrieving her vehicle from Mr. Brantley through a
13 self-report, correct?

14 A Yes.

15 Q You wouldn't have known about it, necessarily, had she not
16 left you that voicemail?

17 A Correct.

18 Q And you didn't receive any report from Mr. Brantley --

19 A No.

20 Q -- independent of that --

21 A No.

22 Q -- or his third-party custodian?

23 A No.

24 Q But when you spoke to Mr. Brantley's third-party custodian,
25 you learned that she had been aware of the contact --

1 this voice message. It was out of the blue in the sense that I
2 didn't know of the existence of a vehicle and that she was
3 planning on obtaining her vehicle back.

4 Q I think that answers that question.

5 When asked, did Ms. Trapps explain that she'd gone to
6 retrieve her vehicle with Kevin Elders?

7 A Initially, she stated that her cousin, Mr. Elders, went to
8 obtain the vehicle because she acknowledges that she's not to
9 have contact with her codefendant.

10 Q Is it possible that she didn't refer to Mr. Elders as a
11 cousin, that that was mistyped?

12 A No. I specifically recall she stated that was a cousin.

13 Q Regarding the missed or diluted tests, there was only one
14 missed test; is that correct?

15 A Yes.

16 Q She's done all the required testing?

17 A Yes.

18 Q In addition to the required testing through Turning Point
19 and -- and every other place that she's testing at this time.
20 I understand that you weren't aware --

21 A To my knowledge.

22 Q -- that she was testing at CAP or through aftercare, but
23 you have no reason to believe she's been missing any other
24 tests?

25 A No reason to believe that.

1 Q And similarly, with the dilute test result that you
2 received, there's been no other dilute test results?

3 A Correct.

4 Q And when you discussed the dilute test with her did she
5 seemed surprised that it was dilute?

6 A It was -- one second, please.

7 It sounded like she may have been surprised. I don't
8 recall exactly what her response was, like in her demeanor.

9 Q Okay. And she did indicate when she spoke with you
10 following her termination from CAP that she had been sleeping
11 in her car; isn't that correct?

12 A The only time that I recall her stating that was when she
13 stated that she spent some time sleeping in her vehicle until
14 9:00 a.m. when she left me that voice message.

15 Q Was it your understanding that she had a safe place to
16 stay?

17 A I didn't know where she was staying or if it was, in fact,
18 safe, because I didn't know where she was spending most of her
19 time, so I can't answer that.

20 Q Were you concerned for her safety?

21 A Sure. And I was also concerned about where it was, in
22 fact, that she was staying.

23 Q Did you make any attempt to notify our office of the issue
24 or the fact that she potentially was in a dangerous situation?

25 A I did not notify.

1 employers.

2 OFFICER SMITH: Your Honor, we did get in touch with
3 Officer Beckwith, and he will be available Monday, Your Honor.

4 THE COURT: All right. All right. So we're going to
5 continue the matter, then, to Monday, November 26, 2019, at
6 10:30 a.m. for contested -- did I do that right -- 2018 for a
7 continued contest.

8 Ms. Trapps, you are ordered to appear at that date and
9 time. All of my previous conditions previously imposed by me
10 and my other colleagues are still in force and effect, okay?

11 MS. TRAPPS: Yes, sir.

12 THE COURT: All right.

13 MS. HOPKINS: Your Honor, just to clarify, this is an
14 evidentiary hearing secondary to a detention hearing, correct?

15 THE COURT: Well, it's really -- we're dealing with
16 detention --

17 MS. HOPKINS: Yes.

18 THE COURT: -- really at this point in time.

19 MS. HOPKINS: Okay. Just for my notes so that we're
20 not -- I want to make sure we're clear, you just said
21 "contested hearing," and I want to make sure that we're not --

22 THE COURT: It is a contested --

23 MS. HOPKINS: The Court is not considering the
24 violation conduct in ruling on violations. The Court is ruling
25 on whether or not there are conditions that would reasonably

1 assure her appearance and the safety of the community, correct?

2 THE COURT: Or whether she can abide by conditions.

3 MS. HOPKINS: Yes.

4 THE COURT: Yes, but why are you confused by contested
5 hearing? It is a contested. It's like saying evidentiary
6 hearing.

7 MS. HOPKINS: Okay. I wasn't sure. My view was that
8 a contested hearing was in the context of a violation
9 proceeding as opposed to a detention. I just wanted to clarify
10 that we are --

11 THE COURT: I guess it's a contention here -- well
12 it's a contentious hearing, but --

13 MS. HOPKINS: I'll go with contested. I just
14 wanted --

15 THE COURT: Contested hearing as to detention.

16 MS. HOPKINS: I'm noting things for the file and I'm
17 writing evidentiary and you said contested, so I wanted to make
18 sure I'm not incorrect, so . . .

19 All right.

20 THE COURT: You don't agree to detention, right?

21 MS. HOPKINS: No, Your Honor.

22 THE COURT: And the government doesn't agree to
23 release, right?

24 MS. HOPKINS: Yes.

25 MS. MONTROYA: Correct.

1 THE COURT: Therefore I consider that contested.

2 MS. HOPKINS: Well, contest.

3 THE COURT: So okay.

4 MS. HOPKINS: All right.

5 THE COURT: All right. So let us -- any other issues,
6 then, Ms. Montoya, before we conclude?

7 MS. MONTOYA: No, Your Honor.

8 THE COURT: Ms. Hopkins, any issues before we
9 conclude?

10 MS. HOPKINS: No, Your Honor. Well, I do want to
11 clarify. We have released Mr. Elders, right?

12 THE COURT: That's my understanding.

13 MS. HOPKINS: So we -- I do not need to arrange for
14 his transport tomorrow at 10:30.

15 THE COURT: Definitely not tomorrow. We're not
16 doing --

17 MS. HOPKINS: I'm sorry. Monday at 10:30.

18 THE COURT: I don't know. You'll have to talk to the
19 government if there's an issue. I suspect that time will
20 generate more evidence on both sides potentially, so . . .

