

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

SAMUEL TRELAWNEY HUGHES,

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 III) – PRESENTED SEPARATELY UNDER S. CT.
R. 14.1(i)**

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Counsel for Petitioner

ATTACHMENT A-1

PROPERTY TO BE SEARCHED

The following digital devices, seized on or about June 11, 2020, and currently maintained in the custody of Pasadena Police Department in Pasadena, California:

1. a MacBook laptop, model A1708, with serial number C02SJK7QGY25 ("SUBJECT DEVICE 1");
2. a Wireless hard drive, model A1470, with serial number C86J21DWF9H6 ("SUBJECT DEVICE 2");
3. a Mac desktop computer, model A1419, with serial number C02TH0QAGG7J ("SUBJECT DEVICE 3"); and
4. a Black iPhone 7 with galaxy-themed case, model A1778, with serial number DNRSQMEMHG7K ("SUBJECT DEVICE 4").

ATTACHMENT A-2

PROPERTY TO BE SEARCHED

The following digital device ("SUBJECT DEVICE 5"), seized from SAMUEL TRELAWNEY HUGHES on or about June 25, 2020, and currently maintained in the custody of the Los Angeles Sheriff's Department ("LASD") in Los Angeles, California: a black Apple iPhone with a single camera lens, held at LASD's Inmate Reception Center, under booking number 5960604.

ATTACHMENT B

I. ITEMS TO BE SEIZED

1. The items to be seized are evidence, contraband, fruits, or instrumentalities of violations 18 U.S.C. § 2261A(2) (Cyberstalking), 18 U.S.C. § 875(c) (Transmitting a Communication Containing a Threat to Injure), 18 U.S.C. § 876 (Mailing Threatening Communication), and 18 U.S.C. § 1512(b) (3) (Tampering With a Victim by Intimidation/Threats) (the "Subject Offenses"), namely:

a. Any records, documents, programs, photographs, applications, or materials containing correspondence to or from the victims in this investigation;

b. Any records, documents, programs, applications, or materials relating to threats to commit, or the commission of, acts of sexual or other physical violence, including against the victims in this investigation;

c. And records, documents, programs, applications, or materials relating to the physical or sexual harassment or threatening of others, including the victims in this investigation;

d. Any records, documents, programs, photographs, applications, or materials pertaining to social networking events in the Central District of California; and

e. Any SUBJECT DEVICE, which is itself or which contains evidence, contraband, fruits, or instrumentalities of the Subject Offense/s, and forensic copies thereof.

f. With respect to any SUBJECT DEVICE containing evidence falling within the scope of the foregoing categories of items to be seized:

i. evidence of who used, owned, or controlled the device at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, browsing history, user profiles, e-mail, e-mail contacts, chat and instant messaging logs, photographs, and correspondence;

ii. evidence of the presence or absence of software that would allow others to control the device, such as viruses, Trojan horses, and other forms of malicious software, as well as evidence of the presence or absence of security software designed to detect malicious software;

iii. evidence of the attachment of other devices;

iv. evidence of counter-forensic programs (and associated data) that are designed to eliminate data from the device;

v. evidence of the times the device was used;

vi. passwords, encryption keys, biometric keys, and other access devices that may be necessary to access the device;

vii. applications, utility programs, compilers, interpreters, or other software, as well as documentation and manuals, that may be necessary to access the device or to conduct a forensic examination of it;

viii. records of or information about Internet Protocol addresses used by the device;

ix. records of or information about the device's Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses.

2. As used herein, the terms "records," "documents," "programs," "applications," and "materials" include records, documents, programs, applications, and materials created, modified, or stored in any form, including in digital form on any digital device and any forensic copies thereof.

3. As used herein, the term "digital device" includes any electronic system or device capable of storing or processing data in digital form, including central processing units; desktop, laptop, notebook, and tablet computers; personal digital assistants; wireless communication devices, such as telephone paging devices, beepers, mobile telephones, and smart phones; digital cameras; gaming consoles (including Sony PlayStations and Microsoft Xboxes); peripheral input/output devices, such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices, such as modems, routers, cables, and connections; storage media, such as hard disk drives, floppy disks, memory cards, optical disks, and magnetic tapes used to store digital data (excluding analog tapes such as VHS); and security devices.

II. SEARCH PROCEDURE FOR DIGITAL DEVICES

4. In searching the SUBJECT DEVICES (or forensic copies thereof), law enforcement personnel executing this search warrant will employ the following procedure:

a. Law enforcement personnel or other individuals assisting law enforcement personnel (the "search team") may search any SUBJECT DEVICE capable of being used to facilitate the above-listed violations or containing data falling within the scope of the items to be seized.

b. The search team will, in its discretion, either search each SUBJECT DEVICE where it is currently located or transport it to an appropriate law enforcement laboratory or similar facility to be searched at that location.

c. The search team shall complete the search of each SUBJECT DEVICE as soon as is practicable but not to exceed 120 days from the date of issuance of the warrant. The government will not search the digital devices beyond this 120-day period without obtaining an extension of time order from the Court.

d. The search team will conduct the search only by using search protocols specifically chosen to identify only the specific items to be seized under this warrant.

i. The search team may subject all of the data contained in each SUBJECT DEVICE capable of containing any of the items to be seized to the search protocols to determine whether the SUBJECT DEVICE and any data thereon falls within the scope of the items to be seized. The search team may also search for and attempt to recover deleted, "hidden," or

encrypted data to determine, pursuant to the search protocols, whether the data falls within the scope of the items to be seized.

ii. The search team may use tools to exclude normal operating system files and standard third-party software that do not need to be searched.

iii. The search team may use forensic examination and searching tools, such as "EnCase" and "FTK" (Forensic Tool Kit), which tools may use hashing and other sophisticated techniques.

e. If the search team, while searching a SUBJECT DEVICE, encounters immediately apparent contraband or other evidence of a crime outside the scope of the items to be seized, the team shall immediately discontinue its search of that SUBJECT DEVICE pending further order of the Court and shall make and retain notes detailing how the contraband or other evidence of a crime was encountered, including how it was immediately apparent contraband or evidence of a crime.

f. If the search determines that a SUBJECT DEVICE does not contain any data falling within the list of items to be seized, the government will, as soon as is practicable, return the SUBJECT DEVICE and delete or destroy all forensic copies thereof.

g. If the search determines that a SUBJECT DEVICE does contain data falling within the list of items to be seized, the government may make and retain copies of such data, and may access such data at any time.

h. If the search determines that the SUBJECT DEVICE is (1) itself an item to be seized and/or (2) contains data falling within the list of other items to be seized, the government may retain the digital device and any forensic copies of the digital device, but may not access data falling outside the scope of the other items to be seized (after the time for searching the device has expired) absent further court order.

i. The government may also retain a SUBJECT DEVICE if the government, prior to the end of the search period, obtains an order from the Court authorizing retention of the device (or while an application for such an order is pending), including in circumstances where the government has not been able to fully search a device because the device or files contained therein is/are encrypted.

j. After the completion of the search of the SUBJECT DEVICES, the government shall not access digital data falling outside the scope of the items to be seized absent further order of the Court.

5. The review of the electronic data obtained pursuant to this warrant may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the investigating agency may deliver a complete copy of the seized or copied electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

6. The special procedures relating to digital devices found in this warrant govern only the search of digital devices pursuant to the authority conferred by this warrant and do not apply to any search of digital devices pursuant to any other court order.

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4 Assistant United States Attorney
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15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20-MJ-03187

21 Plaintiff,

22 v.
23 GOVERNMENT'S NOTICE OF REQUEST FOR
24 DETENTION

25 SAMUEL TRELAWNEY HUGHES,

26 Defendant.

27 Plaintiff, United States of America, by and through its counsel
28 of record, hereby requests detention of defendant and gives notice of
the following material factors:

29 1. Temporary 10-day Detention Requested (§ 3142(d)) on the
30 following grounds:
31 a. present offense committed while defendant was on release
32 pending (felony trial),
33 b. defendant is an alien not lawfully admitted for
34 permanent residence; and

- c. defendant may flee; or
- d. pose a danger to another or the community.
- 2. Pretrial Detention Requested (§ 3142(e)) because no condition or combination of conditions will reasonably assure:
 - a. the appearance of the defendant as required;
 - b. safety of any other person and the community.
- 3. Detention Requested Pending Supervised Release/Probation Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):
 - a. defendant cannot establish by clear and convincing evidence that he/she will not pose a danger to any other person or to the community;
 - b. defendant cannot establish by clear and convincing evidence that he/she will not flee.
- 4. Presumptions Applicable to Pretrial Detention (18 U.S.C. § 3142(e)):
 - a. Title 21 or Maritime Drug Law Enforcement Act ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense with 10-year or greater maximum penalty (presumption of danger to community and flight risk);
 - b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or 2332b(g)(5)(B) with 10-year or greater maximum penalty (presumption of danger to community and flight risk);
 - c. offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-2252A(a)(4),

2260, 2421, 2422, 2423 or 2425 (presumption of danger to community and flight risk);

d. defendant currently charged with an offense described in paragraph 5a - 5e below, AND defendant was previously convicted of an offense described in paragraph 5a - 5e below (whether Federal or State/local), AND that previous offense was committed while defendant was on release pending trial, AND the current offense was committed within five years of conviction or release from prison on the above-described previous conviction (presumption of danger to community).

5. Government Is Entitled to Detention Hearing Under § 3142(f)
If the Case Involves:

- a. a crime of violence (as defined in 18 U.S.C. § 3156(a)(4)), a violation of 18 U.S.C. § 1591, or Federal crime of terrorism (as defined in 18 U.S.C. § 2332b(g)(5)(B)) for which maximum sentence is 10 years' imprisonment or more;
- b. an offense for which maximum sentence is life imprisonment or death;
- c. Title 21 or MDLEA offense for which maximum sentence is 10 years' imprisonment or more;
- d. any felony if defendant has two or more convictions for a crime set forth in a-c above or for an offense under state or local law that would qualify under a, b, or c

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7. Good cause for continuance in excess of three days exists in that:

Dated: July 24, 2020

Respectfully submitted,

NICOLA T. HANNA
United States Attorney

CHRISTOPHER D. GRIGG
Assistant United States Attorney
Chief, National Security Division

LAUREN RESTREPO
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

20MJ03187
PH:12:45

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA v. Samuel Trelawney Hughes USMS#	PLAINTIFF DEFENDANT	CASE NUMBER: 20MJ03187
REPORT COMMENCING CRIMINAL ACTION		

TO: CLERK'S OFFICE, U.S. DISTRICT COURT

All areas must be completed. Any area not applicable or unknown should indicate "N/A".

1. Date and time of arrest: 07/24/2020, 10:30 AM PM
2. The above named defendant is currently hospitalized and cannot be transported to court for arraignment or any other preliminary proceeding: Yes No
3. Defendant is in U.S. Marshals Service lock-up (in this court building): Yes No
4. Charges under which defendant has been booked:

Title 18, USC, Section 875(c): Transmitting a Communication Containing a Threat to Injure

5. Offense charged is a: Felony Minor Offense Petty Offense Other Misdemeanor

6. Interpreter Required: No Yes Language: _____

7. Year of Birth: 1989

8. Defendant has retained counsel: No

Yes Name: _____ Phone Number: _____

9. Name of Pretrial Services Officer notified: Monica Jefferson

10. Remarks (if any): _____

11. Name: SA Sabrina Ferguson (please print)

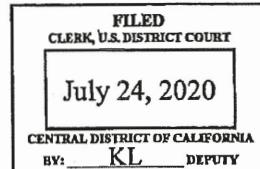
12. Office Phone Number: 626-919-3434

13. Agency: FBI

14. Signature: Sabrina Ferguson

15. Date: 07/24/2020

NAME & ADDRESS
Bina Ahmad Bar. No. 329287



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA	PLAINTIFF, v.	CASE NUMBER 20-MJ-3187
Samuel Hughes	DEFENDANT(S).	CONSENT TO VIDEO/TELEPHONIC CONFERENCE AND/OR WAIVER OF DEFENDANT'S PRESENCE <input checked="" type="checkbox"/> AND PROPOSED FINDINGS/ORDER

Check each that applies:

CONSENT TO VIDEO CONFERENCE/TELEPHONIC CONFERENCE WAIVER OF DEFENDANT'S PRESENCE

1. Consent to Video Conference/Telephonic Conference

I, Samuel Hughes, understand that the U.S. Constitution, the Federal Rules of Criminal Procedure, and/or one or more federal statutes may give me the right to have all the below-listed proceedings take place in person in open court. After consultation with counsel, I knowingly and voluntarily consent to the proceedings below instead taking place by video conference or, if video conference is not reasonably available, by telephonic conference:

Check each that applies:

<input checked="" type="checkbox"/> Detention/Bail Review/Reconsideration Hearing(s) (18 U.S.C. Sec. 3142)	<input checked="" type="checkbox"/> Initial Appearance (Fed. R. Crim. P. 5)
<input checked="" type="checkbox"/> Preliminary Hearing (Fed. R. Crim. P. 5.1)	<input checked="" type="checkbox"/> Arraignment (Fed. R. Crim. P. 10)
<input type="checkbox"/> Pretrial Release Revocation Proceedings (18 U.S.C. Sec. 3148)	<input type="checkbox"/> Waiver of Indictment (Fed. R. Crim. P. 7(b))
<input type="checkbox"/> Misdemeanor Pleas and Sentencings (Fed. R. Crim. P. 43(b)(2))	<input type="checkbox"/> Appearances under Fed. R. Crim. P. 40
<input type="checkbox"/> Probation and Supervised Release Revocation Proceedings (Fed. R. Crim. P. 32.1)	

Note: to consent to an appearance by video or telephonic conference at one of the two proceedings listed below, you must also complete the "Proposed Findings" section on page 2 of this form.

