

Appendix

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 8 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 21-30198

Plaintiff-Appellee,

D.C. Nos.

v.

1:18-cr-00028-DLC-1

1:18-cr-00028-DLC

SAFARA ECHO SHORTMAN,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, District Judge, Presiding

Argued and Submitted October 6, 2022
Portland, Oregon

Before: OWENS and MILLER, Circuit Judges, and PREGERSON,** District Judge. Partial Concurrence and Partial Dissent by Judge MILLER.

Safara Shortman challenges the factual basis for her guilty pleas to conspiracy to possess with intent to distribute at least 50 grams of actual methamphetamine, in violation of 21 U.S.C. § 846 (“Count One”), and possession

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Dean D. Pregerson, United States District Judge for the Central District of California, sitting by designation.

with intent to distribute at least 50 grams of actual methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (“Count Two”). As the parties are familiar with the facts, we do not recount them here. We have jurisdiction under 28 U.S.C. § 1291.

When, as here, “a defendant raises an issue on appeal that was not raised before the district court, such as the lack of a factual basis for a guilty plea under Rule 11, our review is limited to plain error.” *United States v. Bain*, 925 F.3d 1172, 1176 (9th Cir. 2019). We affirm in part and reverse in part.

1. Shortman challenges the factual basis for her guilty plea to Count Two on the grounds that the proffered facts—three sales of methamphetamine—could only support a distribution charge, not a possession with intent to distribute charge. She cites *United States v. Mancuso*, 718 F.3d 780, 793 (9th Cir. 2013), for the proposition that “separate acts of distribution . . . must be charged in separate counts.” But *Mancuso* held only that the government may not aggregate multiple, distinct acts of distribution into one count of distribution. *See id.* It did not undermine the government’s discretion to charge conduct that meets the elements of both distribution and possession with intent to distribute as the latter instead of the former; indeed, *Mancuso* itself affirmed the defendant’s conviction for possession with intent to distribute. *See id.* at 786-87, 792.

Shortman further argues that the government needed to prove that she possessed 50 grams of methamphetamine (with intent to distribute it) at one time.

She did. During one transaction, she sold an informant more than 50 grams of actual methamphetamine. The district court therefore did not err in accepting the proffered facts as a basis for Shortman's plea to Count Two.

2. Shortman challenges the factual basis for her guilty plea to Count One on many of the same grounds. But her arguments based on *Mancuso* fail for the reasons described above.

Shortman separately argues that the factual basis only established a buyer-seller relationship between her and her source and did not establish a conspiratorial agreement between her and any other person. We agree.

To prove conspiracy, "the government must show that the buyer and seller had an agreement to further distribute the drug in question." *United States v. Moe*, 781 F.3d 1120, 1124-25 (9th Cir. 2015) (citation omitted). "Under the buyer-seller rule, 'mere sales to other individuals do not establish a conspiracy to distribute or possess with intent to distribute . . .'" *Id.* (quoting *United States v. Lennick*, 18 F.3d 814, 819 n.4 (9th Cir. 1994)). Instead, "there has to be an agreement, not just surmise or knowledge, between the seller and buyer for the buyer to redistribute." *United States v. Loveland*, 825 F.3d 555, 561 (9th Cir. 2016). "Distinguishing between a conspiracy and a buyer-seller relationship requires a fact-intensive and context-dependent inquiry" *Moe*, 781 F.3d at 1125.

The offer of proof established that Shortman had distributed

methamphetamine, but it did not show any agreement that Shortman had with any others. Shortman's counsel raised this issue with the court, but then abandoned the argument when the government stated that they had "determined that she was distributing methamphetamine to other persons" and identified her source. Neither of those facts shows that Shortman had more than a buyer-seller relationship with any other person. That her counsel accepted them as evidence of a conspiracy suggests that he—and Shortman—misunderstood the elements of conspiracy and the buyer-seller rule that he had seemingly invoked.

