

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MICHEAL LEE VILLAMONTE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

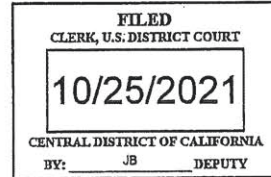
**On Petition For A Writ of *Certiorari* To The United States Court of Appeals
for the Ninth Circuit**

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

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UNITED STATES OF AMERICA
10

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MICHEAL LEE VILLAMONTE,

17 Defendant.
18

No. 2:21-cr-00497-ODW

PLEA AGREEMENT FOR DEFENDANT
MICHEAL LEE VILLAMONTE

19 1. This constitutes the plea agreement between MICHEAL LEE
20 VILLAMONTE ("defendant") and the United States Attorney's Office for
21 the Central District of California (the "USAO") in the investigation
22 of defendant's unlawful possession of a firearm. This agreement is
23 limited to the USAO and cannot bind any other federal, state, local,
24 or foreign prosecuting, enforcement, administrative, or regulatory
25 authority.

26 RULE 11(c)(1)(C) AGREEMENT

27 2. Defendant understands that this agreement is entered into
28 pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C).

1 Accordingly, defendant understands that, if the Court determines
2 that it will not accept this agreement, absent a breach of this
3 agreement by defendant prior to that determination and whether or
4 not defendant elects to withdraw any guilty plea entered pursuant to
5 this agreement, this agreement will, with the exception of paragraph
6 19 below, be rendered null and void and both defendant and the USAO
7 will be relieved of their obligations under this agreement.

8 Defendant agrees, however, that if defendant breaches this agreement
9 prior to the Court's determination whether or not to accept this
10 agreement, the breach provision of this agreement, paragraph 21
11 below will control, with the result that defendant will not be able
12 to withdraw any guilty plea entered pursuant to this agreement, the
13 USAO will be relieved of all of its obligations under this
14 agreement, and the Court's failure to follow any recommendation or
15 request regarding sentence set forth in this agreement will not
16 provide a basis for defendant to withdraw defendant's guilty plea.

17 DEFENDANT'S OBLIGATIONS

18 3. Defendant agrees to:

19 a) Participate in the Conviction And Sentence
20 Alternative ("CASA") program, pursuant to the terms set forth in the
21 CASA Program Contract attached as Exhibit A.

22 b) Give up the right to indictment by a grand jury and,
23 at the earliest opportunity requested by the USAO and provided by
24 the Court, appear and plead guilty to a one-count information in the
25 form attached to this agreement as Exhibit B or a substantially
26 similar form, which charges defendant with being a prohibited person
27 in possession of a firearm, in violation of 18 U.S.C. § 922(g)(9).

28 c) Not contest facts agreed to in this agreement.

1 d) Abide by all agreements regarding sentencing
2 contained in this agreement.

3 e) If defendant successfully completes the CASA program,
4 affirmatively recommend to the Court that it impose sentence in
5 accordance with paragraph 13 of this agreement.

6 f) Appear for all court appearances, including all CASA
7 program appearances, surrender as ordered for service of sentence,
8 obey all conditions of any bond, and obey any other ongoing court
9 order in this matter.

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

14 h) Be truthful at all times with the United States
15 Probation and Pretrial Services Office and the Court.

16 i) Pay the applicable special assessment at or before
17 the time of sentencing unless defendant has demonstrated a lack of
18 ability to pay such assessments.

19 THE USAO'S OBLIGATIONS

20 4. The USAO agrees to:

21 a) Consent to defendant's participation in the CASA
22 program, pursuant to the terms set forth in the CASA Program
23 Contract attached as Exhibit A.

24 b) Not contest facts agreed to in this agreement.

25 c) Abide by all agreements regarding sentencing
26 contained in this agreement.

27 d) At the time of sentencing, provided that defendant
28 demonstrates an acceptance of responsibility for the offense up to

1 and including the time of sentencing, recommend a two-level
2 reduction in the applicable Sentencing Guidelines offense level,
3 pursuant to U.S.S.G. § 3E1.1, and recommend and, if necessary, move
4 for an additional one-level reduction if available under that
5 section.

6 e) If defendant successfully completes the CASA program,
7 affirmatively recommend to the Court that it impose sentence in
8 accordance with paragraph 13 of this agreement.

9 NATURE OF THE OFFENSE

10 5. Defendant understands that for defendant to be guilty of
11 the crime charged in the sole count of the information, that is,
12 being a prohibited person in possession of a firearm, in violation
13 of 18 U.S.C. § 922(g)(9), the following must be true:

14 (1) Defendant knowingly possessed a firearm or ammunition;

15 (2) The firearm or ammunition had been transported from one
16 state to another or between a foreign nation and the United
17 States; and

18 (3) At the time defendant possessed the firearm or ammunition,
19 defendant knew he had been convicted of a misdemeanor crime of
20 domestic violence.

21 PENALTIES

22 6. Defendant understands that the statutory maximum sentence
23 that the Court can impose for a violation of 18 U.S.C. § 922(g)(9)
24 is: 10 years imprisonment; a 3-year period of supervised release; a
25 fine of \$250,000 or twice the gross gain or gross loss resulting
26 from the offense, whichever is greatest; and a mandatory special
27 assessment of \$100.

1 7. Defendant understands that supervised release is a period
2 of time following imprisonment during which defendant will be
3 subject to various restrictions and requirements. Defendant
4 understands that if defendant violates one or more of the conditions
5 of any supervised release imposed, defendant may be returned to
6 prison for all or part of the term of supervised release authorized
7 by statute for the offense that resulted in the term of supervised
8 release, which could result in defendant serving a total term of
9 imprisonment greater than the statutory maximum stated above.

10 8. Defendant understands that, by pleading guilty, defendant
11 may be giving up valuable government benefits and valuable civic
12 rights, such as the right to vote, the right to possess a firearm,
13 the right to hold office, and the right to serve on a jury.
14 Defendant understands that he is pleading guilty to a felony and
15 that it is a federal crime for a convicted felon to possess a
16 firearm or ammunition. Defendant understands that the conviction in
17 this case may also subject defendant to various other collateral
18 consequences, including but not limited to revocation of probation,
19 parole, or supervised release in another case and suspension or
20 revocation of a professional license. Defendant understands that
21 unanticipated collateral consequences will not serve as grounds to
22 withdraw defendant's guilty plea.

23 9. Defendant and his counsel have discussed the fact that,
24 and defendant understands that, if defendant is not a United States
25 citizen, the conviction in this case makes it practically inevitable
26 and a virtual certainty that defendant will be removed or deported
27 from the United States. Defendant may also be denied United States
28 citizenship and admission to the United States in the future.

1 Defendant understands that while there may be arguments that
2 defendant can raise in immigration proceedings to avoid or delay
3 removal, removal is presumptively mandatory and a virtual certainty
4 in this case. Defendant further understands that removal and
5 immigration consequences are the subject of a separate proceeding
6 and that no one, including his attorney or the Court, can predict to
7 an absolute certainty the effect of his conviction on his
8 immigration status. Defendant nevertheless affirms that he wants to
9 plead guilty regardless of any immigration consequences that his
10 plea may entail, even if the consequence is automatic removal from
11 the United States.

12 FACTUAL BASIS

13 10. Defendant admits that defendant is, in fact, guilty of the
14 offense to which defendant is agreeing to plead guilty. Defendant
15 and the USAO agree to the statement of facts provided below and
16 agree that this statement of facts is sufficient to support a plea
17 of guilty to the charge described in this agreement and to establish
18 the Sentencing Guidelines factors set forth in paragraph 12 below
19 but is not meant to be a complete recitation of all facts relevant
20 to the underlying criminal conduct or all facts known to either
21 party that relate to that conduct.

22 On or about March 30, 2018, at his home in Los Angeles County,
23 within the Central District of California, defendant knowingly
24 possessed a firearm as defined by 18 U.S.C. § 921(a)(3), namely, an
25 Aero Precision model X15 5.56 mm caliber semiautomatic pistol,
26 bearing serial number X095733. The firearm was a semiautomatic
27 firearm capable of accepting a large-capacity magazine, within the
28 meaning of U.S.S.G. 2K2.1(a)(4)(B), because two empty, large

1 capacity magazines -- each capable of accepting 30 rounds of 5.56 mm
2 caliber ammunition -- were stored in the same cloth gun case as the
3 firearm, and thus were in close proximity to it. Prior to
4 defendant's possession of the firearm, it had been manufactured in
5 Tacoma, Washington, and had traveled in and affected interstate
6 commerce.

7 At the time defendant possessed the firearm, he knew that he
8 had been convicted of a misdemeanor crime of domestic violence,
9 namely, Battery of a Person Who Is the Parent of the Defendant's
10 Child, in violation of California Penal Code Section 243(e)(1), in
11 the Superior Court of the State of California, County of Los
12 Angeles, in Case Number ODY03713, on or about February 10, 2011.

13 SENTENCING FACTORS AND AGREED-UPON SENTENCE

14 11. Defendant understands that in determining defendant's
15 sentence the Court is required to calculate the applicable
16 Sentencing Guidelines range and to consider that range, possible
17 departures under the Sentencing Guidelines, and the other sentencing
18 factors set forth in 18 U.S.C. § 3553(a). Defendant understands
19 that the Sentencing Guidelines are advisory only.

20 12. Defendant and the USAO agree to the following applicable
21 Sentencing Guidelines factors:

22 Base Offense Level: 20 U.S.S.G. §§ 2K2.1(a)(4)(B)
23 Defendant and the USAO reserve the right to argue that
24 additional specific offense characteristics, adjustments, and
25 departures under the Sentencing Guidelines are appropriate.
26 Defendant understands and agrees that defendant's base offense
27 level could be increased if defendant is a career offender under
28 U.S.S.G. §§ 4B1.1 and 4B1.2 or an armed career criminal under

1 U.S.S.G. § 4B1.4 and 18 U.S.C. § 924(e), or if defendant has
2 prior convictions for either a crime of violence or a controlled
3 substance offense under U.S.S.G. § 2K2.1. If defendant's base
4 offense level is so altered, defendant and the USAO will not be
5 bound by the base offense level agreed to above.

6 13. If defendant successfully completes the CASA program,
7 defendant and the USAO agree that, taking into account the factors
8 listed in 18 U.S.C. § 3553(a)(1)-(7) and the relevant sentencing
9 guideline factors set forth above, an appropriate disposition of
10 this case is that the Court impose a sentence of: three years
11 probation subject to conditions to be fixed by the Court, which
12 shall include the conditions set forth in Attachment A, and a \$100
13 special assessment.

14 14. If defendant does not successfully complete the CASA
15 program, defendant and the USAO agree that, except as set forth in
16 paragraphs 4(e) and 12 above, defendant and the USAO have no
17 agreement as to the applicable Sentencing Guidelines factors, any
18 departures or variances from the applicable Sentencing Guidelines
19 range, or the appropriate sentence, and both defendant and the USAO
20 will have the right to argue for any sentence within the applicable
21 statutory maximum.

