

**Nos. 10-10286, 10-10283**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

LUKE D. BRUGNARA,

Defendant-Appellant.

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**OPPOSITION TO DEFENDANT'S  
MOTION FOR RELEASE PENDING APPEAL**

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
DISTRICT COURT NOS. 08-CR-00222-WHA, 08-CR-00236-MMC

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## TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	iii
JURISDICTION, TIMELINESS, AND BAIL STATUS.....	2
ISSUES PRESENTED.....	2
STATEMENT OF THE CASE.....	3
1.    The Tax Case (Case No. 10-10286).....	3
2.    The Endangered Species Act Case (Case No. 10-10283).....	4
3.    The Appeals.....	4
STATEMENT OF FACTS.....	5
A.    The Offense Conduct.....	5
1.    The Tax Case.....	5
2.    The Endangered Species Act Case.....	7
B.    The Detention Proceedings.....	8
SUMMARY OF ARGUMENT.....	9
I.    BRUGNARA’S MOTION FAILS TO COMPLY WITH RULE 9-1.2 AND SHOULD BE DISMISSED.....	10
II.   BRUGNARA FAILS TO MEET HIS BURDEN OF ESTABLISHING HE IS NOT A DANGER OR A SUBSTANTIAL ISSUE OF LAW IS PRESENT.....	12
A.    Standard of Review and Legal Standards for Release Pending Appeal.....	12

B.	Brugnara is a Danger to the Community .....	13
C.	Brugnara's Appeals Fails to Raise a Substantial Question of Law.....	14
1.	Brugnara Raises No Substantial Question Regarding His Guilty Plea in the Endangered Species Act Case .....	15
2.	Brugnara Raises no Substantial Issue Regarding His Pleas in the Tax Case Likely to Result in a Reversal. .	16
	CONCLUSION.....	20

## TABLE OF AUTHORITIES

### CASES

<i>United States v. Castello</i> , 724 F.2d 813 (9th Cir. 1984). . . . .	18
<i>United States v. Davis</i> , 428 F.3d 802 (9th Cir. 2005). . . . .	16
<i>United States v. Garcia</i> , 340 F.3d 1013 (9th Cir. 2003). . . . .	13
<i>United States v. Handy</i> , 761 F.2d 1279 (9th Cir. 1985). . . . .	13, 14
<i>United States v. Hochevar</i> , 214 F.3d 342 (2d Cir. 2000). . . . .	11
<i>United States v. Mayweather</i> , 623 F.3d 762 (9th Cir. 2010). . . . .	19
<i>United States v. Montoya</i> , 908 F.2d 450 (9th Cir. 1990). . . . .	13
<i>United States v. Nostratis</i> , 321 F.3d 1206 (9th Cir. 2003). . . . .	16
<i>United States v. Ortland</i> , 109 F.3d 539 (9th Cir. 1997). . . . .	15
<i>United States v. Reynolds</i> , 956 F.2d 192 (9th Cir. 1992). . . . .	14
<i>United States v. Zhrebchevsky</i> , 849 F.2d 1256 (9th Cir. 1988). . . . .	10

## TABLE OF AUTHORITIES

### FEDERAL STATUTES

16 U.S.C. § 1538.....	2, 5, 8
18 U.S.C. § 1001.....	2, 8
18 U.S.C. § 3143(b).....	1, 12, 13, 14
18 U.S.C. § 3143(b)(1)(A). ....	4, 12
18 U.S.C. § 3145(c).....	2, 19
18 U.S.C. § 3231.....	2
26 U.S.C. § 7206(1).....	2, 5
28 U.S.C. § 1291.....	2, 15

### MISCELLANEOUS

Fed. R. Crim. P. 11(d)(2)(B).....	15, 19
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**OPPOSITION TO DEFENDANT'S  
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Defendant Luke Brugnara (“Brugnara”) is currently serving concurrent sentences having pleaded guilty to filing false tax returns and, in a separate case, making false statements and the “taking” of a protected species. Brugnara now moves for release pending appeal pursuant to 18 U.S.C. § 3143(b), primarily claiming that he is neither a flight risk nor a danger to the community, and claiming that he will pursue a substantial issue on appeal. This motion should be denied for the following reasons: (1) Brugnara did not properly move for release pending appeal in the district court; (2) the record supports that Brugnara is a danger to the community; and (3) Brugnara has identified no substantial question that would result in a reduced sentence or reversal of his conviction.

## JURISDICTION, TIMELINESS, AND BAIL STATUS

The district court had jurisdiction over this case pursuant to 18 U.S.C. § 3231. This Court has jurisdiction over this motion pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3145(c). Brugnara filed timely notices of appeal in both cases on June 4, 2010. Exs. E and F; *see* Federal Rules of Appellate Procedure (“FRAP”) 4(b). Brugnara is in custody serving the sentences imposed in these cases with a projected release date of July 2, 2012, according to inmate locator on [www.bop.gov](http://www.bop.gov).

## ISSUES PRESENTED

1. Whether this motion should be denied because Brugnara failed to request bail pending appeal in the district court and thus failed to comply with the requirements of Ninth Circuit Rule 9-1.2.
2. Whether this Court should deny the defendant’s motion for release pending appeal, where:
  - (a) the defendant failed to establish that he is not a danger to the community within the meaning of 18 U.S.C. § 3143(b)(1)(A); and
  - (b) the defendant failed to raise a substantial question likely to result in a reduced sentence or reversal because:
    - (i) the defendant withdrew his motion to withdraw his guilty plea in Case No. 10-10283, and has no basis to contest his conviction; and

- (ii) the court did not err in denying the defendant's second motion to withdraw his second guilty plea in Case No. 10-10286.

### STATEMENT OF THE CASE

#### 1. The Tax Case (Case No. 10-10286)

On April 3, 2008, Brugnara was charged in a three-count Indictment with filing false income tax returns for 2000 through 2002, in violation of 26 U.S.C. § 7206(1). Exhibit ("Ex.") B. On May 15, 2009, Brugnara pleaded guilty to count one of the Indictment as part of a plea agreement. On September 2, 2009, the district court granted Brugnara's motion to withdraw his guilty plea. Ex. M; Ex. P.

On January 26, 2010, Brugnara entered a guilty plea without a plea agreement to counts one through three of the Superseding Indictment, which similarly charged him with filing false tax returns for 2000 through 2002, inclusive. Ex. N. On March 4, 2010, Brugnara filed a motion to withdraw his guilty plea, which the district court denied on May 3, 2010. Ex. B at 11, Ex. L. The defendant appeals the denial of the second motion to withdraw his second guilty plea. Ex. E. On May 24, 2010, the district court sentenced him to 30-months in custody. Ex. B; Ex. C at 2. The judgment and commitment order was entered on May 25, 2010. On June 4, 2010, Brugnara filed a notice of appeal from the May 3, 2010 denial of his motion to withdraw his guilty plea. Ex. E.



## **2. The Endangered Species Act Case (Case No. 10-10283)**

On April 9, 2008, the grand jury returned an Indictment charging Brugnara with four counts of “taking” a protected species, in violation of 16 U.S.C. § 1538, and two counts of making false statements to investigating agents, in violation of 18 U.S.C. § 1001. Ex. A at 1-2. On January 26, 2010, Brugnara entered a guilty plea without a plea agreement to counts one through six of the Indictment. Ex. O. On March 4, 2010, Brugnara filed a motion to withdraw his guilty plea. On May 26, 2010, Brugnara withdrew that motion. *See* Ex. A at 8; Ex. G.

On May 26, 2010, Brugnara was sentenced to 15 months in custody. Ex. A, Ex. D at 3. The judgment and commitment order was entered on May 28, 2010. Ex. D. On June 4, 2010, Brugnara filed a timely notice of appeal noting that he was appealing the “order sentencing defendant; [and] request trial subject to 08-222-WHA appeal,” the corresponding tax case. Ex. E; Ex. F.

## **3. The Appeals**

On June 9, 2010, this Court set briefing schedules in both appeals. On June 29, 2010, Brugnara’s attorney moved to withdraw as counsel of record in both cases. Those motions were granted in separate orders.

Brugnara thereafter sought to represent himself, but instead the Appellate Commissioner issued a report and recommendation denying that request. On

December 3, 2010, this Court issued an order adopting the Appellate Commissioner's report and recommendation and set a briefing schedule requiring Brugnara to file his opening brief by March 28, 2011.

New counsel filed an appearance in the case on January 17, 2011. On February 11, 2011, seven months after filing his notice of appeal, Brugnara filed the instant motion seeking bail pending appeal. Brugnara never filed for bail in the district court, and thus there is no district court order addressing the issue. *See* Ninth Circuit Rule 9-1.2(a)(b).

## **STATEMENT OF THE FACTS**

### **A. The Offense Conduct**

#### **1. The Tax Case**

Brugnara owned and leased real properties in San Francisco and Nevada. Brugnara sold properties in 2000, 2001, and 2002, and omitted the gains from the sales on his federal income tax returns. Ex. M at 24-27; Ex. N at 31-35. Based on these actions, the grand jury issued an indictment charging Brugnara with filing false tax returns.

Brugnara twice pleaded guilty to omitting the gain from these sales on his tax returns, first pursuant to a plea agreement that was later withdrawn, and then later after he pleaded guilty without a plea agreement. *See* Ex. M; Ex. N.

Brugnara pleaded guilty on May 15, 2009, specifically admitting that: (1) he signed his 2000 tax return under penalty of perjury; (2) the sales of two properties, Market Street and Mission Street, were omitted from his tax returns; and (3) he knew he had to report those sales. Ex. M at 24-26. Although Brugnara later moved to withdraw his guilty plea, Ex. P at 2:11-13, he did not profess his innocence as a basis. On September 2, 2009, the district court allowed Brugnara to withdraw from his “knowing and voluntary” plea, Ex. P at 3:1-16, and set the case for trial on March 1, 2010. Ex. B at 8.

Instead of proceeding to trial, Brugnara pleaded guilty for a second time on January 26, 2010. Ex. N. During the plea colloquy, he confirmed that “the income reported for the Market and Mission Street – the sale of those office buildings was [sic]– should have been shown on the 2000 return, and they were shown on the 2002 return.” Ex. N at 31:12-17. The government proffered that at trial the evidence would have shown that (1) Brugnara “signed and filed a 2000 federal income tax return under penalties of perjury”; (2) “the return required [Brugnara] to disclose the sale or exchange of the properties located at ... 810-814 Mission Street,” and “935-939 Market Street;” (3) the sales were not “reported on the income tax return”; and (4) Brugnara’s accountants asked him for the sales information to include on his tax return. Ex. N at 31-33. When asked if these

facts were true, Brugnara agreed with the factual proffer and reaffirmed that his “false” tax returns were self-prepared. Ex. N at 33-34.

Brugnara’s former accountants submitted declarations consistent with the government’s proffer. *See* Ex. K. The accountants confirmed that Brugnara provided estimates of his 2000 and 2001 federal taxes, including the property sales that he omitted in the tax returns he filed. Brugnara also told his accountants that he would owe “\$1.96” million in tax. *Id.* Brugnara never reported any of the sales or reported any tax due.

## **2. The Endangered Species Act Case**

Brugnara was charged with “taking” steelhead trout, which is a protected species under the Endangered Species Act (“ESA”). Specifically, Brugnara was charged with blocking steelhead trout from migrating to spawning grounds, and then fishing for them. Brugnara was also charged with making false statements to investigating agents, in violation of 16 U.S.C. § 1538 and 18 U.S.C. § 1001.

