

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

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david@jsslegal.com

Counsel for Petitioner

1 records in this case, and such further evidence and argument as the
2 Court may permit.

3 Dated: November 1, 2021

Respectfully submitted,

4 TRACY L. WILKISON
5 Acting United States Attorney

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

8 /s/

9 LAUREN RESTREPO
Assistant United States Attorney

10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

3 Throughout much of 2019 and 2020, defendant Samuel Trelawney
4 Hughes ("defendant") persistently stalked, harassed, and sent death
5 threats to numerous victims who defendant believed had somehow
6 wronged him. Defendant used his computer skills to terrorize these
7 victims and their families with harassment and death threats from
8 anonymized accounts. His use of anonymizing techniques and planning
9 allowed him to avoid identification -- and punishment -- for months
10 while he continued his online harassment campaigns. Defendant's
11 conduct traumatized the victims, putting many in fear for their lives
12 and the lives of family members. Some feared going to work or even
13 leaving their homes. Defendant's conduct was harmful, destructive,
14 and warrants a meaningful custodial sentence.

15 The government respectfully requests that the Court impose the
16 following sentence: (a) a within-Guidelines sentence of 37 months'
17 imprisonment on all counts, to be served concurrently; (b) three
18 years' supervised release on all counts, to be served concurrently;
19 (c) a \$15,000 fine; and (d) a mandatory special assessment of \$300.

II. DEFENDANT'S CRIMINAL CONDUCT

21 As set forth in detail in the Complaint ("Compl.") (Dkt. 1),
22 Indictment (Dkt. 11), Plea Agreement (Dkts. 20, 33), and Presentence
23 Investigation Report ("PSR") (Dkt. 36), this case involves
24 defendant's repeated cyberstalking, harassment, and threats to at
25 least ten victims (collectively, "the victims")¹ between April 2019

27 ¹ The victims were referenced in the Indictment using
28 pseudonyms. The Government's Sentencing Position follows the same
method used in the Indictment of referring to the victims as Victims
1-10.

1 **VI. CONCLUSION**

2 For the foregoing reasons, the government respectfully requests
3 that the Court impose the following sentence: 37 months' imprisonment
4 on each of the counts of conviction, to be served concurrently; a
5 supervised release term of three years on all counts of conviction,
6 to be served concurrently; a \$15,000 fine; and the mandatory special
7 assessment of \$300. This recommended sentence reflects the
8 seriousness of defendant's crimes and his history and
9 characteristics, coupled with the profound need to protect the
10 public, promote respect for the law, and afford adequate specific
11 deterrence to defendant and general deterrence to other would-be
12 cyberstalkers like him.

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1 THE LAW OFFICE OF PETER SWARTH
2 PETER SWARTH, SBN 143573
3 6520 Platt Ave., #557
4 West Hills, CA 91307
5 Telephone: (818) 887-8800
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8 Attorney for Samuel Hughes

9
10 UNITED STATES DISTRICT COURT

11
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 SAMUEL TRELAWNEY HUGHES,

17 Defendant.

18
19
20 } CASE NO: 20-CR-332-01-DSF

21 } DEFENDANT SAMUEL HUGHES'
22 } ADDENDUM TO SENTENCING
23 } POSITION

24 Date: November 15, 2021

25 Time: 8:30 AM

26 Courtroom: 7D

27 To the Honorable Dale S. Fischer of the United States District Court for the Central
28 District of California:

29 Mr. Hughes hereby amends his initial Sentencing Position (Dkt. 43) (the
30 "Sentencing Position"). Specifically, Mr. Hughes amends the discussion of the PSR,
31 where his Sentencing Position (pp.3-4, Section I) inadvertently omitted to mention an
32 error in the PSR's calculation of the total offense level.

33 In its calculation of total offense level, the PSR errs by failing to include the two-

1 level variance for entry of a plea during the pandemic. The PSR (¶¶ 37-48) sets forth its
2 total offense level calculation. Then, in its final paragraph, the PSR first mentions the
3 agreed-upon pandemic-related two-level variance. Namely, the PSR (¶ 121) correctly
4 states: “the parties agree that the defendant is entitled to a two-level variance as
5 recognition of defendant’s early acceptance of responsibility.” This is an accurate
6 representation of the contents of the Plea Agreement (Dkt. 20), p.4 (¶ 4), which states:
7 “Because the justice system is facing an unprecedented crisis through the backlog of
8 cases, the parties agree that the defendant is entitled to a two-level variance as
9 recognition of defendant’s early acceptance of responsibility, which will lessen the
10 burden on the court system . . .” Yet the two-level variance is not included in the
11 calculation of his total offense level.

12 By failing to subtract the two levels for the variance, the PSR erroneously
13 calculates the total offense level as 21 (PSR, p.4; PSR, ¶ 48, Prob. Dep’t Letter (Dkt.
14 35), p.1); and the Probation Department then calculates an “advisory guideline range of
15 37 to 46 months based upon an offense level of 21 and a criminal history category of I”.
16 Prob. Dep’t Letter (Dkt. 35), p.1. In reality, based on the other calculations in the PSR,
17 upon subtracting the two levels for the variance, the resulting total offense level is 19,
18 which yields a guideline range of 30 to 37 months.