The court later asked the government whether "the telephone intercepts or telephone records" and "the tracking device" showed not just "a source, but some agreement with somebody else to in fact distribute methamphetamine." The government responded affirmatively yet provided no facts to support their reply.

The court accepted the conclusory assertion without probing, for instance:

whether the drugs were sold on credit or on consignment; the frequency of sales; the quantity of drugs involved; the level of trust demonstrated between buyer and seller, including the use of codes; the length of time during which sales were ongoing; whether the transactions were standardized; whether the parties advised each other on the conduct of the other's business; whether the buyer assisted the seller by looking for other customers; and whether the parties agreed to warn each other of potential threats from competitors or law enforcement.

Id. at 1125-26 (footnotes omitted) (describing factors relevant to determine existence of a conspiracy to distribute). Even the amount of methamphetamine

Shortman distributed is, alone and with the record as a whole, plainly insufficient to prove any agreement to further distribute. *See id.* at 1126 n.4; *see also United States v. Ramirez*, 714 F.3d 1134, 1140 (9th Cir. 2013).

At the plea colloquy, Shortman admitted that she “knowingly distributed with—well, conspired with somebody else to distribute methamphetamine,” and had “an agreement with somebody else that [she was] going to distribute [more than 50 grams of] methamphetamine.” But the inquiry ended there—with a bald recitation of the elements of the charged crimes.

“The purpose of [the factual basis] requirement is to ensure that the defendant is not mistaken about whether the conduct he admits to satisfies the elements of the offense charged.” *United States v. Mancinas-Flores*, 588 F.3d 677, 682 (9th Cir. 2009). Bare, conclusory statements agreeing with statutory elements did not suffice to fulfill that purpose here.

Because neither the plea colloquy nor the record as a whole establishes a sufficient factual basis to show that Shortman’s relationship with her supplier went beyond buyer-seller, and because the plea colloquy suggests that Shortman did not understand that a buyer-seller agreement would not satisfy the elements of conspiracy when she pled, the district court plainly erred in accepting Shortman’s guilty plea on Count One. This “seriously affect[ed] the fairness, integrity or public reputation of [the] judicial proceedings.” *See United States v. Olano*, 507

U.S. 725, 732 (1993) (setting forth plain error framework).

We affirm as to Count Two. We reverse as to Count One and remand for resentencing.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

DEC 8 2022

United States v. Shortman, No. 21-30198MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MILLER, Circuit Judge, concurring in part and dissenting in part:

I would affirm as to both counts. At the change-of-plea hearing, the district court recognized that conspiracy requires more than merely a buyer-seller relationship, and it asked government counsel to address that issue: “[E]verybody has a source, but [is there] some agreement with somebody else to in fact distribute methamphetamine?” Counsel answered in the affirmative, and Shortman said that she agreed. That answer, coupled with the statements of defense counsel, established the elements of the offense. It might have been better if the district court had asked more detailed questions, but our review is for plain error, which means that Shortman must show an error that was “clear or obvious, rather than subject to reasonable dispute.” *United States v. Marcus*, 560 U.S. 258, 262 (2010) (quoting *Puckett v. United States*, 556 U.S. 129, 135 (2009)). In my view, any error in this case does not satisfy that standard.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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FEB 15 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SAFARA ECHO SHORTMAN,

Defendant-Appellant.

No. 21-30198

D.C. Nos.

1:18-cr-00028-DLC-1

1:18-cr-00028-DLC

District of Montana,
Billings

ORDER

Before: OWENS and MILLER, Circuit Judges, and PREGERSON,* District Judge.

The panel has voted to deny the petition for panel rehearing. Judges Owens and Miller voted to deny the petition for rehearing en banc, and Judge Pregerson so recommends.

The full court has been advised of the suggestion for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are therefore DENIED.

* The Honorable Dean D. Pregerson, United States District Judge for the Central District of California, sitting by designation.