22 WAIVER OF CONSTITUTIONAL RIGHTS

23 15. Defendant understands that by pleading guilty, defendant
24 gives up the following rights:

- 25 a) The right to persist in a plea of not guilty.
26 b) The right to a speedy and public trial by jury.
27 c) The right to be represented by counsel -- and if
28 necessary have the Court appoint counsel -- at trial. Defendant

1 understands, however, that, defendant retains the right to be
2 represented by counsel -- and if necessary have the Court appoint
3 counsel -- at every other stage of the proceeding.

4 d) The right to be presumed innocent and to have the
5 burden of proof placed on the government to prove defendant guilty
6 beyond a reasonable doubt.

7 e) The right to confront and cross-examine witnesses
8 against defendant.

9 f) The right to testify and to present evidence in
10 opposition to the charges, including the right to compel the
11 attendance of witnesses to testify.

12 g) The right not to be compelled to testify, and, if
13 defendant chose not to testify or present evidence, to have that
14 choice not be used against defendant.

15 h) Any and all rights to pursue any affirmative
16 defenses, Fourth Amendment or Fifth Amendment claims, and other
17 pretrial motions that have been filed or could be filed.

18 WAIVER OF APPEAL OF CONVICTION

19 16. Defendant understands that, with the exception of an
20 appeal based on a claim that defendant's guilty plea was
21 involuntary, by pleading guilty defendant is waiving and giving up
22 any right to appeal defendant's conviction on the offense to which
23 defendant is pleading guilty. Defendant understands that this
24 waiver includes, but is not limited to, arguments that the statute
25 to which defendant is pleading guilty is unconstitutional, and any
26 and all claims that the statement of facts provided herein is
27 insufficient to support defendant's plea of guilty.

28

1 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

2 17. Defendant agrees that, if defendant successfully completes
3 the CASA program and the Court imposes a sentence of probation as
4 specified in paragraph 13 above, defendant gives up the right to
5 appeal any portion of that sentence.

6 18. The USAO agrees that, if defendant successfully completes
7 the CASA program and the Court imposes a sentence of probation as
8 specified in paragraph 13 above, the USAO gives up its right to
9 appeal any portion of that sentence.

10 RESULT OF WITHDRAWAL OF GUILTY PLEA

11 19. Defendant agrees that if, after entering a guilty plea
12 pursuant to this agreement, defendant seeks to withdraw and succeeds
13 in withdrawing defendant's guilty plea on any basis other than a
14 claim and finding that entry into this plea agreement was
15 involuntary, then the USAO will be relieved of all of its
16 obligations under this agreement.

17 EFFECTIVE DATE OF AGREEMENT

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

21 BREACH OF AGREEMENT

22 21. Defendant agrees that if defendant, at any time after the
23 signature of this agreement and execution of all required
24 certifications by defendant, defendant's counsel, and an Assistant
25 United States Attorney, knowingly violates or fails to perform any
26 of defendant's obligations under this agreement ("a breach"), the
27 USAO may declare this agreement breached. All of defendant's
28 obligations are material, a single breach of this agreement is

1 sufficient for the USAO to declare a breach, and defendant shall not
2 be deemed to have cured a breach without the express agreement of
3 the USAO in writing. If the USAO declares this agreement breached,
4 and the Court finds such a breach to have occurred, then: (a) if
5 defendant has previously entered a guilty plea pursuant to this
6 agreement, defendant will not be able to withdraw the guilty plea,
7 (b) the USAO will be relieved of all its obligations under this
8 agreement, and (c) the Court's failure to follow any recommendation
9 or request regarding sentence set forth in this agreement will not
10 provide a basis for defendant to withdraw defendant's guilty plea.

11 COURT AND THE UNITED STATES PROBATION AND PRETRIAL SERVICES

12 OFFICE NOT PARTIES

13 22. Defendant understands that the Court and the United States
14 Probation and Pretrial Services Office are not parties to this
15 agreement and need not accept any of the USAO's sentencing
16 recommendations or the parties' agreements to facts, sentencing
17 factors, or sentencing. Defendant understands that the Court will
18 determine the facts, sentencing factors, and other considerations
19 relevant to sentencing and will decide for itself whether to accept
20 and agree to be bound by this agreement.

21 23. Defendant understands that both defendant and the USAO are
22 free to: (a) supplement the facts by supplying relevant information
23 to the United States Probation and Pretrial Services Office and the
24 Court, (b) correct any and all factual misstatements relating to the
25 Court's Sentencing Guidelines calculations and determination of
26 sentence, and (c) argue on appeal and collateral review that the
27 Court's Sentencing Guidelines calculations and the sentence it
28 chooses to impose are not error, although each party agrees to

1 maintain its view that the calculations and sentence referenced in
2 paragraphs 12 and 13 are consistent with the facts of this case.
3 While this paragraph permits both the USAO and defendant to submit
4 full and complete factual information to the United States Probation
5 and Pretrial Services Office and the Court, even if that factual
6 information may be viewed as inconsistent with the facts agreed to
7 in this agreement, this paragraph does not affect defendant's and
8 the USAO's obligations not to contest the facts agreed to in this
9 agreement.

10 NO ADDITIONAL AGREEMENTS

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

16 ///

17 ///

18 ///

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

25. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

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

TRACY L. WILKISON
Acting United States Attorney

Anne Carley Palmer
A. CARLEY PALMER
Assistant United States Attorney

10/03/2021

Date

Micheal Villamonte
MICHEAL LEE VILLAMONTE
Defendant

10-3-2021
Date

Amy E. Jaks
AMY E. JAKS
Attorney for Defendant
MICHEAL LEE VILLAMONTE

Oct 3, 2021
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions,

1 and of the consequences of entering into this agreement. No
2 promises, inducements, or representations of any kind have been made
3 to me other than those contained in this agreement. No one has
4 threatened or forced me in any way to enter into this agreement. I
5 am satisfied with the representation of my attorney in this matter,
6 and I am pleading guilty because I am guilty of the charge and wish
7 to take advantage of the promises set forth in this agreement, and
8 not for any other reason.

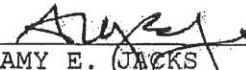
9
10 Micheal Villamonte
11 MICHEAL LEE VILLAMONTE
12 Defendant

10-3-21
Date

13
14
15 CERTIFICATION OF DEFENDANT'S ATTORNEY

16 I am MICHEAL LEE VILLAMONTE's attorney. I have carefully and
17 thoroughly discussed every part of this agreement with my client.
18 Further, I have fully advised my client of his rights, of possible
19 pretrial motions that might be filed, of possible defenses that
20 might be asserted either prior to or at trial, of the sentencing
21 factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing
22 Guidelines provisions, and of the consequences of entering into this
23 agreement. To my knowledge: no promises, inducements, or
24 representations of any kind have been made to my client other than
25 those contained in this agreement; no one has threatened or forced
26 my client in any way to enter into this agreement; my client's
27 decision to enter into this agreement is informed and voluntary; and
28 the factual basis set forth in this agreement is sufficient to

1 support my client's entry of a guilty plea pursuant to this
2 agreement.

3
4 
5 AMY E. JACKS
6 Attorney for Defendant
MICHEAL LEE VILLAMONTE

Oct 3, 2021
Date

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CONTRACT FOR PARTICIPATION
CONVICTION AND SENTENCE ALTERNATIVES (CASA) PROGRAM
POST-GUILTY PLEA DIVERSION

Name: United States v. Villamonte

Docket#: _____

Offense(s): 18 USC § 922(g)(9)

INTRODUCTION

You have been invited to participate in the Conviction and Sentence Alternatives (CASA) program of the Central District of California as part of post-guilty plea diversion. Participation is entirely voluntary, but will require you to enter guilty plea(s) to one or more of the criminal charges currently pending against you in the case referenced above. The Court will need to make a final determination whether to accept your guilty plea(s) and plea agreement before you can begin participation in the CASA program. If the Court agrees to accept your guilty plea(s) and plea agreement, in doing so approving your participation, and you thereafter successfully complete the CASA program, then, as specified in the plea agreement pursuant to which you enter your guilty pleas, you will receive a sentence that does not include a term of imprisonment.

CASA PROGRAM BASICS

The CASA Program will last at least one year, with the possibility that it may be extended up to no more than two years. Participants in the program will have their cases referred to the CASA Program Judicial Officer before whom they will enter guilty pleas pursuant to plea agreements with the United States Attorney's Office for the Central District of California (USAO). If the CASA Program Judicial Officer accepts a Participant's guilty pleas and plea agreement, it will constitute final approval for participation in the CASA program, which will include a period of supervision by a CASA Program Pretrial Services Officer (CPPSO). Participants agree to participate in a drug and alcohol evaluation and in any and all treatment and testing recommended. In addition to the requirements of actively engaging in any treatment and testing that may be recommended for substance abuse issues, Participants are also required to participate in programs designed to address underlying causes of criminal activity and to comply with all conditions of post-guilty plea diversion that may be required by the plea agreements pursuant to which they entered their guilty pleas and by the CPPSO.

You will be assigned an attorney from the Federal Public Defender's Office (DFPD) who is assigned to the CASA program. An Assistant United States Attorney (AUSA) will also be assigned to the CASA program. Both the DFPD and AUSA will work with the CPPSO to provide additional support and encouragement for your success in the CASA program.

CASA PROGRAM APPEARANCES

At least once per month, at a time to be determined, you will be required to appear before the CASA Program Judicial Officer to evaluate your progress. Every effort will be made to ensure the time of the appearance does not conflict with your employment or treatment or other programming. The CPPSO, DFPD, and AUSA will be present, as will treatment and/or other program providers. Progress reports from the CPPSO will be provided to the Judicial Officer, the DFPD, and the AUSA. These reports will describe both successes and problems you have experienced. During the appearances to evaluate your progress, there will be no court reporter present, and court proceedings will not be transcribed. By signing this contract, you waive your right to have a court reporter transcribe the court proceedings at these appearances. A court reporter will be present to transcribe any contested violation hearing or any contested hearing to determine whether to terminate you from the CASA program.

CASA PROGRAM TREATMENT AND COUNSELING PROGRAMS

An important part of the CASA program will be your participation in substance abuse treatment and counseling programs and/or other programs addressing underlying causes of criminal activity as determined necessary by the CPPSO and the other members of the CASA Program Team. Treatment and other program providers will be expected to share information regarding your participation and progress in any treatment and counseling programs with all of the members of the CASA Program Team, including the CASA Program Judicial Officer, CPPSO, DFPD, AUSA, and any research partner evaluating the CASA program. Treatment and other program providers will also be present at CASA program appearances, at which they will be expected to discuss your participation and progress with all of the members of the CASA Program Team. To enable treatment and other program providers to freely share information regarding your participation and progress in substance abuse treatment and counseling programs and other programs, you will be required to execute a waiver of confidentiality in the form attached as Exhibit A. You are also required to agree to the modification of the terms of your supervised release so as to permit residential, in-patient or other drug treatment and/or a mental health evaluation and treatment, as directed by a Pretrial/Probation Office and the CASA team.