19 Otherwise, Mr. Hughes relies on his previously-submitted Sentencing Position,
20 including its request for an additional downward departure and/or variance based on his
21 autism.

22 Dated: November 3, 2021 Respectfully submitted,
23 _____
24 Peter Swarth
Attorney for Samuel Hughes

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).

 Peter Swarth

Digitally signed by Peter Swarth
DN: cn=Peter Swarth, o=The Law Offices
of Peter Swarth, ou,
email=pswarth@gmail.com, c=US
Date: 2021.11.10 10:06:32 -08'00'

11/10/2021

Date

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.

Defendant is housed at Metropolitan Detention Center. He is not under quarantine. If he must appear in court for the sentencing hearing, he will then, have to undergo at least two weeks of separation from other inmates. Further isolation, such as quarantine, puts the Defendant's mental health at risk.

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

App.351

NAME & ADDRESS

Peter Swarth, SBN 143573
6520 Platt Ave., #557
West Hills, CA 91307

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA v. SAMUEL TRELAWNEY HUGHES	CASE NUMBER 20-cr-332-DSF-1
<u>USMS Reg. #: 79595-112</u>	PLAINTIFF, 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 Trelawney 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:

Detention/Bail Review/Reconsideration Hearing(s) (18 U.S.C. Sec. 3142) Initial Appearance (Fed. R. Crim. P. 5)
 Preliminary Hearing (Fed. R. Crim. P. 5.1) Arraignment (Fed. R. Crim. P. 10)
 Pretrial Release Revocation Proceedings (18 U.S.C. Sec. 3148) Waiver of Indictment (Fed. R. Crim. P. 7(b))
 Misdemeanor Pleas and Sentencings (Fed. R. Crim. P. 43(b)(2)) Appearances under Fed. R. Crim. P. 40
 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, 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):

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

11/10/2021

s/ by Peter Swarth for Samuel Trelawney Hughes

Date

Defendant

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

Is Custody?

For in-custody defendants, list institution where housed: MDC-LA

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).

Peter Swarth

Digitally signed by Peter Swarth
DN: cn=Peter Swarth, o=The Law Offices
of Peter Swarth, ou,
email=pswarth@gmail.com, c=US
Date: 2021.11.10 10:06:32 -08'00'

11/10/2021

Date _____ 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.

Defendant is housed at Metropolitan Detention Center. He is not under quarantine. If he must appear in court for the sentencing hearing, he will then, have to undergo at least two weeks of separation from other inmates. Further isolation, such as quarantine, puts the Defendant's mental health at risk.

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.

November 15, 2021

Date

United States District Judge



1 TRACY L. WILKISON
2 Acting 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 v.
24
25 ORDER RE JUDICIAL REMOVAL OF
DEFENDANT SAMUEL TRELAWNEY
HUGHES

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.
37

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.

22 ///

23 ///

24 ///

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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.

IT IS SO ORDERED.

DATED: November 16, 2021

Walter J. Fischer

Honorable Dale S. Fischer
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR 20-332-DSF

Plaintiff,

Ninth Cir. No. 21-50304

V.

SAMUEL TRELAWEY HUGHES.

**ORDER
EXTENDING PERIOD OF
TIME FOR 30 DAYS
TO FILE NOTICE OF
APPEAL**

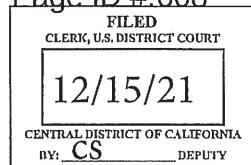
Defendant

Having determined that Defendant-Appellant Samuel Trelawney Hughes's filing of an untimely notice of appeal in this case on December 10, 2021, resulted from excusable neglect, and also finding that good cause exists under Rule 4(b)(4) of the Federal Rules of Appellate Procedure to extend the period for filing Defendant-Appellant's notice of appeal for 30 days, the Court concludes that Defendant-Appellant's filing on December 10, 2021 (docketed here as Docket Entry No. 56) is a timely filing nunc pro tunc under Rule 4(b)(4).

IT IS SO ORDERED.

Dated: June 27, 2022

Dale S. Fischer
Dale S. Fischer
United States District Judge



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

DEC 15 2021

FILED
DOCKETED
DATE INITIAL

United States 9th Circuit

Central District of
California

USA

Court of Appeals

✓
Samuel Trelawney
Hughes

* CR # 200-00332-DSF

*

Motion to Complain about
Magistrate § 351(a)

Motion to Disqualify
Magistrate § 455
(Pro Se)

The Defendant Samuel Hughes (Pro Se) had been a subject to ethical irresponsibility and constitutional violations by US District Judge Honorable Dale S Fischer at sentencing; November 15th 2021.