COLIN M. RUBICH
Assistant U.S. Attorney
U.S. Attorney's Office
2601 Second Ave. N., Ste. 3200
Billings, MT 59101
Phone: (406) 247-4684
Fax: (406) 657-6989
E-mail: Colin.Rubich@usdoj.gov

FILED

FEB 22 2018

Clerk, U.S. Courts
District Of Montana
Billings Division

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,	CR 18- 28-BLG-DLC
Plaintiff,	INDICTMENT
vs.	CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE METHAMPHETAMINE (Count I) Title 21 U.S.C. § 846 (Penalty: Mandatory minimum ten years to life imprisonment, \$10,000,000 fine, and at least five years supervised release)
SAFARA ECHO SHORTMAN,	POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE (Count II) Title 21 U.S.C. § 841(a)(1) Title 18 U.S.C. § 2 (Penalty: Mandatory minimum ten years to life imprisonment, \$10,000,000 fine, and at least five years supervised release)
Defendant.	
	TITLE 21 PENALTIES MAY BE ENHANCED BY PRIOR DRUG- RELATED FELONY CONVICTIONS

THE GRAND JURY CHARGES:

COUNT I

That beginning in or about October 26, 2017, and continuing until on or about December 1, 2017, at Billings and within Yellowstone County, in the State and District of Montana and elsewhere, the defendant, SAFARA ECHO SHORTMAN, knowingly and unlawfully conspired and agreed with other persons, known and unknown to the Grand Jury, to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1), 50 grams or more of actual methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846.

COUNT II

That beginning in or about October 26, 2017, and continuing until on or about December 1, 2017, at Billings and within Yellowstone County, in the State and District of Montana and elsewhere, the defendant, SAFARA ECHO SHORTMAN, knowingly possessed, with the intent to distribute, 50 grams or more of actual methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

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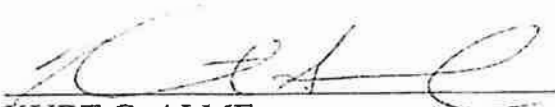
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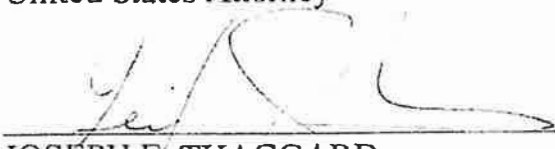
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A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON


KURT G. ALME
United States Attorney


JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons _____

Warrant: ☒ _____

Bail: _____

COLIN M. RUBICH
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
E-Mail: Colin.Rubich@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 18-28-BLG-DLC
Plaintiff,	
vs.	OFFER OF PROOF
SAFARA ECHO SHORTMAN,	
Defendant.	

The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of plea hearing set in this case on April 17, 2018.

THE CHARGE

The defendant, Safara Echo Shortman, is charged by indictment with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Count I) and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count II).

PLEA AGREEMENT

There is not a plea agreement in this case. Shortman will plead guilty to the indictment without benefit of a written plea agreement. In the government's view, this is the most favorable resolution of this case for the defendant. *See Missouri v. Frye*, 566 U.S. 134 (2012).

ELEMENTS OF THE CHARGE

In order for Shortman to be found guilty of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846, as charged in Count I of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, there was an agreement between two or more people to possess methamphetamine with intent to distribute; and

Second, the defendant entered the agreement knowing of its objectives and intending to accomplish at least one of those objectives.

Additionally, while not a formal element of the offense, the government would also have to prove beyond a reasonable doubt that the conspiracy involved 50 or more grams of actual methamphetamine.

In order for Shortman to be found guilty of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in Count II of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed 50 grams or more of actual methamphetamine; and

Second, the defendant possessed it with the intent to distribute it to another person.