Felony Pleas (Fed. R. Crim. P. 11) Felony Sentencings (Fed. R. Crim. P. 32)

2. Waiver of Defendant's Presence

I, Samuel Hughes, understand that the U.S. Constitution, the Federal Rules of Criminal Procedure, and/or one or more federal statutes may give me the right to be present at all of the below-listed proceedings - in person, by video conference, or by telephonic conference. After consultation with counsel, I knowingly and voluntarily waive my right to be present in person in open court or by video conference or by telephonic conference at the proceedings below:

Check each that applies (and use Form CR-35 to waive the defendant's presence at other types of proceedings):

<input type="checkbox"/> Detention/Bail Review/Reconsideration Hearing(s) (18 U.S.C. Sec. 3142)	<input type="checkbox"/> Waiver of Indictment (Fed. R. Crim. P. 7(b))
<input type="checkbox"/> Preliminary Hearing (Fed. R. Crim. P. 5.1)	<input type="checkbox"/> Appearances under Fed. R. Crim. P. 40
<input type="checkbox"/> Pretrial Release Revocation Proceedings (18 U.S.C. Sec. 3148)	
<input type="checkbox"/> Misdemeanor Pleas and Sentencings (Fed. R. Crim. P. 43(b)(2))	
<input type="checkbox"/> Probation and Supervised Release Revocation Proceedings (Fed. R. Crim. P. 32.1)	

7-24-2020

[Signature]
Defendant

Signed for Defendant by Counsel for Defendant with
Defendant's Authorization [Check if applicable]

I have translated this consent/waiver to the Defendant in the _____ language.

Date

Interpreter (if required)

Signed for Interpreter by Counsel for Defendant with
 Interpreter's Authorization [Check if applicable]

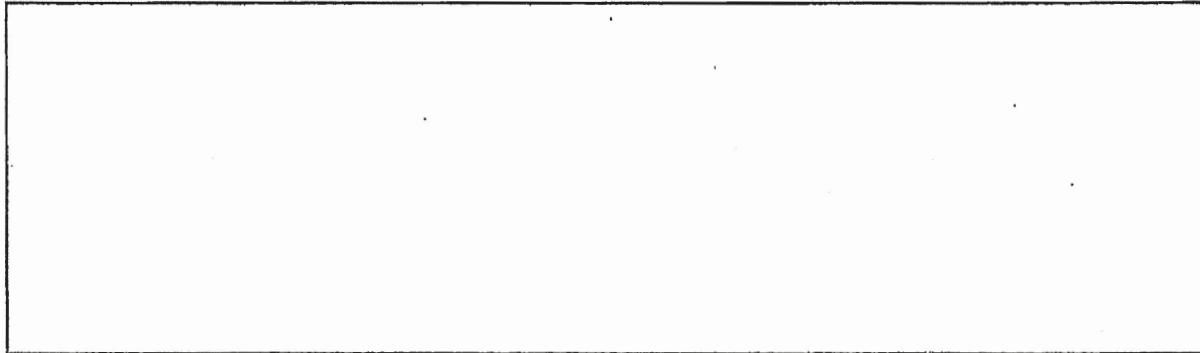
I am counsel for the Defendant herein. Prior to the Defendant signing this document or authorizing me to sign this document on the Defendant's behalf, I fully advised the Defendant of the Defendant's above-referenced rights and consulted with the Defendant regarding such rights and the Defendant's consent/waiver(s). I believe that the Defendant understands such rights and that the Defendant's consent/waiver(s) are knowing and voluntary, and I concur with such consent/waiver(s).

7-24-20


Counsel for Defendant

3. Proposed Findings Regarding Harm of Further Delay of Felony Plea or Sentencing

Pursuant to § 15002(b)(2) of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act and § 2 of Order of the Chief Judge No. 20-043 (In Re: Coronavirus Public Emergency Use of Video and Telephonic Conference in Certain Criminal Proceedings), felony pleas and sentencing cannot be conducted other than in person in open court unless the judge makes specific findings that the plea or sentencing "cannot be further delayed without serious harm to the interests of justice." Accordingly, if the defendant intends to consent to a felony plea or sentencing taking place by video conference or, if video conference is not reasonably available, by telephonic conference, instead of in person in open court, the defendant must set forth below proposed findings sufficient to make this showing.



4. Order Adopting Findings Regarding Harm of Further Delay of Felony Plea or Sentencing

Pursuant to § 15002(b)(2) of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act and § 2 of Order of the Chief Judge No. 20-043 (In Re: Coronavirus Public Emergency Use of Video and Telephonic Conference in Certain Criminal Proceedings), I hereby find that the:

Felony Plea (Fed. R. Crim. P. 11)

Felony Sentencing (Fed. R. Crim. P. 32)

in this case cannot be further delayed without serious harm to the interests of justice, for the reasons set forth above.

Date

United States District Judge

1 UNITED STATES DISTRICT COURT
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3 CENTRAL DISTRICT OF CALIFORNIA
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6 WESTERN DIVISION
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8 THE HON. ALICIA G. ROSENBERG, JUDGE PRESIDING
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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
15 Video Conference
16 Los Angeles, California
17 Friday, July 24, 2020

22 Lisa M. Gonzalez, CSR 5920, CCRR
Official Reporter
23 United States District Courthouse
350 W. First Street, Room 4455
24 Los Angeles, California 90012
213.894-2979; www.lisamariecsr.com

Lisa M. Gonzalez, Official Reporter

1 APPEARANCES:

2 FOR THE GOVERNMENT: OFFICE OF THE UNITED STATES ATTORNEY
3 BY: LAUREN RESTREPO
4 ASSISTANT UNITED STATES ATTORNEY
United States Courthouse
312 N. Spring Street
Los Angeles, California 90012
(213) 894-3825

6 FOR THE DEFENDANT: FEDERAL PUBLIC DEFENDERS OFFICE
7 BY: BINA AHMAD
DEPUTY FEDERAL PUBLIC DEFENDER
321 East Second Street
Los Angeles, California 90012
(213) 894-2854

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Lisa M. Gonzalez, Official Reporter

1 Los Angeles, California; Friday, July 24, 2020;

2 4:18 p.m.

3 -00-

4 THE CLERK: Calling case 20-3187-1, United States
5 of America versus Samuel Trelawney Hughes.

6 Counsel, please state your appearances for the
7 record.

8 MS. RESTREPO: Good afternoon, Your Honor.

9 Lauren Restrepo on behalf of the United States.

10 MS. AHMAD: Good afternoon, Your Honor.

11 Bina Ahmad from the Federal Public Defender's Office seeking
12 appointment for Mr. Samuel Hughes.

13 THE COURT: All right. Mr. Hughes, which is which
14 number?

15 THE DEFENDANT: I am ten.

16 THE COURT: Number ten. Okay.

17 All right. So I have -- let's start with the
18 consent form that I have. It shows that you consent to have
19 the initial appearance, arraignment, any detention, bail
20 review or reconsideration hearing and preliminary hearing by
21 video conference.

22 THE DEFENDANT: Yes.

23 THE COURT: Is that what you have consented to do?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. And then did you authorize

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1 counsel to sign the consent form on your behalf?

2 THE DEFENDANT: Yes. I asked for the public
3 defender to sign on my behalf.

4 THE COURT: Okay. And then let me just ask
5 counsel, is this your signature on behalf of your clients
6 and also on your own behalf as counsel?

7 MS. AHMAD: Yes, Your Honor.

8 THE COURT: All right. Thank you.

9 So we are proceeding this afternoon by video
10 conference.

11 I now have the advisement form that describes the
12 defendant's statutory and Constitutional rights in
13 connection with the proceedings this afternoon.

14 Sir, did you have a chance to go through the
15 advisement form with your attorney?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And do you feel you understand your
18 Constitutional and statutory rights in connection with the
19 proceedings this afternoon?

20 THE DEFENDANT: (Inaudible).

21 THE COURT: I'm sorry.

22 THE DEFENDANT: Clear as water, Your Honor.

23 (Interruption.)

24 THE DEFENDANT: I said crystal-clear.

25 THE COURT: Crystal-clear. Okay. Thank you.

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1 So do you waive the Court's reading of the rights
2 to you?

3 In other words, do you agree that I need not read
4 to you the rights that are on my form?

5 THE DEFENDANT: I agree, Your Honor.

6 THE COURT: Thank you.

7 Then, let me just ask you to confirm that you
8 authorized counsel to sign the acknowledgment of the
9 advisement form.

10 THE DEFENDANT: I acknowledge, Your Honor.

11 THE COURT: All right. And, then, counsel, did
12 you sign on behalf of your client and also on your own
13 behalf, the advisement form?

14 MS. AHMAD: Yes, Your Honor. I did.

15 THE COURT: All right. Thank you.

16 So one of the rights described on your advisement
17 form is your right to hire and be represented by an attorney
18 of your choosing at each and every stage of the proceedings,
19 but if you cannot afford to hire a lawyer, you can apply to
20 the court to have a lawyer appointed to represent you at no
21 cost.

22 In that connection, I do have a financial
23 affidavit.

24 And did you go through the financial affidavit
25 with your counsel?

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1 THE DEFENDANT: I did, Your Honor.

2 THE COURT: And did you authorize counsel to sign
3 the financial affidavit on your behalf?

4 THE DEFENDANT: I did, Your Honor.

5 THE COURT: Okay. So the court has reviewed the
6 documents and finds that the defendant is entitled to
7 appointment of counsel and appoints Bina Ahmad to represent
8 the defendant.

9 MS. AHMAD: Thank you, Your Honor.

10 THE COURT: Sir, have you received a copy of the
11 criminal complaint?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: You have not. Have you had a chance
14 to go through with your counsel the allegations in the
15 criminal complaint?

16 THE DEFENDANT: Yes, I did, Your Honor.

17 THE COURT: And do you feel that you understand
18 the allegations that the Government is making against you?

19 THE DEFENDANT: I understand, Your Honor.

20 THE COURT: All right. We will see if we can't
21 get you a copy.

22 THE DEFENDANT: Okay. Great, Your Honor.

23 THE COURT: All right. So we do have a copy for
24 you and you will receive it shortly, but since you
25 understand the allegations that the Government is making

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1 against you, we will go ahead and proceed. I do have the
2 Government's notice of request for detention.

3 Is the defense prepared to proceed this afternoon?

4 MS. AHMAD: Yes, Your Honor.

5 THE COURT: Let me ask Government counsel to state
6 its proffer in support of the request.

7 MS. RESTREPO: Your Honor, at this time, the
8 Government requests detention and proffers the complaint
9 filed in this case, as well as Pretrial Services Report and
10 its recommendation for detention.

11 THE COURT: All right. Thank you. Does the
12 defense accept the Government's proffer?

13 MS. AHMAD: We're challenging detention.

14 THE COURT: But do you accept the proffer?

15 MS. AHMAD: Yes.

16 THE COURT: All right. So let's go to argument,
17 and let me hear first from Government counsel.

18 MS. RESTREPO: Thank you, Your Honor.

19 The Government requests detention both for danger
20 and risk of nonappearance.

21 To begin with danger, the defendant, as noted in
22 his Pretrial Services Report, currently has three active
23 restraining orders against him.

24 The charge in this case relate to defendant's
25 repeatedly threatening to rape and murder ten women, as well

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1 as threatening to murder two men; and that includes sending
2 communications threatening to have gang-raped victims and
3 burn them alive.

4 He's been contacted by law enforcement, including
5 FBI agents, numerous times, and after that has continued to
6 send these threats to numerous victims.

7 And, in fact, once law enforcement has been
8 contacted, defendant has escalated by --

9 Did we lose -- I heard something.

10 THE COURT: I think everyone just moved around,
11 but we still have everybody according to my screen.

12 MS. RESTREPO: So once they contacted law
13 enforcement, he sent letters and communications to the
14 effect that if they spoke to law enforcement or communicated
15 with law enforcement, he would kill them or their families.

16 THE COURT REPORTER: Counsel, I can not hear you.

17 MS. RESTREPO: The danger is not only that he has
18 repeatedly sent threats, but also that it was repeatedly
19 done after law enforcement intervention.

20 As for non-appearance, the defendant is a foreign
21 national. He comes here on an investor visa and according
22 to the Pretrial Services Report, he has a (inaudible).

23 So on that record, Your Honor, the Government
24 would submit and request detention.

25 THE COURT: All right. Thank you.

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1 Let me hear from defense counsel.

2 MS. AHMAD: Thank you, Your Honor. Not to make
3 light of the allegation that the prosecution puts forth,
4 however, my client has been living here in Southern
5 California for approximately two years. He was contacted by
6 law enforcement back -- about a year ago, I believe, in May
7 or June, and he -- text message documents in the complaint
8 and I bring this up to say that my client has not fled, he
9 did not flee the jurisdiction or abscond from any law
10 enforcement requests, he responded to them when they reached
11 out to him.

12 I understand that is unsatisfactory as to the
13 Government, but he is not a flight risk in the sense that he
14 did not leave the district or his home or was not out of
15 contact, even was being contacted by FBI agents, and he did
16 respond to them.

17 In terms of danger, Your Honor, my client has no
18 previous arrest or history. I do understand he is a United
19 Kingdom national and has been here for two years, but all
20 the background checks reports show that he has not
21 previously been arrested. This is his first arrest, and I
22 do understand again the seriousness of the allegations, but
23 I do want to know this is his first arrest. He has no prior
24 convictions.

25 The threats that are alleged -- however, there's

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1 no allegation that my client ever engaged in any conduct to
2 proceed with carrying out any of these threats, taking any
3 overt steps to actually commit any acts of violence. . And my
4 client did actually speak also to Pretrial about his
5 extensive mental health history, which may also be genetic
6 because of his parents had a relationship with a mental
7 health history there that ended very tragically.

8 So I would propose, Your Honor, though my client
9 does not have outside sources for bond or for surety if we
10 could allow my client to be on his own personal recognizance
11 bond in the amount that the court would set, with any number
12 of conditions, my client could be -- I did speak to him
13 about this -- if he could be prohibited from using the
14 Internet or phone, he could, of course, be on home
15 detention, ankle monitoring, anything that would put the
16 court more at ease in releasing him. I don't think that
17 detention is necessary in this case, Your Honor.