21 MS. HOPKINS: Potentially. Thank you, Your Honor.

22 THE COURT: You're welcome. All right. We're in
23 recess. Because Ms. Montoya will have an opportunity to
24 rebuttal too.

25 MS. HOPKINS: Yes.

1 THE COURT: Okay. Thank you. Thank you all.

2 Alice and Maime, thank you.

3 (Adjourned at 5:45 p.m.)

4

5 C E R T I F I C A T E

6

7 I, court-approved transcriber, certify that the foregoing
8 is a correct transcript from the official electronic recording
9 of the proceedings in the above-entitled matter.

10

11

12 /s/ JENNIFER L. COULTHARD

December 11, 2018

13

DATE

14

JENNIFER L. COULTHARD, RMR, CRR
Official Court Reporter

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

--o0o--

3 UNITED STATES OF AMERICA,) Docket No. 18-CR-76
4 Plaintiff,) Fresno, California
5 v.) November 26, 2018
6 ALECIA TRAPPS,) 11:12 p.m.
7 Defendant.) Re: Contested hearing

8 TRANSCRIPT OF PROCEEDINGS
9 BEFORE THE HONORABLE STANLEY A. BOONE
10 UNITED STATES MAGISTRATE JUDGE

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1 FRESNO, CALIFORNIA, MONDAY, NOVEMBER 26, 2018

2 --o0o--

3 (In open court.)

4 THE COURT: All right. Call the matter of the United
5 States of America v. Alecia Trapps, continued contested
6 hearing.

7 If I could have appearances beginning with the
8 government.

9 MS. MONTOYA: Laurel Montoya appearing on behalf of
10 the United States.

11 THE COURT: Ms. Montoya, good morning.

12 MS. MONTOYA: Good morning, Your Honor.

13 THE COURT: And on behalf of the defense?

14 MS. HOPKINS: Good morning, Your Honor; Megan Hopkins
15 here with Alecia Trapps, who's present and seated at counsel
16 table.

17 THE COURT: Ms. Hopkins, good morning. All right.
18 Ms. Hopkins, call your next witness, please.

19 MS. HOPKINS: Your Honor, if I can call Christine
20 Unamba.

21 THE COURT: Okay. Come forward and be sworn.

22 THE CLERK: Please raise your right hand.

23 (Witness duly sworn and takes the stand.)

24 THE WITNESS: I do.

25 THE CLERK: Please state your full name for the record

1 think it would help a great deal with her communication.

2 And like everyone has testified, they're using terms
3 like "argumentative" and "disruptive" in her questioning, but
4 she's not yelling at people, she's not cursing at people, she's
5 not flying off the handle. And I think that we need to give a
6 little bit of weight to the fact that these are -- you're going
7 to have a lot of different personalities coming through
8 pretrial and that Ms. Trapps is genuinely trying to communicate
9 while she's genuinely trying to work with pretrial and is
10 coming up short because of a number of factors here that all
11 can be addressed on the conditions, so . . .

12 THE COURT: Okay. Thank you. The matter is
13 submitted?

14 MS. HOPKINS: Yes, Your Honor.

15 MS. MONTOYA: Submitted.

16 THE COURT: All right. The Court has considered the
17 factors under the standard that the Court is required to look
18 at.

19 The defendant in this case has admitted the violation
20 conduct. The question before the Court is whether or not there
21 are conditions which will reasonably assure appearance or the
22 safety of the community or whether the defendant is likely or
23 unlikely to abide by any condition.

24 The standard in both of these cases is preponderance
25 of the evidence. The Court has carefully listened to the

1 evidence in this case. It is mindful of this defendant's past
2 history, not only prior to the charges in question that the
3 defendant did have -- does have a significant criminal history
4 which does include conditions of parole/probation. The Court
5 can't tell exactly what they are, but at least post-conviction
6 supervision was part of her. So she is not unfamiliar with
7 these terms and conditions. This defendant has been given a
8 number of opportunities to straighten up and to comply with the
9 terms and condition in this case.

10 I find in this case that the defendant, by a
11 preponderance of the evidence, is unlikely to abide by any
12 condition and, therefore, I'm going to order her detained.

13 The reason for my decision is that the reasonableness
14 of the defendant's position is simply unreasonable in this
15 case. The defendant had contact, made a volitional effort to
16 contact the codefendant in this case, was lack -- was not
17 candid in her assessment to the pretrial services officer about
18 it. I find that the pretrial service officer was credible in
19 this case and, frankly, bent over backwards to have this
20 defendant comply with the terms, including providing the
21 physical address.

22 The question of the Westcare and the sober living
23 conditions, the Court is not -- does not need to get into the
24 issues, necessarily, of whether the defendant was disruptive,
25 although in the context of the Westcare, it appears that the

1 defendant was exited early from the program in order based in
2 part upon her attitude and her failure to abide by conditions
3 there, including her admission of a laptop, her admission of a
4 cell phone into the -- in clear violation of the law. This
5 defendant, if I accept the defense's interpretation, is simply
6 unable to understand common usage and, therefore, that's why I
7 find that she would be unable to abide by conditions.