Under §4241 it requires mental incompetency to become a major factor in determining a suitable sentence based on the plea bargain signed 10/19/20. This paramount decision was discarded and unethical. I wish to sought appropriate action in light of this.

Dr Freeman, a doctor in position for 50 years made it crystal clear to Hon Dale S Fischer that "I suffer a mental defect. Additionally The Defendant seeks to file a Rule 12(b) motion to dismiss or Vacate

ER413

Sentence for failure to notify under Amendment VII, and
cruel and harsh punishment of a mentally incompetent
person under Amendment VIII & Coercion to
sign pled bargain under Amendment V due to
ineffective counsel in duration of the case.

This doesn't satisfy the intention of Congress, the
legality of this case.



Date: December 9th 2021

Sam Hughes

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS
PASADENA OFFICE

DEC 15 2021

FILED
DOCKETED
DATE
INITIAL

From: Hughes, Samuel
79395-112
Metropolitan Detention Center - LA
PO Box 531500
Los Angeles, CA, 90053-1500

RECEIVED
MOLLY C. Dwyer, Clerk
U.S. COURT OF APPEALS
PASADENA OFFICE

DEC 15 2021

FILED _____
DOCKETED _____
DATE _____
INITIAL _____

Clerk of the
Richard H. Chambers
Court of Appeals (9th Circuit)
125 Grand Ave (S)
PASADENA, CA 91105

LOS ANGELES 94100 MAIL
10 DEC 2021 PM 9 L



SI 105-16335

ER415

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:20-cr-00332-DSF-1

Case title: USA v. Hughes

Magistrate judge case number: 2:20-mj-03187-DUTY

Date Filed: 08/04/2020

Date Terminated: 11/15/2021

Assigned to: Judge Dale S. Fischer

Appeals court case number:
21-50304 9th CCA

Defendant (1)

Samuel Trelawney Hughes
TERMINATED: 11/15/2021

represented by **Samuel Trelawney Hughes**
REG 79595-112
MDC Los Angeles
Metropolitan Detention Center
PO Box 531500
Los Angeles, CA 90053
PRO SE

David Andrew Schlesinger
Jacobs and Schlesinger LLP
1620 Fifth Avenue Suite 750
San Diego, CA 92101
619-230-0012
Fax: 619-230-0044
Email: david@jsslegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Peter C. Swarth
Law Offices of Peter C. Swarth
6520 Platt Avenue Suite 557
West Hills, CA 91307
818-887-8800
Fax: 818-877-8802
Email: pswarth@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Bina Ahmad
Federal Public Defender
321 East 2nd Street
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213-894-2854
Email: cac_appointments@fd.org
TERMINATED: 09/25/2020
Designation: Public Defender or Community
Defender Appointment

Christine O'Connor
Federal Public Defender
321 East 2nd Street

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213-894-5186
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Email: christy_oconnor@fd.org
TERMINATED: 02/18/2021
Designation: Public Defender or Community Defender Appointment

Elizabeth Carpenter
Law Office of Elizabeth Carpenter
1540 North Benton Way
Los Angeles, CA 90026
323-401-7806
Email: elizabethcarpenterlaw@gmail.com
TERMINATED: 02/25/2021
Designation: CJA Appointment

Pending Counts

18:2261A(2)(A),(B),(b)(5): Stalking
(5)

18:1512(b)(3): Witness Tampering
(10)

18:875(c): Threat by Interstate
Communication
(11)

Disposition

Defendant is hereby committed to the custody of the Bureau of Prisons for a term of 37 months. This term consists of 37 months on each of Counts 5, 10, and 11 of the Indictment, to be served concurrently. On release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years. This term consists of 3 years on each of Counts 5, 10, and 11 of Indictment, all such terms to run concurrently under the terms and conditions of the United States Probation and Pretrial Services Office and Second Amended General Order 20-04. Special assessment of \$300. Total fine of \$15,000, consisting of \$5,000 on each of Counts 5, 10, and 11. The total fine shall bear interest as provided by law.

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Highest Offense Level (Opening)

Felony

Terminated Counts

18:2261A(2)(A),(B),(b)(5): Stalking
(1)

18:875(c): Threat by Interstate
Communication
(2-3)

18:2261A(2)(A),(B),(b)(5): Stalking
(4)

18:2261A(2)(A),(B),(b)(5): Stalking
(6)

18:875(c): Threat by Interstate
Communication
(7)

18:876(c): Mailing a Threatening
Communication
(8)

18:1512(b)(3): Witness Tampering
(9)

18:875(c): Threat by Interstate
Communication
(12)

18:2261A(2)(A),(B),(b)(5): Stalking
(13)

18:875(c): Threat by Interstate
Communication
(14)

18:1512(b)(3): Witness Tampering
(15)

18:875(c): Threat by Interstate
Communication
(16)

18:1512(b)(3): Witness Tampering
(17)

18:875(c): Threat by Interstate
Communication
(18)

18:1512(b)(3): Witness Tampering
(19)

18:2261A(2)(A),(B),(b)(5): Stalking
(20)

18:1512(b)(3): Witness Tampering
(22)

Disposition

The Court grants the Government's motion to dismiss all remaining counts/underlying indictment.