18 And with that, I submit.

19 THE COURT: All right. Thank you. Does the
20 Government wish to respond?

21 MS. RESTREPO: Just one point, Your Honor, and it
22 is (inaudible) but our understanding from speaking to law
23 enforcement in this case, he has not been previously
24 convicted in this case, but has been arrested on similar
25 charges in the United Kingdom prior to coming to the

Lisa M. Gonzalez, Official Reporter

1 United States.

2 THE COURT: Actually, I think I saw some reference
3 to that.

4 MS. AHMAD: Yes, apologies, Your Honor. Yes, I
5 (inaudible). But yes, I do see that arrest; however, did
6 not go to conviction. It didn't go to trial. The charges
7 were completely dropped according to the Pretrial report.

8 THE COURT: All right. Thank you. So the court
9 will order detention.

10 The court finds that no condition or combination
11 of conditions will reasonably assure the appearance of the
12 defendant as required and the safety of any person or the
13 community.

14 The court bases its finding as to flight risk on
15 the nature of the offenses, the defendant's family and
16 property in England, his status as an English citizen, don't
17 know of any bail resources at this point, and it appears
18 minimal, if any, ties to the United States.

19 And, then, the findings as to danger on the nature
20 of the offenses alleged and the existence of three
21 restraining orders.

22 All right. And, as I understand it, there's no
23 waiver of preliminary hearing; is that correct?

24 MS. AHMAD: That's correct, Your Honor.

25 THE COURT: So the preliminary hearing is set for

Lisa M. Gonzalez, Official Reporter

1 Friday, August 7th, 2020, at 11:30 a.m. in this courtroom.

2 The post-indictment arraignment is set on

3 Thursday, August 13, 2020, at 11:30 a.m. in this courtroom.

4 The defendant is ordered to appear on those dates
5 and times and is remanded to the custody of the U.S.

6 Marshal.

7 MS. AHMAD: Thank you, Your Honor.

8 THE COURT: Thank you.

9 (Thereupon, at 4:31 p.m., proceedings adjourned)

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Lisa M. Gonzalez, Official Reporter

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2
3 CERTIFICATE
4

5 I hereby certify that pursuant to Section 753,
6 Title 28, United States Code, the foregoing is a true and
7 correct transcript of the stenographically reported
8 proceedings held in the above-entitled matter and that the
9 transcript format is in conformance with the regulations of
10 the Judicial Conference of the United States.

11
12 Date: March 1, 2022
13

14 Lisa M. Gonzalez
15 /s/ _____
16 Lisa M. Gonzalez, U.S. Court Reporter
17 CSR No. 5920
18
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Lisa M. Gonzalez, Official Reporter

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Samuel Trelawney HughesWestern DivisionCase #: 2:20-MJ-03187-1 Complaint & Warrant
Initial App. Date: 07/24/2020 Custody
Time: 1:00 PM

Defendant.

Date Filed: 07/10/2020
Violation: 18 USC 875 (c)
CourtSmart/Reporter: Lisa Gonzalez

PROCEEDINGS HELD BEFORE UNITED

STATES

MAGISTRATE JUDGE: Alicia G. RosenbergCALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE

PRESENT:

Karl Lozada

Lauren Restrepo

/ None

Deputy Clerk

Assistant U.S. Attorney

Interpreter/Language

Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and preliminary hearing

Defendant states true name is as charged.

Defendant advised of consequences of false statement in financial affidavit.

Attorney: Bina Ahmad DFPD, Appointed

Government's request for detention is: GRANTED.

Defendant is ordered: Permanently Detained

Preliminary Hearing set for Friday, August 7, 2020 at 11:30 a.m. before the DUTY Judge in Courtroom 341 in Roybal Los Angeles

PIA set for Thursday, August 13, 2020 at 11:30 a.m. before the DUTY Judge in Courtroom 341 in Roybal Los Angeles.

Defendant committed to the custody of the U.S. Marshal

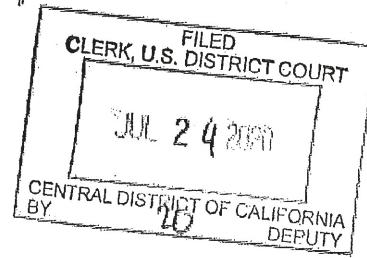
PSA, FINANCIAL, READY

Deputy Clerk Initials: kl
00 : 15

M-5 (10/13)

CALENDAR/PROCEEDING SHEET - LOCAL/OUT-OF-DISTRICT CASE

Page 1 of 1



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

} CASE NO. MJ-20-03187-1

v.

SAMUEL TRELAWNEY
HUGHES,

} ORDER OF DETENTION

Defendant.

I.

A. On motion of the Government in a case allegedly involving:

1. a crime of violence.
2. an offense with maximum sentence of life imprisonment or death.
3. a narcotics or controlled substance offense with maximum sentence of ten or more years .
4. any felony - where the defendant has been convicted of two or more prior offenses described above.
5. any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

B. On motion by the Government / on Court's own motion, in a case

1 allegedly involving:

2 (✓) On the further allegation by the Government of:

3 1. (✓) a serious risk that the defendant will flee.

4 2. () a serious risk that the defendant will:

5 a. () obstruct or attempt to obstruct justice.

6 b. () threaten, injure, or intimidate a prospective witness or juror or
7 attempt to do so.

8 C. The Government () is/ (✓) is not entitled to a rebuttable presumption that no
9 condition or combination of conditions will reasonably assure the defendant's
10 appearance as required and the safety of any person or the community.

11

12 II.

13 A. (✓) The Court finds that no condition or combination of conditions will
14 reasonably assure:

15 1. (✓) the appearance of the defendant as required.

16 (✓) and/or

17 2. (✓) the safety of any person or the community.

18 B. () The Court finds that the defendant has not rebutted by sufficient
19 evidence to the contrary the presumption provided by statute.

20

21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

1 IV.
2

3 The Court also has considered all the evidence adduced at the hearing and the
4 arguments and/or statements of counsel, and the Pretrial Services
Report/recommendation.

5 V.
6

7 The Court bases the foregoing finding(s) on the following:

8 A. (✓) As to flight risk: nature of the offenses; family
9 and property in England; English citizen;
10 no known bail resources; minimal if any
11 ties to USA

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16 B. (✓) As to danger: nature of the offenses alleged;
17 3 restraining orders

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24 VI.
25

26 A. () The Court finds that a serious risk exists that the defendant will:
27 1. () obstruct or attempt to obstruct justice.
28 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

1 B. The Court bases the foregoing finding(s) on the following: _____

2 _____

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VII.

11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

12 B. IT IS FURTHER ORDERED that the defendant be committed to the

13 custody of the Attorney General for confinement in a corrections facility

14 separate, to the extent practicable, from persons awaiting or serving

15 sentences or being held in custody pending appeal.

16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable

17 opportunity for private consultation with counsel.

18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States

19 or on request of any attorney for the Government, the person in charge of

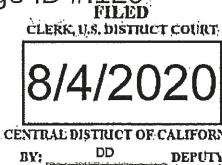
20 the corrections facility in which the defendant is confined deliver the

21 defendant to a United States marshal for the purpose of an appearance in

22 connection with a court proceeding.

26 | DATED: July 24, 2020

Alicia G. Rosenberg
HONORABLE ALICIA G. ROSENBERG
UNITED STATES MAGISTRATE JUDGE



CASE SUMMARY

Case Number 2:20-cr-00332-DSF

Defendant Number 1

U.S.A. v. SAMUEL TRELAWNEY HUGHES

Year of Birth 1989

 Indictment Information

Investigative agency (FBI, DEA, etc.) FBI

NOTE: All items MUST be completed. If you do not know the answer or a question is not applicable to your case, enter "N/A."OFFENSE/VENUE

a. Offense charged as a:

Class A Misdemeanor Minor Offense Petty Offense
 Class B Misdemeanor Class C Misdemeanor Felony

b. Date of Offense May 9, 2019

c. County in which first offense occurred

Los Angeles

d. The crimes charged are alleged to have been committed in (CHECK ALL THAT APPLY):

<input checked="" type="checkbox"/> Los Angeles	<input type="checkbox"/> Ventura
<input checked="" type="checkbox"/> Orange	<input type="checkbox"/> Santa Barbara
<input type="checkbox"/> Riverside	<input type="checkbox"/> San Luis Obispo
<input type="checkbox"/> San Bernardino	<input type="checkbox"/> Other _____

Citation of Offense 18 U.S.C. § 2261A(2)

18 U.S.C. § 875(c); 18 U.S.C. § 876(c); 18 U.S.C. § 1512(b)(3)

e. Division in which the MAJORITY of events, acts, or omissions giving rise to the crime or crimes charged occurred:

Western (Los Angeles, San Luis Obispo, Santa Barbara, Ventura)
 Eastern (Riverside and San Bernardino) Southern (Orange)

RELATED CASE

Has an indictment or information involving this defendant and the same transaction or series of transactions been previously filed and dismissed before trial?

 No Yes

If "Yes," Case Number: _____

Pursuant to General Order 19-03, criminal cases may be related if a previously filed indictment or information and the present case:

a. arise out of the same conspiracy, common scheme, transaction, series of transactions or events; or
 b. involve one or more defendants in common, and would entail substantial duplication of labor in pretrial, trial or sentencing proceedings if heard by different judges.

Related case(s), if any (**MUST MATCH NOTICE OF RELATED CASE**): N/A

N/A

PREVIOUSLY FILED COMPLAINT/CVB CITIGATION

A complaint/CVB citation was previously filed on: 07/10/2020

Case Number: 20-MJ-3187

Assigned Judge: Duty

Charging: 18 U.S.C. § 875(c)

The complaint/CVB citation:

is still pending
 was dismissed on: _____

PREVIOUS COUNSELWas defendant previously represented? No Yes

If YES, provide Name: DFPD Bina Ahmad

Phone Number: 213-894-7519

COMPLEX CASE

Are there 8 or more defendants in the Indictment/Information?

Yes* No

Will more than 12 days be required to present government's evidence in the case-in-chief?

Yes* No

*AN ORIGINAL AND 1 COPY (UNLESS ELECTRONICALLY FILED) OF THE NOTICE OF COMPLEX CASE MUST BE FILED AT THE TIME THE INDICTMENT IS FILED IF EITHER "YES" BOX IS CHECKED.

SUPERSEDING INDICTMENT/INFORMATIONIS THIS A NEW DEFENDANT? Yes No

This is the N/A superseding charge (i.e., 1st, 2nd).

The superseding case was previously filed on:

N/A

Case Number N/A

The superseded case:

 is still pending before Judge/Magistrate Judge

N/A

 was previously dismissed on N/A

Are there 8 or more defendants in the superseding case?

Yes* No

Will more than 12 days be required to present government's evidence in the case-in-chief?

Yes* No

Was a Notice of Complex Case filed on the Indictment or Information?

Yes No

*AN ORIGINAL AND 1 COPY OF THE NOTICE OF COMPLEX CASE MUST BE FILED AT THE TIME THE SUPERSEDING INDICTMENT IS FILED IF EITHER "YES" BOX IS CHECKED.

ER229

CASE SUMMARY

INTERPRETER

Is an Interpreter required? YES NO

IF YES, list language and/or dialect:

N/A

OTHER

Male Female

U.S. Citizen Alien

Alias Name(s) N/A

N/A

This defendant is charged in:

All counts

Only counts: _____

This defendant is designated as "High Risk" per 18 USC § 3146(a)(2) by the U.S. Attorney.

This defendant is designated as "Special Case" per 18 USC § 3166(b)(7).

Is defendant a juvenile? Yes No

IF YES, should matter be sealed? Yes No

The area(s) of substantive law that will be involved in this case include(s):

<input type="checkbox"/> financial institution fraud	<input type="checkbox"/> public corruption
<input type="checkbox"/> government fraud	<input type="checkbox"/> tax offenses
<input type="checkbox"/> environmental issues	<input type="checkbox"/> mail/wire fraud
<input type="checkbox"/> narcotics offenses	<input type="checkbox"/> immigration offenses
<input checked="" type="checkbox"/> violent crimes/firearms	<input type="checkbox"/> corporate fraud
<input type="checkbox"/> Other _____	_____

CUSTODY STATUS

Defendant is not in custody:

a. Date and time of arrest on complaint: N/A

b. Posted bond at complaint level on: N/A

in the amount of \$ N/A

c. PSA supervision? Yes No

d. Is on bail or release from another district:

N/A

Defendant is in custody:

a. Place of incarceration: State Federal

b. Name of Institution: MDC

c. If Federal, U.S. Marshals Service Registration Number:
79595-112

d. Solely on this charge. Date and time of arrest:

July 24, 2020

e. On another conviction: Yes No

IF YES: State Federal Writ of Issue

f. Awaiting trial on other charges: Yes No

IF YES: State Federal AND

Name of Court: N/A

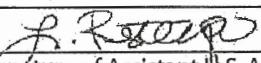
Date transferred to federal custody: N/A

This person/proceeding is transferred from another district pursuant to F.R.Cr.P. 20 21 40

EXCLUDABLE TIME

Determinations as to excludable time prior to filing indictment/information. EXPLAIN: N/A

Date 07/31/2020


Signature of Assistant U.S. Attorney

Lauren Restrepo

Print Name

App.186

ER230

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

HONORABLE GAIL J. STANDISH, U.S. MAGISTRATE JUDGE

5 UNITED STATES OF AMERICA,)
6 Plaintiff,)
7 vs.) Case No. CR 20-332 DSF
8 SAMUEL TRELAWNEY HUGHES,)
9 Defendant.)
_____)

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PROCEEDINGS
POST-INDICTMENT ARRAIGNMENT
THURSDAY, AUGUST 13, 2020
11:43 A.M.
LOS ANGELES, CALIFORNIA

23 **MYRA L. PONCE, CSR NO. 11544, CRR, RPR, RMR, RDR**
24 FEDERAL OFFICIAL COURT REPORTER
25 350 WEST 1ST STREET, ROOM 4455
26 LOS ANGELES, CALIFORNIA 90012
27 (213) 894-2305

1 APPEARANCES OF COUNSEL:

2

3 FOR THE PLAINTIFF:

4 TRACY L. WILKISON
5 Acting United States Attorney
6 BY: ELIA HERRERA
7 Assistant United States Attorney
United States Courthouse
312 North Spring Street
Los Angeles, California 90012

8

9 FOR THE DEFENDANT:

10 CUAUHTÉMOC ORTEGA
11 Federal Public Defender
12 BY: BINA AHMAD
13 Deputy Federal Public Defender
Central District of California
321 East Second Street
Los Angeles, California 90012

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1 THURSDAY, AUGUST 13, 2020; 11:43 A.M.