On January 26, 2010, the day the case was set for trial, Brugnara admitted that he “falsely” told the gaming agents that he did not fish, when in fact he did “attempt to fish for steelhead.” Ex. O. That same day, he entered a guilty plea without a plea agreement to all counts in the Indictment. Ex. O. On March 4, 2010, Brugnara filed a motion to withdraw his guilty plea. On May 26, 2010,

Brugnara withdrew that motion. *See* Ex. A at 8; Ex. G.

### **B. The Detention Proceedings**

Following the arraignment in both cases, Brugnara was released on a \$50,000 bond. Brugnara was also ordered not to have direct or indirect contact with witnesses in either case. On January 6, 2010, the government requested modifications of Brugnara's release conditions based on allegations that he contacted witnesses. Ex. B at 9. No hearing was held related to those charges, but Brugnara was detained on January 28, 2010, based on allegation that he threatened witnesses. Brugnara was released on January 31, 2010, but remanded on March 5, 2010, after he violated his release conditions. Ex. H. Following several detention hearings, Brugnara was detained after he "failed to prove by clear and convincing evidence that he is not a danger to any person or the community." Ex. J.

During the detention hearings, evidence was submitted demonstrating that Brugnara threatened, among others, a city attorney, a court-appointed receiver, his brother, and his former mistress and their child. The evidence included allegations that a witness was induced to alter her testimony before the Nevada Gaming Commission after the defendant threatened her, in violation of an already-filed restraining order. *See* Ex. H at 4. In 2008, two restraining order were filed against the defendant by employees at his children's school. The declaration in

support of the orders alleged that Brugnara “forced a parent off the road” with his car, had a “reputation for carrying weapons,” and the orders were necessary to protect the “students and staff.” Ex. I at 2-3. There was also evidence that Brugnara submitted numerous forged and fictitious documents in support of loan applications. *See* Ex. H; Ex. I.

On May 26, 2010, after he had been sentenced, Brugnara was released to self-surrender following designation by the Bureau of Prisons (“BOP”). Ex. C at 2; Ex. D at 3. Brugnara’s release was secured pursuant to a \$1,000,000 bond secured by his residence, he was not permitted to leave his house, and he was subject to electronic surveillance. Brugnara was ordered to serve his sentence upon designation, but no later than August 30, 2010. Subsequently, Brugnara was designated by BOP and ordered to surrender on June 14, 2010. Brugnara failed to appear on that date, but ultimately surrendered several days later.

As reflected in the docket sheets, Brugnara never requested bail pending appeal in the district court. *See* Exs. A and B.

### **SUMMARY OF ARGUMENT**

Brugnara’s motion for bail pending appeal should be denied. First, the motion should be dismissed for failure to comply with Circuit Rule 9-1.2 because Brugnara never requested bail pending appeal in the district court. Second, the

motion should be denied because Brugnara fails to meet the standard for release pending appeal for three reasons: (1) he is a danger to the community; (2) he raises no substantial question of law that is likely to result in a reversal of his pleas in either case; and (3) no “exceptional reason” exists that would warrant his release.

**I. BRUGNARA’S MOTION FAILS TO COMPLY WITH RULE 9-1.2 AND SHOULD BE DISMISSED**

This Court should decline to consider the merits of Brugnara’s motion and instead should dismiss the motion for three interrelated reasons. First, Rule 9(b) of the Federal Rules of Appellate Procedure (“FRAP”) permits “review” of a district court order related to release or detention following judgment. FRAP 9(b).<sup>1</sup> Prior to the amendment to Rule 9(b), this Court “consistently followed the procedure set fourth in Fed. R. App. P. 9(b)” that requires a defendant to seek bail pending appeal “in the first instance in the district court.” *United States v. Zherebchevsky*, 849 F.2d 1256, 1256 (9th Cir. 1988). Although the quoted language of Rule 9(b) changed in 1994, the Advisory Committee Notes clarifies

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<sup>1</sup> FRAP 9(b) states in pertinent part:

A party entitled to do so may obtain review of a district court order regarding release after a judgment of conviction by filing a notice of appeal from that order in the district court, or by filing a motion in the court of appeals if the party has already filed a notice of appeal from the judgment of conviction.

that the term “review” applies to some district court order regarding detention. It follows that Brugnara’s motion is procedurally flawed as he never asked for bail pending appeal in the district court. Indeed, Brugnara implicitly acknowledges this deficiency when he asserted, without explaining, that an appellate court has authority to review this motion “in the first instance.” Appellant’s Motion at 15 n.9. No request was made in the district court in either the tax or the ESA case, and therefore the motion should be denied on that basis alone.<sup>2</sup>

Second, as a practical matter, the Court should decline to consider the motion. Although the Second Circuit has interpreted FRAP 2 to permit an appellate court to suspend the requirements of Rule 9(b), this case is distinguishable. In *United States v. Hochevar*, 214 F.3d 342, 343 (2d Cir. 2000), the Court noted that while “nothing in the terms of rule 9(b)” authorizes a defendant to move for bail pending appeal in the court of appeals in the first instance, Rule 2 may permit an appellate court with “greater familiarity with the

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<sup>2</sup> Although District Court Judge Alsup stated that he “would not support bail pending appeal,” that comment is insufficient for the purposes of appellate review for two reasons. First, Judge Alsup directed the parties to have the magistrate judge determine whether the defendant could be released pending imposition of his sentence under 18 U.S.C. § 3143(a)(2). The district court never reviewed the record or made “findings” regarding release pending appeal as required 18 U.S.C. § 3143(b). Second, even if Judge Alsup’s comment could be construed as denying a bail motion, the defendant failed to seek bail in the ESA case, which precludes “review” of any order in the district court.



record” to review the request. *Id.* In that case, the Court concluded that the appellate court had “greater familiarity” with the case because the case had been fully briefed.

Here, the case has not been briefed before this Court, and the district court has significant familiarity with the case, including issues that are pertinent to deciding whether Brugnara poses a danger to the community. Moreover, in his motion Brugnara simply asserts without foundation that he is not a danger or a flight risk. At this stage, Brugnara’s assertions cannot be accepted as “clear and convincing evidence” that he is not a flight risk or a danger. As a practical matter, the district court’s familiarity with this case, coupled with the absence of information establishing that the defendant is not a danger to the community, warrants denial of this motion; or an order directing the defendant to file his motion in the district court.

## **II. BRUGNARA FAILS TO MEET HIS BURDEN OF ESTABLISHING THAT HE IS NOT A DANGER OR THAT THERE IS A SUBSTANTIAL ISSUE OF LAW**

### **A. Standard of Review and Legal Standards for Release Pending Appeal**

In reviewing a district court’s denial of release pending appeal, this Court considers the district court’s legal determinations *de novo*. *See United States v.*

*Garcia*, 340 F.3d 1013, 1015 (9th Cir. 2003) (citing *United States v. Handy*, 761 F.2d 1279, 1281-84 (9th Cir. 1985)).<sup>3</sup> To obtain release pending appeal, the defendant must prove: (1) by clear and convincing evidence, he does not pose a flight risk or danger to the community; (2) that the appeal is not for purposes of delay; and (3) that it raises a “substantial” question of law that is likely to result in reversal, an order for a new trial, a sentence of no imprisonment, or a sentence reduced to a term of imprisonment less than the time expected for the duration of the appeal. *See* 18 U.S.C. § 3143(b). The defendant bears the burden to overcome the presumption that he should be detained while his appeal is pending. *United States v. Montoya*, 908 F.2d 450, 451 (9th Cir. 1990).

**B. Brugnara Is a Danger to the Community**

In the underlying district court cases, Brugnara was detained after the government presented evidence establishing that he threatened at least six people, including an attorney prosecuting other cases against him, and a court-appointed receiver. This conduct included threats of violence and spanned several years. In that regard, Brugnara induced a witness to alter her testimony with threats and made contact with witnesses in the tax case in violation of this district court’s

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<sup>3</sup> As noted above, Brugnara did not request bail pending appeal in the district court.

admonitions. As recent as October 17, 2008, four individuals obtained restraining orders against the defendant based on a fear for their “safety.” *See* Ex. H; Ex. I.

Aside from being a physical danger, there is evidence that Brugnara is an economic danger to the community. *See United States v. Reynolds*, 956 F.2d 192, 192 (9th Cir. 1992) (danger to the community includes economic danger). At the pre-trial detention hearings, evidence was submitted showing that Brugnara filed forged documents, false tax returns, and fictitious income statements to institutions that rely on that information. Brugnara’s false claims regarding his income is a harm to the community within the meaning of 18 U.S.C. § 3143(b) that should also preclude his release.

**C. Brugnara’s Appeals Fails To Raise a Substantial Question of Law**

This Court should deny the motion because Brugnara fails to raise a substantial question of law likely to result in a reduced sentence, as required by 18 U.S.C. § 3143(b). In considering a motion for bail pending appeal, this Court considers whether the appellate issue raised by Brugnara is “substantial” and whether the issue is “likely to result in reversal.” *Handy*, 761 F.2d at 1280-81. “Substantial” defines the level of merit required of the question raised on appeal, and the phrase “likely to result in reversal . . .” defines the type of question that must be presented. *Id.* at 1280. A “substantial question” is one that is “fairly

debatable.” *Id.* at 1283. “Likely to result” in reversal means that “if that substantial question is determined favorably to defendant on appeal, that decision is likely to result in reversal or an order for a new trial.” *Id.* Brugnara fails to meet this standard.

**1. Brugnara Raises No Substantial Question Regarding His Guilty Plea in the Endangered Species Act Case**

This Court has jurisdiction to review final decisions of the district courts, which includes judgment and sentencing in criminal cases. 28 U.S.C. § 1291. Brugnara pleaded guilty in the ESA case and his earlier submissions suggest that he challenges his conviction in that case. Specifically, he requests a “trial subject to 08-222-WHA appeal,” which presumably indicates that he wants to appeal his guilty plea. However, unlike the tax case, Brugnara did not pursue his motion to withdraw his guilty plea and thus there is no order to appeal and no viable challenge to his ESA conviction.

Moreover, at sentencing, Brugnara agreed to the term of confinement that he is currently serving. Brugnara’s failure to challenge any aspect of his guilty plea or his sentence in the ESA case “constitutes a waiver for the purposes of direct appeal.” *See United States v. Ortland*, 109 F.3d 539, 548 (9th Cir. 1997). Any appeal of the ESA conviction or sentence is baseless. Because his sentence for the

ESA case will not elapse until about September 2011, his bail motion should be denied.

**2. Brugnara Raises No Substantial Issue Regarding His Plea in the Tax Case**

Brugnara also raises no “substantial” issues related to the denial of his motion to withdraw his second guilty plea in the tax case. Prior to sentencing, a defendant can withdraw his guilty plea if he or she demonstrates a fair and just reason for withdrawal. *See* Fed. R. Crim. P. 11(d)(2)(B). “Fair and just reasons for withdrawal include inadequate Rule 11 plea colloquies, newly discovered evidence, intervening circumstances, or any other reason for withdrawing the plea that did not exist when the defendant entered his plea.” *United States v. Davis*, 428 F.3d 802, 805 (9th Cir. 2005) (internal quotations and citation omitted). “[T]he decision to allow withdrawal of a plea is solely within the discretion of the district court.” *United States v. Nostratis*, 321 F.3d 1206, 1208 (9th Cir. 2003). Here, the district court followed this standard and Brugnara does not claim otherwise. Brugnara’s disagreement with the result does not give rise to a “substantial” issue that will result in a reversal.