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18:876(c): Mailing a Threatening Communication (23)	indictment.
18:2261A(2)(A),(B),(b)(5): Stalking (24)	The Court grants the Government's motion to dismiss all remaining counts/underlying indictment.
18:876(c): Mailing a Threatening Communication (25)	The Court grants the Government's motion to dismiss all remaining counts/underlying indictment.
18:1512(b)(3): Witness Tampering (26)	The Court grants the Government's motion to dismiss all remaining counts/underlying indictment.
18:875(c): Threat by Interstate Communication (210)	The Court grants the Government's motion to dismiss all remaining counts/underlying indictment.

**Highest Offense Level
(Terminated)**

Felony

Complaints

Defendant in violation of 18:875(c)

Disposition

Plaintiff

USA

represented by **Lauren Restrepo**
AUSA – Office of US Attorney
Cyber and Intellectual Property Crimes
Section
312 North Spring Street 15th Floor
Los Angeles, CA 90012
213-894-3825
Fax: 213-894-0141
Email: lauren.restrepo@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
07/10/2020	<u>1</u>	COMPLAINT filed as to Defendant Samuel Trelawney Hughes in violation of 18:875(c). Approved by Magistrate Judge John E. McDermott as to Samuel Trelawney Hughes (1). (ja) [2:20-mj-03187-DUTY] (Entered: 07/13/2020)
07/24/2020	<u>3</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Restrepo, Lauren) [2:20-mj-03187-DUTY] (Entered: 07/24/2020)
07/24/2020	<u>4</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Samuel Trelawney Hughes; defendants Year of Birth: 1989; date of arrest: 7/24/2020 (ja) [2:20-mj-03187-DUTY] (Entered: 07/30/2020)
07/24/2020	<u>5</u>	MINUTES OF INITIAL APPEARANCE ON LOCAL COMPLAINT held before Magistrate Judge Alicia G. Rosenberg as to Defendant Samuel Trelawney Hughes. Defendant arraigned and advised of the charges. Defendant states true name as charged. Attorney: Bina Ahmad for Samuel Trelawney Hughes, Deputy Federal Public Defender, present. Court orders defendant permanently detained. Defendant remanded to the custody of the U.S. Marshal. Preliminary Hearing set for 8/7/2020 11:30 AM

		before Duty Magistrate Judge. Post-Indictment Arraignment set for 8/13/2020 11:30 AM before Duty Magistrate Judge. Court Reporter: Lisa Gonzalez. (ja) [2:20-mj-03187-DUTY] (Entered: 07/30/2020)
07/24/2020	<u>6</u>	FINANCIAL AFFIDAVIT filed as to Defendant Samuel Trelawney Hughes. (Not for Public View pursuant to the E-Government Act of 2002) (ja) [2:20-mj-03187-DUTY] (Entered: 07/30/2020)
07/24/2020	<u>7</u>	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Samuel Trelawney Hughes. (ja) [2:20-mj-03187-DUTY] (Entered: 07/30/2020)
07/24/2020	<u>8</u>	CONSENT to Video Conference/Telephonic Conference filed by Defendant Samuel Trelawney Hughes. (ja) [2:20-mj-03187-DUTY] (Entered: 07/30/2020)
07/24/2020	<u>9</u>	NOTICE DIRECTING DEFENDANT TO APPEAR for Preliminary Hearing and Arraignment on Indictment/Information. Defendant Samuel Trelawney Hughes is directed to appear for Preliminary Hearing on 8/7/2020 at 11:30 AM and for Post Indictment Arraignment on 8/13/2020 at 11:30 AM before the Duty Magistrate Judge. (ja) [2:20-mj-03187-DUTY] (Entered: 07/30/2020)
07/24/2020	<u>10</u>	ORDER OF DETENTION by Magistrate Judge Alicia G. Rosenberg as to Defendant Samuel Trelawney Hughes (ja) [2:20-mj-03187-DUTY] (Entered: 07/30/2020)
08/04/2020	<u>11</u>	INDICTMENT Filed as to Samuel Trelawney Hughes (1) count(s) 1, 2-3, 4-6, 7, 8, 9-10, 11-12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 210. Offense occurred in LA. (mhe) (Entered: 08/05/2020)
08/04/2020	<u>12</u>	CASE SUMMARY filed by AUSA Lauren Restrepo as to Defendant Samuel Trelawney Hughes; defendants Year of Birth: 1989 USMS# REG 79595-112 (mhe) (Entered: 08/05/2020)
08/04/2020	<u>13</u>	MEMORANDUM filed by Plaintiff USA (See attachment) (mhe) (Entered: 08/05/2020)
08/04/2020	<u>14</u>	MEMORANDUM filed by Plaintiff USA (See attachment) (mhe) (Entered: 08/05/2020)
08/13/2020	<u>15</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Gail J. Standish as to Defendant Samuel Trelawney Hughes (1) Count 1,2-3,4-6,7,8,9-10,11-12,13,14,15,16,17,18,19,20,22,23,24,25,26,210. Defendant arraigned, states true name: As charged. Defendant entered not guilty plea to all counts as charged. Attorney: Bina Ahmad, Deputy Federal Public Defender present. Case assigned to Judge Dale S. Fischer. Jury Trial set for 10/6/2020 08:30 AM before Judge Dale S. Fischer. Status Conference set for 8/24/2020 08:30 AM before Judge Dale S. Fischer. Court Reporter: Myra Ponce. (tba) (Entered: 08/18/2020)
08/13/2020	<u>16</u>	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Samuel Trelawney Hughes. (tba) (Entered: 08/18/2020)
08/19/2020	<u>17</u>	STIPULATION to Continue Trial from 10/6/2020 to 2/23/2021 filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Proposed Order)(Restrepo, Lauren) (Entered: 08/19/2020)
08/20/2020	<u>18</u>	ORDER by Judge Dale S. Fischer Continuing Trial Date and Findings Regarding Excludable Time Periods Pursuant to Speedy Trial Act <u>17</u> as to Defendant Samuel Trelawney Hughes. The Trial is continued to 2/23/2021. The Pretrial Conference is scheduled for 2/8/2021 at 8:30 AM. See Order for specifics. (jp) (Entered: 08/20/2020)
09/25/2020	<u>19</u>	NOTICE OF APPEARANCE OR REASSIGNMENT of Deputy Public Defender Christine O'Connor on behalf of Defendant Samuel Trelawney Hughes. Filed by Defendant Samuel Trelawney Hughes. (Attorney Christine O'Connor added to party Samuel Trelawney Hughes(pty:dft))(O'Connor, Christine) (Entered: 09/25/2020)
10/21/2020	<u>20</u>	PLEA AGREEMENT filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Attachment A)(Restrepo, Lauren) (Entered: 10/21/2020)
10/22/2020	<u>21</u>	TEXT ONLY ENTRY: (IN CHAMBERS) ORDER SETTING HEARING RE ENTRY OF GUILTY PLEA by Judge Dale S. Fischer. The Court sets the hearing for