2 LOS ANGELES, CALIFORNIA

3 | -o0o-

4 THE COURTROOM DEPUTY: Calling CR 20-332,

5 United States of America versus Samuel Trelawney Hughes.

6 Appearances, please.

7 MS. HERRERA: Elia Herrera on behalf of the

8 United States. Good morning, Your Honor.

9 THE COURT: Good morning.

10 MS. AHMAD: Good morning, Your Honor. Bina Ahmad
11 from the Federal Public Defender's Office on behalf of
12 Mr. Samuel Hughes who is present by video and in custody.

13 THE COURT: All right. Good morning.

14 And I believe in this case we already have a
15 previous waiver of right to appear in person so that we're good
16 going by way of video?

17 MS. AHMAD: Yes. Thank you.

18 THE COURT: All right. Excellent.

19 All right. Mr. Hughes, I have in front of me a
20 paper, a document that says it's an Advisement of Defendant's
21 Statutory and Constitutional Rights.

22 THE DEFENDANT: Yes.

1 THE DEFENDANT: Yes.

2 THE COURT: -- by counsel. I just want to make sure
3 you had an opportunity to go over this with your counsel.

4 THE DEFENDANT: Yeah.

5 THE COURT: Authorized her to sign it.

6 THE DEFENDANT: I have gone over that with her.

7 Thank you very much, Your Honor.

8 THE COURT: Okay. Super.

9 Now, have you also had an opportunity to either see
10 and read or go over with counsel the Indictment in this case
11 that contains --

12 THE DEFENDANT: Yes. I've been over the Indictment
13 with my public defender on the phone yesterday. And, um, you
14 said she sent it in the mail. I haven't received it. She's
15 gone over all the different, um, charges. There's about 26, to
16 be exact, Your Honor.

17 THE COURT: Okay. So I don't want you to admit or
18 deny anything that's contained in the --

19 THE DEFENDANT: Absolutely.

20 THE COURT: -- Indictment. I just want to make sure
21 that you understand what it is the Government at least contends
22 that you have done.

23 THE DEFENDANT: Yeah. Correct. Yes, I understand.
24 Thank you, Your Honor.

25 THE COURT: Okay. One other question on that front,

1 do you want all of these charges read here in open court today?

2 THE DEFENDANT: Um, just in summary but not, like,
3 you know, every single --

4 THE COURT: You don't want the Indictment --

5 THE DEFENDANT: It's going to take a very long time.

6 THE COURT: I'm going to ask the U.S. Attorney just
7 to read the charges, not the factual background of the charges,
8 that are contained in the Indictment into the record, please.

9 MS. HERRERA: Yes, Your Honor. If I may have a
10 minute, I actually -- I don't have it with me. Um, if I can
11 have one moment.

12 THE COURT: Of course.

13 I have the summary here. And I'd read it except
14 that I want to make sure that it doesn't -- I might have the
15 copy of the Indictment as well, but I want to make sure that we
16 don't miss anything.

17 MS. HERRERA: Yes, Your Honor.

18 MS. AHMAD: Your Honor, if it's amenable to the
19 Court, I was able to pull up the Indictment. I can read the
20 charges that my client is charged under, if that's amenable.

21 THE COURT: That would be amenable. As I said, I
22 don't think any of the detail is necessary, but he has asked
23 for the charges to be read. So why don't you do that. Thank
24 you very much.

25 MS. AHMAD: Of course. Of course.

1 In the case of United States versus Samuel Trelawney
2 Hughes, the Government has indicted Mr. Hughes on the following
3 charges: 18 U.S.C. 2261A(2) (A) and (b) and 2261(b) (5), the
4 charge is stalking; in addition, 18 U.S.C., Section 875(c), a
5 threat -- threats by interstate communication; in addition,
6 18 U.S.C., Section 876(c), mailing a threatening communication;
7 and 18 U.S.C., Section 1512(b) (3), witness tampering. And I
8 believe the Indictment contains a total of 26 different counts
9 under these charges.

10 THE COURT: All right. Thank you very much, Ms. --

11 MS. AHMAD: You're welcome.

12 THE COURT: Ms. Ahmad.

13 All right. Sir, that being said, then, let me say
14 that this case has been assigned to the calendar of the
15 Honorable Dale S. Fischer. Judge Fischer has set it for a jury
16 trial on October 6, 2020, at 8:30 a.m. Judge Fischer has also
17 set it for a status conference on October 24th, 2020, at
18 8:30 a.m.

19 And Judge Fischer has asked the Court to take a not
20 guilty plea, if that's the way he's going to proceed.

21 Ms. Ahmad?

22 MS. AHMAD: Yes, Your Honor. My client enters a
23 plea of not guilty today.

24 THE COURT: All right. I will ask Mr. Hughes just
25 to put it on the record.

1 Mr. Hughes, how do you plead to the charges
2 contained in the Indictment today?

3 THE DEFENDANT: Excuse me?

4 THE COURT: How is it that you plead today to the
5 charges?

6 THE DEFENDANT: Not guilty, Your Honor.

7 THE COURT: Okay. Let's see. The parties are
8 referred to Judge Fischer's procedures and schedules to obtain
9 a copy of the judge's discovery order, located on the Court's
10 website. Judge Fischer is located in Courtroom 7D, which is on
11 the seventh floor, of the 1st Street Courthouse.

12 Is there anything else on this one this morning?

13 Let me ask the Government first.

14 MS. HERRERA: Not from the Government, Your Honor.

15 THE COURT: Anything else, Ms. Ahmad?

16 MS. AHMAD: Nothing further from the defense,
17 Your Honor. Thank you.

18 THE COURT: All right. Thank you very much.

19 (Proceedings concluded at 11:49 a.m.)

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CERTIFICATE OF OFFICIAL REPORTER

3 COUNTY OF LOS ANGELES)
4 STATE OF CALIFORNIA)

6 I, MYRA L. PONCE, FEDERAL OFFICIAL REALTIME COURT
7 REPORTER, IN AND FOR THE UNITED STATES DISTRICT COURT FOR THE
8 CENTRAL DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT
9 TO SECTION 753, TITLE 28, UNITED STATES CODE THAT THE FOREGOING
10 IS A TRUE AND CORRECT TRANSCRIPT OF THE STENOGRAPHICALLY
11 REPORTED PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER AND THAT
12 THE TRANSCRIPT PAGE FORMAT IS IN CONFORMANCE WITH THE
13 REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES.

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DATED THIS 9TH DAY OF FEBRUARY, 2022.

/S/ MYRA L. PONCE

MYRA L. PONCE, CSR NO. 11544, CRR, RDR
FEDERAL OFFICIAL COURT REPORTER

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - ARRAIGNMENT

Case Number: 2:20-CR-00332

Recorder: Myra Ponce

Date: 08/13/2020

Present: The Honorable Gail J. Standish, U.S. Magistrate Judge

Court Clerk: Stacey Pierson

Assistant U.S. Attorney: Elia Herrera

United States of America v.	Attorney Present for Defendant(s)	Language	Interpreter
SAMUEL TRELAWNEY HUGHES CUSTODY-PRESENT	BINA AHMAD DFPD		

PROCEEDINGS: ARRAIGNMENT OF DEFENDANT(S) AND ASSIGNMENT OF CASE .

Defendant is arraigned and states true name is as charged.

Defendant is given a copy of the Indictment.

Defendant acknowledges receipt of a copy and waives reading thereof.

Defendant pleads not guilty to all counts in the Indictment.

This case is assigned to the calendar of District Judge Dale S. Fischer.

It is ordered that the following date(s) and time(s) are set:

Jury Trial 10/6/2020 at 8:30 AM

Status Conference 08/24/2020 at 8:30 AM

Defendant and counsel are ordered to appear before said judge at the time and date indicated.

Counsel are referred to the assigned judge's trial/discovery order located on the Court's website, Judges' Procedures and Schedules.

First Appearance/Appointment of Counsel: 00 : 00

PIA: 00 : 05

Initials of Deputy Clerk: SP by TRB

cc: Statistics Clerk, PSALA USMLA

NICOLA T. HANNA
United States Attorney
CHRISTOPHER D. GRIGG
Assistant United States Attorney
Chief, National Security Division
LAUREN RESTREPO (Cal. Bar No. 319873)
Assistant United States Attorney
Cyber & Intellectual Property Crimes Section
1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-3825
Facsimile: (213) 894-0141
E-mail: lauren.restrepo@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 20-332-DSF

Plaintiff,

V.

SAMUEL TRELAWNEY HUGHES,

PLEA AGREEMENT FOR DEFENDANT
SAMUEL TRELAWNEY HUGHES

Defendant.

19 1. This constitutes the plea agreement between defendant
20 SAMUEL TRELAWNEY HUGHES ("defendant") and the United States
21 Attorney's Office for the Central District of California (the "USAO")
22 in the above-captioned case. This agreement is limited to the USAO
23 and cannot bind any other federal, state, local, or foreign
24 prosecuting, enforcement, administrative, or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

27 a. At the earliest opportunity requested by the USAO and
28 provided by the Court, appear and plead guilty to Counts Five, Ten,

1 and Eleven of the indictment in United States v. SAMUEL TRELAWNEY
2 HUGHES, CR No. 20-332-DSF, which charge defendant with Stalking, in
3 violation of 18 U.S.C. §§ 2261A(2)(A), (B), 2261(b)(5) (Count Five),
4 Witness Tampering, in violation of 18 U.S.C. § 1512(b)(3) (Count
5 Ten), and Threats by Interstate Communication, in violation of 18
6 U.S.C. § 875(c) (Count Eleven).

7 b. Not contest facts agreed to in this agreement.

8 c. Abide by all agreements regarding sentencing contained
9 in this agreement.

10 d. Appear for all court appearances, surrender as ordered
11 for service of sentence, obey all conditions of any bond, and obey
12 any other ongoing court order in this matter.

13 e. Agree that all court appearances, including his change
14 of plea hearing and sentencing hearing, may proceed by video-
15 teleconference ("VTC") or telephone, if VTC is not reasonably
16 available, so long as such appearances are authorized by Order of the
17 Chief Judge 20-043 or another order, rule, or statute. Defendant
18 understands that, under the United States Constitution, the United
19 States Code, and the Federal Rules of Criminal Procedure (including
20 Rules 11, 32, and 43), he may have the right to be physically present
21 at these hearings. Defendant understands that right and, after
22 consulting with counsel, voluntarily agrees to waive it and to
23 proceed remotely. Defense counsel also joins in this consent,
24 agreement, and waiver. Specifically, this agreement includes, but is
25 not limited to, the following:

26 i. Defendant consents under Section 15002(b) of the
27 CARES Act to proceed with his change of plea hearing by VTC or
28 telephone, if VTC is not reasonably available.

ii. Defendant consents under Section 15002(b) of the CARES Act to proceed with his sentencing hearing by VTC or telephone, if VTC is not reasonably available.

iii. Defendant consents under 18 U.S.C. § 3148 and Section 15002(b) of the CARES Act to proceed with any hearing regarding alleged violations of the conditions of pretrial release by VTC or telephone, if VTC is not reasonably available.

f. Not commit any crime or any act constituting obstruction of justice; however, offenses that would be excluded for sentencing purposes under United States Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the scope of this agreement.

g. Be truthful at all times with the United States Probation and Pretrial Services Office and the Court.

h. Pay the applicable special assessments at or before the time of sentencing unless defendant has demonstrated a lack of ability to pay such assessments.

i. Defendant agrees that he is deportable under the immigration laws of the United States and waives the right to notice and a hearing prior to deportation. Defendant agrees pursuant to Title 8, United States Code, Sections 1228(c)(5) and 1227, to enter into and agree to the stipulation and proposed order set forth in Attachment A hereto, or a substantially similar stipulation and proposed order, seeking a judicial order of removal from the United States, and agrees to incorporate the documents in Attachment A into this plea agreement.

THE USAO'S OBLIGATIONS

3. The USAO agrees to:

a. Not contest facts agreed to in this agreement.

4 b. Abide by all agreements regarding sentencing contained
5 in this agreement.

c. At the time of sentencing, move to dismiss the remaining counts of the indictment as against defendant. Defendant agrees, however, that at the time of sentencing the Court may consider any dismissed charges in determining the applicable Sentencing Guidelines range, the propriety and extent of any departure from that range, and the sentence to be imposed.

12 d. At the time of sentencing, provided that defendant
13 demonstrates an acceptance of responsibility for the offenses up to
14 and including the time of sentencing, recommend a two-level reduction
15 in the applicable Sentencing Guidelines offense level, pursuant to
16 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
17 additional one-level reduction if available under that section.

18 4. Because the justice system is facing an unprecedented
19 crisis through the backlog of cases, the parties agree that the
20 defendant is entitled to a two-level variance as recognition of
21 defendant's early acceptance of responsibility, which will lessen the
22 burden on the court system by: (1) waiving any right to presence and
23 pleading guilty at the earliest opportunity by VTC (or telephone, if
24 VTC is not reasonably available); (2) waiving any right to presence
25 and agreeing to be sentenced by VTC (or telephone, if VTC is not
26 reasonably available) should the Central District of California's
27 General Order allow for it; (3) agreeing to appear at all other times
28 by VTC or telephone; and (4) waiving all appellate rights.

NATURE OF THE OFFENSES

2 5. Defendant understands that for defendant to be guilty of
3 the crime charged in Count Five, that is, Stalking, in violation of
4 Title 18, United States Code, Sections 2261A(2)(A), (B), 2261(b)(5),
5 the following must be true: (1) defendant, with the intent to harass
6 or intimidate another person; (2) used the mail, any interactive
7 computer service or electronic communication service or electronic
8 communication system of interstate commerce, or any other facility of
9 interstate or foreign commerce; (3) to engage in a course of conduct
10 that (a) placed that person in reasonable fear of death and serious
11 bodily injury to that person or an immediate family member of that
12 person, or (b) caused, attempted to cause, or would reasonably be
13 expected to cause, substantial emotional distress to that person, or
14 an immediate family member of that person.

