

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

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§
§

v. CASE NO.: 3:12-CR-00317-L

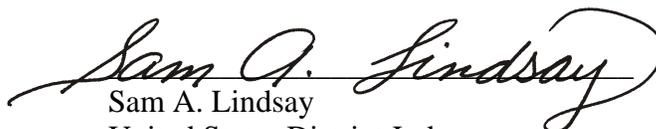
BARRETT LANCASTER BROWN (1)

**ORDER ACCEPTING REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE CONCERNING PLEA OF GUILTY**

After reviewing all relevant matters of record, including the Notice Regarding Entry of a Plea of Guilty, the Consent of the defendant, and the Report and Recommendation Concerning Plea of Guilty of the United States Magistrate Judge, and no objections thereto having been filed within fourteen days of service in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Report and Recommendation of the Magistrate Judge concerning the Plea of Guilty is correct, and it is hereby accepted by the Court. Accordingly, the Court accepts the plea of guilty, and BARRETT LANCASTER BROWN is hereby adjudged guilty of 18 U.S.C. § 875(c), namely, Transmitting a Threat in Interstate Commerce. Sentence will be imposed in accordance with the Court's scheduling order.

- The defendant is ordered to remain in custody.
- The Court adopts the findings of the United States Magistrate Judge by clear and convincing evidence that the defendant is not likely to flee or pose a danger to any other person or the community if released and should therefore be released under § 3142(b) or (c).
- Upon motion, this matter shall be set for hearing before the United States Magistrate Judge who set the conditions of release for determination, by clear and convincing evidence, of whether the defendant is likely to flee or pose a danger to any other person or the community if released under § 3142(b) or (c).
- The defendant is ordered detained pursuant to 18 U.S.C. § 3143(a)(2). The defendant shall self-surrender to the United States Marshal no later than _____.
- The defendant is not ordered detained pursuant to 18 U.S.C. § 3143(a)(2) because the Court finds
 - There is a substantial likelihood that a motion for acquittal or new trial will be granted, or
 - The Government has recommended that no sentence of imprisonment be imposed, and
 - This matter shall be set for hearing before the United States Magistrate Judge who set the conditions of release for determination, by clear and convincing evidence, of whether the defendant is likely to flee or pose a danger to any other person or the community if released under § 3142(b) or (c).
- The defendant is not ordered detained pursuant to 18 U.S.C. § 3143(a)(2) because the defendant has filed a motion alleging that there are exceptional circumstances under § 3145(c) why he/she should not be detained under § 3143(a)(2). This matter shall be set for hearing before the United States Magistrate Judge who set the conditions of release for determination of whether it has been clearly shown that there are exceptional circumstances under § 3145(c) why the defendant should not be detained under § 3143(a)(2), and whether it has been shown by clear and convincing evidence that the defendant is likely to flee or pose a danger to any other person or the community if released under § 3142(b) or (c).

SIGNED this 14th day of May, 2014.


Sam A. Lindsay
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal Nos. 3:12-CR-317-L
	§	3:12-CR-413-L
BARRETT LANCASTER BROWN	§	

SENTENCING SCHEDULING ORDER

The following schedule applies to this case:

1. If 18 U.S.C. §§ 3663-64 is applicable to this case, counsel for the government shall provide to the probation officer, no later than five days from the date of this order, all information necessary for the officer to comply with crime victim restitution requirements.
2. The Presentence Report must be disclosed to the court, Defendant, Defendant's counsel, and the attorney for the government by **4:00 p.m., June 27, 2014**.
3. Written objections to the Presentence Report, or a written statement adopting the findings of the Presentence Report must be delivered by the parties to the probation officer, to the court, and to each other by **4:00 p.m., July 11, 2014**. Objections must identify the specific paragraph or part of the Presentence Report to which objection is made.
4. If written objections to the Presentence Report have been timely made, the probation officer must disclose any revisions or addendum to the Presentence Report by **4:00 p.m., July 18, 2014**.
5. Written objections to these revisions or addendum must be delivered to the court and the probation officer by **4:00 p.m., July 25, 2014**.

6. Any exhibit that a party seeks to introduce must be properly marked, and copies of any such exhibit must be available to opposing counsel and the court. The original shall be provided to the court reporter. The court reporter will not mark exhibits for counsel, and the court will not permit the removal of attachments of one document to be used as exhibits during the course of a trial or other proceeding. If this procedure is not followed, the document will not be admitted into evidence.

7. **Sentencing memorandum** and **all** motions for departure **must** be filed at least **seven days** before the sentencing date. Unless there is agreement between the parties on the motion, no verbal motion for departure will be entertained at sentencing. A party **must** file a written response to **any** opposed motion at least three days, excluding holidays and weekends, before the applicable court setting. If Defendant plans to request the court to impose a sentence outside the Guidelines range because of the sentencing factors pursuant to 18 U.S.C. § 3553(a), Defendant **must** file a **sealed** Memorandum for Non-Guideline Sentence and set forth argument and *evidence* that would support such a sentence at least seven days prior to the sentencing date.