LIMITED USE OF STATEMENTS MADE DURING PROGRAM APPEARANCES

Another important part of the CASA program is your complete candor during your CASA program appearances. To encourage your candor, the USAO has agreed as follows:

- (A) Except as otherwise provided in subparagraph (B) below, in any criminal prosecution that may be brought against you by the USAO, the USAO will not offer in evidence in its case-in-chief any statements you make or any documents or other information you provide during your CASA program appearances (collectively "CASA program statements").
- (B) Notwithstanding the USAO's agreement set forth in subparagraph (A) above, the USAO may use (i) information derived directly or indirectly from CASA program statements for the purpose of

obtaining and pursuing leads to other evidence, which evidence may be used for any purpose, including any criminal prosecution of you; and (ii) CASA program statements and all evidence obtained directly or indirectly from CASA program statements for the purpose of cross-examination should you testify, or to refute or counter at any stage of any proceeding (including during the USAO's case-in-chief in any criminal prosecution) any evidence, argument, statement or representation offered by or on your behalf in connection with that proceeding.

The USAO's agreement in subparagraph (A) above is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities. Moreover, the USAO's agreement in subparagraph (A) above is limited to CASA program statements and does not apply to any statements made or documents or other information provided by you at any other time, whether oral, written, or recorded.

CASA PROGRAM SUPERVISION VIOLATIONS AND SANCTIONS

CASA program supervision violations and sanctions will ordinarily be handled on the regularly scheduled CASA program calendar. The CASA Program Judicial Officer, however, can schedule an appearance at any time. Sanctions and modifications regarding treatment and other programs may also be handled on an expedited basis with the consent of the parties and the CASA Program Judicial Officer.

If a progress report contains an allegation of noncompliance, you may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on pre-trial supervision when they are accused of violating supervision. If you do so, there will be no hearing on whether the allegation is true and the CASA Program Judicial Officer will decide whether a CASA program sanction is appropriate. As noted above, noncompliance may be handled on an expedited basis outside the presence of the CASA Program Judicial Officer if all parties agree.

Noncompliant behavior by you, the Participant, will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every type of violation. Factors that will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time you have remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether you voluntarily disclose the violation. Dishonesty on your part will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below -- including termination from the CASA program -- is available. As a general rule, where there are repeat violations, more serious sanctions will be applied. Sanctions may include, but are not limited to:

- Judicial reprimand delivered during CASA program proceedings in front of other CASA program Participants
- Order to attend and observe pre-determined CASA program proceedings

- Order to submit written assignment (for example, write out an explanation for your non-compliant behavior and describe a plan to correct it or write out a list of the special conditions of your post-guilty plea diversion and explain how you violated those conditions and how you plan to avoid similar violations in the future)
- Curfew restriction for up to 30 days
- Increase in frequency of progress hearings before the CASA Program Judicial Officer
- Order to participate in community service as part of the CASA program
- Order to complete a term of home confinement (with conditions that may include alcohol monitors and standard location monitoring with GPS)
- Order to complete a term of up to 30 days at a residential reentry center
- Order to complete a term at a residential substance abuse treatment facility
- Order to spend up to 7 days in jail
- Termination from CASA program

If appropriate, sanctions may be ordered more than once during the course of the CASA program.

If you admit to the violation, you may be able to complete the sanction and remain in the CASA program. When expedited action is appropriate and the parties agree, a sanction or adjustment in treatment can be imposed through a modification without an appearance before the CASA Program Judicial Officer. The CPPSO's report at the next CASA program appearance will inform the CASA Program Judicial Officer whether you properly completed the sanction ordered at the last appearance. Failure to complete ordered sanctions may result in added sanctions, or termination from the CASA program.

If you wish to contest the violation allegation, you may do so. The only permissible contested hearing in the CASA program, however, is a claim of actual innocence of the alleged violation. If you wish to have a contested hearing, the DFPD will assist you in contesting the violation allegation. The CASA Program Judicial Officer will ultimately decide whether the allegation is true.

It is important to note that the CPPSO need not wait until your scheduled program appearance to address problems in supervision. If you fail to abide by directions of the CPPSO, or if the CPPSO believes that you have committed other violations of your supervision, the CPPSO will have discretion to contact you directly to address the violation; to arrive at a proposed method of addressing the violation through discussions with the CASA Program Judicial Officer, DFPD, and/or AUSA; or to request the issuance by the CASA Program Judicial Officer of a warrant for your arrest.

TERMINATION FROM THE CASA PROGRAM

You may be involuntarily terminated from the CASA program if you fail to participate in treatment or other programs or if you violate the terms of the CASA program or your post-guilty plea diversion -- including failure to make CASA program court appearances, failure to

participate actively in the CASA program, repeated drug use, or a new law violation. Final decisions regarding involuntary termination will be made by the CASA Program Judicial Officer. If you are involuntarily terminated from the CASA program, you will return to regular pretrial supervision and your case will be set for sentencing before the CASA Program Judicial Officer in imposing sentence, the CASA Program Judicial Officer will not be bound to provide the benefits that your plea agreement would have required had you successfully completed the CASA program.

You may also at any time voluntarily discontinue your participation in the program and have your criminal case set for sentencing before the CASA Program Judicial Officer again, however, in such an instance, the CASA Program Judicial Officer will not be bound to provide the benefits that your plea agreement would have required had you successfully completed the CASA program.

Whether your termination from the CASA program is voluntary or involuntary, the CASA Program Judicial Officer will be aware of, and can consider in imposing sentence, all conduct that has taken place during your participation in the CASA program, including successes, failures, and sanctions that occurred during your participation in the CASA program.

GRADUATION AND BENEFITS

Upon successful completion of the CASA program, as determined by the CASA Program Judicial Officer and the other members of the CASA Program Team subject to the minimum requirement that, if you are determined to have a substance abuse issue, you have demonstrated at least six months of continuous sobriety, you will receive the benefits specified in your plea agreement, which will include imposition of a sentence that does not include a term of imprisonment.

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AGREEMENT TO PARTICIPATE

Participant:

I, _____ have read, or someone has read to me in the language I best understand, this Contract and the plea agreement that would be a condition of my participation in the CASA program. I have discussed this Contract and the plea agreement with my attorney and I understand its terms. I have also discussed with my attorney the CASA program and I understand that program. I voluntarily agree to participate in the CASA program subject to the terms set forth in this Contract and the plea agreement. I understand I can revoke my voluntary participation in the CASA program at any time and that, if I do so, my criminal case will be set for sentencing before the CASA program judicial officer without any obligation to provide me the benefits set forth in the plea agreement for successful completion of the CASA program.

Signature

Date

CASA Program Deputy Federal Public Defender:

I, _____, the Deputy Federal Public Defender representing the Participant in connection with the CASA program, have discussed the CASA program, the plea agreement that would be a condition of participation in the CASA program, and this Contract with the Participant and the Participant's attorney in the underlying criminal matter. I believe that the Participant understands the CASA program, the terms of the plea agreement that would be a condition of participation in the CASA program, and the terms of this Contract, and that the Participant's agreement to participate in the CASA program subject to the terms of this Contract and the plea agreement that would be a condition of participation in the CASA program is knowingly and voluntarily made.

Signature

Date

CASA Program Assistant United States Attorney:

I, _____, the Assistant United States Attorney representing the United States Attorney's Office for the Central District of California (the "USAO") in the CASA program, agree to the terms of this Contract on behalf of the USAO and accept the above named Participant into the CASA program subject to the terms of this Contract and the plea agreement that would be a condition of the Participant's participation in the CASA program.

Signature

Date

CASA Program Pretrial Services Officer:

I, _____, the Pretrial Services Officer assigned to the CASA program, accept the above named Participant into the CASA program subject to the terms of this Contract and the plea agreement that would be a condition of the Participant's participation in the CASA program.

Signature

Date

CASA Program Judicial Officer:

Subject to the Court's acceptance of the Participant's guilty plea(s) and plea agreement, the Court hereby accepts the above named Participant into the CASA Program subject to the terms of this Contract and the plea agreement that would be a condition of the Participant's participation in the CASA program.

Signature

Date

EXHIBIT B

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7
8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 MICHEAL LEE VILLAMONTE,
14 Defendant.

No.

I N F O R M A T I O N

[18 U.S.C. § 922(g)(9): Prohibited
Person in Possession of a Firearm]

15
16 The Acting United States Attorney charges:

17 [18 U.S.C. § 922(g)(9)]

18 On or about March 30, 2018, in Los Angeles County, within the
19 Central District of California, defendant MICHEAL LEE VILLAMONTE
20 knowingly possessed a firearm, namely, an Aero Precision model X15
21 5.56 mm caliber semiautomatic pistol, bearing serial number X095733,
22 in and affecting interstate and foreign commerce.

23 Defendant VILLAMONTE possessed such firearm knowing that he had
24 previously been convicted of a misdemeanor crime of domestic
25 violence, namely, Battery of a Person Who is the Parent of the
26 Defendant's Child, in violation of California Penal Code Section

27 ///

1 243(e)(1), in the Superior Court of the State of California, County
2 of Los Angeles, Case Number ODY03713, on or about February 10, 2011.

3
4 TRACY L. WILKISON
5 Acting United States Attorney
6

7 SCOTT M. GARRINGER
8 Assistant United States Attorney
9 Chief, Criminal Division

10 SHAWN J. NELSON
11 Assistant United States Attorney
12 Chief, International Narcotics,
13 Money Laundering, and Racketeering
14 Section

15 A. CARLEY PALMER
16 Assistant United States Attorney
17 Deputy Chief, General Crimes
18 Section
19
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CERTIFICATE OF SERVICE

I, **Simonia White**, declare:

That I am a citizen of the United States and a resident of or employed in Los Angeles County, California; that my business address is the Office of United States Attorney, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of 18; and that I am not a party to the above-titled action;

That I am employed by the United States Attorney for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of:

**INFORMATION; SUMMONS TO APPEAR; PLEA AGREEMENT FOR DEFENDANT
MICHAEL LEE VILLAMONTE**

- | | |
|---|---|
| <input type="checkbox"/> Placed in a closed envelope for collection and inter-office delivery, addressed as follows: | <input type="checkbox"/> Placed in a sealed envelope for collection and mailing via United States mail, addressed as follows: |
| <input type="checkbox"/> By hand delivery, addressed as follows: | <input type="checkbox"/> By facsimile, as follows: |
| <input checked="" type="checkbox"/> Via email, as follows:
<u>amyejacks@sbcglobal.net</u> | <input type="checkbox"/> By Federal Express, as follows: |

This Certificate is executed on **October 25, 2021**, at Los Angeles, California. I certify under penalty of perjury that the foregoing is true and correct.

Simonia White

Simonia White
Legal Assistant

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

USA

PLAINTIFF(S)

CASE NUMBER

2:21-cr-00497-ODW

v.

Micheal Lee Villamonte

DEFENDANT(S).

ORDER RE TRANSFER PURSUANT TO
GENERAL ORDER 21-01 (Related Criminal Cases)

CONSENT

I hereby consent to the transfer of the above-entitled case to my calendar, pursuant to General Order 21-01.

October 27, 2021

Date


United States District Judge

DECLINATION

I hereby decline to transfer the above-entitled case to my calendar for the reasons set forth below:

Date

United States District Judge

REASON FOR TRANSFER AS INDICATED BY COUNSEL

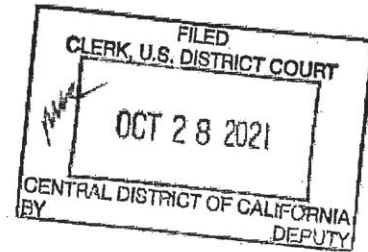
Case 19-CR-568-AB and the present case:

- ☒ 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.