15 6. Defendant understands that for defendant to be guilty of
16 the crime charged in Count Ten, that is, Witness Tampering, in
17 violation of Title 18, United States Code, Section 1512(b)(3), the
18 following must be true: (1) defendant knowingly intimidated,
19 threatened, or corruptly persuaded another person, or attempted to do
20 so; (2) defendant acted with intent to hinder, delay or prevent that
21 person from communicating information to a law enforcement officer of
22 the United States; and (3) such information related to the commission
23 or possible commission of a federal offense.

24 7. Defendant understands that for defendant to be guilty of
25 the crime charged in Count Eleven, that is, Threat by Interstate
26 Communication, in violation of Title 18, United States Code, Section
27 875(c), the following must be true: (1) defendant knowingly
28 transmitted in interstate or foreign commerce an electronic

1 communication containing a threat to injure; and (2) such
2 communication was transmitted for the purpose of issuing a threat.

3 PENALTIES

4 8. Defendant understands that the statutory maximum sentence
5 that the Court can impose for a violation of Title 18, United States
6 Code, Sections 2261A(2)(A), (B), 2261(b)(5) is: 5 years'
7 imprisonment; a 3-year period of supervised release; a fine of
8 \$250,000; and a mandatory special assessment of \$100.

9 9. Defendant understands that the statutory maximum sentence
10 that the Court can impose for a violation of Title 18, United States
11 Code, Section 1512(b)(3) is: 20 years' imprisonment; a 3-year period
12 of supervised release; a fine of \$250,000; and a mandatory special
13 assessment of \$100.

14 10. Defendant understands that the statutory maximum sentence
15 that the Court can impose for a violation of Title 18, United States
16 Code, Section 875(c) is: 5 years' imprisonment; a 3-year period of
17 supervised release; a fine of \$250,000; and a mandatory special
18 assessment of \$100.

19 11. Defendant understands, therefore, that the total maximum
20 sentence for all offenses to which defendant is pleading guilty is:
21 30 years' imprisonment; a 3-year period of supervised release; a fine
22 of \$750,000; and a mandatory special assessment of \$300.

23 12. Defendant understands that supervised release is a period
24 of time following imprisonment during which defendant will be subject
25 to various restrictions and requirements. Defendant understands that
26 if defendant violates one or more of the conditions of any supervised
27 release imposed, defendant may be returned to prison for all or part
28 of the term of supervised release authorized by statute for the

1 offense that resulted in the term of supervised release, which could
2 result in defendant serving a total term of imprisonment greater than
3 the statutory maximum stated above.

4 13. Defendant understands that, by pleading guilty, defendant
5 may be giving up valuable government benefits and valuable civic
6 rights, such as the right to vote, the right to possess a firearm,
7 the right to hold office, and the right to serve on a jury.

8 Defendant understands that he is pleading guilty to a felony and that
9 it is a federal crime for a convicted felon to possess a firearm or
10 ammunition. Defendant understands that the convictions in this case
11 may also subject defendant to various other collateral consequences,
12 including but not limited to revocation of probation, parole, or
13 supervised release in another case and suspension or revocation of a
14 professional license. Defendant understands that unanticipated
15 collateral consequences will not serve as grounds to withdraw
16 defendant's guilty pleas.

17 14. Defendant and his counsel have discussed the fact that, and
18 defendant understands that, since the defendant is not a United
19 States citizen, the convictions in this case make it practically
20 inevitable and a virtual certainty that defendant will be removed or
21 deported from the United States. Defendant may also be denied United
22 States citizenship and admission to the United States in the future.
23 Defendant understands that while there may be arguments that
24 defendant can raise in immigration proceedings to avoid or delay
25 removal, removal is presumptively mandatory and a virtual certainty
26 in this case. Defendant further understands that removal and
27 immigration consequences are the subject of a separate proceeding and
28 that no one, including his attorney or the Court, can predict to an

1 absolute certainty the effect of his convictions on his immigration
2 status. Defendant nevertheless affirms that he wants to plead guilty
3 regardless of any immigration consequences that his pleas may entail,
4 even if the consequence is automatic removal from the United States.

5 FACTUAL BASIS

6 15. Defendant admits that defendant is, in fact, guilty of the
7 offenses to which defendant is agreeing to plead guilty. Defendant
8 and the USAO agree to the statement of facts provided below and agree
9 that this statement of facts is sufficient to support pleas of guilty
10 to the charges described in this agreement and to establish the
11 Sentencing Guidelines factors set forth in paragraphs 17-19 below but
12 is not meant to be a complete recitation of all facts relevant to the
13 underlying criminal conduct or all facts known to either party that
14 relate to that conduct.

15 Since approximately May 2019 and continuing through June 2020,
16 in the Central District of California, and elsewhere, defendant
17 engaged in a course of conduct in which he stalked and sent anonymous
18 threatening communications to numerous victims, including the victims
19 identified in the Indictment as Victims 1 through 10. Defendant's
20 conduct often followed a pattern, whereby (a) he met a victim
21 (usually a woman) at a networking event or through his employment;
22 (b) after the event or after having been employed for a period of
23 time, he would send a communication (or communications) to the victim
24 from an email or social media account, seeking further social
25 interaction with the victim or inviting the victim to meet him at a
26 future date in a one-on-one setting; (c) the victim would not
27 reciprocate defendant's desire for further social interaction, would
28 indicate that she or he no longer wished to interact with defendant,

1 or would inform defendant that he was no longer welcome at certain
2 company events; and (d) defendant would then send anonymous threats
3 to the victim, often from anonymous online accounts used and created
4 by defendant to disguise his identity.

5 Defendant sent the threatening communications via numerous
6 email, cellphone, and social media accounts, as well as through the
7 U.S. mail. The messages sent to the victims were direct, graphic,
8 and disturbing in nature, and contained threats to injure, rape,
9 and/or kill victims. After being contacted by both federal and state
10 law enforcement officers on multiple occasions regarding the
11 threatening communications, defendant continued to send electronic
12 communications and letters threatening to injure, rape, and/or kill
13 victims who had reported his threats to law enforcement. In his
14 communications to some victims, defendant threatened that contacting
15 the police would lead to the injury or death of the victim or the
16 victims' family members.

17 Defendant admits that he threatened the persons identified in
18 the Indictment as Victims 1 through 10, as described in the
19 Indictment, and that the factual allegations in Counts 1 to 23 of the
20 Indictment with respect to defendant's conduct as to each of those
21 victims are true and accurate.

22 Defendant made the threats discussed above and in the Indictment
23 knowing that they would reasonably viewed by the victims as threats
24 and would reasonably put the victims in fear of death or serious
25 bodily injury to themselves or their family members, and would cause
26 substantial emotional distress to the victims and their families.
27 Defendant also intended that these statements be viewed as threats.
28

1 Defendant's Stalking of, and Threats to, Victim 4

2 Beginning in October 2019 and continuing through August 23,
3 2020, defendant harassed and threatened Victim 4. On or about
4 October 2, 2019, defendant and Victim 4 both attended a writing
5 workshop in the Los Angeles area, at which time defendant learned
6 Victim 4's LinkedIn profile name. On or about October 3, 2019,
7 defendant sent Victim 4 a message via LinkedIn, inviting her to
8 discuss a film proposal. The same day, defendant started following
9 Victim 4's Instagram account. Defendant began leaving comments on
10 Victim 4's Instagram posts complimenting Victim 4's appearance.
11 These comments made Victim 4 feel uncomfortable and she blocked
12 defendant on Instagram. Victim 4 also responded to defendant's
13 LinkedIn message, telling him that she would not be available to
14 meet.

15 On or about October 17, 2019, defendant began following Victim 4
16 on Instagram using a different Instagram account. After Victim 4
17 blocked defendant's second Instagram account from viewing her posts,
18 defendant sent an email to Victim 4 complaining about her blocking
19 him on Instagram. On or around that same date, defendant posted a
20 negative review on the Facebook page for Victim 4's business.
21 Defendant also posted a message on Instagram that included a photo of
22 Victim 4 with the text "cunt" placed across Victim 4's face and which
23 contained the following message: "this woman here, is an ugly bitch
24 attitude. She got me hating on women because she felt harassed by a
25 few IG comments. I will defame her indefinitely."

26 On or about October 18, 2019, Victim 4 sent an email to
27 defendant in which she asked him to stop contacting her and told him
28 that she was saving his messages to provide to law enforcement. The

1 next day, defendant emailed Victim 4 saying that he would not longer
2 contact her.

3 On or about October 22, 2019, Victim 4 reported defendant's
4 conduct to the Los Angeles Police Department ("LAPD"). Shortly
5 thereafter, on or about October 30, 2019, defendant sent an anonymous
6 email to Victim 4 that stated, in part:

7 You are a diabolical motherfucking cunt, and someone
8 I can guarantee will come out and first bash you head
9 in, rape you slash your throat and burn your car and
house. You brought this on yourself and it aint
going to stop not even a damn stinking police report
will put an end to your wrath and I hope you fucking
10 die you cunt!! Regards, Your Nemisis

11 The next month, starting on or about November 10, 2019 through
12 on or about November 24, 2019, defendant sent additional threatening
13 emails from a different, anonymous email account. These included a
14 message sent on or about November 10, 2019, in which defendant, in
15 part, wrote:

16 Please [Victim 4] End your fucking miserable life,
17 cut your wrists go hang yourself just fucking kill
18 yourself you fucking bitch you are a nonce and dont
deserve to live or else my gang will do it for you!
GO ON FUCKING DO IT! and dont ever report me to the
19 police as horrible things will happen!

20 A message sent by defendant on or about November 17, 2019, included
21 the following:

22 Hello [Victim 4] You Fucking sick vile cunt . . .
23 Don't ever report any threats to the police they wont
24 help you and that makes me more likely come after you
25 and your family. I hope when I see you, I rape you,
slash your throat and pour gasoline over your half
26 mutilated body while you regret being a little
childish bitch over decent people who are just trying
to be nice you are a guilty of causing decent people
distress and I urge you take it seriously, either way
27 you are gonna die, you're going to pay...
28

1 Around this same time, on or about November 11, 2019, using the
2 same anonymous email account, defendant sent an email to a colleague
3 of Victim 4 in which defendant accused Victim 4 of being a "meth-
4 addicted child molester."

5 The next month, on or about December 8, 2019, after Victim 4 had
6 filed another report with the LAPD, and this time without disguising
7 his identity, defendant sent an email to Victim 4 that included the
8 following: "Because you accused me of sexual harassment and made
9 accusations, I hope my reviews of you have destroyed your
10 reputation, . . . I hope sometime you come apologise to me because
11 this will still keep going. . . ." Two days later, on or about
12 December 10, 2019, using another anonymous email account, defendant
13 sent Victim 4 a message that included the following: "[Victim 4], I
14 will cut your fucking throat out, sever your windpipe and smother you
15 in gasoline and light your half mutilated corpse you fucking cunt, .
16 . I hope you get abused forever."

17 Several months later, on or about May 16, 2020, defendant sent
18 Victim 4 another email, without disguising his identity, containing
19 the following: "I hope you realise from such anonymous death threats
20 you received how disgusting it is to wrong me like this and you got
21 what you deserve you fucking cunt . . . I hope you fucking die you
22 little miserable cunt getting the law involved in this"

23 This course of conduct by defendant placed Victim 4 in
24 reasonable fear of death and serious bodily injury to Victim 4 and
25 Victim 4's family and caused, attempted to cause, and would
26 reasonably be expected to cause substantial emotional distress to
27 Victim 4 or Victim 4's family. Many of defendant's threats traveled
28

1 in interstate commerce because they were sent via email servers
2 located outside the state of California.

3 After being arrested for the instant conduct, defendant
4 attempted to contact Victim 4 yet again. Specifically, on or about
5 August 23, 2020, defendant requested that Victim 4 be added to his
6 Federal Bureau of Prisons approved email contact list in order for
7 him to send her emails from prison.

8 SENTENCING FACTORS

9 16. Defendant understands that in determining defendant's
10 sentence the Court is required to calculate the applicable Sentencing
11 Guidelines range and to consider that range, possible departures
12 under the Sentencing Guidelines, and the other sentencing factors set
13 forth in 18 U.S.C. § 3553(a). Defendant understands that the
14 Sentencing Guidelines are advisory only, that defendant cannot have
15 any expectation of receiving a sentence within the calculated
16 Sentencing Guidelines range, and that after considering the
17 Sentencing Guidelines and the other § 3553(a) factors, the Court will
18 be free to exercise its discretion to impose any sentence it finds
19 appropriate up to the maximum set by statute for the crimes of
20 conviction.

21 17. Defendant and the USAO agree to the following applicable
22 Sentencing Guidelines factors with respect to Count Five of the
23 Indictment:

24 Base Offense Level	18	USSG § 2A6.2(a)
25 Pattern of Harassment/Stalking	+2	USSG § 2A6.2(b)(1)(E)

26 18. Defendant and the USAO agree to the following applicable
27 Sentencing Guidelines factors with respect to Count Ten of the
28 Indictment:

1 Base Offense Level 14 USSG § 2J1.2(a)
2 Threat of Physical Injury +8 USSG § 2J1.2(b)(1)(B)

3 19. Defendant and the USAO agree to the following applicable
4 Sentencing Guidelines factors with respect to Count Eleven of the
5 Indictment:

6 Base Offense Level 12 USSG § 2A6.1(a)
7 More Than Two Threats +2 USSG § 2A6.1(b)(2)(A)
8 Defendant and the USAO reserve the right to argue that additional
9 specific offense characteristics, adjustments, and departures under
10 the Sentencing Guidelines are appropriate.

11 20. Defendant understands that there is no agreement as to
12 defendant's criminal history or criminal history category.

13 21. Defendant and the USAO reserve the right to argue for a
14 sentence outside the sentencing range established by the Sentencing
15 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
16 (a)(2), (a)(3), (a)(6), and (a)(7).