In his motion, Brugnara asserted four grounds for relief: (1) deficient representation; (2) breach of the “open” plea; (3) his professed innocence; and (4)

his failure to fill out the application to plead guilty. *See* Appellant's Motion at 22-28. As the district court found, Exhibit L, these argument do not merit setting aside the defendant's guilty plea for a second time.

First, Brugnara's claim that he has a conflict with his attorney when he pleaded guilty does not provide support for the motion. As an initial matter, Brugnara points only to a disagreement between the two men that occurred months before the plea.<sup>4</sup> Brugnara never had pre-plea complaints regarding his attorney. When he pleaded guilty, Brugnara asserted that "is was [his] idea" to plead guilty, not his attorney's. The district court found no evidence to suggest that his attorney was deficient in any respect,<sup>5</sup> and ruled that the "Defendant's sworn declaration [] supports a finding that he pleaded guilty on his own initiative, not due to the coercion or deficient representation." Ex. L at 5.

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<sup>4</sup> Brugnara focuses on hearings related to his counsel's request to withdraw from the case due to a lack of payment, which took place on November 3 and 4, 2009. Both district court judges denied counsel's motions finding that no conflict existed. Even at those hearings, Brugnara said that he "loved" working with his attorney and denied that any conflict existed. Ex. L at 3.

<sup>5</sup> In his present motion, Brugnara advances numerous claims suggesting his attorney was deficient, including that no investigator was hired, the witnesses were not interviewed, voir dire was not prepared, and his attorney did not visit "the Property." Appellant's Motion at 24. However, these assertions of deficiency have no relevance to the tax case. Instead, they all relate to the ESA case where Brugnara abandoned his motion to withdraw his guilty plea.

Second, Brugnara's claim that the "open" plea was "breached" is baseless. Brugnara pleaded "open," and there was no agreement. He acknowledged that he was "agreeing to plead without any such qualifications or conditions" when he pleaded guilty. Ex. L.

Third, Brugnara's claim that he has maintained his innocence throughout this case, or either case, is unsupported. Indeed, he pleaded guilty in the tax case twice, under oath, following two thorough Rule 11 colloquies. Thereafter, although Brugnara twice moved to withdraw guilty plea, (once successfully), he never professed his innocence as a reason for withdrawal. Moreover, Brugnara's admissions at the plea colloquy refute any claim of innocence, and they are corroborated by the sworn declarations filed by his own accountants. The district court was entitled to credit Brugnara's testimony at the hearing when he admitted specific facts establishing that he was guilty. *See, e.g., United States v. Castello*, 724 F.2d 813, 815 (9th Cir. 1984).

In addition to admitting his guilt, during the Rule 11 colloquy Brugnara affirmed that (1) he understood there was no plea agreement, (2) the court was not bound to any sentencing recommendation, (3) he was satisfied with his attorney, and (4) that it was his idea to plead guilty. With regard to each claim he now asserts to seek reversal of the district court's order denying his motion to withdraw

his plea, therefore, Brugnara affirmed exactly the opposite during the plea colloquy itself.

Fourth, Brugnara's claim that he should be permitted to withdraw because he signed, but did not fill out, the application to plead guilty is without merit. Appellant's Motion at 24. In support, Brugnara contends that requirement is material "as it insures that the defendant has in his own words established a factual basis for his guilt." *Id.* As the record demonstrates, however, Brugnara participated in two lengthy plea colloquies and signed a plea agreement containing the factual basis for his guilt. In rejecting this claim, the district court specifically noted that "defendant acknowledged the substance of [the plea application] — including the acts he committed in connection with the charges against him — during the colloquy." Given the complete record, this claim is hardly substantial.

Finally, as related to each of these claims, this Court recently confirmed that the "any reason" standard in Rule 11(d)(2)(B) permitting a defendant to withdraw from a guilty plea "that did not exist when the defendant entered his plea" does not embrace "circumstances known to the defendant at the time of the guilty plea." *United States v. Mayweather*, 623 F.3d 762, 769 (9th Cir. 2010). Brugnara's claims do not qualify as "any reason" within the meaning of Rule 11(d)(2)(B) as these circumstances were all known to him when he changed his plea.



For the purpose of this motion, Brugnara raises no “substantial” issues that would result in reversal. Moreover, given that he has offered no grounds to contest the conviction or sentence in the ESA case, Brugnara fails to show any reason, much less an “exceptional reason why detention would not be appropriate.”

### CONCLUSION

For the foregoing reasons, this Court should deny the motion or, in the alternative, direct the defendant to first seek relief in the district court.

Dated: February 22, 2011

Respectfully submitted,

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\_\_\_\_\_  
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UNITED STATES OF AMERICA

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 27(d)(2), I certify that:

- the foregoing **Opposition to Defendant's Motion for Release Pending Appeal** is:
- Proportionately spaced, has a typeface of 14 points or more and contains no more than 20 pages.

Dated: February 22, 2011

\_\_\_\_\_  
/s/  
THOMAS M. NEWMAN  
MAUREEN C. BESSETTE  
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2011, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

\_\_\_\_\_  
/s/  
TYLE L. DOERR  
Appellate Paralegal Specialist

# EXHIBIT A

04/15/2008	<u>2</u>	Letter from Maureen C. Bessette, AUSA as to Luke D. Brugnara, Brugnara Corporation (Bessette, Maureen) (Filed on 4/15/2008) (Entered: 04/15/2008)
04/17/2008	<u>3</u>	STIPULATION <i>EXCLUDING TIME AND PROPOSED ORDER</i> by USA as to Luke D. Brugnara, Brugnara Corporation (Bessette, Maureen) (Filed on 4/17/2008) (Entered: 04/17/2008)
04/17/2008	<u>4</u>	ORDER EXCLUDING TIME as to Luke D. Brugnara, Brugnara Corporation re <u>3</u> Stipulation filed by USA. Signed by Judge Magistrate Judge Nandor J. Vadas on 4/17/08. (jlsec, COURT STAFF) (Filed on 4/17/2008) (Entered: 04/18/2008)
04/17/2008	<u>6</u>	Minute Entry for proceedings held before Judge Magistrate Judge James Larson:Initial Appearance as to Luke D. Brugnara, Brugnara Corporation held on 4/17/2008, Arraignment as to Luke D. Brugnara (1) Count 1-4,5-6 and Brugnara Corporation (2) Count 1-4 held on 4/17/2008 Status Conference set for 5/14/2008 02:30 PM. Attorney is Harris Taback.(Tape #9:42-9:50.) (lsk, COURT STAFF) (Filed on 4/17/2008) Modified on 4/25/2008 (lsk, COURT STAFF). (Entered: 04/25/2008)
04/17/2008		Attorney update in case as to Luke D. Brugnara, Brugnara Corporation. Attorney Harris Bruce Taback for Luke D. Brugnara and Brugnara Corporation added. (Entered: 04/25/2008)
04/18/2008	<u>5</u>	ORDER Setting Conditions of Release as to Luke D. Brugnara. Signed by Judge Magistrate Judge James Larson on 4/17/08. (lsk, COURT STAFF) (Filed on 4/18/2008) (Entered: 04/23/2008)
05/14/2008	<u>7</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Status Conference as to Luke D. Brugnara, Brugnara Corporation held on 5/14/2008 Further Status Conference / Trial Setting Hearing set for 7/30/2008 02:30 PM before Hon. Maxine M. Chesney. (Court Reporter Katherine Powell.) (tl, COURT STAFF) (Filed on 5/14/2008) (Entered: 05/15/2008)
07/24/2008	<u>8</u>	STIPULATION <i>Request to Continue the Status Conference and Exclude Time and Proposed Order</i> by Luke D. Brugnara as to Luke D. Brugnara, Brugnara Corporation (Taback, Harris) (Filed on 7/24/2008) (Entered: 07/24/2008)
07/24/2008	<u>9</u>	Proposed Order by Luke D. Brugnara as to Luke D. Brugnara, Brugnara Corporation (Taback, Harris) (Filed on 7/24/2008) (Entered: 07/24/2008)
07/25/2008	<u>10</u>	ORDER. The Status Hearing scheduled for July 30, 2008 is vacated and rescheduled for October 1, 2008. Signed by Judge Hon. Maxine M. Chesney on July 25, 2008.(mmclcl, COURT STAFF) (Filed on 7/25/2008) (Entered: 07/25/2008)
07/25/2008		Status Conference set for 10/1/2008 02:30 PM. (Entered: 07/29/2008)
08/13/2008	<u>11</u>	STIPULATION <i>TO CONTINUE</i> by USA as to Luke D. Brugnara, Brugnara Corporation (Bessette, Maureen) (Filed on 8/13/2008) (Entered: 08/13/2008)
08/19/2008	<u>12</u>	ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING

		TIME. The Status Conference is continued from October 1, 2008 to October 22, 2008. Signed by Judge Maxine M. Chesney on August 19, 2008.(mmclcl, COURT STAFF) (Filed on 8/19/2008) (Entered: 08/19/2008)
08/19/2008		set as to Luke Brugnara and Brugnara Corp: Status Conference set for 10/22/2008 02:30 PM. (Entered: 08/20/2008)
10/07/2008	<u>13</u>	CLERKS NOTICE Continuance of Hearing Further Status Conference/Trial Setting re-set for 10/21/2008 10:30 AM. before Hon. Maxine M. Chesney. (tl, COURT STAFF) (Filed on 10/7/2008) (Entered: 10/07/2008)
10/16/2008	<u>14</u>	STIPULATION <i>EXCLUDING TIME</i> by USA as to Luke D. Brugnara, Brugnara Corporation (Besette, Maureen) (Filed on 10/16/2008) (Entered: 10/16/2008)
10/17/2008	<u>15</u>	ORDER CONTINUING STATUS CONFERENCE. The Status Conference is continued from October 21, 2008 to December 3, 2008. Signed by Judge Maxine M. Chesney on October 17, 2008. (mmclcl, COURT STAFF) (Filed on 10/17/2008) (Entered: 10/17/2008)
10/17/2008		Terminate Deadlines and Hearings as to Luke D. Brugnara, Brugnara Corporation: (Entered: 10/20/2008)
10/17/2008		Status Conference set for 12/3/2008 02:30 PM. (Entered: 10/20/2008)
12/03/2008	<u>16</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Status Conference as to Luke D. Brugnara, Brugnara Corporation held on 12/3/2008 Further Status Conference set for 2/6/2009 02:00 PM. Trial Setting Hearing set for 2/6/2009 02:00 PM before Hon. Maxine M. Chesney. (Court Reporter Kelly Bryce.) (tl, COURT STAFF) (Filed on 12/3/2008) (Entered: 12/03/2008)
02/06/2009	<u>17</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Further Status Conference as to Luke D. Brugnara, Brugnara Corporation held on 2/6/2009 Further Status/Change of Plea Hearing set for 4/22/2009 02:30 PM in Courtroom 7, 19th Floor, San Francisco before Hon. Maxine M. Chesney. (Court Reporter Katherine Sullivan.) (fj, COURT STAFF) (Filed on 2/6/2009) (Entered: 02/06/2009)
04/21/2009	<u>18</u>	STIPULATION <i>EXCLUDING TIME</i> by USA as to Luke D. Brugnara, Brugnara Corporation (Besette, Maureen) (Filed on 4/21/2009) (Entered: 04/21/2009)
04/21/2009	<u>19</u>	ORDER. The status conference is continued to July 22, 2009. Signed by Judge Hon. Maxine M. Chesney on April 21, 2009. (mmclcl, COURT STAFF) (Filed on 4/21/2009) (Entered: 04/21/2009)
04/21/2009		set per order #19 Status Conference set for 7/22/2009 02:30 PM. (lsk, COURT STAFF) (Filed on 4/21/2009) (Entered: 04/22/2009)
07/07/2009	<u>20</u>	CLERKS NOTICE Continuance of Hearing Change of Plea/Further Status Hearing re-set for 7/29/2009 02:30 PM before Hon. Maxine M. Chesney. (tl, COURT STAFF) (Filed on 7/7/2009) (Entered: 07/07/2009)