Notice to Counsel from Clerk

On all documents subsequently filed in this case, please substitute the initials AB after the case number in place of the initials of the prior judge, so that the case number will read 2:21-cr-00497-AB. This is very important because documents are routed to the assigned judge by means of these initials.

cc: ☐ PSALA ☐ PSAED ☐ USMLA ☐ USMSA ☐ USMED ☐ Previous Judge ☐ Statistics Clerk



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

United States of America,

Plaintiff,

v.

Michael Villamonte

Defendant.

CASE NUMBER:

21-CR-00497-ODW

**ADVISEMENT OF
DEFENDANT'S STATUTORY &
CONSTITUTIONAL RIGHTS**

You are in the United States District Court for the Central District of California because you have been charged with a crime against the United States or a violation of probation, supervised release, or pretrial release. The Court informs you that you have the following constitutional and statutory rights in connection with these proceedings:

You have the right to remain silent. Anything you say, sign, or write can be used against you in this or in any other case.

If you have not already received a copy of the charges, you will receive a copy today.

You have the right to hire and be represented by a lawyer of your choosing at each and every stage of these proceedings. If you cannot afford to hire a lawyer, you can apply to the Court to have a lawyer appointed to represent you for free from the office of the Federal Public Defender or the Indigent Defense Panel. The application for free counsel includes a financial affidavit, which you must sign under penalty of perjury. If you say something on the form that is not true or leave out material information, you could be charged with another crime, such as perjury or making a false statement.

If you are not a United States citizen, you may request that the prosecution notify your consular office that you have been arrested. Even without such a request, the law may require the prosecution to do so.

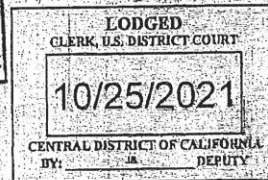
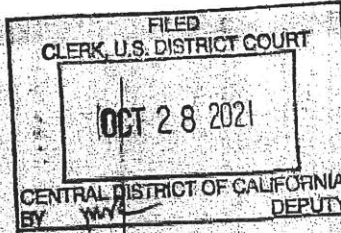
IF YOU ARE MAKING YOUR INITIAL APPEARANCE BEFORE THE COURT

You have a right to a bail hearing in which the Magistrate Judge will determine whether you will be released from custody before trial. If you disagree with the Magistrate Judge's decision, you can appeal that decision to another Judge of this Court. You or the prosecutor can request that the bail hearing be continued to another day.

If you have been charged by complaint, you are entitled to a preliminary hearing within 14 days if the Magistrate Judge orders that you be detained pending trial, or 21 days if the Magistrate Judge orders that you be released pending trial. In a preliminary hearing, the prosecution will attempt to show that there is probable cause to believe that you committed the crime charged in the complaint. You will not be entitled to a preliminary hearing, however, if the prosecution obtains an indictment in your case before the time set for the preliminary hearing. (Most often, the prosecutors in the Central District of California present their cases to the grand jury before the time set for the preliminary hearing and, therefore, no preliminary hearing is held.)

**IF YOU ARE CHARGED WITH A VIOLATION OF
YOUR CONDITIONS OF SUPERVISED RELEASE OR PROBATION**

If you are charged with a violation of the terms and conditions of your supervised release or probation and the Magistrate Judge detains you, you have the right to a preliminary hearing before a Magistrate Judge.



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

PLAINTIFF

Michael Lee Villamonte

DEFENDANT

CASE NUMBER: 2:21-cr-00497

WAIVER OF INDICTMENT

I, Michael Lee Villamonte, the above-named defendant,
who is accused of unlawful possession of firearm, in
violation of 18 USC § 922(g)(9), being
advised of the nature of the charge, the proposed information, and of my rights, hereby waive in open court on
prosecution by indictment and consent that the proceedings may be by
information rather than by indictment.

10-10-21
Date

Michael Lee Villamonte
Defendant

10-10-21
Date

[Signature]
Counsel for Defendant

10/28/2021
Date

Before: [Signature]
Judicial Officer

If the defendant does not speak English, complete the following:

I, _____, am fluent in written and spoken English and
languages. I accurately translated this Waiver of Indictment from English to _____
for defendant _____ on this date _____.

Date

Interpreter

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION - LOS ANGELES

4 UNITED STATES OF AMERICA,) Case No. CR 21-497-AB (DMGx)
5 Plaintiff,) Los Angeles, California
6 v.) Thursday, October 28, 2021
7 MICHEAL LEE VILLAMONTE,) 1:53 P.M. to 2:04 P.M.
8 Defendant.)
9

10
11
12 TRANSCRIPT OF PROCEEDINGS
13 BEFORE THE HONORABLE PEDRO V. CASTILLO
14 UNITED STATES MAGISTRATE JUDGE

15 Appearances: See Page 2
16 Deputy Clerk: Marlene Ramirez
17 Court Reporter: Recorded; CourtSmart
18 Transcription Service: JAMS Certified Transcription
19 16000 Ventura Boulevard #1010
20 Encino, California 91436
21 (661) 609-4528
22
23

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

1 APPEARANCES:

2

3 For the Plaintiff:

The United States Attorney's Office
Central District of California
Criminal Division

4

By: SURIA BAHADUE

5

312 North Spring Street, 12th Floor
Los Angeles, California 90012

6

(213) 894-2400

7

USACAC.Criminal@usdoj.gov

8 For the Defendant:

Amy E. Jacks Law Offices

9

By: AMY E. JACKS

10

315 East 8th Street, Suite 801
Los Angeles, California 90014

11

(213) 489-9025

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amyejacks@sbcglobal.net

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1 LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 28, 2021, 1:53 P.M.

2 THE CLERK: Calling Case CR 21-497,
3 *United States of America v. (inaudible) Lee Villamonte.*

4 SURIA BAHADUE: Good afternoon, again, Your Honor.
5 Suria Bahadue for the United States.

6 THE COURT: Good afternoon, Ms. Bahadue.

7 AMY JACKS: Good afternoon, Your Honor. Amy Jacks
8 on behalf of Mr. Villamonte. He's present.

9 THE COURT: Good afternoon, Ms. Jacks.

10 Good afternoon, Mr. Villamonte.

11 THE DEFENDANT: Good afternoon.

12 THE COURT: So, Mr. Villamonte, this is your -- I
13 believe this is -- is this his initial appearance, Counsel,
14 or has he been through --

15 MS. JACKS: It is. It's his first appearance.

16 THE COURT: First appearance. Okay.

17 So, Mr. Villamonte -- thank you -- this is your
18 initial appearance in this case. I'll go over a number of
19 rights and ask you a set of questions. If at any point you
20 don't understand or you wish to talk to your lawyer, let me
21 know that. Okay?

22 THE DEFENDANT: Okay.

23 THE COURT: Thank you, sir.

24 So I have here, Mr. Villamonte, a financial
25 affidavit. It tells me about your finances, money that you

1 have, money that you owe. It is signed by you, dated today.
2 Is this -- is the information in this form true and correct
3 under penalty of perjury?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: I'll find that you qualify for court-
6 appointed counsel, and I'll appoint Amy Jacks.

7 Actually, Ms. Jacks, your -- it says "retained,"
8 but you're obviously seeking appointment; right?

9 MS. JACKS: Well, Your Honor, I was actually
10 appointed by Magistrate Judge Abrams back on January 27th of
11 this year. I think what happened was Mr. Villamonte
12 requested counsel through the Federal Public Defender.

13 THE COURT: I see.

14 MS. JACKS: So I'd ask to be continued -- my
15 appointment be continued.

16 THE COURT: And that will be the order based on the
17 financial affidavit.

18 Mr. Villamonte, I find that you qualify for court-
19 appointed counsel, and I will -- Ms. Jacks's representation
20 of you will continue.

21 Next, we need to turn to your statement of rights.

22 Mr. Villamonte, I have a form here signed by you
23 that indicates that you've been advised of your
24 constitutional rights, including the right to proceed to
25 trial, the right to contest the charges, the right to be

1 presumed innocent, the right to cross-examination witnesses,
2 present witnesses, if you wish, testify but not to be
3 compelled to testify -- to be -- testify, and other rights.

4 Did you review those rights along with your lawyer?

5 THE DEFENDANT: Yes.

6 THE COURT: And do you understand those rights,
7 sir?

8 THE DEFENDANT: Yes.

9 THE COURT: The Court will find the defendant has
10 been properly advised of his statutory and constitutional
11 rights.

12 Next, we'll turn to the charges.

13 Mr. Villamonte, you are charged by way of an
14 information. I have a copy of it here in front of me.

15 Have you received a copy of the Information?

16 THE DEFENDANT: Yes.

17 THE COURT: And do you understand the nature of the
18 charges against you?

19 THE DEFENDANT: Yes.

20 THE COURT: The Court will find that the defendant
21 understands the charges as contained in the -- I believe it's
22 a single-count information.

23 Next, we'll turn to the issue of bail or detention.
24 I have read a report from Pretrial Services. Would the
25 parties like to be heard? Is there an agreement with respect

1 to bond in this case, or will there be a dispute?

2 MS. JACKS: Your Honor, there's no dispute. I
3 think we're going to submit based on the report from
4 Pretrial Services.

5 The only modification I would request is
6 Mr. Villamonte is a construction subcontractor. He has a job
7 that may start any day in the Redwood City area. So I would
8 ask that his travel be permitted to the Northern District of
9 California for work.

10 THE COURT: I'll do better than that. I'll say the
11 state of California, Ms. Jacks. You never know when you
12 might need to travel.

13 MS. JACKS: Okay.

14 THE COURT: So is that agreeable with the
15 Government?

16 MS. BAHADUE: Yes, Your Honor.

17 THE COURT: Thank you.

18 So this will be the order of the Court with respect
19 to bond:

20 There will be -- the bond will be set here in this
21 case. It'll be a \$10,000 unsecured appearance bond signed by
22 the defendant.

23 And, Mr. Villamonte, please listen because I'm
24 going to ask you at the end if you agree to abide by all of
25 these conditions.

1 He is to submit to Pretrial Services supervision as
2 directed by Pretrial Services.

3 He is to surrender all passports and travel
4 documents to Pretrial Services not later than October 29th or
5 sign a declaration regarding passport and other travel
6 documents and not to apply for a passport or other travel
7 document during the pendency of this case.

8 Travel is restricted to the state of California
9 unless prior permission is granted by Pretrial Services to
10 travel to a specific other location. Court permission is
11 required for international travel.

12 You're to reside as approved by Pretrial Services
13 and not to relocate without prior permission from
14 Pretrial Services.

15 You're to maintain or actively seek employment and
16 provide proof to Pretrial Services. Employment is to be
17 approved by Pretrial Services.

18 You are to not possess any illegal drugs or state-
19 authorized marijuana. In order to determine compliance, you
20 agree to submit to a search of your person and/or property by
21 Pretrial Services in conjunction with the U.S. Marshal.

22 You are not to possess for purposes of intoxication
23 any controlled substance analog as defined by federal law or
24 street, synthetic, or designer psychoactive substance capable
25 of impairing mental or physical functioning more than

1 minimally except as prescribed by a medical doctor. You're
2 to submit to drug testing and, if directed to do so, to
3 participate in an outpatient treatment program approved by
4 Pretrial Services. You must pay all or part of the costs for
5 testing and treatment based upon your ability to pay as
6 determined by Pretrial Services.