8 In the last two weeks, she was placed on conditions by
9 me at the request of the government that she be immediately
10 detained. I placed her on those conditions of home detention,
11 so I would hope that she would comply with those terms, but she
12 was on notice that the Court was considering detaining her.

13 I look at the fact that Ms. Zepeda, who while has not
14 been here the longest is still an experienced officer, she has
15 experience in county probation, is familiar, but the basic
16 question of a physical address is beyond any lack of
17 understanding that the defendant could not understand what that
18 was, and she did not get back to her. That, in and of itself,
19 shows that this defendant is unwilling to abide by the terms,
20 any terms or any conditions as set forth and, therefore, she is
21 ordered detained during the pendency of her case.

22 MS. HOPKINS: Your Honor, may I request that she be
23 permitted to surrender tomorrow morning at 9:00 a.m. --

24 THE COURT: No.

25 MS. HOPKINS: -- for custody?

1 THE COURT: No. So she will be detained now. She's
2 had sufficient time in which to get her affairs in order if the
3 Court -- so that request is denied.

4 Officer Smith?

5 OFFICER SMITH: Your Honor, just two things. I did
6 not see a member of the marshal service in the court at this
7 time.

8 Also, Your Honor, you ordered pretrial services to
9 give pretrial reports to defense and the AUSA for preparation
10 of this hearing.

11 THE COURT: Yes.

12 OFFICER SMITH: Would you now order pretrial services
13 to collect those back, Your Honor?

14 THE COURT: Yes. Ms. Hopkins, I'm going to -- did you
15 hear what pretrial said?

16 MS. HOPKINS: I apologize, Your Honor.

17 THE COURT: That's okay. Mr. Smith had asked that
18 anything that was provided pursuant to my previous order now be
19 returned to the pretrial services officer.

20 MS. MONTAYA: Your Honor, does that include the
21 information from the sober living home as well?

22 THE COURT: How did you get it?

23 MS. MONTAYA: I got it from pretrial.

24 THE COURT: Yes. If you got it from some sort of
25 different independent source . . .

1 So he's going to collect your reports and your
2 information.

3 MS. HOPKINS: I don't know if I have all of that with
4 me. I'll provide it to pretrial though.

5 THE COURT: Okay. All right. All right. So within
6 24 hours then, okay?

7 OFFICER SMITH: Yes, Your Honor.

8 THE COURT: All right.

9 Okay. Thank you. All right. Anything further then?

10 MS. MONTOKA: Not from the government, Your Honor.

11 THE COURT: Okay.

12 MS. HOPKINS: Your Honor --

13 THE COURT: Yes.

14 MS. HOPKINS: -- then are we to report to the
15 marshal's office or . . .

16 THE COURT: No. The marshal will come here.

17 MS. HOPKINS: Okay.

18 THE COURT: But do not leave, Ms. Trapps. All right.

19 (Off-the-record discussion.)

20 OFFICER SMITH: Is pretrial excused, Your Honor?

21 THE COURT: Yes, but let me make sure I'm giving you
22 back everything.

23 OFFICER SMITH: May I come forward, Your Honor?

24 THE COURT: Yes.

25 (Concluded at 2:32 p.m.)

C E R T I F I C A T E

I, court-approved transcriber, certify that the foregoing
is a correct transcript from the official electronic recording
of the proceedings in the above-entitled matter.

/s/ JENNIFER L. COULTHARD

December 12, 2018

DATE

JENNIFER L. COULTHARD, RMR, CRR
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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 *Plaintiff,*

13 vs.

14 ALECIA TRAPPS,

15 *Defendant.*
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Case No. 1:18-cr-00076-NONE

**DEFENDANT'S SENTENCING
MEMORANDUM; EXHIBITS A-J**

DATE: September 17, 2021
TIME: 8:30 a.m.
JUDGE: Dale A. Drozd

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SENTENCING MEMORANDUM

Alecia Trapps respectfully requests this Court impose a sentence of incarceration of 120 months followed by the maximum term of supervised release. Given Ms. Trapps advanced age, post-offense introspection and development, and pursuant to 18 U.S.C. § 3553(a), 120 months represents a sentence that is sufficient but not greater than necessary to accomplish the goals of federal sentencing.

I. Introduction

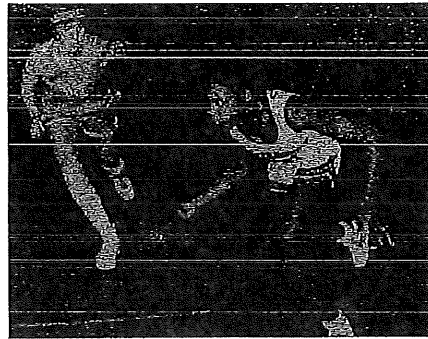
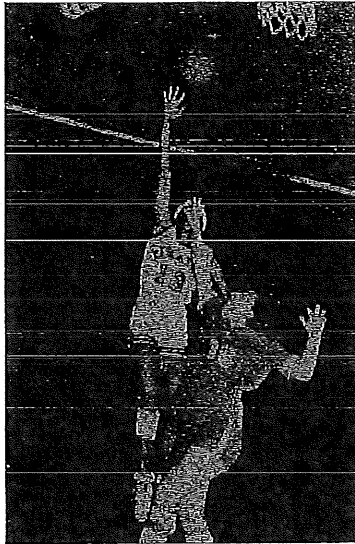
Alecia has spent the past 35 months in the same, starchy blue jumpsuit and plastic slippers, looking at the same four concrete walls and metal bars that make up her cell. Her escape comes in the form of shifts as a worker, preparing and serving meals to the other inmates from 3:30 a.m. – 6:30 a.m., 10:00 a.m. – 12:00 p.m., and 5:00 p.m. – 7:00 p.m. For nearly two years now, during the pandemic, the jail has offered no programming to inmates. Alecia has sought out correspondence courses through Bakersfield Adult School, where she has taken Anger Management and Parenting classes¹, but little else is available. She leads a bible study group and tries to mentor younger women, using her story as an example of lessons not learned early enough, and a relationship with God that went long-neglected. She asks her family, her friends, and even her legal counsel to pray with her, and pray for her.