8. **All motions for continuances must be filed no later than 5:00 p.m. on the Monday (Tuesday, if the Monday is a holiday) before the sentencing date.** When matters are reset at the last minute, scarce judicial resources, which could have been used elsewhere, have already been expended. It is totally unfair to the court and its staff to expend scarce judicial resources working on these matters, only to have them continued at the last minute. **Only matters which are true emergencies or those that could not have been reasonably anticipated will be grounds for a continuance. For example, a motion for downward departure based on the possibility of substantial assistance to the government will not be considered a valid ground for continuance**

unless the movant can convince the court that filing of the motion could not have been reasonably anticipated prior to the deadline date.

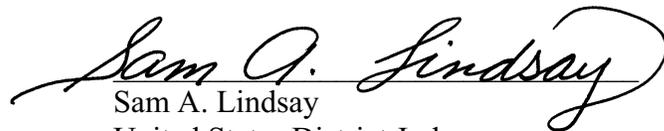
9. If, during the PSR investigation, it is determined that Texas Youth Commission (“TYC”) records are needed, the court orders the TYC to release these records to the probation officer assigned to prepare the PSR, acting in the performance of the officer’s official duties pursuant to Rule 32 of the Federal Rules of Criminal Procedure. The specific records that are to be released include documents pertaining to Defendant’s social history, court disposition records, substance abuse treatment records, psychological evaluations, other mental health treatment records, educational records, general health records, adjustment while incarcerated records, and release dates from the TYC.

10. The court will allow Defendant, Defendant’s counsel, and no more than four other persons to speak on behalf of Defendant at sentencing.

11. Any person appearing in court must be properly attired. It is counsel’s duty to ensure that all persons appearing on behalf of or in connection with their client are appropriately attired and informed of this court rule. The court does not permit T-shirts, shorts of any kind, flip-flops, halter or tank tops, jogging or exercise attire, or sagging pants or jeans to be worn in the courtroom by any person. No person appearing in the courtroom, whether participant or spectator, may chew gum. Persons in violation of these rules will not be permitted in the courtroom.

12. Sentencing will take place on **Monday, August 18, 2014, at 1:30 p.m.**

It is so ordered this 14th day of May, 2014.


Sam A. Lindsay
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	Case No: 3:12-CR-317-L
v.	§	Case No: 3:13-CR-030-L
	§	Hon. Sam A. Lindsay
BARRETT LANCASTER BROWN	§	

UNOPPOSED MOTION TO WITHDRAW
DEFENDANT’S MOTIONS TO DISMISS THE INDICTMENT

Defendant BARRETT LANCASTER BROWN moves to withdraw his Motion to Dismiss the Indictment in Case No. 12-CR-317 (Doc. 98) and Motion to Dismiss the Indictment in Case No. 13-CR-030 (Doc. 56). In support thereof, he would show the Court the following:

1. Mr. Brown filed his Motion to Dismiss Indictment Case No. 12-CR-317 (Doc. 98) on January 31, 2014.
2. Mr. Brown filed his Motion to Dismiss Indictment (Doc. 56) on March 3, 2014.
3. A Plea Agreement and Factual Resume were filed on April 2, 2014. *See* Case No. 12-CR-317 (Docs. 108–9).
4. A Rearraignment Hearing as to Mr. Brown was held on April 29, 2014.
5. In accordance with the Plea Agreement, and the interests of judicial economy, Mr. Brown has agreed to withdraw his Motion to Dismiss in Case No. 12-CR-317 (Doc. 98) and Motion to Dismiss in Case No. 13-CR-030 (Doc. 56).

WHEREFORE, PREMISES CONSIDERED, Mr. Brown asks the Court to enter an Order that withdraws his Motions to Dismiss the Indictment.

Respectfully submitted,

-s- Ahmed Ghappour
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CERTIFICATE OF CONFERENCE

I certify that pursuant to agreement with the government, memorialized in the plea agreements in both of the above cases, the government is unopposed to the relief requested.

/s/ Ahmed Ghappour
AHMED GHAPPOUR
/s/ Charles Swift
CHARLES SWIFT
/s/ Marlo P. Cadeddu
MARLO P. CADEDDU
Attorneys for Barrett Lancaster Brown

CERTIFICATE OF SERVICE

I certify that today, May 15, 2014, I filed the instant motion using the Northern District of Texas's electronic filing system (ECF) which will send a notice of filing to all counsel of record.

/s/ Ahmed Ghappour

AHMED GHAPPOUR

/s/ Charles Swift

CHARLES SWIFT

/s/ Marlo P. Cadeddu

MARLO P. CADEDDU

Attorneys for Barrett Lancaster Brown