7 Those will be the conditions.

8 Do you agree to those conditions, Mr. Villamonte?

9 THE DEFENDANT: Yes, I do.

10 MS. JACKS: And, Your Honor, for the record, we
11 signed the passport declaration, and I have the affidavit of
12 surety here as well.

13 THE COURT: Well, thank you; then we can do it all
14 today. Thank you very much, Ms. Jacks, for being prepared.
15 Appreciate that.

16 Next, Mr. Villamonte, I need to advise you, you
17 have the following rights:

18 You have the right to proceed by way of an
19 indictment. I do have a form here that indicates that you
20 wish to waive that right and proceed by way of an
21 information, and indeed an information has been filed against
22 you. The form is signed by you and also signed by Ms. Jacks,
23 and it's dated October 10th by you, October 11th by
24 Ms. Jacks.

25 Did you see and understand everything in this form,

1 sir?

2 THE DEFENDANT: Yes.

3 THE COURT: And do you agree that you are giving up
4 your right to proceed by way of indictment and proceed by way
5 of an information?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: And an indictment would be that the
8 case would be taken to the grand jury and grand jurors would
9 find that there's probable cause to believe that you
10 committed the offense. So by waiving your rights, you're
11 bypassing that and you're agreeing that the Government can
12 file a document, which they've done, which alleges the
13 charges against you.

14 Is that what you wish to do?

15 THE DEFENDANT: Yes.

16 THE COURT: The Court will find that defendant
17 knowingly and voluntarily waives his right to indictment.

18 Next, we'll proceed to the arraignment.

19 So this case has been assigned to The Honorable
20 Andre Birotte, Jr., United States District Judge.

21 Judge Birotte has directed me not to take a not guilty plea
22 and to direct the case to his courtroom deputy.

23 So, Ms. Jacks, that's what I'll do in this case. I
24 won't take a plea. I will direct the parties to contact
25 Judge Birotte's courtroom deputy clerk, Carla Badirian, at

1 the following phone number: (213) 894-2833 -- regarding the
2 setting of the dates for the guilty plea and all further
3 proceedings. Judge Birotte --

4 MS. JACKS: Your Honor, just so that I'm clear --
5 Judge Birotte I'm sorry?

6 MS. JACKS: I'm sorry.

7 I got an email, actually, from Judge Gee's clerk
8 yesterday. We have a CASA plea agreement, and I think the
9 case is -- was assigned to Judge Gee for CASA. I'm not sure.
10 I also got an email from Ms. Badirian saying the case was
11 going to Judge Gee.

12 THE COURT: You know, that's interesting because I
13 did see that in the Pretrial Services Report, that he had
14 been -- I guess -- it said "acceptable" or "amenable" to
15 CASA, right, that the Government had indicated that. So I
16 have some limited experience with CASA. I do know that when
17 you -- a case is transferred -- I believe you enter the plea
18 before the district judge that's assigned but then -- well,
19 actually, no. I believe you do enter the plea before the
20 CASA district judge.

21 MS. JACKS: We'll contact Ms. Badirian and work it
22 out.

23 THE COURT: I was going to say maybe you all can
24 figure it out, and contact, you know, Judge Gee's clerk or
25 Judge Birotte's clerk, and between the two of you, you can

1 figure it out.

2 MS. JACKS: We will. Thank you.

3 THE COURT: Okay. So I'll do that.

4 So, again, the case is assigned to Judge Birotte.

5 Judge Birotte is located in Courtroom 7B -- b as in "boy" --
6 on the 7th Floor of the 350 West First Street courthouse here
7 in Los Angeles.

8 And I'll also remind the Government of their
9 obligations in accordance with the Due Process Protections
10 Act. The United States is ordered to produce exculpatory
11 evidence to the defendant as required by *Brady v. Maryland*
12 and its progeny. Failing to do so in a timely manner may
13 result in adverse consequences, including exclusion of
14 evidence, adverse jury instructions, dismissal of the
15 charges, contempt proceedings, or other sanctions.

16 Understood, Ms. Bahadue?

17 (Pause.)

18 THE COURT: Did you -- do you understand?

19 MS. BAHADUE: Yes. Sorry.

20 THE COURT: Okay. I just need a nod. It's the
21 only time I get to ask the Government if they understand
22 something and they're -- you know, and they're agreeing to
23 abide by it. So that's -- and is there anything further?

24 MS. JACKS: Is Mr. Villamonte supposed to report to
25 Pretrial Services?

1 THE COURT: That is a good question.

2 MS. JACKS: I don't know how things work during the
3 pandemic.

4 THE COURT: I believe so. I did order supervision,
5 right; so he's still going to be supervised by
6 Pretrial Services.

7 MS. JACKS: Why don't we -- can we have him call by
8 tomorrow?

9 THE COURT: I think everything will change once he
10 gets into CASA, but for now I would say, yes, he is to report
11 to Pretrial Services. By tomorrow, I think, would be fine.

12 MS. JACKS: Thank you.

13 THE COURT: Thank you.

14 (Clerk confers with the Court.)

15 THE COURT: And I think he also needs to be
16 processed by the marshals, Ms. Jacks, just like I did in the
17 previous summons case. So if he -- since he's here, if he
18 could walk over to the Marshals Service on the 3rd Floor and
19 be processed.

20 MS. JACKS: Okay. We'll do that. Thank you.

21 THE COURT: And you'll get out today, sir. You
22 just need to be processed.

23 THE CLERK: I'm going to hand you the bond form.
24 Just need a moment. Okay?

25 MS. JACKS: Okay. Thank you.

1 (Court confers with clerk.)

2 THE COURT: I'm sorry. Ms. Jacks, if I didn't say
3 this, there's also a firearm condition in the bond form. I
4 may not have said that.

5 So, Mr. Villamonte, you're ordered not to possess
6 or have access to any firearms.

7 Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: And in order to determine compliance,
10 you may be subject to Pretrial Services search along with the
11 U.S. Marshal.

12 Understood?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Thank you.

15 THE CLERK: Court is in recess.

16 (Proceedings adjourned at 2:04 p.m.)

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CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

/s/ Julie Messa
Julie Messa, CET**D-403
Transcriber

March 8, 2023
Date

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CRIMINAL MINUTES - ARRAIGNMENT

Case Number: 2:21-CR-00497

Recorder: CS 10/28/2021

Date: 10/28/2021

Present: The Honorable Pedro V. Castillo, U.S. Magistrate Judge

Court Clerk: Marlene Ramirez

Assistant U.S. Attorney: Suria Bahnadue by VTC

United States of America v.	Attorney Present for Defendant(s)	Language	Interpreter
MICHAEL LEE VILLAMONTE BOND-PRESENT	AMY JACKS PANEL		

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

Deft is arraigned and states true name is the name on the charging document.

Defendant is given a copy of the Information and acknowledges having been read or having received a copy of the Information and waives the reading thereof.

Waiver of Indictment submitted, accepted by the Court and filed.

This case is assigned to the calendar of District Judge Andre Birotte Jr..

Counsel are ordered to contact the clerk regarding setting a date for guilty plea.

Counsel are directed to contact the Judge's CRD: Carla Badirian at (213) 894-2833 regarding the setting of dates for the guilty plea and all further proceedings.

First Appearance/Appointment of Counsel: 00 : 00

PIA: 00 : 03

Initials of Deputy Clerk: MR by TRB

cc: Statistics Clerk, PSALA CJA Supv Attorney

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

vs.

MICHEAL LEE VILLAMONTE

Plaintiff,

Western Division

Case Number: 2:21-CR-00497-ODW

Initial App. Date: 10/28/2021

Initial App. Time: 1:00 PM

Information
Summons

Defendant.

Date Filed: 10/25/2021

Violation: 18 U.S.C. § 922(g)(9)

CourtSmart/ Reporter:

CS 10/28/21

PROCEEDINGS HELD BEFORE UNITED STATES
MAGISTRATE JUDGE: Pedro V. CastilloCALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE

PRESENT:

Ramirez, Marlene

Deputy Clerk

Suria Bahadur

Assistant U.S. Attorney

None

Interpreter/Language

- ☒ INITIAL APPEARANCE NOT HELD - CONTINUED
- ☒ Court issues Order under Fed. R. Crim. P. 5(f) concerning prosecutor's disclosure obligations; see General Order 21-02 (written order).
- ☒ Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and
☐ preliminary hearing OR ☐ removal hearing / Rule 20.
- ☒ Defendant states true name ☒ is as charged ☐ is _____
- ☐ Court ORDERS the caption of the Indictment/Information be changed to reflect defendant's different true name. Counsel are directed to file all future documents reflecting the true name as stated on the record.
- ☒ Defendant advised of consequences of false statement in financial affidavit. ☐ Financial Affidavit ordered SEALED.
- ☒ Attorney: Amy Jacks, Retained ☒ Appointed ☐ Prev. Appointed ☐ Poss. Contribution (see separate order)
- ☐ Special appearance by: _____
- ☐ Government's request for detention is: ☐ GRANTED ☐ DENIED ☐ WITHDRAWN ☐ CONTINUED
- ☐ Contested detention hearing is held. ☐ Defendant is ordered: ☐ Permanently Detained ☐ Temporarily Detained (see separate order).
- ☒ BAIL FIXED AT \$ 10,000 (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS)
- ☐ Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: ☐ GRANTED ☐ DENIED
- ☐ Preliminary Hearing waived. ☐ Class B Misdemeanor ☐ Defendant is advised of maximum penalties
- ☐ This case is assigned to Magistrate Judge _____ Counsel are directed to contact the clerk for the setting of all further proceedings.
- ☐ PO/PSA WARRANT ☐ Counsel are directed to contact the clerk for District Judge _____ for the setting of further proceedings.
- ☐ Preliminary Hearing set for _____ at 4:30 PM _____
- ☐ PIA set for: _____ at 11:00 AM in LA; at 10:00 AM in Riverside; at 10:00 AM in Santa Ana
- ☐ Government's motion to dismiss case/defendant _____ only: ☐ GRANTED ☐ DENIED
- ☐ Defendant's motion to dismiss for lack of probable cause: ☐ GRANTED ☐ DENIED
- ☐ Defendant executed Waiver of Rights. ☐ Process received.
- ☐ Court ORDERS defendant Held to Answer to _____ District of _____
- ☐ Bond to transfer, if bail is posted. Defendant to report on or before _____
- ☐ Warrant of removal and final commitment to issue. Date issued: _____ By CRD: _____
- ☐ Warrant of removal and final commitment are ordered stayed until _____
- ☐ Case continued to (Date) _____ (Time) _____ AM / PM
- Type of Hearing: _____ Before Judge _____ /Duty Magistrate Judge.
- Proceedings will be held in the ☐ Duty Courtroom ☒ Judge's Courtroom
- ☐ Defendant committed to the custody of the U.S. Marshal ☒ Summons: Defendant ordered to report to USM for processing.
- ☐ Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM.
- ☐ Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM.
- ☒ RELEASE ORDER NO: Summons
- ☒ Other: Arraignment is held. See separate PIA minutes.
- ☒ PSA ☐ USPO ☒ FINANCIAL ☐ CR-10 ☐ CR-29 ☐ READY

Deputy Clerk Initials

MK
OS

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v.