		October 28, 2020, at 8:30 a.m. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY (Entered: 10/22/2020)
10/23/2020	<u>22</u>	STIPULATION for Order SETTING FORTH FACTUAL FINDINGS PURSUANT TO <i>THE CARES ACT</i> filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Proposed Order)(Restrepo, Lauren) (Entered: 10/23/2020)
10/23/2020	<u>23</u>	ORDER by Judge Dale S. Fischer Stting Forth Factual Findings Pursuant to The Cares Act <u>22</u> as to Defendant Samuel Trelawney Hughes, the guilty–plea hearing and sentencing hearing in this case will be conducted by video teleconference. See Order for specifics. (jp) (Entered: 10/23/2020)
10/28/2020	<u>24</u>	VIDEO ENTRY OF GUILTY PLEA (Held and Completed) before Judge Dale S. Fischer as to Defendant Samuel Trelawney Hughes (1) pleads GUILTY to Counts 5, 10, 11. Sentencing set for 3/1/2021 at 8:30 AM before Judge Dale S. Fischer. Court Reporter: Pat Cuneo – VTC. (SEE CRIMINAL MINUTES FOR SPECIFICS). (jp) (Entered: 10/28/2020)
11/09/2020	<u>25</u>	TRANSCRIPT ORDER as to Defendant Samuel Trelawney Hughes DCN number: R20A0096 for Court Reporter. Order for: Criminal Non Appeal.(Restrepo, Lauren) (Entered: 11/09/2020)
11/11/2020	<u>26</u>	TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings held on October 28, 2020 at 8:28 a.m. Court Reporter: PAT CUNEO CSR 1600, OFFICIAL REPORTER, www.patcuneo.com . Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 12/2/2020. Redacted Transcript Deadline set for 12/14/2020. Release of Transcript Restriction set for 2/9/2021.(Cuneo, Patricia) (Entered: 11/11/2020)
11/11/2020	<u>27</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings October 28, 2020 at 8:28 a.m. re Transcript <u>26</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Cuneo, Patricia) TEXT ONLY ENTRY (Entered: 11/11/2020)
12/23/2020	<u>28</u>	STIPULATION to Continue Sentencing Hearing from March 1, 2021 to May 24, 2021 filed by Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Proposed Order)(O'Connor, Christine) (Entered: 12/23/2020)
12/23/2020	<u>29</u>	ORDER by Judge Dale S. Fischer Continuing Sentencing Hearing to May 24, 2021 <u>28</u> as to Defendant Samuel Trelawney Hughes. The Sentencing is continued to 5/24/2021 at 8:30 AM. Sentencing position papers are due on or before 5/10/2021. (jp) (Entered: 12/23/2020)
02/17/2021	<u>30</u>	EX PARTE APPLICATION for Order for Relieving the Office of the Federal Public Defender and Appointing CJA Counsel Filed by Defendant Samuel Trelawney Hughes. (Attachments: # <u>1</u> Proposed Order) (O'Connor, Christine) (Entered: 02/17/2021)
02/18/2021	<u>31</u>	ORDER by Judge Dale S. Fischer Relieving The Office of The Federal Public Defender and Appointing CJA Counsel <u>30</u> as to Samuel Trelawney Hughes (1). FURTHER ORDERED that Elizabeth Carpenter of the Criminal Justice Act Panel is appointed to represent Mr. Hughes in this matter. See Order for specifics. (jp) (Entered: 02/18/2021)
02/25/2021	<u>32</u>	AMENDED ORDER by Judge Dale S. Fischer Relieving The Office of The Federal Public Defender and Appointing CJA Counsel as to Samuel Trelawney Hughes (1). FURTHER ORDERED that Peter Swarth of the Criminal Justice Act Panel is appointed to represent Mr. Hughes in this matter. See Order for specifics. (jp) (Entered: 02/25/2021)
04/01/2021	<u>33</u>	STIPULATION to Amend/Correct Plea Agreement <u>20</u> filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Proposed Order)(Restrepo, Lauren) (Entered: 04/01/2021)
04/05/2021	<u>34</u>	ORDER by Judge Dale S. Fischer that the parties' Stipulation Regarding Amendment to the Plea Agreemtn for Defendant Samuel Trelawney Hughes, filed by the parties in