07/29/2009	<u>21</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Status Conference as to Luke D. Brugnara, Brugnara Corporation held on 7/29/2009 Discovery due by 11/5/2009. Jury Trial (5 to 7 days) set for 1/25/2010 09:00 AM. Pretrial Conference set for 1/5/2010 03:00 PM. Motions to be filed by 11/4/2009. Responses due by 11/18/2009. Replies due by 11/25/2009. Motion Hearing set for 12/2/2009 02:30 PM. (Court Reporter James Yeomans.) (tl, COURT STAFF) (Filed on 7/29/2009) (Entered: 07/29/2009)
07/29/2009		Terminate Deadlines and Hearings as to Luke D. Brugnara, Brugnara Corporation: past deadlines (lsk, COURT STAFF) (Filed on 7/29/2009) (Entered: 07/30/2009)
08/03/2009	<u>22</u>	ORDER FOR CRIMINAL PRETRIAL PREPARATION as to Luke D. Brugnara, Brugnara Corporation. Signed by Judge Hon. Maxine M. Chesney on 7/30/2009. (Attachments: # <u>1</u> Appendix - Exhibit Tags, # <u>2</u> Appendix - Exhibit List) (tl, COURT STAFF) (Filed on 8/3/2009) (Entered: 08/03/2009)
10/23/2009	<u>23</u>	MOTION to Withdraw as Attorney by Harris B. Taback. for defendants Luke D. Brugnara, Brugnara Corporation. Motion Hearing set for 11/4/2009 02:30 PM in Courtroom 7, 19th Floor, San Francisco. (tl, COURT STAFF) (Filed on 10/23/2009) (Entered: 10/23/2009)
10/23/2009	<u>24</u>	Order to Seal Declaration of Counsel in Support of Ex Parte Motion to Withdraw as to Luke D. Brugnara, Brugnara Corporation.. Signed by Judge Hon. Maxine M. Chesney on 10/23/2009. (tl, COURT STAFF) (Filed on 10/23/2009) (Entered: 10/23/2009)
10/23/2009	<u>25</u>	Sealed Document as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 10/23/2009) (Entered: 10/26/2009)
11/04/2009	<u>26</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Motion Hearing as to Luke D. Brugnara, Brugnara Corporation held on 11/4/2009 re <u>23</u> MOTION to Withdraw as Attorney by Harris B. Taback. filed by Brugnara Corporation, Luke D. Brugnara (Court Reporter James Yeomans.) (tl, COURT STAFF) (Filed on 11/4/2009) (Entered: 11/05/2009)
11/05/2009	<u>27</u>	ORDER DENYING <u>23</u> MOTION TO WITHDRAW. Signed by Judge Maxine M. Chesney on November 5, 2009. (mmcsec, COURT STAFF) (Entered: 11/05/2009)
11/30/2009	<u>28</u>	MOTION To File Motions In Limine by USA as to Luke D. Brugnara, Brugnara Corporation. (Attachments: # <u>1</u> Affidavit Declaration in Support) (Bessette, Maureen) (Filed on 11/30/2009) (Entered: 11/30/2009)
11/30/2009	<u>29</u>	MOTION in Limine <i>United States' 404(b) Motion</i> by USA as to Luke D. Brugnara, Brugnara Corporation. (Bessette, Maureen) (Filed on 11/30/2009) (Entered: 11/30/2009)
11/30/2009	<u>30</u>	MOTION in Limine <i>United States' Motion To Exclude Evidence Of "Water Rights"</i> by USA as to Luke D. Brugnara, Brugnara Corporation. (Bessette, Maureen) (Filed on 11/30/2009) (Entered: 11/30/2009)
12/17/2009	<u>31</u>	CLERKS NOTICE Continuance of Hearing Pretrial Conference re-set for



		1/19/2010 03:00 PM in Courtroom 7, 19th Floor, San Francisco. (tl, COURT STAFF) (Filed on 12/17/2009) (Entered: 12/17/2009)
12/17/2009		Terminate Deadlines and Hearings as to Luke D. Brugnara, Brugnara Corporation: past deadlines(lsk, COURT STAFF) (Filed on 12/17/2009) (Entered: 12/18/2009)
12/22/2009	<u>32</u>	TRIAL MEMORANDUM by USA as to Luke D. Brugnara, Brugnara Corporation (Besette, Maureen) (Filed on 12/22/2009) (Entered: 12/22/2009)
12/22/2009	<u>33</u>	EXHIBIT LIST by USA as to Luke D. Brugnara, Brugnara Corporation (Besette, Maureen) (Filed on 12/22/2009) (Entered: 12/22/2009)
12/22/2009	<u>34</u>	Proposed Jury Instructions by USA as to Luke D. Brugnara, Brugnara Corporation (Besette, Maureen) (Filed on 12/22/2009) (Entered: 12/22/2009)
12/22/2009	<u>35</u>	Proposed Voir Dire by USA as to Luke D. Brugnara, Brugnara Corporation (Besette, Maureen) (Filed on 12/22/2009) (Entered: 12/22/2009)
12/22/2009	<u>36</u>	Proposed Form of Verdict by USA as to Luke D. Brugnara (Besette, Maureen) (Filed on 12/22/2009) (Entered: 12/22/2009)
01/05/2010	<u>38</u>	Proposed Jury Instructions by USA as to Luke D. Brugnara, Brugnara Corporation <i>UNITED STATES' AMENDED PROPOSED JURY INSTRUCTIONS</i> (Besette, Maureen) (Filed on 1/5/2010) (Entered: 01/05/2010)
01/11/2010	<u>39</u>	MOTION to Exclude <i>Evidence Of Criminal Charges</i> by USA as to Luke D. Brugnara, Brugnara Corporation. (Besette, Maureen) (Filed on 1/11/2010) (Entered: 01/11/2010)
01/13/2010	<u>40</u>	PRETRIAL MEMORANDUM by Luke D. Brugnara as to Luke D. Brugnara, Brugnara Corporation (Taback, Harris) (Filed on 1/13/2010) (Entered: 01/13/2010)
01/13/2010	<u>41</u>	First MOTION to Suppress by Luke D. Brugnara. (Taback, Harris) (Filed on 1/13/2010) (Entered: 01/13/2010)
01/14/2010	<u>42</u>	RESPONSE by USA as to Luke D. Brugnara, Brugnara Corporation <i>U.S. RESPONSE TO DEFENDANTS' TRIAL MEMORANDUM</i> (Besette, Maureen) (Filed on 1/14/2010) (Entered: 01/14/2010)
01/15/2010	<u>43</u>	STIPULATION by USA as to Luke D. Brugnara, Brugnara Corporation (Besette, Maureen) (Filed on 1/15/2010) (Entered: 01/15/2010)
01/18/2010	<u>44</u>	RESPONSE to Motion by USA as to Luke D. Brugnara, Brugnara Corporation ( <i>Opposition to Motion to Suppress</i> ) (Newman, Thomas) (Filed on 1/18/2010) (Entered: 01/18/2010)
01/19/2010	<u>45</u>	DECLARATION of Kyle Kroll by USA as to Luke D. Brugnara, Brugnara Corporation (Attachments: # <u>1</u> Exhibit Attachment 1, # <u>2</u> Exhibit Attachment 2, # <u>3</u> Exhibit Attachment 3)(Newman, Thomas) (Filed on 1/19/2010) (Entered: 01/19/2010)
01/19/2010	<u>50</u>	Minute Entry for proceedings held before Judge Hon. Maxine M.



		Chesney:Pretrial Conference as to Luke D. Brugnara, Brugnara Corporation held on 1/19/2010 Defendant's Motion to Suppress Hearing set for 1/22/2010 02:00 PM. (Court Reporter James Yeomans.) (tl, COURT STAFF) (Filed on 1/19/2010) (Entered: 01/21/2010)
01/21/2010	<u>46</u>	MOTION in Limine ( <i>Submission Re: Government Exhibit 19</i> ) by USA as to Luke D. Brugnara, Brugnara Corporation. (Attachments: # <u>1</u> Affidavit Attachment A Declaration of Roy Torres, # <u>2</u> Exhibit Exhibit 19 (Excerpt)) (Newman, Thomas) (Filed on 1/21/2010) (Entered: 01/21/2010)
01/21/2010	<u>47</u>	EXHIBIT LIST by USA as to Luke D. Brugnara, Brugnara Corporation (Bessette, Maureen) (Filed on 1/21/2010) (Entered: 01/21/2010)
01/21/2010	<u>48</u>	STIPULATION by USA as to Luke D. Brugnara, Brugnara Corporation (Bessette, Maureen) (Filed on 1/21/2010) (Entered: 01/21/2010)
01/21/2010	<u>49</u>	FACTUAL SUMMARY FOR JURY by USA as to Luke D. Brugnara, Brugnara Corporation. (Bessette, Maureen) (Filed on 1/21/2010) Modified on 1/22/2010 (kc, COURT STAFF). (Entered: 01/21/2010)
01/22/2010	<u>51</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Evidentiary Hearing on Defendant's Motion to Suppress as to Luke D. Brugnara, Brugnara Corporation held on 1/22/2010 Continued Evidentiary Hearing set for 1/25/2010 09:00 AM. (Court Reporter Kelly Bryce.) (Attachments: # <u>1</u> Appendix Exhibit & Witness Log) (tl, COURT STAFF) (Filed on 1/22/2010) (Entered: 01/27/2010)
01/22/2010		Exhibit Location government evidentiary hearing exhibits 1 and 2 (one envelope) for hearing 1/22/2010 - placed on shelf 47 (lsk, COURT STAFF) (Filed on 1/22/2010) (Entered: 01/27/2010)
01/22/2010	<u>58</u>	Sealed Document as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 1/22/2010) (Entered: 02/03/2010)
01/25/2010	<u>52</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Evidentiary Hearing on Defendant's Motion to Suppress as to Luke D. Brugnara, Brugnara Corporation held on 1/25/2010 (Court Reporter Margo Gurule.) (tl, COURT STAFF) (Filed on 1/25/2010) (Entered: 01/27/2010)
01/26/2010	<u>53</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Change of Plea Hearing as to Luke D. Brugnara held on 1/26/2010, Plea entered by Luke D. Brugnara (1) Guilty Count 1-4,5-6. Sentencing set for 5/5/2010 02:30 PM before Hon. Maxine M. Chesney. (Court Reporter Margo Gurule.) (tl, COURT STAFF) (Filed on 1/26/2010) (Entered: 01/27/2010)
01/26/2010	<u>54</u>	Application for Permission to Enter Plea of Guilty and ORDER Accepting PLEA as to Luke D. Brugnara.. Signed by Judge Hon. Maxine M. Chesney on 1/26/2010. (tl, COURT STAFF) (Filed on 1/26/2010) (Entered: 01/27/2010)
01/28/2010	<u>55</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero:Detention Hearing as to Luke D. Brugnara held on 1/28/2010. (Tape #FTR 2:06 to 2:33.) (klh, COURT STAFF) (Filed on 1/28/2010) (Entered: 01/28/2010)