Alecia is 58 years old – a year older than her father was when he died, and just a few years shy of when her mother passed. These are not the retirement years she dreamed of, nor the legacy she wanted to leave to honor her beloved family. Alecia does not have much time for sleep between shifts, study and prayer, and the little time she has is often spent lying awake, thinking about the many moments in her life where she took the wrong path, leading her here. Her reflections are tearful, because her life has been marked by both bold and surreptitious racism, closed doors and glass ceilings, and devastating loss.

Alecia enjoyed a childhood full of promise. Despite being raised by a single mom and abandoned by a father who chased alcohol and heroin to his death, she always had food, clothing, and a loving embrace waiting for her at home. Alecia's mother pushed her to do well

¹ See Exhibit A: Bakersfield Adult School Certificates.

1 in school and stay away from the gangs and drug dealers that filled their neighborhood. Alecia
2 was going to make it out. She was going to be a basketball star.²



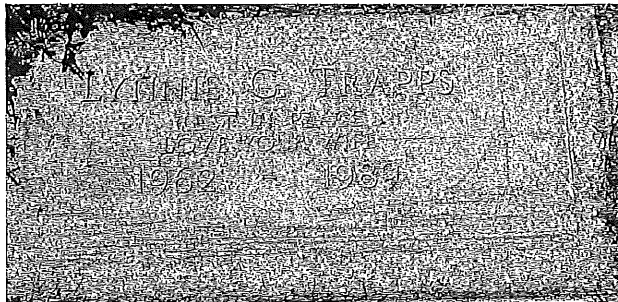
13
14 Alecia chased her dream of playing on the professional court throughout high school and into
15 college. She moved to Santa Rosa to play on the college team, and was thriving there until she
16 got the news that her grandfather passed away and her grandmother had fallen ill and was
17 struggling to pay the bills. No one in the family was in a position to support her. Alecia wasn't
18 either, but she made the decision to give up on her own dreams, and try to take care of her
19 Grandmother.



² See Exhibit B: Yearbook Photos.

1 Alecia left college, and basketball, and returned to Modesto where she found work with
2 Campbell's Soup Company and earned just enough to keep her Grandmother afloat. With the
3 sacrifice of her dreams came depression, and Alecia did not know how to cope. At the time,
4 crank and rock cocaine were rising in popularity on the streets, and Alecia quickly found herself
5 wrapped up in drug use that spiraled into addiction.

6 Alecia tried to right her ship – stopping drug use, seeking the support of her church and
7 focusing on work. She moved to Fry's Market as a meat and seafood clerk, which came with a
8 small pay increase, but also subjected her to overt racism from customers, and more veiled
9 racism from the business. Her employer refused to promote her for years on end, and threatened
10 her with termination when she asked why she was being passed over time and again. Then
11 Alecia's older brother, Linnie, was murdered in his home. He was 27 years old, and had just
12 gotten married. Alecia had spoken with him earlier that same day and offered him relationship
13 advice he would never get to take.



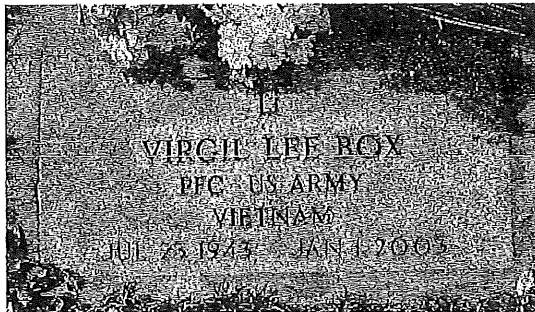
20 Linnie's death broke Alecia's spirit. She gave up struggling to be seen and heard at
21 work, and gave up trying to make ends meet on entry-level pay. She fell back into addiction, and
22 this time began selling the same dope she was using to pay her bills and cover her habit. She
23 piled on with alcohol to drown out her grief, and for the next five years lived in a blur of
24 substances.

25 Alecia eventually got busted for sales with a third of a gram of crack and a twenty dollar
26 bill, then again with "crumbs" of cocaine not even large enough to sell, and served three years in
27 state prison for it. While in custody, she met a number of white inmates serving just months for
28 powder cocaine, and recalls the sharp tinge of injustice at the disparity between rock and powder

1 cocaine, and the undeniable difference in treatment of black and white defendants.