PENALTY

Each charge contained in the indictment carries a mandatory minimum ten years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

In the fall of 2017, EMHIDTA Agents received information from a confidential informant that the defendant, Safara Shortman, was distributing large quantities of methamphetamine. Through use of the confidential informant,

agents purchased one ounce of methamphetamine from Shortman on October 26, 2017. On November 1, 2017, agents conducted another controlled purchase of one ounce of methamphetamine. On November 9, 2017, agents conducted a third controlled purchase for two ounces of methamphetamine. Laboratory tests were conducted on several of these purchases. Each time, the methamphetamine tested more than 95% pure.

DATED this 10th day of April, 2018.

KURT G. ALME
United States Attorney

/s/ Colin M. Rubich
COLIN M. RUBICH
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAFARA ECHO SHORTMAN,

Defendant.

Criminal Docket

No. CR 18-28-BLG-DLC

Transcript of Change of Plea

Heard in Bighorn Courtroom
James F. Battin United States Courthouse
2601 Second Avenue North
Billings, Montana
Thursday - April 26, 2018
9:18 a.m. - 9:43 a.m.

BEFORE THE HONORABLE TIMOTHY J. CAVAN

UNITED STATES MAGISTRATE JUDGE

REBECCA M. SABO, RPR, CRR
United States Court Reporter
James F. Battin United States Courthouse
2601 Second Avenue North, Room 4209
Billings, Montana 59101
rebecca_sabo@mtd.uscourts.gov
(406) 855-6410

Proceedings recorded by FTR
Transcript produced by computer-assisted transcription

1 tell me in your own words what you did that makes you feel you
2 are guilty of this offense.

3 If you were convicted at trial, you'd have the right
4 to appeal your conviction to the Ninth Circuit Court of
5 Appeals, and you'd do so by filing a notice of appeal within 14
6 days of your conviction. The Court of Appeals would review the
7 record in this case, they would ensure that there were no
8 errors, they would ensure that you received a fair trial, and
9 if not, your conviction could be reversed and sent back to this
10 court for a new trial.

11 You understand that if you plead guilty today and if
12 your plea is accepted, there will be no trial? Do you
13 understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And you will have waived, or given up,
16 all of these rights that I have just outlined for you. These
17 are very important constitutional rights that you have. Do you
18 wish to waive these rights and proceed this morning?

19 THE DEFENDANT: Yes.

20 THE COURT: Mr. Godfrey, would you please tell us the
21 elements the government would be required to prove in this
22 matter beyond a reasonable doubt with respect to both Counts I
23 and II.

24 MR. GODFREY: Yes, Your Honor.

25 In order for the defendant to be found guilty of

1 Count I, the United States would have to prove beyond a
2 reasonable doubt the following elements:

3 First, there was an agreement between two or more
4 people to distribute methamphetamine and to possess
5 methamphetamine with the intent to distribute; and

6 Second, the defendant entered the agreement knowing
7 of its objectives and intending to accomplish at least one of
8 those objectives.

9 Additionally, while not a formal element of the
10 offense, the government would also have to prove beyond a
11 reasonable doubt that the conspiracy involved 50 or more grams
12 of actual methamphetamine.

13 For Count II, the government would have to prove:

14 First, the defendant knowingly possessed
15 methamphetamine; and

16 Second, the defendant possessed it with the intent to
17 distribute to another person.

18 And, again, while not a formal element, the
19 government would have to prove the amount of methamphetamine
20 possessed with intent to distribute was 50 grams or more of
21 actual methamphetamine.

22 THE COURT: Mr. Babcock, is that a correct statement
23 of the legal elements for these offenses?

24 MR. BABCOCK: Yes, Your Honor.

25 THE COURT: Ms. Shortman, do you understand from that

1 explanation what the government would be required to prove in
2 this matter beyond a reasonable doubt?