Micheal Lee Villamonte

Case No.

CR 21-00497-00W

Defendant



Material Witness

Violation of Title and Section:



Summons



Out of District



UNDER SEAL



Modified Date: _____

Check only one of the five numbered boxes below (unless one bond is to be replaced by another):1. ☐ Personal Recognizance (Signature Only)2. ☒ Unsecured Appearance Bond\$ 10,5003. ☐ Appearance Bond

\$ _____

(a). ☐ Cash Deposit (Amount or %) (Form CR-7)(b). ☐ Affidavit of Surety Without Justification (Form CR-4) Signed by:_____

_____(c). ☐ Affidavit of Surety With Justification (Form CR-3) Signed by:_____

_____☐ With Full Deeding of Property:_____

_____4. ☐ Collateral Bond in the Amount of (Cash or Negotiable Securities):

\$ _____

5. ☐ Corporate Surety Bond in the Amount of:

\$ _____

Release No.

Summons

Release to Pretrial ONLY



Release to Probation ONLY



Forthwith Release



All Conditions of Bond (Except Clearing-Warrants Condition) Must be Met and Posted by:



Third-Party Custody Affidavit (Form CR-31)



Bail Fixed by Court:

PJC / MK
(Judge / Clerk's Initials)

PRECONDITIONS TO RELEASE

☐ The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).☐ The Court has ordered a Nebbia hearing under § 3142 (g)(4).☐ The Nebbia hearing is set for _____ at _____ ☐ a.m. ☐ p.m.

ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

☒ Submit to: ☒ Pretrial Services Agency (PSA) supervision as directed by PSA; ☐ Probation (USPO) supervision as directed by USPO.

(The agency indicated above, PSA or USPO, will be referred to below as "Supervising Agency.")

☒ Surrender all passports and travel documents to Supervising Agency no later than 10/29/21, sign a Declaration re Passport and Other Travel Documents (Form CR-37), and do not apply for a passport or other travel document during the pendency of this case.☒ Travel is restricted to State of California unless prior permission is granted by Supervising Agency to travel to a specific other location. Court permission is required for international travel.☐ Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.☒ Maintain or actively seek employment and provide proof to Supervising Agency. ☐ Employment to be approved by Supervising Agency.☐ Maintain or begin an educational program and provide proof to Supervising Agency.Defendant's Initials: MLVDate: 10-28-2021

Case Name: United States of America v.

Michael Lee Villamonte

Case No. CR 21-00497-OPW

☒ Defendant ☐ Material Witness

☐ Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, ☐ including but not limited to _____; ☐ except _____.

☐ Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present: _____

☒ Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. ☒ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☐ Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☐ Do not engage in telemarketing.

☐ Do not sell, transfer, or give away any asset valued at \$ _____ or more without notifying and obtaining permission from the Court, except _____.

☐ Do not engage in tax preparation for others.

☐ Do not use alcohol.

☐ Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.

☒ Do not use or possess illegal drugs or state-authorized marijuana. ☒ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☒ Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.

☒ Submit to: ☒ drug and/or ☐ alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.

☐ Participate in residential ☐ drug and/or ☐ alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. ☐ Release to PSA only ☐ Release to USPO only

☐ Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.

☐ Participate in the Location Monitoring Program marked below and abide by all of the requirements of the program and any indicated restrictions, under the direction of the Supervising Agency. You must pay all or part of the costs of the program based upon your ability to pay as determined by the Supervising Agency. You are financially responsible for any lost or damaged equipment.

Location Monitoring Technology

☐ Location Monitoring technology at the discretion of the Supervising Agency

or

Defendant's Initials: MLV

Date: 10-28-2021

Case Name: United States of America v. Michael Lee Villamonte Case No. CR21-00497-00W
☒ Defendant ☐ Material Witness

☐ Location Monitoring with a bracelet

☐ at the discretion of the Supervising Agency or

☐ Radio Frequency (RF) or

☐ Global Positioning System (GPS)

☐ Release to the Supervising Agency only or ☐ Placement of bracelet within 24 hours of release

or

☐ Location Monitoring without a bracelet

☐ at the discretion of the Supervising Agency or

☐ Virtual/Biometric or

☐ Voice Recognition

Restrictions

☐ Location Monitoring only - no residential restrictions

☐ Curfew - You are restricted to your residence every day:

☐ from _____ to _____

☐ as directed by Supervising Agency

☐ Home Detention - You are restricted to your residence at all times except for employment, education, religious services, medical needs or treatment, attorney visits, court appearances and obligations, essential needs, and _____, all of which must be preapproved by the Supervising Agency

☐ Home Incarceration - You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances and obligations, and _____, all of which must be preapproved by the Supervising Agency

☐ You are placed in the third-party custody (Form CR-31) of _____

☐ Clear outstanding ☐ warrants or ☐ DMV and traffic violations and provide proof to Supervising Agency within _____ days of release from custody.

☐ Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

☐ Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.

☐ Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.

☐ Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.

Defendant's Initials: MLV Date: 10-29-2021

Case Name: United States of America v. Michael Lee Villamonte Case No. CR 21-00497-DM
☒ Defendant ☐ Material Witness

☐ Do not view or possess child pornography or child erotica. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

☐ Other conditions:

GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: MLV Date: 10-28-2021

Case Name: United States of America v. Michael Lee Villamonte Case No. CR 21-00497-00W
☒ Defendant ☐ Material Witness

ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.

10-28-2021 Michael Villamonte 323 422 2006
Date Signature of Defendant / Material Witness Telephone Number

[REDACTED] Los Angeles 90001
City and State (DO NOT INCLUDE ZIP CODE)

☐ Check if interpreter is used: I have interpreted into the _____ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature

Date

Approved: [Signature] ARC

United States District Judge / Magistrate Judge

Date

10/29/2021

If cash deposited: Receipt # _____ for \$ _____

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: MV

Date: 10-29-2021

Case Name: United States of America v. Michael Lee Villamonte Case No. CR21-00497-OPW☒ Defendant ☐ Material Witness

- ☐ Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, ☐ including but not limited to _____; ☐ except _____.
- ☐ Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present: _____.
- ☒ Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. ☒ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☐ Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☐ Do not engage in telemarketing.
- ☐ Do not sell, transfer, or give away any asset valued at \$ _____ or more without notifying and obtaining permission from the Court, except _____.
- ☐ Do not engage in tax preparation for others.
- ☐ Do not use alcohol.
- ☐ Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.
- ☒ Do not use or possess illegal drugs or state-authorized marijuana. ☒ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.
- ☒ Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.
- ☒ Submit to: ☒ drug and/or ☐ alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.
- ☐ Participate in residential ☐ drug and/or ☐ alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. ☐ Release to PSA only ☐ Release to USPO only
- ☐ Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.
- ☐ Participate in the Location Monitoring Program marked below and abide by all of the requirements of the program and any indicated restrictions, under the direction of the Supervising Agency. You must pay all or part of the costs of the program based upon your ability to pay as determined by the Supervising Agency. You are financially responsible for any lost or damaged equipment.

Location Monitoring Technology☐ Location Monitoring technology at the discretion of the Supervising Agency

or

Defendant's Initials: MLVDate: 10-29-2021

Case Name: United States of America v.

Michael Lee VillamonteCase No. CR21-00497-ODW☒ Defendant ☐ Material Witness☐ Location Monitoring with a bracelet☐ at the discretion of the Supervising Agency or☐ Radio Frequency (RF) or☐ Global Positioning System (GPS)☐ Release to the Supervising Agency only or ☐ Placement of bracelet within 24 hours of release

or

☐ Location Monitoring without a bracelet☐ at the discretion of the Supervising Agency or☐ Virtual/Biometric or☐ Voice Recognition**Restrictions**☐ Location Monitoring only - no residential restrictions☐ Curfew - You are restricted to your residence every day:☐ from _____ to _____☐ as directed by Supervising Agency☐ Home Detention - You are restricted to your residence at all times except for employment, education, religious services, medical needs or treatment, attorney visits, court appearances and obligations, essential needs, and _____, all of which must be preapproved by the Supervising Agency☐ Home Incarceration - You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances and obligations, and _____, all of which must be preapproved by the Supervising Agency☐ You are placed in the third-party custody (Form CR-31) of _____☐ Clear outstanding ☐ warrants or ☐ DMV and traffic violations and provide proof to Supervising Agency within _____ days of release from custody.☐ Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.☐ Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.☐ Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.☐ Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.Defendant's Initials: MLV Date: 10-29-2021

Case Name: United States of America v. Michael Lee Villamonte Case No. CR21-00497-DMG

☒ Defendant ☐ Material Witness

☐ Do not view or possess child pornography or child erotica. ☐ In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

☐ Other conditions:

GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: MLV Date: 10-29-2021

Case Name: United States of America v. Michael Lee Villamonte Case No. CR 21-00497-CDW
☒ Defendant ☐ Material Witness

ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.

10-28-2021
Date

Michael Villamonte
Signature of Defendant / Material Witness

323 422 2006
Telephone Number

[REDACTED] Los Angeles 90001
City and State (DO NOT INCLUDE ZIP CODE)

☐ Check if interpreter is used: I have interpreted into the _____ language this entire form and have been told by the defendant that he or she understands all of it.

Interpreter's Signature

Date

Approved: _____
United States District Judge / Magistrate Judge

10/29/2021
Date

If cash deposited: Receipt # _____ for \$ _____

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: MV

Date: 10-29-2021

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 FOR THE CENTRAL DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,) No. 2:21-cr-00497-AB-01
9 Plaintiff,) ORDER REFERRING DEFENDANT TO
10 v.) CASA PROGRAM JUDICIAL OFFICER
11 Micheal Lee Villamonte) AND MAKING SPEEDY TRIAL
12 Defendant.) FINDINGS
13

14 Defendant being under consideration for participation in the
15 Conviction And Sentence Alternatives ("CASA") program, and
16 defendant and defendant's attorney having executed the Speedy
17 Trial Waiver attached as Exhibit A, THE COURT FINDS AND ORDERS AS
18 FOLLOWS:

19 1. As to defendant, this case is referred to the Honorable
20 Dolly M. Gee, a CASA Program Judicial Officer, for all
21 purposes, subject to a final determination that defendant is
22 selected for participation in the CASA program. If defendant is
23 not selected for participation in the CASA program, this case
24 shall be returned to this court for all further proceedings.

25 2. A period of 45-days from the date of this order is
26 necessary for the CASA Program Judicial Officer to make the final
27 determination whether defendant will be selected for
28 participation in the CASA program. Pursuant to 18 U.S.C.

1 3161(h)(1)(G), (h)(2), and (h)(7)(A), with respect to defendant
2 this 45-day period shall be excluded from the time within which
3 the trial of this case must commence based on the following
4 findings:

5 (a) Pursuant to 18 U.S.C. 3161(h)(1)(G), this period
6 results from consideration by the court of a proposed plea
7 agreement to be entered into by the defendant and the attorney
8 for the Government as a condition of defendant's possible
9 participation in the CASA program;

10 (b) By analogy to 18 U.S.C. 3161(h)(2), this period is
11 one during which defendant and the government will be determining
12 whether to enter into a written agreement for post-guilty plea
13 diversion pursuant to which, as part of the CASA program, should
14 defendant demonstrate good conduct during a specified period of
15 time, defendant would receive significant benefits; and

16 (c) Pursuant to 18 U.S.C. 3161(h)(7)(A), the ends of
17 justice served by excluding this period outweigh the best
18 interest of the public and the defendant in a speedy trial
19 because the failure to provide defendant with the time required
20 for a determination that might enable defendant to participate in
21 the CASA program would result in a miscarriage of justice.