01/28/2010	<u>56</u>	CLERK'S NOTICE of Referral to Probation (tl, COURT STAFF) (Filed on 1/28/2010) (Entered: 01/28/2010)
01/28/2010	<u>57</u>	ORDER Setting Conditions of Release as to Luke D. Brugnara (1) \$250,000 unsecured. Signed by Judge Magistrate Judge Joseph C. Spero on 1/28/10. (rhw, COURT STAFF) (Filed on 1/28/2010) (Entered: 01/29/2010)
02/23/2010	<u>59</u>	Pretrial Services Form 8 by Amaryllis Gonzalez as to Luke D. Brugnara to modify condition of release to add that dft shall attend mental health counseling as directed by PTS. Signed by Judge Magistrate Judge Joseph C. Spero on 2/22/10. (klh, COURT STAFF) (Filed on 2/23/2010) (Entered: 02/23/2010)
02/23/2010	<u>60</u>	Pretrial Services Form 8 by Rich Sarlatte as to Luke D. Brugnara for bail review hearing. Bond Hearing set for 3/5/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. Signed by Judge Magistrate Judge Joseph C. Spero on 2/22/10. (klh, COURT STAFF) (Filed on 2/23/2010) (Entered: 02/23/2010)
02/24/2010	<u>61</u>	MOTION to Substitute Attorney by Luke D. Brugnara. (Getz, Brian) (Filed on 2/24/2010) (Entered: 02/24/2010)
03/02/2010	<u>62</u>	ORDER SUBSTITUTING DEFENDANT'S ATTORNEY. Brian H. Getz and Eric R. Krebs are submitted for Harris Taback as attorney for defendant Luke Brugnara. Signed by Judge Maxine M. Chesney on March 2, 2010. (mmclcl, COURT STAFF) (Entered: 03/02/2010)
03/02/2010	<u>63</u>	MOTION to Modify Conditions of Release by Luke D. Brugnara. Motion Hearing set for 3/5/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco. (Getz, Brian) (Filed on 3/2/2010) (Entered: 03/02/2010)
03/04/2010	<u>64</u>	Memorandum in Opposition by USA as to Luke D. Brugnara re <u>63</u> MOTION to Modify Conditions of Release <i>U.S.' OPPOSITION TO DEFENDANT'S MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE</i> (Attachments: # <u>1</u> Exhibit Attachment A, # <u>2</u> Exhibit Attachment B, # <u>3</u> Exhibit Attachment C, # <u>4</u> Exhibit Attachment C(2), # <u>5</u> Exhibit Attachment D, # <u>6</u> Exhibit Attachment E, # <u>7</u> Exhibit Attachment F, # <u>8</u> Exhibit Attachment G, # <u>9</u> Exhibit Exhibits 3 thru 6, # <u>10</u> Exhibit Exhibit 7, # <u>11</u> Exhibit Exhibit 7-1, # <u>12</u> Exhibit Exhibit 7-2, # <u>13</u> Exhibit Exhibit 7-3, # <u>14</u> Exhibit Exhibit 7-4, # <u>15</u> Exhibit Exhibit 7-4(2), # <u>16</u> Exhibit Exhibit 7-5, # <u>17</u> Exhibit Exhibit 7-6, # <u>18</u> Exhibit Exhibit 7-7, # <u>19</u> Exhibit Exhibit 7-8, # <u>20</u> Exhibit Exhibit 7-9, # <u>21</u> Exhibit Exhibit 7-9(2), # <u>22</u> Exhibit Exhibit 7-10)(Bessette, Maureen) (Filed on 3/4/2010) (Entered: 03/04/2010)
03/04/2010	<u>65</u>	MOTION to Withdraw Plea of Guilty ; <i>Declaration in Support Thereof; Memorandum of Points and Authorities And Proposed Order</i> by Luke D. Brugnara. Motion Hearing set for 4/28/2010 02:30 PM in Courtroom 7, 19th Floor, San Francisco. (Getz, Brian) (Filed on 3/4/2010) (Entered: 03/04/2010)
03/04/2010	<u>66</u>	Memorandum in Opposition by USA as to Luke D. Brugnara re <u>64</u> Memorandum in Opposition,,, <u>63</u> MOTION to Modify Conditions of Release <i>U.S.' OPPOSITION TO DEFENDANT'S MOTIN FOR MODIFICATIONS OF CONDITIONS OF RELEASE</i> (Bessette, Maureen) (Filed on 3/4/2010)

		(Entered: 03/04/2010)
03/05/2010	<u>67</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Bond Hearing and Motion Hearing docket no. [ 63] as to Luke D. Brugnara held on 3/5/2010. Motion to Modify Conditions of Release - Denied. Gov't Motion to Remand - Granted. Detention Hearing set for 3/12/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:51 to 11:29.) (klh, COURT STAFF) (Filed on 3/5/2010) Modified on 3/8/2010 (lsk, COURT STAFF). (Entered: 03/05/2010)
03/05/2010	<u>68</u>	Proposed Order by USA as to Luke D. Brugnara <i>GRANTING GOVERNMENT'S MOTION TO REMAND DEFENDANT</i> (Besette, Maureen) (Filed on 3/5/2010) (Entered: 03/05/2010)
03/09/2010	<u>69</u>	ORDER GRANTING GOVERNMENT'S MOTION TO REMAND as to Luke D. Brugnara. Signed by Judge Magistrate Judge Joseph C. Spero on 03/09/10. (klh, COURT STAFF) (Filed on 3/9/2010) (Entered: 03/09/2010)
03/10/2010	<u>70</u>	MOTION U.S.' REQUEST FOR MENTAL COMPETENCY DETERMINATION OF DEFENDANT by USA as to Luke D. Brugnara. (Attachments: # <u>1</u> Exhibit Exhibits 1, 2, 3 and 4, # <u>2</u> Exhibit Exhibit 5, # <u>3</u> Exhibit Exhibits 6 and 7)(Besette, Maureen) (Filed on 3/10/2010) (Entered: 03/10/2010)
03/11/2010	<u>71</u>	MOTION for Reconsideration of <i>Order of Detention</i> by Luke D. Brugnara. Motion Hearing set for 3/12/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco. (Getz, Brian) (Filed on 3/11/2010) (Entered: 03/11/2010)
03/11/2010	<u>72</u>	MOTION FOR SCHEDULING ORDER & TO STRIKE by USA as to Luke D. Brugnara. (Besette, Maureen) (Filed on 3/11/2010) (Entered: 03/11/2010)
03/12/2010	<u>73</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Detention Hearing as to Luke D. Brugnara held on 3/12/2010. Continued Detention Hearing and Motion Hearing (Motion to Reconsider - docket no. 71) set for 3/26/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:36-10:59.) (klh, COURT STAFF) (Filed on 3/12/2010) (Entered: 03/12/2010)
03/15/2010	<u>74</u>	Transcript of Proceedings as to Luke D. Brugnara, Brugnara Corporation held on 01/19/10, before Judge Maxine M. Chesney. Court Reporter/Transcriber James Yeomans, Telephone number (415) 863-5179. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/14/2010. (jyy, COURT STAFF) (Filed on 3/15/2010) (Entered: 03/15/2010)
03/17/2010	<u>75</u>	ORDER GRANTING MOTION FOR SCHEDULING ORDER; DENYING MOTION TO STRIKE WITHOUT PREJUDICE; CONTINUING HEARING ON MOTION TO WITHDRAW PLEA; CONTINUING SENTENCING.

		Defendant shall file his complete motion to withdraw his guilty plea on or before April 14, 2010. The government shall file its opposition on or before April 28, 2010. Defendant shall file any reply on or before May 5, 2010. The hearing on defendant's motion is continued from April 28, 2010 to May 19, 2010. The date currently set for judgment and sentencing is continued from May 5, 2010 to June 16, 2010. Signed by Judge Maxine M. Chesney on March 17, 2010. (mmclcl, COURT STAFF) (Entered: 03/17/2010)
03/17/2010		<u>75</u> Motion Hearing set for 5/19/2010 10:30 AM in Courtroom 7, 19th Floor; San Francisco. Sentencing set for 6/16/2010 02:30 PM in Courtroom 7, 19th Floor, San Francisco before Hon. Maxine M. Chesney. (lsk, COURT STAFF) (Filed on 3/17/2010) (Entered: 03/18/2010)
03/17/2010		<u>75</u> Motion Hearing set for 5/19/2010 02:30 PM in Courtroom 7, 19th Floor, San Francisco. (lsk, COURT STAFF) (Filed on 3/17/2010) (Entered: 03/30/2010)
03/21/2010	<u>76</u>	Transcript of Proceedings, Volume 1 as to Luke D. Brugnara, Brugnara Corporation held on 1/22/10, before Judge Maxine M. Chesney. Court Reporter/Transcriber Kelly Bryce, e-mail courtreporter232@aol.com Telephone number (510)828-9404. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/21/2010. (Bryce, Kelly) (Filed on 3/21/2010) (Entered: 03/21/2010)
03/22/2010	<u>77</u>	<i>NOTICE TO WITHDRAW REQUEST FOR MENTAL COMPETENCY DETERMINATION</i> by USA as to Luke D. Brugnara re <u>70</u> MOTION U.S.' REQUEST FOR MENTAL COMPETENCY DETERMINATION OF DEFENDANT (Bessette, Maureen) (Filed on 3/22/2010) (Entered: 03/22/2010)
03/23/2010	<u>78</u>	Transcript of Proceedings as to Luke D. Brugnara, Brugnara Corporation held on 01/25/10, before Judge MAXINE M. CHESNEY. Court Reporter/Transcriber Margaret "Margo" Gurule, Telephone number 415-504-4204 or margolargo@gmail.com. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/21/2010. (mng, COURT STAFF) (Filed on 3/23/2010) (Entered: 03/23/2010)
03/23/2010	<u>79</u>	Transcript of Proceedings as to Luke D. Brugnara, Brugnara Corporation held on 01/26/10, before Judge MAXINE M. CHESNEY. Court Reporter/Transcriber Margaret "Margo" Gurule, Telephone number 415-504-4204 or margolargo@gmail.com. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office