3 THE DEFENDANT: Yes.

4 THE COURT: Mr. Godfrey, would you please tell us
5 what the proof would be if this case were to proceed to trial?

6 MR. GODFREY: Yes, Your Honor.

7 In the fall of 2017, Eastern Montana Drug Task Force
8 agents received information from a confidential informant that
9 the defendant was distributing quantities of methamphetamine.
10 Through the use of the confidential informant, agents purchased
11 one ounce of methamphetamine from the defendant on October 26
12 of 2017. On November 1st, 2017, agents conducted another
13 controlled purchase of one ounce of methamphetamine. And on
14 November 9th of 2017, agents conducted a third controlled
15 purchase, this time for two ounces of methamphetamine.
16 Laboratory tests were conducted on these purchases. Each time,
17 the methamphetamine tested more than 95 percent pure resulting
18 in 50 or more grams of pure methamphetamine possessed and
19 distributed.

20 THE COURT: Thank you, Mr. Godfrey.

21 Ms. Shortman, did the assistant United States
22 attorney say anything that you disagree with or that you think
23 is incorrect?

24 THE DEFENDANT: No. No.

25 THE COURT: Thank you.

1 MR. BABCOCK: One thing, if I could bring up,
2 Your Honor.

3 THE COURT: Certainly.

4 MR. BABCOCK: And this doesn't affect any of the
5 elements of the offense, but as it states that in the first
6 sentence of the anticipated evidence section of the
7 government's offer of proof, where it states that Ms. Shortman
8 was distributing large quantities of methamphetamine, we do
9 understand that there was three controlled purchases in this
10 case equating four ounces of methamphetamine. When tested by
11 the laboratory, it was certainly over the 50 grams of actual.
12 But just for the record, we would dispute that there was
13 information of her distributing large amounts --

14 THE COURT: Thank you.

15 MR. BABCOCK: -- whatever that means.

16 THE COURT: Thank you, Mr. Babcock.

17 Mr. Godfrey, the only concern I have with the
18 government's offer of proof in this matter, there is no --
19 there are no allegations to satisfy the conspiracy elements.
20 The -- as I read the offer of proof, there were, as Mr. Babcock
21 indicated, some controlled buys, but there is no indication in
22 the offer of proof of any agreement that Ms. Shortman had with
23 any others to possess with intent to distribute
24 methamphetamine.

25 MR. GODFREY: And I can allay the Court's concerns on

1 that.

2 Prior -- after the third purchase of methamphetamine,
3 agents obtained the defendant's cellular telephone records and
4 installed an electronic tracking device on her vehicle, and
5 through that investigation determined that she was
6 distributing methamphetamine to other persons. And I believe
7 they identified her source of methamphetamine who they had
8 information was a source of methamphetamine in the area. So
9 that would be our information in terms of the persons that were
10 involved in the distribution of methamphetamine.

11 THE COURT: Ms. Shortman, is there anything about
12 that explanation that you disagree with or that you think is
13 incorrect?

14 MR. BABCOCK: May I have a moment, Your Honor?

15 THE COURT: Certainly.

16 (Pause.)

17 MR. BABCOCK: And, yes, Your Honor, the discovery
18 does lay that out, in the fact of where -- that there was
19 identification of the source in this case, and then the source
20 providing methamphetamine to Ms. Shortman who then distributed
21 the methamphetamine to others via the controlled purchases. So
22 I do believe by my view of the discovery and also what
23 Mr. Godfrey has said here today that it would satisfy the
24 element that she did have an agreement with at least one other
25 person to qualify as a conspiracy.

1 THE COURT: All right. And, Mr. Godfrey, those -- I
2 assume from the telephone intercepts or telephone records that
3 you received and the tracking device, they, in the government's
4 view, indicated some agreement with -- everybody has a source,
5 but some agreement with somebody else to in fact distribute
6 methamphetamine?

7 MR. GODFREY: Yes, Your Honor.

8 THE COURT: And do you agree with that explanation,
9 Ms. Shortman?

10 THE DEFENDANT: Yes.

11 THE COURT: Ms. Shortman, I'm -- we're going to go
12 through each count of the indictment and I'm going to ask you
13 to tell me in your own words what you did that makes you feel
14 that you are guilty of that offense, and we'll start with the
15 conspiracy count. Would you please tell me what you did that
16 makes you feel that you are guilty of that offense.