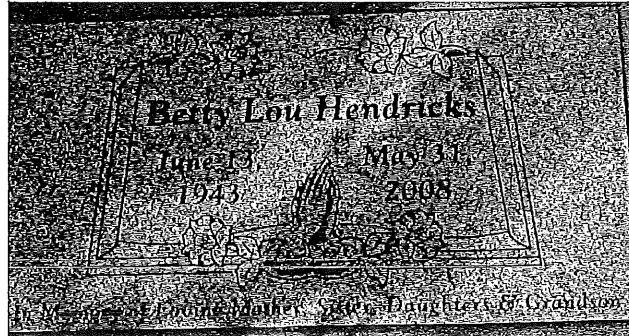
2 When Alecia got out, she was unable to find work for many months, despite applying
3 everywhere she could think of. She tried to pay her bills as an in-home care provider, which was
4 challenging and depressing work that she was not emotionally prepared for. Without any drug
5 treatment being offered, she continued to use and eventually resumed selling crack to fill the
6 gaps in her income. She got busted again, and this time spent a year in jail followed by a work
7 program. When she got out, her mother was sick with cancer.

8 Alecia moved in with her mom and became her full-time caregiver. Still addicted, she
9 wrestled with trying to remain sober and fell deeper into depression as she watched her mother
10 wither away. Her father finally tried to kindle a relationship with Alecia, only to die shortly
11 thereafter of organ failure, after a lifetime of drug and alcohol abuse.



18 Alecia hardly knew the man, but his death still struck her to her core. She would never
19 have the chance to have her father in her life. Her mother was in poor health, but fighting to
20 survive. Alecia felt helpless and hopeless, and sank back into her addiction. Her probation was
21 revoked and she was sent back to prison for another year.

22 Alecia paroled back out just before Christmas in 2005, and promised her mother that she
23 would not leave her again. At her mother's insistence, Alecia joined a women's basketball team
24 in Pittsburg, CA called the Gigglets, where she found herself at home on the court. She
25 regained her sobriety and resumed care of her mother, whose body continued to be ravaged by
26 cancer. Alecia's sister, Regina, was there by her side. Together the sisters clung to their mother
27 for the next two years, until her last breath.
28



Alecia's mother was her world; the woman who raised her, taught her about God and brought her into the church, cheered her on at every game, and loved her unconditionally, despite every pitfall. The hole left by her death was gaping, and Alecia eventually filled it back up with the only thing she knew would numb the pain: drugs and alcohol. The in-home care she provided for her mother was Alecia's only source of income, and with her mother gone, Alecia once again found herself without a way to make ends meet. She was using and drinking more than ever, and was unable to get herself together enough to find a job. Alecia filled her days at flop houses and crack dens, getting high with people that were never really her friends. One day, a house she was in got busted by the police, and Alecia was charged with possession for sales. This time, she was innocent: just an addict there, using.

Alecia fought the case for nearly three years, in custody the entire time. She went to trial, and lost. With her record and her black skin, it was an impossible fight. Given all of the time she had spent in jail, Alecia was at time-served and given a three-year work program. Her sister Regina came to her rescue and insisted that she straighten out and find something worth living for. Alecia began to cook, digging up her mother's recipes and creating new ones of her own. She was a master in the kitchen, with an emphasis on soul food. Together, Regina and Alecia hosted family dinners every Sunday after church with Alecia's nephew, Jimmy, and their cousins. This was all of the family Alecia had left, and she clung to them like precious jewels.

After just a few months back with her family, Alecia suffered another earth-shattering loss. Regina died suddenly of liver failure at the age of 43.



Alecia found herself drinking and using again, this time with methamphetamine. She felt completely alone in the world, and gave up on taking care of herself. Her siblings and her parents were gone. Regina's son, Jimmy, was also lost. He began gambling away his money and battling addiction himself until Alecia insisted he come live with her and clean up his act.

Alecia set her sights on opening a soul food catering business in honor of her sister, and named it Jeannie's Soul Food, after Regina. The business struggled to get off the ground, and Alecia mostly volunteered her services to cater church and family events. Unable to make money through the business, Alecia eventually fell back into the path of least resistance. Friends in Alaska convinced her that meth and heroin sales were far more lucrative than crack, and her old pal Sheena Taylor and fishing buddy Ernest Westley had the connections she needed to get the supply. Tragically, she let Jimmy help, planning on him earning just enough money to start a trucking business and get out. Instead, they all ended up here, facing federal drug charges.

Alecia struggled on pretrial release, but was able to complete her first and only inpatient drug treatment program. Although she returned to custody after a string of poor communication and poorer decision making, she has held on to her sobriety for more than three years now. It is the longest time she has been clean and felt like herself since college – nearly forty years ago. She has a better relationship with her cousins and nephew – the last of her family – that she has in many years, and is trying her best to keep an eye on the horizon and think about a life outside of her cell, though it may be distant. Ms. Trapps faces a ten-year mandatory minimum sentence and an inflated guideline range beginning at thirty years, which would effectively be a life

1 sentence, given her age. She hopes and prays that this Court will see that a decade in prison –
 2 more than three times the longest sentence she has ever served – is enough time to punish her for
 3 her mistakes and still give her a chance at living the last sliver of her life back with what little
 4 family she has left, cooking dinners after church on Sunday and visiting the graves of the ones
 5 that left too soon.