17 WAIVER OF CONSTITUTIONAL RIGHTS

18 22. Defendant understands that by pleading guilty, defendant
19 gives up the following rights:

20 a. The right to persist in a plea of not guilty.
21 b. The right to a speedy and public trial by jury.
22 c. The right to be represented by counsel -- and if
23 necessary have the Court appoint counsel -- at trial. Defendant
24 understands, however, that, defendant retains the right to be
25 represented by counsel -- and if necessary have the Court appoint
26 counsel -- at every other stage of the proceeding.

27
28

1 d. The right to be presumed innocent and to have the
2 burden of proof placed on the government to prove defendant guilty
3 beyond a reasonable doubt.

4 e. The right to confront and cross-examine witnesses
5 against defendant.

6 f. The right to testify and to present evidence in
7 opposition to the charges, including the right to compel the
8 attendance of witnesses to testify.

9 g. The right not to be compelled to testify, and, if
10 defendant chose not to testify or present evidence, to have that
11 choice not be used against defendant.

12 h. Any and all rights to pursue any affirmative defenses,
13 Fourth Amendment or Fifth Amendment claims, and other pretrial
14 motions that have been filed or could be filed.

15 WAIVER OF APPEAL OF CONVICTION

16 23. Defendant understands that, with the exception of an appeal
17 based on a claim that defendant's guilty pleas were involuntary, by
18 pleading guilty defendant is waiving and giving up any right to
19 appeal defendant's convictions on the offenses to which defendant is
20 pleading guilty. Defendant understands that this waiver includes,
21 but is not limited to, arguments that the statutes to which defendant
22 is pleading guilty are unconstitutional, and any and all claims that
23 the statement of facts provided herein is insufficient to support
24 defendant's pleas of guilty.

25 WAIVER OF APPEAL AND COLLATERAL ATTACK

26 24. Defendant gives up the right to appeal all of the
27 following: (a) the procedures and calculations used to determine and
28 impose any portion of the sentence; (b) the term of imprisonment

1 imposed by the Court, provided it is no more than the high-end of the
2 Sentencing Guidelines range calculated by the Court; (c) the fine
3 imposed by the Court, provided it is within the statutory maximum;
4 (d) to the extent permitted by law, the constitutionality or legality
5 of defendant's sentence, provided it is within the statutory maximum;
6 (e) the term of probation or supervised release imposed by the Court,
7 provided it is within the statutory maximum; and (f) any of the
8 following conditions of probation or supervised release imposed by
9 the Court: the conditions set forth in General Order 20-04 of this
10 Court; the drug testing conditions mandated by 18 U.S.C.
11 §§ 3563(a)(5) and 3583(d); and the alcohol and drug use conditions
12 authorized by 18 U.S.C. § 3563(b)(7).

13 25. Defendant also gives up any right to bring a post-
14 conviction collateral attack on the convictions or sentence, except a
15 post-conviction collateral attack based on a claim of ineffective
16 assistance of counsel or an explicitly retroactive change in the
17 applicable Sentencing Guidelines, sentencing statutes, or statutes of
18 conviction. Defendant understands that this waiver includes, but is
19 not limited to, arguments that the statutes to which defendant is
20 pleading guilty are unconstitutional, that newly discovered evidence
21 purportedly supports defendant's innocence, and any and all claims
22 that the statement of facts provided herein is insufficient to
23 support defendant's plea of guilty.

24 26. The USAO agrees that, provided all portions of the sentence
25 are at or below the statutory maximum specified above, the USAO gives
26 up its right to appeal any portion of the sentence.

27
28

RESULT OF WITHDRAWAL OF GUILTY PLEA

27. Defendant agrees that if, after entering guilty pleas
pursuant to this agreement, defendant seeks to withdraw and succeeds
in withdrawing defendant's guilty pleas on any basis other than a
claim and finding that entry into this plea agreement was
involuntary, then (a) the USAO will be relieved of all of its
obligations under this agreement; and (b) should the USAO choose to
pursue any charge that was either dismissed or not filed as a result
of this agreement, then (i) any applicable statute of limitations
will be tolled between the date of defendant's signing of this
agreement and the filing commencing any such action; and
(ii) defendant waives and gives up all defenses based on the statute
of limitations, any claim of pre-indictment delay, or any speedy
trial claim with respect to any such action, except to the extent
that such defenses existed as of the date of defendant's signing this
agreement.

RESULT OF VACATUR, REVERSAL OR SET-ASIDE

18 28. Defendant agrees that if any count of conviction is
19 vacated, reversed, or set aside, the USAO may: (a) ask the Court to
20 resentence defendant on any remaining counts of conviction, with both
21 the USAO and defendant being released from any stipulations regarding
22 sentencing contained in this agreement, (b) ask the Court to void the
23 entire plea agreement and vacate defendant's guilty pleas on any
24 remaining counts of conviction, with both the USAO and defendant
25 being released from all their obligations under this agreement, or
26 (c) leave defendant's remaining convictions, sentence, and plea
27 agreement intact. Defendant agrees that the choice among these three
28 options rests in the exclusive discretion of the USAO.

EFFECTIVE DATE OF AGREEMENT

29. This agreement is effective upon signature and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney.

BREACH OF AGREEMENT

6 30. Defendant agrees that if defendant, at any time after the
7 signature of this agreement and execution of all required
8 certifications by defendant, defendant's counsel, and an Assistant
9 United States Attorney, knowingly violates or fails to perform any of
10 defendant's obligations under this agreement ("a breach"), the USAO
11 may declare this agreement breached. All of defendant's obligations
12 are material, a single breach of this agreement is sufficient for the
13 USAO to declare a breach, and defendant shall not be deemed to have
14 cured a breach without the express agreement of the USAO in writing.
15 If the USAO declares this agreement breached, and the Court finds
16 such a breach to have occurred, then: (a) if defendant has previously
17 entered guilty pleas pursuant to this agreement, defendant will not
18 be able to withdraw the guilty pleas, and (b) the USAO will be
19 relieved of all its obligations under this agreement.

20 31. Following the Court's finding of a knowing breach of this
21 agreement by defendant, should the USAO choose to pursue any charge
22 that was either dismissed or not filed as a result of this agreement,
23 then:

24 a. Defendant agrees that any applicable statute of
25 limitations is tolled between the date of defendant's signing of this
26 agreement and the filing commencing any such action.

27 b. Defendant waives and gives up all defenses based on
28 the statute of limitations, any claim of pre-indictment delay, or any

1 speedy trial claim with respect to any such action, except to the
2 extent that such defenses existed as of the date of defendant's
3 signing this agreement.

4 c. Defendant agrees that: (i) any statements made by
5 defendant, under oath, at the guilty plea hearing (if such a hearing
6 occurred prior to the breach); (ii) the agreed to factual basis
7 statement in this agreement; and (iii) any evidence derived from such
8 statements, shall be admissible against defendant in any such action
9 against defendant, and defendant waives and gives up any claim under
10 the United States Constitution, any statute, Rule 410 of the Federal
11 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
12 Procedure, or any other federal rule, that the statements or any
13 evidence derived from the statements should be suppressed or are
14 inadmissible.

15 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

16 OFFICE NOT PARTIES

17 32. Defendant understands that the Court and the United States
18 Probation and Pretrial Services Office are not parties to this
19 agreement and need not accept any of the USAO's sentencing
20 recommendations or the parties' agreements to facts or sentencing
21 factors.

22 33. Defendant understands that both defendant and the USAO are
23 free to: (a) supplement the facts by supplying relevant information
24 to the United States Probation and Pretrial Services Office and the
25 Court, (b) correct any and all factual misstatements relating to the
26 Court's Sentencing Guidelines calculations and determination of
27 sentence, and (c) argue on appeal and collateral review that the
28 Court's Sentencing Guidelines calculations and the sentence it

chooses to impose are not error, although each party agrees to maintain its view that the calculations in paragraphs 17-19 are consistent with the facts of this case. While this paragraph permits both the USAO and defendant to submit full and complete factual information to the United States Probation and Pretrial Services Office and the Court, even if that factual information may be viewed as inconsistent with the facts agreed to in this agreement, this paragraph does not affect defendant's and the USAO's obligations not to contest the facts agreed to in this agreement.

10 34. Defendant understands that even if the Court ignores any
11 sentencing recommendation, finds facts or reaches conclusions
12 different from those agreed to, and/or imposes any sentence up to the
13 maximum established by statute, defendant cannot, for that reason,
14 withdraw defendant's guilty plea, and defendant will remain bound to
15 fulfill all defendant's obligations under this agreement. Defendant
16 understands that no one -- not the prosecutor, defendant's attorney,
17 or the Court -- can make a binding prediction or promise regarding
18 the sentence defendant will receive, except that it will be within
19 the statutory maximum.

NO ADDITIONAL AGREEMENTS

21 35. Defendant understands that, except as set forth herein,
22 there are no promises, understandings, or agreements between the USAO
23 and defendant or defendant's attorney, and that no additional
24 promise, understanding, or agreement may be entered into unless in a
25 writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

2 36. The parties agree that this agreement will be considered
3 part of the record of defendant's guilty plea hearing as if the
4 entire agreement had been read into the record of the proceeding.
5 AGREED AND ACCEPTED.

6 UNITED STATES ATTORNEY'S OFFICE
7 FOR THE CENTRAL DISTRICT OF
CALIFORNIA

8 NICOLA T. HANNA
United States Attorney

LAUREN RESTREPO
Assistant United States Attorney

10/19/2020
Date

SAMUEL TRELAWNEY HUGHES
Defendant

10/13/20
Date

CHRISTY O'CONNOR
Deputy Federal Public Defender
Attorney for Defendant SAMUEL
TRELAWNEY HUGHES

10/19/20
Date

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CERTIFICATION OF DEFENDANT

2 I have read this agreement in its entirety. I have had enough
3 time to review and consider this agreement, and I have carefully and
4 thoroughly discussed every part of it with my attorney. I understand
5 the terms of this agreement, and I voluntarily agree to those terms.
6 I have discussed the evidence with my attorney, and my attorney has
7 advised me of my rights, of possible pretrial motions that might be
8 filed, of possible defenses that might be asserted either prior to or
9 at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),
10 of relevant Sentencing Guidelines provisions, and of the consequences
11 of entering into this agreement. No promises, inducements, or
12 representations of any kind have been made to me other than those
13 contained in this agreement. No one has threatened or forced me in
14 any way to enter into this agreement. I am satisfied with the
15 representation of my attorney in this matter, and I am pleading
16 guilty because I am guilty of the charges and wish to take advantage
17 of the promises set forth in this agreement, and not for any other
18 reason.

John D

SAMUEL TRELAWNEY HUGHES
Defendant

10/13/20
Date

Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

24 I am SAMUEL TRELAWNEY HUGHES's attorney. I have carefully and
25 thoroughly discussed every part of this agreement with my client.
26 Further, I have fully advised my client of his rights, of possible
27 pretrial motions that might be filed, of possible defenses that might
28 be asserted either prior to or at trial, of the sentencing factors

1 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
2 provisions, and of the consequences of entering into this agreement.
3 To my knowledge: no promises, inducements, or representations of any
4 kind have been made to my client other than those contained in this
5 agreement; no one has threatened or forced my client in any way to
6 enter into this agreement; my client's decision to enter into this
7 agreement is an informed and voluntary one; and the factual basis set
8 forth in this agreement is sufficient to support my client's entry of
9 guilty pleas pursuant to this agreement.

10 

11

CHRISTY O' CONNOR
12 Deputy Federal Public Defender
13 Attorney for Defendant SAMUEL
14 TRELAWNEY HUGHES

15 10/19/20

16 Date

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Attachment A

1 NICOLA T. HANNA
2 United States Attorney
3 CHRISTOPHER D. GRIGG
4 Assistant United States Attorney
5 Chief, National Security Division
6 LAUREN RESTREPO (Cal. Bar No. 319873)
7 Assistant United States Attorney
8 Cyber & Intellectual Property Crimes Section
9 1500 United States Courthouse
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11 Los Angeles, California 90012
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13 Facsimile: (213) 894-0141
14 E-mail: lauren.restrepo@usdoj.gov

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 20-332-DSF

21 Plaintiff,

22 STIPULATED REQUEST FOR JUDICIAL
23 REMOVAL OF DEFENDANT SAMUEL
24 TRELAWNEY HUGHES

25 SAMUEL TRELAWNEY HUGHES,

26 Defendant.

27 Plaintiff United States of America, by and through its counsel
28 of record, the United States Attorney for the Central District of
California and Assistant United States Attorney Lauren Restrepo, and
defendant SAMUEL TRELAWNEY HUGHES ("defendant"), both individually
and by and through his counsel of record, Deputy Federal Public
Defender Christy O'Connor, hereby agree and stipulate, pursuant to
Title 8, United States Code, Section 1228(c)(5) to the following:

1. The Court should enter a judicial order that defendant be
removed from the United States to the United Kingdom.

2. The facts in support of this request are as follows:

1 a. Defendant is not a citizen or national of the United
2 States.

3 b. Defendant is native and citizen of the United Kingdom.

4 c. Defendant was admitted to the United States at or near
5 Los Angeles, California, as an E2 nonimmigrant on or about October
6 19, 2018 with authorization to remain in the United States until
7 October 18, 2020.

8 d. Defendant is entering into this stipulation as a
9 condition of his plea agreement in United States v. Samuel Trelawney
10 Hughes, CR 20-332-DSF. In that plea agreement, defendant agreed to:

11 (1) plead guilty to Count Five of the indictment,
12 which charges defendant with Stalking, in violation of 18 U.S.C.
13 §§ 2261A(2)(A), (B), 2261(b)(5), for which a sentence of one year or
14 longer may be imposed; and

15 (2) plead guilty to Count Eleven of the indictment,
16 which charges defendant with Threats by Interstate Communication, in
17 violation of 18 U.S.C. § 875(c).

18 e. This stipulated request for judicial removal and the
19 accompanying order is incorporated into defendant's plea agreement.