		this matter on 4/1/2021 <u>33</u> is GRANTED. (jp) (Entered: 04/05/2021)
04/20/2021	<u>35</u>	DISCLOSED RECOMMENDATION LETTER as to Defendant Samuel Trelawney Hughes (eza) (Entered: 04/20/2021)
04/20/2021	<u>36</u>	PRESENTENCE REPORT as to Defendant Samuel Trelawney Hughes (eza) (Entered: 04/20/2021)
04/27/2021	<u>37</u>	STIPULATION to Continue Sentencing hearing from May 24, 2021 at 8:30 AM to September 13, 2021, at 8:30 AM filed by Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Proposed Order)(Swarth, Peter) (Entered: 04/27/2021)
04/28/2021	<u>38</u>	ORDER CONTINUING DEFENDANT'S SENTENCING HEARING by Judge Dale S. Fischer as to Defendant Samuel Trelawney Hughes. See order for specifics. (lom) (Entered: 04/28/2021)
08/22/2021	<u>39</u>	STIPULATION to Continue Sentencing hearing from September 13, 2021 to October 25, 2021 filed by Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Proposed Order)(Swarth, Peter) (Entered: 08/22/2021)
08/24/2021	<u>40</u>	ORDER by Judge Dale S. Fischer Continuing Defendant's Sentencing Hearing <u>39</u> to 10/25/2021, at 8:30 AM. Sentencing Position papers shall be filed on or before 10/11/2021. (jp) (Entered: 08/24/2021)
10/06/2021	<u>41</u>	STIPULATION to Continue Sentencing hearing from October 25, 2021, at 8:30AM to November 15, 2021, at 8:30AM filed by Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Proposed Order)(Swarth, Peter) (Entered: 10/06/2021)
10/07/2021	<u>42</u>	ORDER by Judge Dale S. Fischer Continuing Defendant's Sentencing Hearing <u>41</u> to 11/15/2021, at 8:30 AM. Sentencing Position papers shall be filed on or before 11/1/2021. See Order for specifics. (jp) Modified on 10/12/2021 (jp). (Entered: 10/07/2021)
11/01/2021	<u>43</u>	POSITION WITH RESPECT TO SENTENCING FACTORS filed by Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Swarth, Peter) (Entered: 11/01/2021)
11/01/2021	<u>44</u>	SENTENCING MEMORANDUM filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Declaration of SA Ferguson, # <u>2</u> Exhibit 1-3)(Restrepo, Lauren) (Entered: 11/01/2021)
11/03/2021	<u>45</u>	SUPPLEMENTAL INFORMATION filed by Defendant Samuel Trelawney Hughes RE: Position with Respect to Presentence Report/Sentencing Factors <u>43</u> (Swarth, Peter) (Entered: 11/03/2021)
11/10/2021	<u>46</u>	REVISED DISCLOSED RECOMMENDATION LETTER as to Defendant Samuel Trelawney Hughes (eza) (Entered: 11/10/2021)
11/10/2021	<u>47</u>	REVISED PRESENTENCE REPORT as to Defendant Samuel Trelawney Hughes (eza) (Entered: 11/10/2021)
11/10/2021	<u>48</u>	FIRST ADDENDUM to Presentence Report <u>47</u> as to Defendant Samuel Trelawney Hughes (eza) (Entered: 11/10/2021)
11/10/2021	<u>49</u>	CONSENT to Video Conference/Telephonic Conference filed by Defendant Samuel Trelawney Hughes. (Swarth, Peter) (Entered: 11/10/2021)
11/11/2021	<u>50</u>	VICTIM IMPACT STATEMENTS filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Restrepo, Lauren) (Entered: 11/11/2021)
11/15/2021	<u>51</u>	MINUTES OF SENTENCING AND JUDGMENT HEARING held before Judge Dale S. Fischer as to Defendant Samuel Trelawney Hughes (1). Refer to separate Judgment and Probation/Commitment Order. The Court grants the Government's motion to dismiss all remaining count(s)/underlying indictment. Defendant informed of right to appeal. Court Reporter: Pat Cuneo. (aco) (Entered: 11/15/2021)
11/15/2021	<u>52</u>	JUDGMENT AND COMMITMENT by Judge Dale S. Fischer as to Defendant Samuel Trelawney Hughes (1). SEE JUDGMENT FOR SPECIFICS. (aco) (Entered: 11/15/2021)