		public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/21/2010.(mng, COURT STAFF) (Filed on 3/23/2010) (Entered: 03/23/2010)
03/23/2010	<u>80</u>	ORDER RE: NOTICE TO WITHDRAW REQUEST FOR MENTAL COMPETENCY DETERMINATION. The United States' motion for mental competency determination is deemed withdrawn. Signed by Judge Maxine M. Chesney on March 23, 2010. (mmclc1, COURT STAFF) (Entered: 03/23/2010)
03/24/2010	<u>81</u>	MOTION APPLICATION FOR ORDER ALLOWING FILING UNDER SEAL by Luke D. Brugnara. Motion Hearing set for 3/26/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco. (Attachments: # <u>1</u> Exhibit EXHIBITS 1 & 2, # <u>2</u> Exhibit EXHIBIT 3, # <u>3</u> Exhibit EXHIBIT 4-8)(Getz, Brian) (Filed on 3/24/2010) (Entered: 03/24/2010)
03/26/2010	<u>82</u>	ORDER granting <u>81</u> Motion for Order Allowing Filing Under Seal as to Luke D. Brugnara (1). Signed by Judge Magistrate Judge Joseph C. Spero on 3/26/10. (klh, COURT STAFF) (Entered: 03/26/2010)
03/26/2010	<u>83</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Continued Detention Hearing and Motion Hearing as to Luke D. Brugnara held on 3/26/2010 re <u>71</u> MOTION for Reconsideration of Order of Detention filed by Luke D. Brugnara. Continued Detention Hearing and Motion Hearing set for 4/9/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:33 to 11:02.) (klh, COURT STAFF) (Filed on 3/26/2010) Modified on 3/29/2010 (Isk, COURT STAFF). (Entered: 03/26/2010)
03/29/2010	<u>84</u>	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 3/29/2010) (Entered: 04/01/2010)
04/07/2010	<u>85</u>	Memorandum in Opposition by USA as to Luke D. Brugnara, Brugnara Corporation ( <i>Opposition to Reconsideration</i> ) (Attachments: # <u>1</u> Gallo Decl., # <u>2</u> Gallo Decl. Exh. A, # <u>3</u> Ring Decl., # <u>4</u> Ring Decl. Exh. B, # <u>5</u> Ring Decl. Exh. C)(Newman, Thomas) (Filed on 4/7/2010) (Entered: 04/07/2010)
04/09/2010	<u>86</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Motion Hearing and cont'd Detention Hearing as to Luke D. Brugnara held on 4/9/2010. Cont'd Detention Hearing/Motion Hearing set for 4/16/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:43 to 11:00.) (klh, COURT STAFF) (Filed on 4/9/2010) (Entered: 04/09/2010)
04/14/2010	<u>87</u>	Proposed MOTION to Withdraw Plea of Guilty by Luke D. Brugnara. Motion Hearing set for 5/19/2011 02:30 PM in Courtroom 7, 19th Floor, San Francisco. (Attachments: # <u>1</u> Transcript 1, # <u>2</u> Transcript 2, # <u>3</u> Transcript 3, # <u>4</u> Transcript 4, # <u>5</u> Transcript 5, # <u>6</u> Transcript 6, # <u>7</u> Transcript 7, # <u>8</u> App. for Plea of Guilty- 8, # <u>9</u> App. for Plea of Guilty- 9)(Getz, Brian) (Filed on 4/14/2010) (Entered: 04/14/2010)

04/16/2010	<u>88</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Continued Detention Hearing and cont'd Motion Hearing as to Luke D. Brugnara held on 4/16/2010 re <u>71</u> MOTION for Reconsideration of Order of Detention filed by Luke D. Brugnara. Motion DENIED. Dft remanded to USM pending sentencing. (Tape #FTR 10:52-11:02.) (klh, COURT STAFF) (Filed on 4/16/2010) (Entered: 04/16/2010)
04/28/2010	<u>89</u>	Memorandum in Opposition by USA as to Luke D. Brugnara re <u>87</u> Proposed MOTION to Withdraw Plea of Guilty, <u>65</u> MOTION to Withdraw Plea of Guilty ; Declaration in Support Thereof; Memorandum of Points and Authorities And Proposed Order UNITED STATES' OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW FROM GUILTY PLEA (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, 3 and 4, # <u>3</u> Exhibit 5, # <u>4</u> Exhibit 6 and 7, # <u>5</u> Exhibit 8, # <u>6</u> Exhibit 9)(Bessette, Maureen) (Filed on 4/28/2010) (Entered: 04/28/2010)
04/30/2010	<u>90</u>	MOTION to Seal Declaration of David Kessler, MD by USA as to Luke D. Brugnara, Brugnara Corporation. (tl, COURT STAFF) (Filed on 4/30/2010) (Entered: 04/30/2010)
04/30/2010	<u>91</u>	ORDER granting <u>90</u> Motion to Seal Document as to Luke Brugnara. Signed by Judge Hon. Maxine M. Chesney on 4/30/2010. (tl, COURT STAFF) (Entered: 04/30/2010)
04/30/2010	<u>92</u>	Sealed Document as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 4/30/2010) (Entered: 05/04/2010)
05/12/2010	<u>93</u>	STIPULATION TO CONTINUE MOTION HEARING DATE by Luke D. Brugnara (Getz, Brian) (Filed on 5/12/2010) (Entered: 05/12/2010)
05/13/2010	<u>94</u>	ORDER CONTINUING MOTION HEARING DATE. The motion to withdraw guilty plea currently scheduled for May 19, 2010 is continued to May 26, 2010. Signed by Judge Maxine M. Chesney on May 13, 2010. (mmcl1, COURT STAFF) (Filed on 5/13/2010) (Entered: 05/13/2010)
05/13/2010		<u>94</u> Motion to withdraw guilty plea Motion Hearing set for 5/26/2010 02:30 PM in Courtroom 7, 19th Floor, San Francisco. (lsk, COURT STAFF) (Filed on 5/13/2010) (Entered: 05/14/2010)
05/17/2010	<u>95</u>	Declaration by Victoria Brugnara as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 5/17/2010) Modified on 5/18/2010 (lsk, COURT STAFF). (Entered: 05/18/2010)
05/17/2010	<u>96</u>	Declaration by Victoria Brugnara as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 5/17/2010) (Entered: 05/18/2010)
05/17/2010	<u>97</u>	Declaration by Luke D. Brugnara as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 5/17/2010) (Entered: 05/18/2010)
05/17/2010	<u>98</u>	Declaration by Luke D. Brugnara as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 5/17/2010) (Entered: 05/18/2010)
05/24/2010	<u>99</u>	Letter to Judge Chesney from Luke D. Brugnara (lsk, COURT STAFF) (Filed on 5/24/2010) (Entered: 05/28/2010)

05/26/2010	<u>102</u>	Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Defendant's motion for order permitting withdrawal of guilty plea - defense made oral motion to withdraw guilty plea granted. Sentencing hearing advanced from 6/16/10. Sentencing held on 5/26/2010 for Luke D. Brugnara (1), Count(s) 1-4, 5-6, Sentencing 15 months custody to run concurrent with sentence imposed in CR08-222 WHA, one year supervised release, special assessment \$300.00. (Court Reporter James Yeomans.) (Isk, COURT STAFF) (Filed on 5/26/2010) (Entered: 05/28/2010)
05/28/2010	<u>100</u>	Sealing Order - General Order 54 as to Luke D. Brugnara.. Signed by Judge Hon. Maxine M. Chesney on 5/28/2010. (tl, COURT STAFF) (Filed on 5/28/2010) (Entered: 05/28/2010)
05/28/2010	<u>101</u>	JUDGMENT in a Criminal Case as to Luke D. Brugnara. Signed by Judge Hon. Maxine M. Chesney on 5/28/2010. (tl, COURT STAFF) (Filed on 5/28/2010) (Entered: 05/28/2010)
06/04/2010	<u>103</u>	NOTICE OF APPEAL by Luke D. Brugnara re <u>101</u> Judgment in a Criminal Case Filing fee \$ 455, receipt number 34611046609 PAID. (Isk, COURT STAFF) (Filed on 6/4/2010) (Entered: 06/07/2010)
06/14/2010	<u>104</u>	MOTION for Ex Parte Application <i>TO EXTEND TIME TO SURRENDER TO FACILITY DESIGNATED BY BOP</i> by Luke D. Brugnara. (Getz, Brian) (Filed on 6/14/2010) (Entered: 06/14/2010)
06/14/2010	<u>105</u>	ORDER DENYING <u>104</u> Motion/Ex Parte Application To Extend Time To Surrender To Facility Designated by BOP as to Luke D. Brugnara (1). Signed by Judge Magistrate Judge Joseph C. Spero on 06/14/10. (klh, COURT STAFF) (Entered: 06/14/2010)
06/16/2010	<u>106</u>	<b>*Wrong attachment-see <u>107</u> *</b> USCA notice to appellant/counsel re copy of notice of appeal received, etc. as to Luke D. Brugnara (Isk, COURT STAFF) (Filed on 6/16/2010) Modified on 6/16/2010 (Isk, COURT STAFF). (Entered: 06/16/2010)
06/16/2010	<u>107</u>	USCA Memorandum to appellant/counsel re copy of notice of appeal received, as to Luke D. Brugnara (Isk, COURT STAFF) (Filed on 6/16/2010) (Entered: 06/16/2010)
06/17/2010	<u>108</u>	Transcript Designation and Ordering Form by Luke D. Brugnara for proceedings held on 5/26/10 before Judge Chesney (Isk, COURT STAFF) (Filed on 6/17/2010) (Entered: 06/21/2010)
07/23/2010	<u>109</u>	USCA order: motion of counsel Brian Getz for leave to file late motion to withdraw as attorney of record is granted as to Luke D. Brugnara (Isk, COURT STAFF) (Filed on 7/23/2010) (Entered: 07/23/2010)
07/23/2010		Attorney update in case as to Luke D. Brugnara. Attorney Brian H. Getz terminated. (Isk, COURT STAFF) (Filed on 7/23/2010) (Entered: 07/23/2010)

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# EXHIBIT B



APPEAL, CLOSED, E-Filing

**U.S. District Court  
California Northern District (San Francisco)  
CRIMINAL DOCKET FOR CASE #: 3:08-cr-00222-WHA-1**

Case title: USA v. Brugnara

Date Filed: 04/03/2008

Date Terminated: 05/24/2010

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Assigned to: Hon. William H. Alsup

Appeals court case numbers: 10-10286,  
10-10313

**Defendant (1)**

**Luke D. Brugnara**

*TERMINATED: 05/24/2010*

represented by **Harris Bruce Taback**

Law Offices of Harris B. Taback

345 Franklin Street

Suite 102

San Francisco, CA 94102

415-241-1401

Fax: 415-565-0110

Email: HTaback@earthlink.net

*TERMINATED: 03/03/2010*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**Kenneth Howard Wine**

Law Offices of Hallinan & Wine

345 Franklin Street

San Francisco, CA 94102

415/621-2400

Fax: 415/575-9930

Email: kenwine@hotmail.com

*TERMINATED: 03/03/2010*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**Brian H. Getz**

Law Offices of Brian H Getz

44 Montgomery Street

Suite 3850

San Francisco, Ca 94104

(415) 912-5886

Email: bhgetz@pacbell.net

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**Pending Counts**

26:7206(1) Filing False Tax Return  
(1s-3s)

**Disposition**

custody for 30 months on each count to run concurrently, 1 yr supervised release, with conditions, \$1,904,625.35 restitution, \$50,000 fine, \$300 special assessment

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

26:7206(1) False Tax Return  
(1)

26:7206(1) False Tax Return  
(2-3)

26:7212 Obstructing Administration of  
Internal Revenue Laws  
(4s)

**Disposition**

dismissed--defendant sentenced on superseding charges

dismissed--defendant sentenced on superseding charges

dismissed on Government's motion

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Thomas M. Newman**  
United States Attorney's Office  
9th Floor Federal Building  
450 Golden Gate Avenue  
Box 36055  
San Francisco, CA 94102  
415-436-6888  
Fax: 415-436-6748  
Email: thomas.newman2@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Maureen Bessette**  
U.S. Attorney's Office  
1301 Clay St., Rm. 340S  
Oakland, CA 94708