17 THE DEFENDANT: I knowingly distributed with -- well,
18 conspired with somebody else to distribute methamphetamine.

19 THE COURT: All right. And when you say you
20 conspired, did you have an agreement with somebody else that
21 you were going to distribute methamphetamine?

22 THE DEFENDANT: Yes.

23 THE COURT: And did you -- when you -- did you enter
24 into that agreement knowing what the agreement was, that you
25 were in fact going to distribute methamphetamine?

1 THE DEFENDANT: Yes.

2 THE COURT: And did you conduct any acts in
3 furtherance of that? In other words, did you carry out that
4 agreement in any fashion?

5 THE DEFENDANT: Yes.

6 THE COURT: And did that agreement that you had with
7 another person, did it involve at least 50 or more grams of
8 actual methamphetamine?

9 THE DEFENDANT: Yes.

10 THE COURT: Let's talk about Count II. Count II is
11 possession with intent to distribute methamphetamine. Would
12 you please tell me what you did that makes you feel you are
13 guilty of that offense?

14 THE DEFENDANT: I was in possession of more than 50
15 grams of methamphetamine.

16 THE COURT: And what did you intend to do with that?

17 THE DEFENDANT: Distribute it.

18 THE COURT: To other people?

19 THE DEFENDANT: And use, yeah.

20 THE COURT: Okay. But did you intend to
21 distribute --

22 THE DEFENDANT: Yes.

23 THE COURT: -- at least 50 grams of methamphetamine?

24 THE DEFENDANT: Yes.

25 THE COURT: Ms. Shortman, I find that you competently

1 and intelligently participated in the hearing this morning,
2 that you understand the consequences of your plea, that you
3 understand the nature of the offense, including the penalties
4 for the offense, that you understand the rights that you are
5 forfeiting. I find that you're acting voluntarily and that
6 there's a basis in fact that establishes each of the essential
7 elements of these two offenses beyond a reasonable doubt.

8 And I'll take you through each count individually,
9 starting with Count I, which charges you with conspiracy to
10 possess with intent to distribute methamphetamine, how do you
11 plead, guilty or not guilty?

12 THE DEFENDANT: Guilty.

13 THE COURT: And with respect to Count II charging you
14 with possession with intent to distribute methamphetamine, how
15 do you plead, guilty or not guilty?

16 THE DEFENDANT: Guilty.

17 THE COURT: Let the record reflect that guilty pleas
18 have been entered to both counts of the indictment.

19 I will recommend to Judge Christensen that that --
20 those pleas be accepted. If you have any objection to his
21 accepting those pleas, those objections would have to be filed
22 within 14 days of today's date or it would be waived, and in
23 all likelihood Judge Christensen will accept those
24 recommendations and set your matter for sentencing.

25 Ms. Shortman, you now have the opportunity to

1 participate in the preparation of your presentence report.
2 It's very important that you be truthful in your presentence
3 interview. You have the right to have Mr. Babcock present when
4 you're being interviewed. You have the absolute right to
5 listen to any advice that he gives you concerning what
6 questions to answer or not answer or any other advice that he
7 gives you.

8 The information you do provide will be put together
9 in the form of a report for Judge Christensen. You'll have the
10 opportunity to see that report prior to the time that he sees
11 it. If you have any objections or corrections that you need to
12 make to the report that can't be resolved informally, you can
13 make those objections and Judge Christensen will resolve those
14 objections at the time of sentencing.

15 Is there anything further with respect to this
16 matter, Counsel?

17 MR. GODFREY: No, Your Honor.

18 MR. BABCOCK: No. Thank you, Your Honor.

19 THE COURT: Thank you, Counsel.

20 And Ms. Shortman will be remanded to the custody of
21 the United States Marshals, and good luck, again, Ms. Shortman.

22 THE DEFENDANT: Have a good day.

23 (Whereupon, the Court adjourned at 9:43 a.m.)

24 --oo0oo--

25