20 f. Defendant agrees to the entry of a stipulated judicial
21 order of removal pursuant to Title 8, United States Code, Sections
22 1228(c)(5) and 1227. Specifically, defendant admits he is a native
23 and citizen of the United Kingdom and that he is removable from the
24 United States pursuant to the following provisions of law: (1) 8
25 U.S.C. § 1227(a)(2)(A)(i), as an alien who is convicted of a crime
26 involving moral turpitude committed within five years after the date
27 of admission for which a sentence of one year or longer may be
28 imposed; and (2) 8 U.S.C. §§ 1227(a)(2)(A)(iii) and 1101(a)(43)(H),

1 as an alien who is convicted of an aggravated felony at any time
2 after admission, to wit: an offense described in Title 18, United
3 States Code, Sections 875, 876, 877, or 1202.

4 g. After consultation with counsel and understanding the
5 legal consequences of doing so, defendant knowingly and voluntarily
6 waives any right to notice and hearing provided for in the
7 Immigration and Nationality Act ("INA"), as amended, including Title
8, United States Code, Section 1229(a) and related federal
9 regulations, and further waives any and all rights to appeal, reopen,
10 reconsider, or otherwise challenge this stipulated judicial removal
11 order. Defendant acknowledges that he understands and knowingly
12 waives any right to a hearing before an immigration judge or any
13 other authority under the INA on the question of defendant's
14 removability from the United States. Defendant further acknowledges
15 that he understands the rights he would possess in a contested
16 administrative proceeding and waives these rights, including any
17 right to examine the evidence against him, to present evidence on his
18 behalf, and to cross-examine the witnesses presented by the
19 government.

20 h. Defendant agrees to waive his rights to any and all
21 forms of relief or protection from removal, deportation, or exclusion
22 under the INA, as amended, and related federal regulations. These
23 rights include, but are not limited to, the ability to apply for the
24 following forms of relief or protection from removal: asylum;
25 withholding of removal under Title 8, United States Code, Section
26 1231(b)(3); any protection from removal pursuant to Article 3 of the
27 United Nations Convention Against Torture, including withholding or
28 deferral of removal under 8 C.F.R. § 208; cancellation of removal;

1 adjustment of status; registry; de novo review of a denial or
2 revocation of temporary protected status (current or future); waivers
3 under Title 8, United States Code, Sections 1227(a)(1)(H), 1182(h),
4 1182(i); or visa petitions; consular processing; voluntary departure
5 or any other possible relief or protection from removal available
6 under the Constitution, laws or treaty obligations of the United
7 States. As part of his stipulated request for judicial removal,
8 defendant specifically acknowledges and states that he has not been
9 persecuted in, and has no present fear of persecution in, the United
10 Kingdom on account of his race, religion, nationality, membership in
11 a particular social group, or political opinion. Similarly,
12 defendant further acknowledges and states that he has not been
13 tortured in, and has no present fear of torture in, the United
14 Kingdom.

15 i. Defendant hereby requests that an order be issued by
16 this Court for his removal to the United Kingdom. Defendant agrees
17 to accept a written order of removal as a final disposition of the
18 proceedings related to his removal and waives any and all rights to
19 challenge any provision of this agreement in any United States or
20 foreign court or tribunal. Defendant agrees that his plea agreement
21 does not afford him any right to reject or not comply with a written
22 order of removal.

23 j. Defendant hereby agrees to make this judicial order of
24 removal a public document, waiving any privacy rights, including any
25 privacy rights under 8 C.F.R. § 208.6. At the request of the United
26 States Attorney's Office, the United States Department of Homeland
27 Security, Immigration and Customs Enforcement ("DHS-ICE") concurs
28 with the government's request for a judicial order of removal. As a

1 result of such order, upon the completion of his criminal
2 proceedings, including any sentence of imprisonment, defendant will
3 be removed to the United Kingdom.

4 k. Defendant agrees that the entry of this judicial order
5 of removal renders him permanently inadmissible to the United States.
6 Defendant agrees that he will not enter, attempt to enter, or transit
7 through the United States without first seeking and obtaining
8 permission to do so from the Secretary of the United States
9 Department of Homeland Security, other designated representative of
10 the United States government.

11 l. Defendant agrees to assist the government, including
12 DHS-ICE, in the execution of his removal. Specifically, defendant
13 agrees to assist DHS-ICE in the procurement of any travel or other
14 documents necessary for defendant's removal; to meet with and to
15 cooperate with representatives of the country or countries to which
16 defendant's removal is directed; and to execute those forms,
17 applications, or waivers needed to execute or expedite defendant's
18 removal. Defendant acknowledges that he understands that his failure
19 or refusal to assist the government, including DHS-ICE, in the
20 execution of his removal shall be a breach of his plea agreement and
21 may subject defendant to criminal penalties under Title 8, United
22 States Code, Section 1253.

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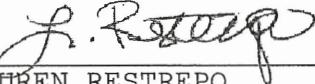
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1 3. Accordingly, defendant and the United States jointly
2 request that the Court, after imposing sentence, order that defendant
3 be removed from the United States to the United Kingdom so that,
4 promptly upon defendant's satisfaction of his sentence, DHS-ICE may
5 execute the order of removal according to the applicable laws and
6 regulations.

7 SO STIPULATED.

8 UNITED STATES ATTORNEY'S OFFICE
9 FOR THE CENTRAL DISTRICT OF
CALIFORNIA

10 NICOLA T. HANNA
United States Attorney

11 
12 LAUREN RESTREPO

13 Assistant United States Attorney

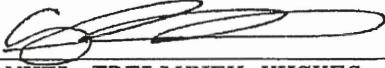
10/19/2020

14 Date

15 CERTIFICATION OF DEFENDANT

16 I have read this stipulation in its entirety. I have had enough
17 time to review and consider this stipulation, and I have carefully
18 and thoroughly discussed every part of it with my attorney. I
19 understand the terms of this stipulation, and I voluntarily agree to
20 those terms. I have discussed with my attorney my right to notice
21 and a hearing before an immigration judge prior to removal from the
22 United States and I understand and waive the right to notice and a
23 hearing before an immigration judge prior to removal from the United
24 States. I have also discussed with my attorney my right to a
25 judicial removal proceeding and I understand and acknowledge that I
26 am waiving my right to examine the evidence against me that
27 establishes that I am removable from the United States and to present
28 any evidence on my own behalf that establishes I am not subject to

1 removal from the United States. I have discussed with my attorney,
2 and I understand, the consequences of entering into this stipulation.
3 No promises, inducements, or representations of any kind have been
4 made to me other than those contained in the plea agreement in this
5 case. No one has threatened or forced me in any way to enter into
6 this stipulation. I am satisfied with the representation of my
7 attorney in this matter, and I am entering into this stipulation
8 because I am removable from the United States and I wish to take
9 advantage of the promises set forth in the plea agreement in this
10 case, and not for any other reason.

11 
12 SAMUEL TRELAWNEY HUGHES
Defendant

10/13/20
Date

14 CERTIFICATION OF DEFENDANT'S ATTORNEY

15 I am SAMUEL TRELAWNEY HUGHES's attorney. I have carefully and
16 thoroughly discussed every part of this stipulation with my client as
17 well as the evidence against him that establishes that he is
18 removable from the United States. Further, I have fully advised my
19 client of his right to notice and a hearing before an immigration
20 judge prior to removal from the United States, his right to a
21 judicial removal proceeding, his right to present evidence on his own
22 behalf that establishes that he is not subject to removal from the
23 United States, and the consequences of entering into this
24 stipulation. To my knowledge: no promises, inducements, or
25 representations of any kind have been made to my client other than
26 those contained in his plea agreement in this case; no one has
27 threatened or forced my client in any way to enter into this
28 stipulation; my client's decision to enter into this stipulation is

1 an informed and voluntary one; and the facts set forth in this
2 stipulation are sufficient to support my client's removal from the
3 United States pursuant to a stipulated judicial removal order.



4 _____
5 CHRISTY O'CONNOR
6 Deputy Federal Public Defender
7 Attorney for Defendant SAMUEL
8 TRELAWNEY HUGHES
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10/19/20

Date

1 NICOLA T. HANNA
2 United States Attorney
3 CHRISTOPHER D. GRIGG
4 Assistant United States Attorney
5 Chief, National Security Division
6 LAUREN RESTREPO (Cal. Bar No. 319873)
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15
16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,

21 No. CR 20-332-DSF

22 Plaintiff,

23 CONCURRENCE OF IMMIGRATION AND
CUSTOMS ENFORCEMENT IN
STIPULATED REQUEST FOR JUDICIAL
REMOVAL OF DEFENDANT SAMUEL
TRELAWNEY HUGHES

24 v.

25 SAMUEL TRELAWNEY HUGHES,

26 Defendant.

27 Based upon the factual allegations in the stipulated request
28 for judicial removal of defendant SAMUEL TRELAWNEY HUGHES, on behalf
1 of the Assistant Secretary for Immigration and Customs Enforcement,
2 United States Department of Homeland Security ("DHS-ICE"), pursuant
3 to the authority delegated to me on June 3, 2003, in Delegation
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1 Number 0001, I concur in the request of the defendant and the United
2 States Attorney that a judicial order of removal be issued in this
3 case.

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6 Dated: October 21, 2020

7 **DAVID A PRINCE**

Digitally signed by DAVID A
PRINCE
Date: 2020.10.21 11:39:41
-07'00'

9 David Prince
10 Special Agent in Charge
11 DHS-ICE Los Angeles, California

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5 Chief, National Security Division
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15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 20-332-DSF

21 Plaintiff,

22 [PROPOSED] ORDER RE JUDICIAL
23 REMOVAL OF DEFENDANT SAMUEL
24 TRELAWNEY HUGHES

25 v.

26 SAMUEL TRELAWNEY HUGHES,

27 Defendant.

28 ORDER OF REMOVAL

29 Defendant SAMUEL TRELAWNEY HUGHES and the United States have
30 jointly requested, agreed, and stipulated, pursuant to Title 8,
31 United States Code, Sections 1228(c)(5) and 1227, that the Court
32 should enter a judicial order that defendant be removed from the
33 United States to the United Kingdom. Pursuant to that stipulated
34 request, the Court finds the following:

35 a. Defendant is not a citizen or national of the United
36 States.

1 b. Defendant is a native and citizen of the United
2 Kingdom.

3 c. Defendant was admitted to the United States at or
4 near Los Angeles, California, as an E2 nonimmigrant on or about
5 October 19, 2018, with authorization to remain in the United States
6 until October 18, 2020.

7 d. Defendant, pursuant to a plea agreement, has pleaded
8 guilty to Count Five of the indictment in United States v. Samuel
9 Trelawney Hughes, CR 20-332-DSF, which charges defendant with
10 Stalking, in violation of 18 U.S.C. §§ 2261A(2)(A), (B), 2261(b)(5).
11 For this offense, a sentence of one year or longer may be imposed.

12 e. Defendant, pursuant to the same plea agreement, has
13 also pleaded guilty to Count Eleven of the indictment in United
14 States v. Samuel Trelawney Hughes, CR 20-332-DSF, which charges
15 defendant with Threats by Interstate Communication, in violation of
16 18 U.S.C. § 875(c).

17 f. The stipulated request for judicial removal and this
18 order are incorporated into defendant's plea agreement.

19 g. Defendant has agreed to the entry of a stipulated
20 judicial order of removal pursuant to Title 8, United States Code,
21 Sections 1228(c)(5) and 1227. Specifically, defendant has admitted
22 that he is a native and citizen of the United Kingdom and that he is
23 removable from the United States pursuant to the following
24 provisions of law: (1) 8 U.S.C. § 1227(a)(2)(A)(i), as an alien who
25 is convicted of a crime involving moral turpitude committed within
26 five years after the date of admission for which a sentence of one
27 year or longer may be imposed; and (2) 8 U.S.C.
28 §§ 1227(a)(2)(A)(iii) and 1101(a)(43)(H), as an alien who is

1 convicted of an aggravated felony at any time after admission, to
2 wit: an offense described in Title 18, United States Code, Sections
3 875, 876, 877, or 1202.

4 h. After consultation with counsel and understanding the
5 legal consequences of doing so, defendant knowingly and voluntarily
6 waived the right to notice and hearing provided for in Title 8,
7 United States Code, Section 1229(a), and further waived any and all
8 rights to appeal, reopen, reconsider, or otherwise challenge this
9 stipulated removal order. Defendant has acknowledged that he
10 understood and knowingly waived his right to a hearing before an
11 immigration judge or any other authority under the Immigration and
12 Nationality Act ("INA"), as amended, on the question of defendant's
13 removability from the United States. Defendant has further
14 acknowledged that he understood the rights he would possess in a
15 contested administrative proceeding and waives these rights,
16 including his right to examine the evidence against him, to present
17 evidence on his behalf, and to cross-examine the witnesses presented
18 by the government.

19 i. Defendant has agreed to waive his rights to any and
20 all forms of relief or protection from removal, deportation, or
21 exclusion under the INA, as amended, and related federal
22 regulations. These rights include, but are not limited to, the
23 ability to apply for the following forms of relief or protection
24 from removal: asylum; withholding of removal under Title 8, United
25 States Code, Section 1231(b)(3); any protection from removal
26 pursuant to Article 3 of the United Nations Convention Against
27 Torture, including withholding or deferral of removal under 8 C.F.R.
28 § 208; cancellation of removal; adjustment of status; registry; de

1 novo review of a denial or revocation of temporary protected status
2 (current or future); waivers under Title 8, United States Code,
3 Sections 1227(a)(1)(H), 1182(h), 1182(i); visa petitions; consular
4 processing; voluntary departure or any other possible relief or
5 protection from removal available under the Constitution, laws or
6 treaty obligations of the United States. As part of this agreement,
7 defendant has specifically acknowledged and stated that defendant
8 has not been persecuted in, and has no present fear of persecution
9 in, the United Kingdom on account of his race, religion,
10 nationality, membership in a particular social group, or political
11 opinion. Similarly, defendant has further acknowledged and stated
12 that defendant has not been tortured in, and has no present fear of
13 torture in, the United Kingdom.

14 j. Defendant has requested that an order be issued by
15 this Court for his removal to the United Kingdom. Defendant has
16 agreed to accept a written order of removal as a final disposition
17 of these proceedings and waives any and all rights to challenge any
18 provision of this agreement in any United States or foreign court or
19 tribunal. Defendant has acknowledged that his plea agreement does
20 not afford him any right to reject or not comply with a written
21 order of removal.