510-637-3691  
 Email: maureen.bessette@usdoj.gov  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/03/2008	<u>1</u>	INDICTMENT as to Luke D. Brugnara (1) count(s) 1-3. (rhw, COURT STAFF) (Filed on 4/3/2008) (Entered: 04/03/2008)
04/03/2008		CASE DESIGNATED for Electronic Filing. (Entered: 04/03/2008)
04/17/2008	<u>2</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero:Initial Appearance as to Luke D. Brugnara held on 4/17/2008, Added attorney Harris Bruce Taback for Luke D. Brugnara. Arraignment set for 5/9/2008 09:30 AM before Magistrate Judge Edward M. Chen..(Tape #9:42-9:50.) (rhw, COURT STAFF) (Filed on 4/17/2008) (Entered: 04/18/2008)
05/09/2008	<u>3</u>	Minute Entry for proceedings held before Judge Magistrate Judge Edward M. Chen:I.D. of Counsel Hearing as to Luke D. Brugnara held on 5/9/2008, Added attorney Kenneth Howard Wine for Luke D. Brugnara. Attorney Harris Bruce Taback terminated in case as to Luke D. Brugnara. Status Conference set for 5/27/2008 02:00 PM. (Tape #10:25-10:30am.) (lsk, COURT STAFF) (Filed on 5/9/2008) (Entered: 05/15/2008)
05/27/2008	<u>4</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Trial Setting Hearing as to Luke D. Brugnara held on 5/27/2008. Status Conference set for 8/5/2008 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Time is excluded from today until 8/5/08.(Court Reporter Kathy Powell.) (dt, COURT STAFF) (Filed on 5/27/2008) (Entered: 05/28/2008)
07/30/2008	<u>5</u>	MOTION to Withdraw as Attorney by Kenneth H. Wine. by Luke D. Brugnara. Motion Hearing set for 8/5/2008 02:00 PM. (Wine, Kenneth) (Filed on 7/30/2008) (Entered: 07/30/2008)
08/05/2008	<u>6</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup:Motion to Withdraw As Attorney Hearing as to Luke D. Brugnara held on 8/5/2008 Courtroom cleared from 2:16 p.m. to 2:32 p.m. for discussions under seal. The motion to withdraw as attorney is Denied without prejudice. Counsel may file a detailed motion and set it for hearing on 8/19/08. The Court orders the defendant not to contact any witnesses in the case.. (Court Reporter Katherine Sullivan.) (fj, COURT STAFF) (Filed on 8/6/2008) Modified on 8/7/2008 (rhw, COURT STAFF). (Entered: 08/06/2008)
08/12/2008	<u>7</u>	STIPULATION <i>Excluding Time Under the Speedy Trial Act</i> by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 8/12/2008) (Entered: 08/12/2008)
08/12/2008	<u>8</u>	NOTICE of Intent to Use Evidence by Luke D. Brugnara ( <i>Notice of Intent to Offer Summary-Expert Testimony</i> ) (Newman, Thomas) (Filed on 8/12/2008) (Entered: 08/12/2008)
08/18/2008	<u>9</u>	STIPULATION AND ORDER TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT as to Luke D. Brugnara. Signed by Judge Hon.

		William H. Alsup on August 18, 2008. (whalc2, COURT STAFF) (Filed on 8/18/2008) (Entered: 08/18/2008)
08/19/2008	<u>11</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Status Conference as to Luke D. Brugnara held on 8/19/2008. Change of Plea Hearing set for 9/30/2008 02:00 PM before Hon. William H. Alsup. Time is excluded from today until 9/30/08. (Court Reporter Margo Gurule.) (dt, COURT STAFF) (Filed on 8/19/2008) (Entered: 08/26/2008)
08/25/2008	<u>10</u>	STIPULATION to Exclude Time Under the Speedy Trial Act by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 8/25/2008) (Entered: 08/25/2008)
08/27/2008	<u>12</u>	STIPULATION AND ORDER TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on August 27, 2008. (whalc2, COURT STAFF) (Filed on 8/27/2008) (Entered: 08/27/2008)
09/26/2008	<u>13</u>	STIPULATION to Continue Status Conference and Exclude Time by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 9/26/2008) (Entered: 09/26/2008)
09/30/2008	<u>14</u>	STIPULATION AND ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING TIME as to Luke D. Brugnara <u>13</u> Stipulation filed by USA. Status Conference set for 11/3/2008 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Signed by Judge Hon. William H. Alsup on 9/30/08. (dt, COURT STAFF) (Filed on 9/30/2008) (Entered: 09/30/2008)
09/30/2008	<u>15</u>	STIPULATION AND ORDER TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on September 30, 2008. (whalc2, COURT STAFF) (Filed on 9/30/2008) (Entered: 09/30/2008)
11/04/2008	<u>16</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Change of Plea Hearing as to Luke D. Brugnara held on 11/4/2008. Defendant request time to review discovery. Time is excluded from today until 1/6/09. Change of Plea Hearing set for 1/6/2009 02:00 PM before Hon. William H. Alsup. (Court Reporter Lydia Zinn.) (dt, COURT STAFF) (Filed on 11/4/2008) (Entered: 11/14/2008)
12/01/2008	<u>17</u>	STATUS REPORT Re: Discovery by Luke D. Brugnara (Wine, Kenneth) (Filed on 12/1/2008) (Entered: 12/01/2008)
01/06/2009	<u>18</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Trial Setting Hearing as to Luke D. Brugnara held on 1/6/2009. Jury Trial set for 6/15/2009 07:30 AM. Motion Hearing set for 5/19/2009 02:00 PM. Pretrial Conference set for 6/8/2009 02:00 PM. (Court Reporter Margo Gurule.) (dt, COURT STAFF) (Filed on 1/6/2009) (Entered: 01/09/2009)
01/13/2009	<u>19</u>	SCHEDULING ORDER as to Luke D. Brugnara: Jury Trial set for 6/15/2009 07:30 AM in Courtroom 9, 19th Floor, San Francisco. Pretrial Conference set for 6/8/2009 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Signed by Judge Hon. William H. Alsup on 1/13/2009. (whasec, COURT STAFF)

		(Filed on 1/13/2009) (Entered: 01/13/2009)
04/22/2009	<u>20</u>	NOTICE of Intent to Use Evidence by Luke D. Brugnara (Newman, Thomas) (Filed on 4/22/2009) (Entered: 04/22/2009)
04/22/2009	<u>21</u>	NOTICE ( <i>Expert Notice</i> ) by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 4/22/2009) (Entered: 04/22/2009)
04/22/2009	<u>22</u>	Proposed Voir Dire by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 4/22/2009) (Entered: 04/22/2009)
04/22/2009	<u>23</u>	Proposed Jury Instructions by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 4/22/2009) (Entered: 04/22/2009)
04/22/2009	<u>24</u>	Proposed Form of Verdict by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 4/22/2009) (Entered: 04/22/2009)
05/12/2009	<u>28</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Status Conference as to Luke D. Brugnara held on 5/12/2009. Change of Plea Hearing set for 5/15/2009 10:00 AM before Hon. William H. Alsup. (Court Reporter Kathy Sullivan.) (dt, COURT STAFF) (Filed on 5/12/2009) (Entered: 05/22/2009)
05/12/2009		Terminate Past Deadlines and Hearings as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 5/12/2009) (Entered: 05/26/2009)
05/15/2009	<u>25</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Change of Plea Hearing as to Luke D. Brugnara held on 5/15/2009. Defendant enters a plea of guilty as to count I of the Indictment. Sentencing set for 8/18/2009 02:00 PM in Courtroom 9, 19th Floor, San Francisco before Hon. William H. Alsup. (Court Reporter Christine Triska.) (fj, COURT STAFF) (Filed on 5/15/2009) (Entered: 05/15/2009)
05/15/2009	<u>26</u>	CLERK'S NOTICE of Referral to Probation (fj, COURT STAFF) (Filed on 5/15/2009) (Entered: 05/15/2009)
05/15/2009	<u>27</u>	PLEA AGREEMENT as to Luke D. Brugnara (fj, COURT STAFF) (Filed on 5/15/2009) (Entered: 05/15/2009)
05/15/2009		Terminate Past Deadlines and Hearings as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 5/15/2009) (Entered: 05/18/2009)
06/04/2009	33	Sealed Document as to Luke D. Brugnara (sv, COURT STAFF) (Filed on 6/4/2009) (Entered: 06/10/2009)
06/09/2009	<u>29</u>	ORDER TO PRO TEM REPORTER TO PRODUCE TRANSCRIPT as to Luke D. Brugnara re <u>25</u> Change of Plea Hearing. Signed by Judge Hon. William H. Alsup on 6/9/09. (dt, COURT STAFF) (Filed on 6/9/2009) (Entered: 06/09/2009)
06/09/2009	<u>30</u>	Transcript of Proceedings as to Luke D. Brugnara held on 5-15-09, before Judge William H. Alsup. Court Reporter/Transcriber Christine Triska, Telephone number (650)743-8425, christinetriska@sbcglobal.net. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through



		the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 9/4/2009. (cat, COURT STAFF) (Filed on 6/9/2009) (Entered: 06/09/2009)
06/09/2009	<u>31</u>	*** FILED IN ERROR. DUPLICATE OF DOCKET # 30. *** Transcript of Proceedings as to Luke D. Brugnara held on 5-15-09, before Judge William H. Alsup. Court Reporter/Transcriber Christine Triska, CSR, RPR, Telephone number (650)743-8425, christinetriska@sbcglobal.net. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 9/4/2009. (cat, COURT STAFF) (Filed on 6/9/2009) Modified on 6/10/2009 (ewn, COURT STAFF). (Entered: 06/09/2009)
06/09/2009	<u>32</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Motion Hearing as to Luke D. Brugnara held on 6/9/2009. Motion to withdrawal counsel granted. Defendant shall appear before Magistrate Judge Spero on 6/10/2009 for appointment of counsel. Status Conference set for 6/16/2009 02:00 PM. (Court Reporter Margo Gurule.) (dt, COURT STAFF) (Filed on 6/9/2009) (Entered: 06/09/2009)
06/10/2009	<u>34</u>	Minute Entry for proceedings held before Magistrate Judge Joseph C. Spero: I.D. of Counsel Hearing as to Luke D. Brugnara held on 6/10/2009, Further I.D. of Counsel Hearing set for 6/16/2009 09:30AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. Trial Setting Hearing set for 6/16/2009 02:00 PM in Courtroom 9, 19th Floor, San Francisco before Hon. William H. Alsup. (Court Reporter FTR 10:39-10:40-10:49-10:51-11:25-11:26.) (sv, COURT STAFF) (Filed on 6/10/2009) (Entered: 06/11/2009)
06/10/2009	<u>35</u>	ORDER Sealing Motion to Withdraw as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on 6/10/09. (sv, COURT STAFF) (Filed on 6/10/2009) (Entered: 06/11/2009)
06/16/2009	<u>36</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Status Conference as to Luke D. Brugnara held on 6/16/2009. Motion Hearing set for 6/16/2009 02:00 PM before Judge William H. Alsup in Courtroom 9, 19th Floor, San Francisco. Attorney Appointment Hearing set for 6/18/2009 09:30 AM before Magistrate Judge Joseph C. Spero in Courtroom A, 15th Floor, San Francisco. (Tape #FTR 9:53 to 9:56.) (rhw, COURT STAFF) (Filed on 6/16/2009) (Entered: 06/16/2009)
06/16/2009	<u>38</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Status Conference as to Luke D. Brugnara held on 6/16/2009. Defendant has hired attorney, Harris Taback. Status Conference set for 6/23/2009 02:00 PM. (Court Reporter Sara Goekler.) (dt, COURT STAFF) (Filed on 6/16/2009) (Entered: 06/22/2009)