11/15/2021	<u>53</u>	CONSENT TO VIDEO CONFERENCE/TELEPHONIC CONFERENCE AND ORDER by Judge Dale S. Fischer as to Defendant Samuel Trelawney Hughes. (aco) (Entered: 11/15/2021)
11/16/2021	<u>55</u>	ORDER by Judge Dale S. Fischer re Judicial Removal of Defendant Samuel Trelawney Hughes from the United States to the United kingdom promptly upon his satisfaction of the sentence of imprisonment, and that DHS-ICE execute this ORDER of removal according to the applicable laws and regulations of the United States. (jp) (Entered: 11/16/2021)
12/15/2021	<u>56</u>	[NOTICE OF APPEAL] Motion to Complain about Magistrate and 351(a), Motion to Disqualify Magistrate and 455 to Appellate Court filed by Defendant Samuel Trelawney Hughes re Judgment and Commitment <u>52</u> . Filed on: 11/15/21; Entered on: 11/15/21; CJA APPOINTED. (mat) (Entered: 12/21/2021)
12/21/2021	<u>57</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 21-50304 as to Defendant Samuel Trelawney Hughes, 9th CCA regarding Notice of Appeal to USCA – Final Judgment <u>56</u> . (jp) (Entered: 12/21/2021)
01/13/2022	<u>58</u>	ORDER of USCA filed as to Defendant Samuel Trelawney Hughes re Notice of Appeal to USCA – Final Judgment, <u>56</u> , CCA #21-50304. The motion of appellant's appointed counsel, Peter C. Swarth, Esq., to withdraw as counsel of record and to appoint new counsel is granted. Counsel will be appointed by separate order. The (9th CCA) Clerk will electronically serve this order on the appointing authority for the Central District of California, who will locate appointed counsel. Order received in this district on 1/13/22. [See document for more details.] (mat) (Entered: 01/14/2022)
01/27/2022	<u>59</u>	TRANSCRIPT ORDER re: Court of Appeals case number 21-50304, as to Defendant Samuel Trelawney Hughes for Court Reporter. Order for: Criminal Appeal. Court will contact Samuel Hughes at samhughes90031@gmail.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter.(ha) (Entered: 01/27/2022)
01/28/2022	<u>60</u>	DESIGNATION OF RECORD ON APPEAL filed by Defendant Samuel Trelawney Hughes re Notice of Appeal to USCA – Final Judgment, <u>56</u> (Schlesinger, David) (Entered: 01/28/2022)
02/04/2022	<u>61</u>	TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings held on November 15, 2021 at 11:30 a.m. Court Reporter: PAT CUNEO CSR 1600, OFFICIAL REPORTER, www.patcuneo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 2/25/2022. Redacted Transcript Deadline set for 3/7/2022. Release of Transcript Restriction set for 5/5/2022.(Cuneo, Patricia) (Entered: 02/04/2022)
02/04/2022	<u>62</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings November 15, 2021 at 11:30 a.m. re Transcript <u>61</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Cuneo, Patricia) TEXT ONLY ENTRY (Entered: 02/04/2022)
02/09/2022	<u>63</u>	TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings held on 08/13/2020 at 11:43 a.m. Court Reporter/Electronic Court Recorder: Myra L. Ponce, CSR, RDR, CRR, e-mail address myraponce@sbcglobal.net. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/2/2022. Redacted Transcript Deadline set for 3/14/2022. Release of Transcript Restriction set for 5/10/2022.(Ponce, Myra) (Entered: 02/09/2022)
02/09/2022	<u>64</u>	NOTICE OF FILING TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings 08/13/2020 at 11:43 a.m. re Transcript <u>63</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Ponce, Myra) TEXT ONLY ENTRY (Entered: 02/09/2022)
03/01/2022	<u>65</u>	TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings held on 7/24/2020, 4:18 p.m. Court Reporter: Lisa M. Gonzalez, CSR 5920, CCRR, at