22 k. Defendant has agreed to make this judicial order of
23 removal a public document, waiving his privacy rights, including his
24 privacy rights under 8 C.F.R. § 208.6. At the request of the United
25 States Attorney's Office, the United States Department of Homeland
26 Security, Immigration and Customs Enforcement ("DHS-ICE") has
27 concurred with the government's request for a judicial order of
28 removal. Defendant has agreed that, as a result of the above-

1 referenced order, upon the completion of the defendant's criminal
2 proceedings, including any sentence of imprisonment, defendant shall
3 be removed to the United Kingdom.

4 1. Defendant has conceded that the entry of this
5 judicial order of removal renders him permanently inadmissible to
6 the United States. Defendant has agreed that he will not enter,
7 attempt to enter, or transit through the United States without first
8 seeking and obtaining permission to do so from the Secretary of the
9 Department of Homeland Security or other designated representative
10 of the U.S. government.

11 m. Defendant has agreed to assist DHS-ICE in the
12 execution of his removal. Specifically, defendant has agreed to
13 assist DHS-ICE in the procurement of any travel or other documents
14 necessary for defendant's removal; to meet with and to cooperate
15 with representatives of the country or countries to which
16 defendant's removal is directed; and, to execute those forms,
17 applications, or waivers needed to execute or expedite defendant's
18 removal. Defendant has acknowledged that he understands that his
19 failure or refusal to assist DHS-ICE in the execution of his removal
20 shall breach his plea agreement and may subject defendant to
21 criminal penalties under Title 8, United States Code, Section 1253.

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1 Therefore, IT IS ORDERED pursuant to Title 8, United States
2 Code, Sections 1228(c)(5) and 1227, that defendant be removed from
3 the United States to the United Kingdom promptly upon his
4 satisfaction of the sentence of imprisonment, and that DHS-ICE
5 execute this ORDER of removal according to the applicable laws and
6 regulations of the United States.

7 IT IS SO ORDERED.

8 Dated:

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10 THE HONORABLE DALE S. FISCHER
11 UNITED STATES DISTRICT JUDGE

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3 CHRISTOPHER D. GRIGG
4 Assistant United States Attorney
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15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 20-332-DSF

21 Plaintiff,

22 STIPULATED REQUEST FOR FINDINGS OF
23 FACT PURSUANT TO THE CARES ACT

24 v.

25 SAMUEL TRELAWNEY HUGHES,

26 Defendant.

27 Plaintiff United States of America, by and through its counsel
28 of record, the United States Attorney for the Central District of
California and Assistant United States Attorney Lauren Restrepo, and
defendant SAMUEL TRELAWNEY HUGHES ("defendant"), by and through his
counsel of record, Deputy Federal Public Defender Christy O'Connor,
hereby jointly apply for an order setting forth the Court's findings
of fact in support of a determination that the guilty-plea hearing
and sentencing hearing in this case may proceed by video
teleconference under § 15002(b) of the CARES Act. This request is
based on the following stipulations by the parties:

1 1. Defendant and his counsel have discussed proceeding with
2 the guilty-plea hearing and sentencing hearing via video
3 teleconference, and defendant has confirmed his assent to this
4 process.

5 2. Defendant agrees that his guilty-plea hearing and
6 sentencing hearing cannot be substantially further delayed without
7 serious harm to the interests of justice.

8 3. The government agrees to proceed with the guilty-plea
9 hearing and sentencing hearing by video teleconference.

10 4. By her signature below, defense counsel represents that she
11 has advised defendant, and defendant understands that, under Federal
12 Rules of Criminal Procedure 32 and 43, as well as the Constitution,
13 defendant may have the right to be physically present at his guilty-
14 plea hearing and sentencing hearing, and that, understanding these
15 rights, defendant voluntarily agrees to waive them and to proceed
16 remotely by video teleconference. Counsel joins in this consent,
17 agreement, and voluntary waiver.

18 5. The parties request that the Court confirm these waivers at
19 the guilty-plea hearing and sentencing hearing itself.

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6. The parties further request that the Court issue the concurrently filed proposed findings, which are incorporated herein by reference.

IT IS SO STIPULATED AND AGREED.

Dated: October 23, 2020

Respectfully submitted,

NICOLA T. HANNA
United States Attorney

CHRISTOPHER D. GRIGG
Assistant United States Attorney
Chief, National Security Division

/s/ Lauren Restrepo

LAUREN RESTREPO

Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

Dated: October 23, 2020

/s/ (with email authorization)

CHRISTY O'CONNOR

Deputy Federal Public Defender

Attorney for Defendant

SAMUEL TRELAWNEY HUGHES

1 NICOLA T. HANNA
2 United States Attorney
3 CHRISTOPHER D. GRIGG
4 Assistant United States Attorney
5 Chief, National Security Division
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14 E-mail: lauren.restrepo@usdoj.gov

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 20-332-DSF

21 Plaintiff,

22 [PROPOSED] ORDER SETTING FORTH
23 FACTUAL FINDINGS PURSUANT TO
24 THE CARES ACT

25 v.

26 SAMUEL TRELAWNEY HUGHES,

27 Defendant.

28 The Court, having read and considered the stipulation for an
order setting forth factual findings regarding the necessity of
proceeding by video teleconference in this case, hereby issues the
following factual findings:

29 (1) On March 13, 2020, the President of the United States
30 issued a proclamation declaring a National Emergency in response to
31 the COVID-19 (Coronavirus Disease) pandemic.

32 (2) The Governor of the State of California declared a
33 Proclamation of a State of Emergency to exist in California on March
34 4, 2020. Health Officers from Los Angeles, Riverside, Orange, San
35 Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

1 subsequently issued local emergency orders and proclamations related
2 to public gatherings.

3 (3) To date, hundreds of thousands of people within the Central
4 District of California have been confirmed to be infected with COVID-
5 19 and the number of those infected continues to rise, causing an
6 emergency pandemic.

7 (4) In their continuing guidance, the Centers for Disease
8 Control and Prevention and other public health authorities have
9 suggested the public avoid social gatherings in groups of more than
10 10 people and practice physical distancing (within about six feet)
11 between individuals to potentially slow the spread of COVID-19. The
12 virus is thought to spread mainly from person-to-person contact, and
13 no vaccine currently exists.

14 (5) On March 27, 2020, Congress passed the Coronavirus Aid,
15 Relief, and Economic Security Act ("CARES Act"), which authorized the
16 Judicial Conference of the United States to provide authority to
17 Chief District Judges to permit certain criminal proceedings to be
18 conducted by video or telephonic conference.

19 (6) On March 29, 2020, the Judicial Conference of the United
20 States made the appropriate findings as required under the CARES Act,
21 finding specifically that "emergency conditions due to the national
22 emergency declared by the President under the National Emergencies
23 Act (50 U.S.C. § 1601, et seq.) with respect to the Coronavirus
24 Disease 2019 (COVID-19) have materially affected and will materially
25 affect the functioning of the federal courts generally."

26 (7) On March 29, 2020, the Chief Judge of this District also
27 made the appropriate findings as required under the CARES Act,
28 finding "that felony pleas under Rule 11 of the Federal Rules of

1 Criminal Procedure and felony sentencing under Rule 32 of the
2 Federal Rules of Criminal Procedure cannot be conducted in person
3 without seriously jeopardizing public health and safety. As a
4 result, if judges in individual cases find, for specific reasons,
5 that felony pleas or sentencing in those cases cannot be further
6 delayed without serious harm to the interests of justice, judges may,
7 with the consent of the defendant or the juvenile after consultation
8 with counsel, conduct those proceedings by video conference, or by
9 telephonic conference if video conferencing is not reasonably
10 available." On June 26, 2020, the findings and authorizations in the
11 Order of the Chief Judge No. 20-043 were extended by Order of the
12 Chief Judge No. 20-080. C.D. Cal. Order of the Chief Judge No. 20-
13 080, In Re: Coronavirus Public Emergency, Use of Video and Telephonic
14 Conference Technology in Certain Criminal Proceedings, at 1 (June 26,
15 2020). The findings and authorizations were further extended on
16 September 23, 2020, in Order of the Chief Judge No. 20-097. C.D.
17 Cal. Order of the Chief Judge No. 20-097, In Re: Coronavirus Public
18 Emergency, Use of Video and Telephonic Conference Technology in
19 Certain Criminal Proceedings, at 1 (September 23, 2020).

20 (8) Through this order, I now find that the guilty-plea hearing
21 and sentencing hearing in this case cannot be further delayed without
22 serious harm to the interests of justice. My specific reasons are as
23 follows:

24 a. On March 23, 2020, the Chief Judge of this District
25 activated The Continuity of Operations ("COOP") Plan for the Central
26 District of California, closing courthouses in this district to the
27 public except for hearings on criminal duty matters. The COOP Plan
28 was in effect through and including June 22, 2020.

1 b. On May 28, 2020, the Court adopted The Plan for Phased
2 Resumption of Operations ("Reopening Plan"), outlining three
3 different phases:

4 i. Phase 1 began on June 1, 2020. During this
5 Phase, certain staff were permitted to return to this District's
6 courthouses to prepare for limited in-court hearings.

7 ii. Phase 2 began on June 22, 2020. During this
8 Phase, which remains ongoing, individual judges have the discretion
9 to hold in-court hearings in any criminal matter. They may also
10 continue to hold hearings by video and telephonic conference.

11 iii. The final phase of the Reopening Plan, Phase 3,
12 will be implemented at a date to be determined. During this Phase,
13 jury trials may resume. As a practical matter, however, this
14 District is unlikely to conduct a substantial number of jury trials -
15 - and reach its former capacity -- until several months after the
16 implementation of Phase 3.

17 c. On April 9, 2020, the Judicial Council of the Ninth
18 Circuit declared a judicial emergency in this District pursuant to 18
19 U.S.C. § 3174(d). The Judicial Council declared this emergency
20 because, among other reasons, the Central District of California is
21 one of the busiest judicial districts in the country.

22 d. As the Judicial Conference concluded, the
23 exceptionally large number of cases pending in this District
24 represents an emergency. A vacancy on a district court is generally
25 considered an "emergency" if the court's "weighted filings" exceed
26 600 per judgeship. The Central District of California's weighted
27 filings, 692 per judgeship (61 percent above the Conference
28 standard), are high enough for each Judge's caseload to be deemed an

1 emergency. While the number of pending cases per judge has
2 marginally decreased with the addition of the three recently-
3 confirmed judges, the large number of pending cases will still
4 constitute an emergency.

5 e. This District is authorized 27 permanent judgeships
6 and one temporary judgeship, but has seven vacancies. Moreover, seven
7 active district judges are eligible to take senior status or retire
8 immediately.

9 f. While individual Judges currently have the discretion
10 to hold in-person hearings in criminal matters, social distancing
11 guidelines remain generally incompatible with in-person hearings.
12 Many parties, including defendants, counsel, and court staff, are
13 also unable or unwilling to attend in-person hearings due to
14 legitimate safety concerns. And transporting detained defendants to
15 these hearings may risk the spread of COVID-19 within detention
16 facilities, and result in defendants being subject to quarantines
17 upon their return to these facilities.

18 g. Given these facts, it is essential that Judges in this
19 District resolve as many matters as possible via video teleconference
20 and telephonic hearing. By holding these hearings now, this District
21 will be in a much better position to work through the backlog of
22 criminal and civil matters when normal operations resume.

23 (9) I therefore conclude that the guilty-plea hearing and
24 sentencing hearing in this case cannot be further delayed without
25 serious harm to the interests of justice. If the Court were to delay
26 these hearings until it can be held in-person, it would only add to
27 the enormous backlog of criminal and civil matters facing this Court,
28 and every Judge in this District, when normal operations resume.

1 (10) The defendant consents to proceed with his guilty-plea
2 hearing and sentencing hearing by video teleconference. Defendant
3 also understands that, under Federal Rules of Criminal Procedure 32
4 and 43, as well as the Constitution, he may have the right to be
5 physically present at these hearings. Defendant understands that
6 right and voluntarily agrees to waive it and to proceed remotely by
7 video teleconference. Counsel joins in this consent, agreement, and
8 waiver.

9 (11) Based on the findings above, and my authority under
10 § 15002(b) of the CARES Act, the guilty-plea hearing and sentencing
11 hearing in this case will be conducted by video teleconference, if at
12 the outset of such hearings, defendant makes a knowing and voluntary
13 waiver of his right to an in-person hearing.

14 IT IS SO ORDERED.

17 DATE THE HONORABLE DALE S. FISCHER
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Lauren Restrepo
LAUREN RESTREPO
Assistant United States Attorney

1 NICOLA T. HANNA
2 United States Attorney
3 CHRISTOPHER D. GRIGG
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15
16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,

21 No. CR 20-332-DSF

22 Plaintiff,

23 v.
24 ORDER SETTING FORTH FACTUAL
FINDINGS PURSUANT TO
THE CARES ACT

25 SAMUEL TRELAWNEY HUGHES,

26 Defendant.

27 The Court, having read and considered the stipulation for an
28 order setting forth factual findings regarding the necessity of
proceeding by video teleconference in this case, hereby issues the
following factual findings:

29 (1) On March 13, 2020, the President of the United States
30 issued a proclamation declaring a National Emergency in response to
31 the COVID-19 (Coronavirus Disease) pandemic.

32 (2) The Governor of the State of California declared a
33 Proclamation of a State of Emergency to exist in California on March
34 4, 2020. Health Officers from Los Angeles, Riverside, Orange, San
35 Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

SAMUEL TRELAWNEY HUGHES,

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 July 24, 2023, as required by Supreme Court Rule 29, I served Petitioner Samuel Trelawney Hughes'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 Samuel Trelawney Hughes, by depositing an envelope containing the documents in the U.S. mail (for overseas delivery), postage prepaid, and sending it to the following address:

Samuel Trelawney Hughes
3 Pen An Vre, Treliwer RD
Mabe Burnthouse
Penryn
Cornwall England
TR109DF
United Kingdom

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

Executed on July 24, 2023



DAVID A. SCHLESINGER
Declarant