22

23

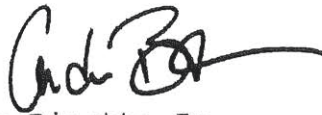
24 DATED: November 3, 2021

25

26

27

28


Andre Birotte Jr
United States District Judge

SPEEDY TRIAL WAIVER

United States v. Michael Villamonte,

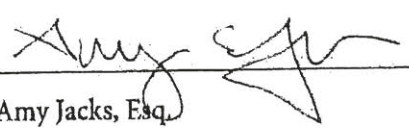
Case No. CR (none yet)

I am the defendant in the above-captioned criminal case. I have discussed with my attorney, and understand; (a) I have a right to have my case proceed to trial within the time period specified by a federal statute, 18 U.S.C. 3161; (b) the nature and conditions of the Conviction and Sentence Alternatives ("CASA") program; (c) I am being considered for participation in the CASA program; and (d) my consideration for participation in the CASA program will take appropriately 45 days and will require that my case be referred to the judge overseeing the CASA program. Understanding all of this: (a) I want to be considered for participation in the CASA program; (b) so that I can be considered for participation in the CASA program, I want my case referred to the judge overseeing the CASA program; and (c) I agree that 45 days from the date on which my case is referred to the judge overseeing the CASA program may be excluded from the time period set by statute within which my criminal case would otherwise have to proceed to trial. I have discussed with my attorney, and I understand, that by agreeing to this, I am waiving a right accorded me by statute to have my trial begin within a specified time period. I am waiving this right knowingly and voluntarily because I want to be considered for participation in the CASA program, and not for any other reason.

Michael Villamonte
Defendant

Date

I am Amy Jacks, Esq. attorney for the defendant. I have carefully and thoroughly discussed with my client this Speedy Trial Waiver, including, in particular: (a) my client's right to have the criminal case against my client proceed to trial within the time period specified by a federal statute, 18 U.S.C. 3161; (b) the nature and conditions of the Conviction and Sentence Alternatives ("CASA") program; (c) that my client is being considered for participation in the CASA program; (d) that my client's consideration for participation in the CASA program will take approximately (45) days and will require that my client's case be referred to the judge overseeing the CASA program; and (e) that by executing this Speedy Trial Waiver, my client will be waiving a right accorded my client by statute to have the trial in this criminal case begin within a specified time period. I believe that my client is executing this Speedy Trial Waiver knowingly and voluntarily because my client wants to be considered for participation in the CASA program, and not for any other reason. I concur in my clients waiver of his speedy trial rights as set forth in this Speedy Trial Waiver.



Amy Jacks, Esq.
Attorney for Defendant

9/14/2021
Date

United States District Court
Central District of California

Date: November 15, 2021

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

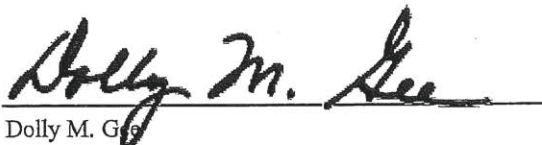
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on November 29, 2021 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 15th day of November, 2021,
and ordered filed and made part of the records in the above case.



Dolly M. Lee
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: December 13, 2021

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☐ Verbal praise
- ☐ Other: _____
- _____
- _____
- _____

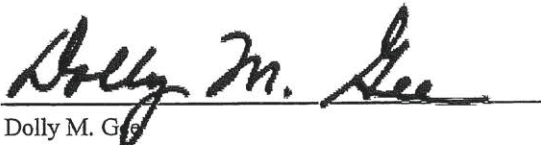
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on December 27, 2021 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 13th day of December, 2021,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: December 27, 2021

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____


All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on January 10, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 27th day of December, 2021,
and ordered filed and made part of the records in the above case.



Dolly M. Goss

United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: January 10, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☐ Verbal praise
- ☐ Other: _____

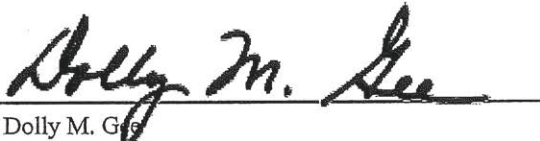
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on January 24, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 10th day of January, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Gee

United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: January 24, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☐ Verbal praise
- ☐ Other: _____

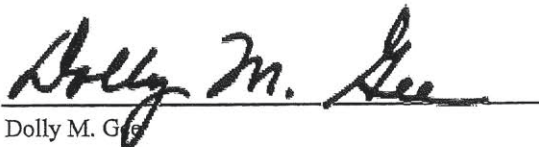
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on February 7, 2022 at 3:30 ☐ am ☒ pm at the
U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 24th day of January, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: February 7, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

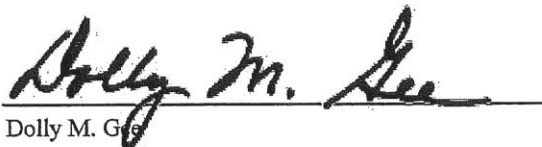
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on February 21, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 7th day of February, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court

Central District of California

Date: February 28, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on March 7, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 28th day of February, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G...

United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: March 7, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

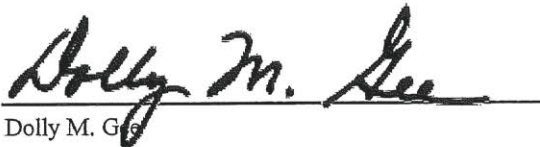
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on March 21, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 7th day of March, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Go
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: March 21, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☐ Verbal praise
- ☐ Other: _____

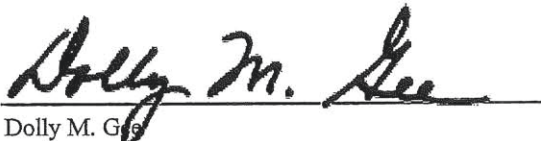
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on April 4, 2022 at 3:30 ☐ am ☒ pm at the
U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 21st day of March, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: April 4, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

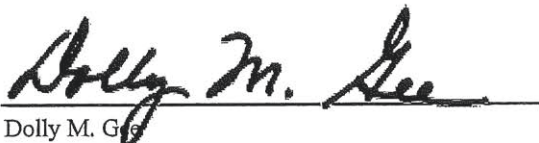
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on April 18, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 4th day of April, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: April 18, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

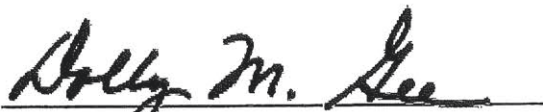
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on May 2, 2022 at 3:30 ☐ am ☒ pm at the
U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 18th day of April, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: May 2, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

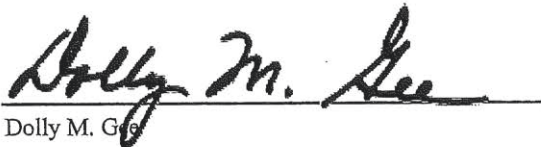
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on May 16, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 2nd day of May, 2022,
and ordered filed and made part of the records in the above case.


Dolly M. G...

United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: May 16, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on June 6, 2022 at 3:30 ☐ am ☒ pm at the
U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 16th day of May, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Gray

United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: May 25, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☐ Verbal praise
- ☐ Other: _____

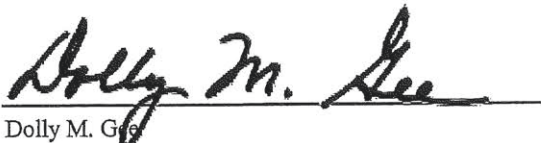
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on June 6, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 25th day of May, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G...
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: June 6, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☐ Verbal praise
- ☐ Other: _____

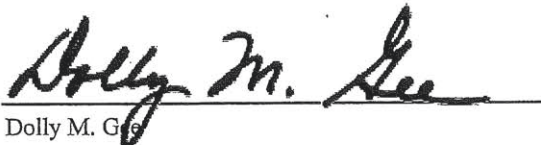
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on June 27, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 6th day of June, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: June 27, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☒ Verbal praise
- ☒ Other: The CASA Team conducted its six-month evaluation of Mr. Villamonte.

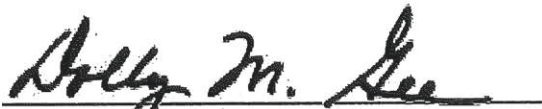
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on July 11, 2022 at 3:30 ☐ am ☒ pm at the
U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 27th day of June, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Gee
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: July 11, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

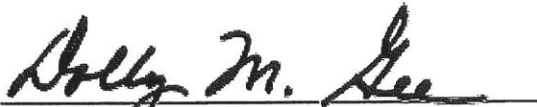
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on July 25, 2022 at 3:30 ☐ am ☒ pm at the
U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 11th day of July, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Gossett
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: July 25, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

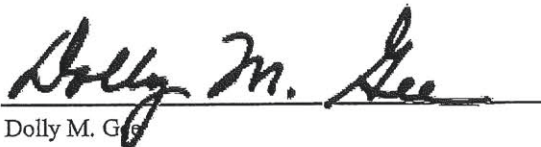
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on August 8, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 25th day of July, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. G.
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court

Central District of California

Date: August 8, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on August 22, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 8th day of August, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Goss

United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: August 22, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____


All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on September 12, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 22nd day of August, 2022,
and ordered filed and made part of the records in the above case.


Dolly M. G...
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: September 12, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☐ Verbal praise
- ☐ Other: _____

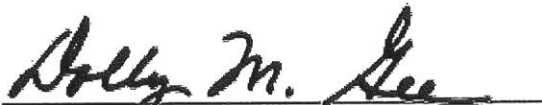
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on September 26, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 12th day of September, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Gossett
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: September 26, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

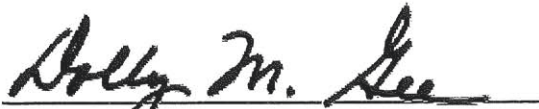
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on October 3, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 26th day of September, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Goss
United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: October 3, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

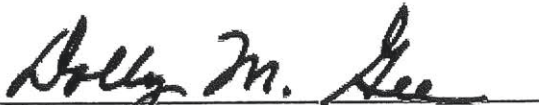
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on October 17, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 3rd day of October, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Goss

United States District Judge

00 : 10

Initials of Deputy Clerk KT

United States District Court
Central District of California

Date: October 17, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

- ☒ Case continued without further action
- ☒ Verbal praise
- ☒ Other: Mr. Villamonte met with the Team for his final evaluation. A sentencing hearing is set on October 31, 2022 at 2:00 p.m. Mr. Villamonte will graduate on November 7, 2022.

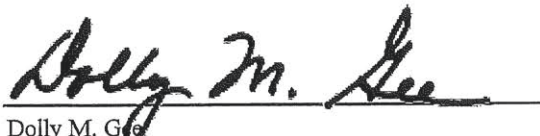
All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on October 31, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 17th day of October, 2022,
and ordered filed and made part of the records in the above case.