6 **II. A Downward Departure and/or Variance is Warranted under U.S.S.G. § 4A1.3(b)**
 7 **and 18 U.S.C. § 3553(a) because the Career Offender Guidelines Substantially Over-**
 8 **Represent the Seriousness of Ms. Trapps' Criminal History.**

9 The sentencing commission conducted a study and issued a report in 2016 to explore
 10 growing concerns that the career offender guidelines fail to meaningfully distinguish among
 11 career offenders with vastly different types of criminal records, resulting in overly severe
 12 penalties for those career offenders with no violent prior offenses, like Ms. Trapps. The
 13 commission concluded that career offender guidelines should not apply to those who qualify as
 14 career offenders based solely on drug trafficking offenses with no prior crimes of violence, and
 15 recommended in its report that Congress amend the directive accordingly.³ After an evaluation
 16 of the various pathways to career offender status (only drug offenses, only violent offenses, and a
 17 mixture of the two) and the corresponding sentencing averages and recidivism rates for each
 18 group, the commission found that “drug trafficking only career offenders are not meaningfully
 19 different than other federal drug trafficking offenders and therefore do not categorically warrant
 20 the significant increases in penalties provided for under the career offender guideline.”⁴

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27 ³ See U.S. Sentencing Commission, *Report to the Congress: Career Offender Sentencing Enhancements* (2016),
 28 available at https://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/criminal-history/201607_RtC-Career-Offenders.pdf (“Recent sentencing data also supports a policy decision to reserve career offender penalties for those offenders who have committed at least one ‘crime of violence.’”).

⁴ Id. at page 27.

forward is 1-to-1.”³¹ If the system is truly to be fair, the same conclusion must be drawn about methamphetamine, with a 1:1 ratio applied to all forms of methamphetamine so that the guideline is not disproportionately inflated.

Methamphetamine purity is saturated to the degree that it is no longer a reliable indicator of proximity to the source or dangerousness of a particular defendant’s conduct. The DEA’s 2017 National Drug Threat Assessment confirms that per-gram purity levels of methamphetamine average above 90%.³² The assessment shows that methamphetamine sampled by the DEA in 2016 revealed an “averaged 95.9 percent purity and 90.2 percent potency.”³³ Despite increasing purity levels, the price per gram of methamphetamine has dropped 41 percent since 2011.³⁴ Actual (pure) methamphetamine and “ice” have become the norm. Everyday street buyers and users possess actual methamphetamine, rather than a mixture, for personal use.

The disparity between guidelines for actual methamphetamine and a mixture containing methamphetamine does not reflect this reality, and illustrates the untethering of these guidelines from empirical data. In Alecia’s case, the drug conversion of actual methamphetamine is *ten times* the conversion for the mixture (or powder cocaine equivalent) (31,248.00 kg versus 3,124.80 kg), resulting in a guideline difference of at least 60 months (168-210 months versus 108-135 months). This Court should strive for fairness, accuracy, and a just sentence even in a case as serious as this, and apply the powder cocaine/methamphetamine mixture conversion guideline as the starting point, rather than the unjustifiably engorged alternative.

IV. A Sentence of 120 Months Satisfies the Penological Justification For Imposing a Criminal Sentence codified at 18 U.S.C. § 3553(a)(2).

A. *Alecia Trapps’ History and Characteristics Support a Prison Sentence No Greater than 120 Months.*

Alecia Trapps is 58 years old, and hoping for enough time at the end of her life to be with what little family she has left, again. She began her life full of promise, but as set forth above, loss and addiction derailed her time and again. Alecia grew up in a single-parent household,

³¹ *Id.* at 26:18-19.

³² See Exhibit D: 2017 National Drug Threat Assessment by the U.S. Department of Justice Drug Enforcement Administration (Oct. 2017).

³³ *Id.*

³⁴ *Id.*

1 longing for a father who was chasing his own addiction to his death. She tried to make her own
2 way out of the cycle of poverty and addiction through sports, but was pulled back in when her
3 family needed her to come back home. She spent years in and out of custody, fighting to get off
4 of drugs and onto the right path her mother had first set her on, only to have her feet swept out
5 from under her time and again by tragedy and loss. Addiction was ever-present, until now.

6 Despite her unsuccessful end on pretrial release, Alecia took a lot away from her 90-day
7 inpatient treatment and counselling program at WestCare, as she writes in her letter.³⁵ That
8 program was Alecia's first exposure to grief counselling, and to professional drug treatment. It
9 gave her back two things she still clings to, despite being in custody: her inner-strength and her
10 sobriety. It is challenging to demonstrate post-offense rehabilitation in a custodial setting, but
11 Alecia has done her best. She has maintained her sobriety for more than three years, has
12 participated in as much programming as the jail offered prior to the pandemic,³⁶ and strives to
13 live faithfully by the teachings of the Bible now that she has renewed her commitment to God.

14 Alecia's last 18 months of custody have been particularly challenging, with the constant
15 threat of COVID-19 infection, multiple physical and medical conditions that render her
16 particularly vulnerable to a severe reaction to the virus, and the jail's lockdown response to that
17 threat. Awaiting an opportunity to be sentenced in person has prolonged Alecia's time in county
18 jail, and she has not benefitted from good-time credit she would have accrued in prison. Alecia
19 has nevertheless shown herself to be steadfast in her new commitments to faith and sobriety, a
20 hard worker and a source of support for other women at the jail.

21 Alecia is a pillar of strength for her family and friends, despite the downward spiral she
22 has experienced since she made the difficult decision to place her basketball career and college
23 education "on the back burner to care for the needs of her family."³⁷ One consistent theme
24 throughout the letters written by friends and family is that Alecia was always there for others,
25 striving to help lift up those around her even as she herself fell.³⁸ As Alecia's former coach
26 writes, Alecia had a positive attitude despite experiencing overt racism and persevered – a
27

28 ³⁵ See Exhibit E: Letter from Alecia Trapps.

³⁶ See, e.g. Exhibit F: Certificate for Participation in Aggression Replacement Training.

³⁷ Exhibit H: Letter from La Tonya Lott.