		www.lisamariecsr.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/22/2022. Redacted Transcript Deadline set for 4/1/2022. Release of Transcript Restriction set for 5/31/2022.(ls) (Entered: 03/02/2022)
03/01/2022	66	NOTICE OF FILING TRANSCRIPT filed as to Defendant Samuel Trelawney Hughes for proceedings 7/24/2020, 4:18 p.m. re Transcript <u>65</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ls) TEXT ONLY ENTRY (Entered: 03/02/2022)
03/02/2022	<u>67</u>	LETTER filed by Defendant Samuel Trelawney Hughes. (lom) (Entered: 03/08/2022)
04/25/2022	<u>68</u>	NOTICE OF DISCREPANCY AND ORDER: by Judge Dale S. Fischer ORDERING LETTER DATED MARCH 19, 2022 submitted by Defendant Samuel Trelawney Hughes, received on 3/24/22 is not to be filed but instead rejected. Denial based on: Local Rule 83-2.5 No letters to the judge. (lom) (Entered: 04/25/2022)
05/18/2022	<u>69</u>	Mail Returned Undeliverable addressed to Samuel Trelawney Hughes re: NOTICE OF DISCREPANCY AND ORDER by Judge Dale S. Fischer <u>68</u> . (jp) (Entered: 05/18/2022)
05/27/2022	<u>70</u>	ORDER of USCA filed as to Defendant Samuel Trelawney Hughes re Notice of Appeal to USCA – Final Judgment, <u>56</u> , CCA #21-50304. Appellant's unopposed motion to remand this case to the district court is granted, to allow appellant to request an extension of the time period for appeal, not to exceed 30 days from the deadline prescribed by Rule 4(b), upon a finding of excusable neglect or good cause. The district court is requested to make this determination at its earliest convenience and to send to this court a copy of its order setting forth the basis for its determination. The (9th CCA) Clerk will serve this order directly on the chambers of the Honorable Dale S. Fischer. (mat) (Entered: 05/31/2022)
05/31/2022	<u>71</u>	ORDER by Judge Dale S. Fischer Providing Opportunity to Request that time for Filing Notice of Appeal Be Extended as to Defendant Samuel Trelawney Hughes. See Order for specifics. (jp) (Entered: 05/31/2022)
06/13/2022	<u>72</u>	RESPONSE to Miscellaneous Order <u>71</u> ,filedby Defendant Samuel Trelawney Hughes (Attachments: # <u>1</u> Declaration Declaration of David A. Schlesinger, Esq., # <u>2</u> Exhibit Exhibit A (Supplemental Notice of Appeal), # <u>3</u> Exhibit Exhibit B (Ninth Circuit Docket Sheet), # <u>4</u> Exhibit Exhibit C (Ninth Circuit Motion), # <u>5</u> Exhibit Exhibit D (Declaration of Samuel Trelawney Hughes), # <u>6</u> Exhibit Exhibit E (Redacted Letter from Samuel Hughes to Peter Swarth), # <u>7</u> Exhibit Exhibit F (Unpublished District Court Opinion and Order))(Schlesinger, David) (Entered: 06/13/2022)
06/15/2022	<u>73</u>	TEXT ONLY ENTRY (IN CHAMBERS) ORDER by Judge Dale S. Fischer as to Defendant Samuel Trelawney Hughes. Any response to Mr. Hughes position, dkt. 72, is due no later than June 21, 2022. The government should advise the Court if it does not intend to respond. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vv) (Entered: 06/15/2022)
06/21/2022	<u>74</u>	RESPONSE to Response (Non–Motion),, <u>72</u> ,filed by Plaintiff USA as to Defendant Samuel Trelawney Hughes (Restrepo, Lauren) (Entered: 06/21/2022)
06/23/2022	<u>75</u>	REPLY to Response (Non–Motion) <u>74</u> , filedby Defendant Samuel Trelawney Hughes (Schlesinger, David) (Entered: 06/23/2022)
06/27/2022	<u>76</u>	ORDER by Judge Dale S. Fischer Extending Period of Time for 30 Days to File Notice of Appeal as to Defendant Samuel Trelawney Hughes. See Order for specifics. (jp) (Entered: 06/27/2022)
07/20/2022	<u>77</u>	Mail Returned Undeliverable addressed to Samuel Trelawney Hughes re: ORDER <u>76</u> . (jp) (Entered: 07/20/2022)
07/22/2022	<u>78</u>	NOTICE OF DISCREPANCY AND ORDER by Judge Dale S. Fischer ORDERING Rule 12(b) Motion to Dismiss Case and Federal Indictment submitted by Defendant Samuel Trelawney Hughes, received on 7/14/2022 is not to be filed but instead rejected. Denial based on: (1) Lacking name, address, phone, facsimile numbers, and

| | e-mail address; (2) No proof of service attached to document(s); (3) Appeal pending;
Defendant is represented by counsel. (jp) (Entered: 07/22/2022)

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