Dolly M. Lee
United States District Judge

00 : 10

Initials of Deputy Clerk KT

1 AMY E. JACKS, Cal. Bar No.155681
2 Law Office of Amy E. Jacks
3 315 E. 8th St. #801
4 Los Angeles, CA 90014
5 (213) 489-9025
6 (213) 489-9027 (fax)
7 amyejacks@sbcglobal.net

8 Attorney for Defendant
9 MICHEAL VILLAMONTE

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 UNITED STATES OF AMERICA,)
14) Case No.: CR 21-497-AB-DMG
15 Plaintiff,)
16) DEFENDANT'S *EX PARTE*
17 v.) APPLICATION TO CONTINUE
18) SENTENCING HEARING
19 MICHEAL VILLAMONTE,) SCHEDULED FOR OCTOBER 31, 2022
20) AT 2 PM
21 Defendants.)
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29 Defendant, MICHAEL VILLAMONTE, by and through his attorney, Amy
30 E. Jacks, hereby applies *ex parte* for an order continuing his sentencing hearing.

31 The reason for the requested continuance is to give Ms. Jacks time to
32 research the effect, if any, of the United States Supreme Court opinion in *New*
33 *York State Rifle & Pistol Association, Inc. v. Bruen* (decided June 23, 2022) on
34 the offense to which Mr. Villamonte pled guilty pursuant to his CASA Plea
35 Agreement on October 2, 2021.

36 //

37 //

1 The government takes no position on this *ex parte* application.

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3 DATED: October 27, 2022

Respectfully Submitted,
/s/ Amy E. Jacks

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6 AMY E. JACKS
Attorney for Defendant
MICHEAL VILLAMONTE
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1 E. MARTIN ESTRADA
United States Attorney
2 SCOTT M. GARRINGER
Assistant United States Attorney
3 Chief, Criminal Division
TIMOTHY J. SEARIGHT (SBN 151387)
4 Assistant United States Attorney
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5 312 North Spring Street
Los Angeles, California 90012
6 Telephone: (213) 894-3749
7 Facsimile: (213) 894-0142
E-mail: Timothy.Searight@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)	No. CR 21-497-
13 Plaintiff,)	
14 v.)	<u>GOVERNMENT'S SENTENCING</u>
15 MICHAEL VILLAMONTE,)	<u>STATEMENT</u>
16 Defendant.)	
17	

18 Defendant entered into a Conviction and Sentence
19 Alternatives ("CASA") program agreement and guilty plea.
20 Defendant has now successfully completed the CASA program.

21 In conformity with the CASA plea agreement in this case,
22 the government recommends a sentence of three years of
23 probation. No restitution is owing in this case. There are no
24 remaining counts to be dismissed as defendant has pleaded guilty
25 to a single count information.
26
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1 Pursuant to the plea agreement, and because defendant has
2 successfully completed the CASA program, the government
3 recommends no period of incarceration.

4 Respectfully submitted,

5 /s/

6 DATED: October 28, 2022

7 TIMOTHY J. SEARIGHT
8 Assistant United States Attorney
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United States District Court

Central District of California

Date: October 31, 2022

U.S. v. Micheal Lee Villamonte

Docket No. CR 21-497-AB-DMG

CASA Program Status Report (Compliance)

You have had no violations since your last appearance in the CASA program. Accordingly, the CASA Program Team has taken the following actions:

☒ Case continued without further action

☐ Verbal praise

☐ Other: _____

All previously imposed terms and conditions of your pretrial supervision remain in effect, unless expressly noted otherwise.

Your next CASA program review date is on November 7, 2022 at 3:30 ☐ am ☒ pm at the U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012.

Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Order of Court

Considered and ordered this 31st day of October, 2022,
and ordered filed and made part of the records in the above case.

Dolly M. Giss
United States District Judge

00 : 10

Initials of Deputy Clerk KT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**CRIMINAL MINUTES—GENERAL
CASA PROGRAM**

Page 1 of 1

Case No. CR 21-497-AB-DMG

Date October 31, 2022

Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

Interpreter N/A

Kane Tien

Note Reported

Not Present

Deputy Clerk

Court Reporter

Assistant U.S. Attorney

<u>U.S.A. v. Defendant(s):</u>	<u>Present</u>	<u>Cust.</u>	<u>Bond</u>	<u>Attorneys for Defendant(s):</u>	<u>Present</u>	<u>Appt.</u>	<u>Ret.</u>
Micheal Lee Villamonte	✓		✓	Amy E. Jacks	✓	✓	

**Proceedings: DEFENDANT'S *EX PARTE* APPLICATION TO CONTINUE SENTENCING
HEARING [53]**

The Court finds good cause and grants Defendant's *ex parte* application to continue the sentencing hearing set for October 31, 2022. [Doc. # 53.] The sentencing hearing is continued to **December 5, 2022 at 2:00 p.m.**

cc: USPO
DFPD

1 E. MARTIN ESTRADA
United States Attorney
2 SCOTT M. GARRINGER
Assistant United States Attorney
3 Chief, Criminal Division
TIMOTHY J. SEARIGHT (Cal. Bar No. 151387)
4 Assistant United States Attorney
1200 United States Courthouse
5 312 North Spring Street
Los Angeles, California 90012
6 Telephone: (213) 894-3749
Facsimile: (213) 894-0142
7 E-mail: timothy.searight@usdoj.gov

8 Attorneys for Plaintiff
UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MICHAEL VILLAMONTE,

15 Defendant.
16

No. CR 21-497-DMG

[Proposed] ORDER TERMINATING
DEFENDANT'S PARTICIPATION IN CASA
PROGRAM BASED ON SUCCESSFUL
COMPLETION OF CASA PROGRAM

17
18 On November 1, 2021, defendant entered a guilty plea to a single
19 count information pursuant to a plea agreement authorizing post-
20 guilty plea diversion to enable participation in the CASA program.
21 Under the CASA program, Defendant's compliance with the terms of
22 post-guilty plea diversion is overseen by the CASA Program Team. The
23 CASA Program Team, including the undersigned United States District
24 Judge, has determined that Defendant has successfully completed the
25 CASA program and therefore should receive the benefits specified in
26 Defendant's plea agreement.

27 IT IS HEREBY ORDERED that, based on Defendant's successful
28 completion of the CASA program, in accordance with the terms of

1 Defendant's plea agreement and subject to Defendant's continued
2 compliance with the terms of his, the court will impose a sentence
3 that does not include a term of imprisonment, with the other terms of
4 sentence determined at sentencing.

5
6
7 _____
DATE

HONORABLE DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

8 Presented by:

9 _____
/s/
10 TIMOTHY J. SEARIGHT
Assistant United States Attorney

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL VILLAMONTE,

Defendant.

No. CR 21-497-AB-DMG

ORDER TERMINATING DEFENDANT'S
PARTICIPATION IN CASA PROGRAM
BASED ON SUCCESSFUL COMPLETION OF
CASA PROGRAM [58]


On November 1, 2021, defendant entered a guilty plea to a single count information pursuant to a plea agreement authorizing post-guilty plea diversion to enable participation in the CASA program. Under the CASA program, Defendant's compliance with the terms of post-guilty plea diversion is overseen by the CASA Program Team. The CASA Program Team, including the undersigned United States District Judge, has determined that Defendant has successfully completed the CASA program and therefore should receive the benefits specified in Defendant's plea agreement.

IT IS HEREBY ORDERED that, based on Defendant's successful completion of the CASA program, in accordance with the terms of Defendant's plea agreement, the Court terminates Defendant's

1 participation in the CASA program and will impose a sentence that
2 does not include a term of imprisonment, with the other terms of
3 sentence determined at sentencing.

4
5 November 7, 2022

6 DATE


DOLLY M. LEE
UNITED STATES DISTRICT JUDGE

1 AMY E. JACKS, Cal. Bar No.155681
2 Law Office of Amy E. Jacks
3 315 E. 8th St. #801
4 Los Angeles, CA 90014
(213) 489-9025
(213) 489-9027 (fax)
amyejacks@sbcglobal.net

5 Attorney for Defendant
6 MICHEAL VILLAMONTE

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11) Case No.: CR 21-497-AB-DMG
12 Plaintiff,)
13 v.) DEFENDANT'S *EX PARTE*
14) APPLICATION TO CONTINUE
15 MICHEAL VILLAMONTE,) SENTENCING HEARING
16) SCHEDULED FOR DECEMBER 5, 2022
17 Defendants.) AT 2 PM TO JANUARY 9, 2023 AT
18) 2 PM.
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29 Defendant, MICHEAL VILLAMONTE, by and through his attorney, Amy
30 E. Jacks, hereby applies *ex parte* for an order continuing his sentencing hearing
31 from December 5, 2022 to January 9, 2023.

32 The reason for the requested continuance is to give the government time to
33 consider Mr. Villamonte's written request that he be sentenced as a CASA Track
34 1 participant, that he be permitted to withdraw his plea, and that his case be
35 dismissed because of his successful completion of the CASA program. Mr.
36 Villamonte's written request is based on his exemplary performance in the CASA
37 program, the potential effect of the United States Supreme Court opinion in *New*
38

1 *York State Rifle & Pistol Association, Inc. v. Bruen* (decided on June 23, 2022,
2 during the time Mr. Villamonte was participating in the CASA program) on the
3 constitutionality of the offense to which Mr. Villamonte pled guilty, and Mr.
4 Villamonte's prior criminal history which is void of any prior felony convictions.

5 The government does not object to this *ex parte* application.
6

7 DATED: December 1, 2022

Respectfully Submitted,

/s/ Amy E. Jacks

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10 AMY E. JACKS

Attorney for Defendant

MICHEAL VILLAMONTE
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11
12 Plaintiff,

13 vs.
14

15 MICHEAL VILLAMONTE,

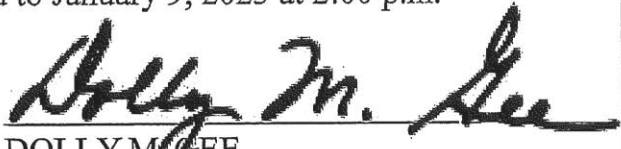
16 Defendants.
17

No.: CR 21-497-AB-DMG

**ORDER CONTINUING
SENTENCING HEARING FROM
DECEMBER 5, 2022 AT 2 PM TO
JANUARY 9, 2023 AT 2 PM [60]**

18
19 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Defendant
20 Micheal Villamonte's *ex parte* application to continue his sentencing hearing from
21 December 5, 2022 at 2:00 p.m. to January 9, 2023 at 2:00 p.m. is GRANTED. Mr.
22 Villamonte's sentencing hearing is continued to January 9, 2023 at 2:00 p.m.

23
24 DATED: December 2, 2022


DOLLY M. GHEE
UNITED STATES DISTRICT JUDGE

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MICHEAL LEE VILLAMONTE,

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 February 29, 2024, as required by Supreme Court Rule 29, I served Petitioner Micheal Lee Villamonte'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

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

Executed on February 29, 2024

A handwritten signature in dark ink, appearing to read "David A. Schlesinger", is positioned above a horizontal line.

DAVID A. SCHLESINGER
Declarant