³⁸ See, e.g. Exhibit I – Letter from Lena Dabney.

1 survivor.³⁹ Despite the low point at which she now finds herself, Alecia is the type of person
2 who can rise up and reenter her community to contribute positively.⁴⁰

3 Alecia Trapps does not need to spend decades more in prison – she has already served
4 more time on this case than any other point in her life, and will continue to be incarcerated for
5 years longer even with imposition of the mandatory minimum sentence of 120 months. Alecia
6 still has the drive, and the hope, that can lead her to successfully changing the course of her life
7 before it is too late and make use of the rehabilitative efforts she has put forth thus far.

8 **B. *The Need for Retribution Is Best Served Through a Sentence of 120 Months***
9 ***Imprisonment.***

10 When it enacted § 3553, the Legislature defined retribution to include “from the public’s
11 standpoint. . . the harm done or threatened by the offense.”⁴¹ In 1995, the U.S. Sentencing
12 Commission undertook an empirical study to attempt to determine “the public’s standpoint” with
13 respect to the appropriate punishment for different offenses.⁴² Because trafficking in illegal
14 drugs was of particular interest to the commission, this category of crimes was more elaborately
15 treated within the study than any other. A notable finding within the study was that “overall, the
16 type of drug being sold is just not very important to the respondents.”⁴³

17 Judge Gwin in the Northern District of Ohio conducted an empirical study ten years later
18 that mirrored the results of the Sentencing Commission’s study. Judge Gwin arranged to have
19 juries polled in his district following trials to assess what punishment jurors believed was
20 appropriate.⁴⁴ With respect to specific § 841(a)(1) cases he found that responses demonstrated
21 the “principle consideration in the retributive calculation – the harm occasioned by such a crime
22 – is low, as the “victims” of such drug crimes are typically other drug abusers.”⁴⁵ The study’s
23 results specific to drug cases supported the suggestion that citizen jurors support sentences
24 decidedly lower than guideline-recommended sentences. Judge Gwin looked at cases like

25 ³⁹ See Exhibit J – Letter from Caren Franci.

26 ⁴⁰ See id.

27 ⁴¹ Comprehensive Crime Control Act of 1986, Public Law 98-473 at 3258.

28 ⁴² U.S. Sentencing Commission, *Public Opinion on Sentencing Federal Crimes* (1997), available at
<http://www.ussc.gov/subject-public-opinion-sentencing-federal-crimes>.

⁴³ Id. at page 83.

⁴⁴ Judge James S. Gwin, *Juror Sentiment on Just Punishment: Do the Federal Sentencing Guidelines Reflect Community Values?*, 4 Harv. L. & Pol’y Rev. 173, 174 (2010).

⁴⁵ Id. at 183.

1 *United States v. Rice*, where the defendant was found guilty of possessing with intent to
 2 distribute 10 kilograms of cocaine, and received the 20-year mandatory minimum sentence.⁴⁶ In
 3 *Rice*, the jurors' median recommended sentence was 54 months, despite the mandatory minimum
 4 and 188-months that the defendant faced under the guidelines.⁴⁷ Based upon his empirical
 5 research, Judge Gwin concluded that "the Guidelines ranges poorly reflect community values
 6 regarding what punishment is appropriate."⁴⁸ For both practical and theoretical reasons, this
 7 disconnect undercuts arguments that the Guidelines reflect appropriate punishment. Community
 8 sentiment must be an important part of any just system of punishment and it is particularly
 9 significant in a retributive punishment scheme."⁴⁹

10 Additionally, there is a moral issue with respect to the amount of retribution society
 11 should be extracting from Alecia Trapps. Alecia is a victim herself of the cycle of poverty and
 12 addiction that makes the market for crack and methamphetamine such a dominant one in low-
 13 income communities like that in which Alecia was raised. Alecia was exposed to substance
 14 abuse from the start, as her father spiraled in his own addiction. Even after giving up basketball,
 15 she tried to work and save to get out of the poverty that surrounded her, but found that the color
 16 of her skin was a constant barrier she could not escape from. So when we are extracting
 17 retribution, we as a society need to acknowledge systemic failures that contribute in particular to
 18 the conduct of non-violent drug offenders, like Alecia.

19 Given who Alecia is, what she was exposed to in her community, and the historical
 20 context of crack and methamphetamine in the Black community, as well as considering the
 21 empirical data regarding the appropriate retribution to be imposed in such cases from the public's
 22 perspective -- the only perspective that matters when the issue is retribution -- a sentence of
 23 imprisonment in excess of 120 months would be greater than necessary to accomplish the goal of
 24 retribution.

25
 26 ⁴⁶ *United States v. Rice*, No. 5:05-CR-42 (N.D. Ohio Apr. 12, 2005).

27 ⁴⁷ Gwin at 191.

28 ⁴⁸ *Id.* at 192.

⁴⁹ *Id.*; see e.g., Pew Charitable Trusts, *Public Opinion on Sentencing and Corrections Policy in America* (2012),
 available at <http://www.pewtrusts.org/en/research-and-analysis/analysis/2012/03/30/public-opinion-on-sentencing-and-corrections-policy-in-america> (concluding, based on the results of a national public opinion survey, that "voters
 overwhelming support a variety of policy changes that shift non-violent offenders from prison to more effective, less
 expensive alternatives").

C. *The Need for Deterrence and to Protect the Public's Long-Term Safety Is Best Served Through a Sentence of 120 Months Imprisonment Followed By a Term of Supervision.*

The U.S. Department of Justice issued a statement in 2016 on the misguided notion of using prison as a means of deterrence, concluding that “sending an individual convicted of a crime to prison isn’t a very effective way to deter crime,” and “increasing the severity of punishment does little to deter crime.”⁵⁰ Likewise, the National Institute of Corrections (“NIC”) issued a similar report with similar conclusions.⁵¹ The NIC noted that “while jail and prison do indeed prevent crime while people are incarcerated, once released, incarceration has, at best, a negligible impact on crime prevention and, at worst, is crime-producing.”⁵² The NIC notes that the “research is clear that incapacitating people is unlikely to deter them from committing crimes in the future,” and due to the “criminogenic effect from imprisonment,” “for many, the experience of being in jail or prison will actually increase the likelihood that they will reoffend following confinement.”⁵³ The NIC observed that “no convincing evidence was found to suggest that crime can be reduced by harsh sentences,” and that in fact, “longer time periods in prison . . . were associated with an *increase* in recidivism.”⁵⁴

Alecia Trapps has spent much of her life in custody. What she has spent very little time doing is engaging in the type of community-based cognitive therapy available through federal supervision. After bouncing in and out of the state’s criminal justice system, which failed to address Alecia’s core mental health and substance abuse issues driving her recidivism, she has finally, for the first time in her life, gotten some help. She is ready to continue her journey of learning a better way and seeking out the help she needs.

A long, protracted sentence here does nothing to advance the safety of the community long-term, whereas re-entry on supervision whereby Alecia will have access to resources she can use to open new doors for herself could dramatically affect her likelihood of success. A sentence

⁵⁰ National Institute of Justice, *Five Things About Deterrence* (May 2016), available at <https://www.nij.gov/five-things/pages/deterrence.aspx>.

⁵¹ NIC, *Myths & Facts: Why Incarceration Is Not the Best Way to Keep Communities Safe* (2016), available at <http://nicic.gov/library/032698>.

⁵² *Id.* at 4.

⁵³ *Id.*

⁵⁴ *Id.* at 5 (emphasis in original).

1 of 120 months is more than three times the length of the longest sentence Alecia has previously
2 served, and if any deterrent effect may be had based on an increase in sentence length, a sentence
3 of 120 months is sufficient to achieve this.

4 **D. *The Need to Support and Advance Alecia Trapps' Rehabilitation Is Best Served***
5 ***Through a Sentence of 120 Months Imprisonment Followed By a Term of***
6 ***Supervision.***

7 "[I]mprisonment is not an appropriate means of promoting correction and
8 rehabilitation."⁵⁵ To support and advance Alecia's rehabilitation is in the interests of long-term
9 public safety, and a 120-month period of incarceration that most expeditiously gets her into a
10 vocational development track while on supervision is appropriate in terms of advancing the goal
11 of rehabilitation. As Alecia demonstrated during her time on pretrial release (working grueling
12 graveyard shifts at Foster Farms) and while in custody (working as a food server during all
13 hours), she is ready to dig in and earn her way. A longer period of incarceration denies her the
14 necessary access to community-based vocational training at a time when she is still at an age⁵⁶
15 where she can obtain employment and undermines the goal of rehabilitation. In truth, the
16 sentence called for in the PSR and by the government would deprive Alecia of ever setting foot
17 outside of custody again. It is, effectively, a life sentence. A sentence to die behind bars. Alecia
18 Trapps does not deserve to spend the rest of her days in a cell, despite her greatest mistakes.
19 Accordingly, a sentence of 120 months best serves the need for a rehabilitative approach to
20 justice, and is sufficient but not greater than necessary to support Alecia's successful re-entry to
21 her community before the end of her life.

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26 ⁵⁵ 18 U.S.C. § 3582; *see e.g.*, 28 U.S.C. § 944(k) (directing that the "Commission shall insure the guidelines reflect
27 the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the
28 defendant or providing the defendant with needed educational or vocational training"); *Tapia v. United States*, 131
S. Ct. 2382, 2390 (2011) (observing that "if Congress had similarly meant to allow courts to base prison terms on
offenders' rehabilitative needs, it would have given courts the capacity to ensure that offenders participate in prison
correctional programs. But in fact, courts do not have this authority.").

⁵⁶ Alecia Trapps will be approximately 63 years old upon release from a 120-month sentence, after accounting for
good time credit.

1 **V. Conclusion**

2 Based upon the foregoing, Alecia Trapps respectfully requests this Court sentence her to
3 120 months of incarceration – a decade in prison - followed by the maximum term of supervised
4 release. Any longer period of incarceration would be greater than necessary to accomplish the
5 goals of sentencing codified at 18 U.S.C. § 3553(a)(2).
6

7 Dated: September 8, 2021

Respectfully submitted,

8 HEATHER E. WILLIAMS
9 Federal Defender

10 /s/ Megan T. Hopkins
11 MEGAN T. HOPKINS
12 Assistant Federal Defender
13 Attorney for Alecia Trapps
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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ALECIA TRAPPS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PROOF OF SERVICE

I, David A. Schlesinger, declare that on December 21, 2022, as required by Supreme Court Rule 29, I served Petitioner Alecia Trapps's MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on counsel for Respondent by depositing an envelope containing the motion and the petition in the United States mail (Priority, first-class), properly addressed to her, and with first-class postage prepaid.

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

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

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

Alecia Trapps
Register No. 77322-097
Aliceville FCI
Federal Correctional Institution
P.O. Box 4000
Aliceville, AL 35442

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

Executed on December 21, 2022



DAVID A. SCHLESINGER
Declarant