06/18/2009	<u>37</u>	Minute Entry for proceedings held before Magistrate Judge Joseph C. Spero:I.D. of Counsel Hearing as to Luke D. Brugnara not held on 6/18/2009, Status Conference as to Luke D. Brugnara held on 6/18/2009, Attorney Appointment Hearing set for 6/25/2009 09:30 AM in Courtroom A, 15th Floor, San Francisco. Trial Setting Hearing set for 6/23/2008 02:00 PM in Courtroom 9, 19th Floor, San Francisco before Hon. William H. Alsup. (Court Reporter FTR 9:38-9:41.) (sv, COURT STAFF) (Filed on 6/18/2009) (Entered: 06/18/2009)
06/23/2009	<u>39</u>	Minute Entry for proceedings held before Judge Hon. William Alsup:Status Conference as to Luke D. Brugnara held on 6/23/2009 Further Status Conference set for 7/8/2009 at 8:00 AM in Courtroom 9, 19th Floor, San Francisco. (Court Reporter Belle Ball.) (ls, COURT STAFF) (Filed on 6/23/2009) (Entered: 06/24/2009)
06/25/2009	<u>40</u>	Minute Entry for proceedings held before Magistrate Judge Joseph C. Spero:I.D. of Counsel Hearing as to Luke D. Brugnara held on 6/25/2009, Trial Setting Hearing set for 7/8/2009 08:00 AM in Courtroom 9, 19th Floor, San Francisco before Hon. William H. Alsup. (Court Reporter FTR 9:41-9:42.) (sv, COURT STAFF) (Filed on 6/25/2009) (Entered: 06/26/2009)
07/08/2009	<u>41</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Status Conference as to Luke D. Brugnara held on 7/8/2009. Motion Hearing set for 9/1/2009 02:00 PM. Deft shall file motion to rescind by 8/5/09; opp due by 8/19/09; and reply due by 8/26/09. Sentencing set for 8/18/09 is VACATED.(Court Reporter Joan Columbini.) (dt, COURT STAFF) (Filed on 7/8/2009) (Entered: 07/13/2009)
07/08/2009		Terminate Past Deadlines and Hearings as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 7/8/2009) (Entered: 07/14/2009)
08/05/2009	<u>42</u>	Transcript of Proceedings as to Luke D. Brugnara held on 06/09/09, before Judge WILLIAM H. ALSUP. Court Reporter/Transcriber Margaret "Margo" Gurule, Telephone number 415-504-4204 or margolargo@gmail.com. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 11/2/2009. (mng, COURT STAFF) (Filed on 8/5/2009) (Entered: 08/05/2009)
08/05/2009	<u>43</u>	MOTION to Withdraw Plea of Guilty and Memorandum of Points and Authorities by Luke D. Brugnara. Motion Hearing set for 9/1/2009 02:00 PM in Courtroom 9, 19th Floor, San Francisco. (Attachments: # <u>1</u> Signature Page (Declarations/Stipulations))(Taback, Harris) (Filed on 8/5/2009) (Entered: 08/05/2009)
08/19/2009	<u>44</u>	Memorandum in Opposition by USA as to Luke D. Brugnara re <u>43</u> MOTION to Withdraw Plea of Guilty and Memorandum of Points and Authorities, RESPONSE to Motion by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 8/19/2009) (Entered: 08/19/2009)



08/25/2009	<u>45</u>	CLERKS NOTICE Rescheduling Hearing. Motion to Withdrawal Guilty Plea Hearing set for 9/1/2009 11:30 AM. (dt, COURT STAFF) (Filed on 8/25/2009) (Entered: 08/25/2009)
09/01/2009	<u>46</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Motion for Withdrawal of Guilty Plea Hearing as to Luke D. Brugnara held on 9/1/2009. The defendant is sworn and canvassed by the Court. The motion is taken under submission Defense counsel to submit by the end of business today a statement requesting a trial date and the duration of the trial. (Court Reporter Connie Kuhl.) (fj, COURT STAFF) (Filed on 9/1/2009) (Entered: 09/01/2009)
09/01/2009	<u>47</u>	Statement by Luke D. Brugnara <i>Defense Statement Requesting Trial Date and Notice of Approximate Duration of Trial</i> (Taback, Harris) (Filed on 9/1/2009) (Entered: 09/01/2009)
09/02/2009	<u>48</u>	ORDER VACATING GUILTY PLEA AND SETTING CASE FOR TRIAL [granting <u>43</u> Motion to Withdraw Plea of Guilty as to Luke D. Brugnara (1)]. Signed by Judge Hon. William H. Alsup on 9/2/2009. (whasec, COURT STAFF) (Entered: 09/02/2009)
09/02/2009	<u>49</u>	SCHEDULING ORDER as to Luke D. Brugnara: Jury Trial set for 2/1/2010 07:30 AM in Courtroom 9, 19th Floor, San Francisco. Pretrial Conference set for 1/18/2010 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Status Conference set for 9/22/2009 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Signed by Judge Hon. William H. Alsup on 9/2/2009. (whasec, COURT STAFF) (Filed on 9/2/2009) (Entered: 09/02/2009)
09/08/2009	<u>50</u>	STIPULATION to <i>Exclude Time</i> by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 9/8/2009) (Entered: 09/08/2009)
09/11/2009	<u>51</u>	ORDER EXCLUDING TIME as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on September 11, 2009. (whalc2, COURT STAFF) (Filed on 9/11/2009) (Entered: 09/11/2009)
09/22/2009	<u>53</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Status Conference as to Luke D. Brugnara held on 9/22/2009. Court granted the defendant's request to continue the trial date. Jury Trial set for 3/1/2010 07:30 AM. Pretrial Conference set for 2/22/2010 02:00 PM. (Court Reporter Kathy Wyatt.) (dt, COURT STAFF) (Filed on 9/22/2009) (Entered: 09/23/2009)
09/23/2009	<u>52</u>	SCHEDULING ORDER as to Luke D. Brugnara: Jury Trial set for 3/1/2010 07:30 AM in Courtroom 9, 19th Floor, San Francisco. Pretrial Conference set for 2/22/2010 02:00 PM in Courtroom 9, 19th Floor, San Francisco. Signed by Judge Hon. William Alsup on 9/23/2009. (whasec, COURT STAFF) (Filed on 9/23/2009) (Entered: 09/23/2009)
10/26/2009	<u>54</u>	ORDER TO ALLOW EX PARTE MOTION TO WITHDRAW AS ATTORNEY OF RECORD TO BE FIXED UNDER SEAL and ordering defense counsel to serve notice of motion as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on October 26, 2009. (whalc2, COURT STAFF) (Filed on 10/26/2009) (Entered: 10/26/2009)

10/27/2009	<u>55</u>	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 10/27/2009) (Entered: 10/29/2009)
10/27/2009	<u>56</u>	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 10/27/2009) (Entered: 10/29/2009)
11/03/2009	<u>57</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Motion Hearing as to Luke D. Brugnara held on 11/3/2009. Motion to withdrawal is denied. (Court Reporter Connie Kuhl.) (dt, COURT STAFF) (Filed on 11/3/2009) (Entered: 11/04/2009)
11/03/2009	<u>58</u>	AMENDED Minute Entry for proceedings held before Judge Hon. William H. Alsup: Motion Hearing as to Luke D. Brugnara held on 11/3/2009. Motion is denied. (Court Reporter Connie Kuhl.) (dt, COURT STAFF) (Filed on 11/3/2009) (Entered: 11/04/2009)
11/05/2009	<u>59</u>	ORDER DENYING ATTORNEY TABACK'S MOTION TO WITHDRAW AS COUNSEL OF RECORD as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on November 5, 2009. (whalc2, COURT STAFF) (Filed on 11/5/2009) (Entered: 11/05/2009)
01/06/2010	<u>60</u>	TRIAL BRIEF by USA as to Luke D. Brugnara (Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/06/2010	<u>61</u>	MOTION in Limine #1 RE: <i>GOOD FAITH</i> by USA as to Luke D. Brugnara. (Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/06/2010	<u>62</u>	MOTION in Limine #2 RE: <i>LEGAL ARGUMENTS</i> by USA as to Luke D. Brugnara. (Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/06/2010	<u>63</u>	MOTION in Limine #3 RE: <i>PUNISHMENT</i> by USA as to Luke D. Brugnara. (Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/06/2010	<u>64</u>	MOTION in Limine #4 RE: <i>EXCLUSION OF EVIDENCE</i> by USA as to Luke D. Brugnara. (Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/06/2010	<u>65</u>	MOTION in Limine #5 RE: <i>DISPROVING DEDUCTIONS</i> by USA as to Luke D. Brugnara. (Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/06/2010	<u>66</u>	MOTION in Limine #6 RE: <i>VINDICTIVE OR SELECTIVE PROSECUTION</i> by USA as to Luke D. Brugnara. (Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/06/2010	<u>67</u>	MOTION to Modify Conditions of Release by USA as to Luke D. Brugnara. Motion Hearing set for 1/19/2010 09:30 AM in Courtroom E, 15th Floor, San Francisco. (Attachments: # <u>1</u> Exhibit 1 (Adversary Complaint), # <u>2</u> Exhibit 2 (Email with Artwork))(Newman, Thomas) (Filed on 1/6/2010) (Entered: 01/06/2010)
01/12/2010	<u>68</u>	SUPERSEDING INDICTMENT as to Luke D. Brugnara (1) count(s) 1s-3s, 4s. (rhw, COURT STAFF) (Filed on 1/12/2010) (Entered: 01/13/2010)
01/25/2010	<u>69</u>	Minute Entry for proceedings held before Judge Magistrate Judge Elizabeth

		D. Laporte:Arrestment as to Luke D. Brugnara (1) Count 1s-3s,4s held on 1/25/2010 plead not guilty, Status Conference set for 1/26/2010 02:00 PM in Courtroom 9, 19th Floor, San Francisco. (Tape #10:47-10:49.) (lsk, COURT STAFF) (Filed on 1/25/2010) (Entered: 01/25/2010)
01/26/2010	<u>74</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup:Change of Plea Hearing as to Luke D. Brugnara held on 1/26/2010, Plea entered by Luke D. Brugnara (1) Guilty Count 1s-3s. Sentencing set for 5/4/2010 02:00 PM in Courtroom 9, 19th Floor, San Francisco before Hon. William H. Alsup. (Court Reporter Lydia Zinn.) (rhw, COURT STAFF) (Filed on 1/26/2010) (Entered: 02/02/2010)
01/27/2010	<u>70</u>	Application for Permission to Enter Plea of Guilty and ORDER Accepting PLEA as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on 1/26/10. (dt, COURT STAFF) (Filed on 1/27/2010) (Entered: 01/27/2010)
01/27/2010	<u>71</u>	CLERK'S NOTICE of Referral to Probation as to Luke Brugnara. (dt, COURT STAFF) (Filed on 1/27/2010) (Entered: 01/27/2010)
01/28/2010	<u>72</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero:Detention Hearing as to Luke D. Brugnara held on 1/28/2010. (Tape #FTR 2:06 to 2:33.) (klh, COURT STAFF) (Filed on 1/28/2010) (Entered: 01/28/2010)
01/28/2010	<u>73</u>	ORDER Setting Conditions of Release as to Luke D. Brugnara (1) \$250,000 unsecured. Signed by Judge Magistrate Judge Joseph C. Spero on 1/18/10. (rhw, COURT STAFF) (Filed on 1/28/2010) (Entered: 01/29/2010)
02/05/2010	<u>75</u>	NOTICE TO ATTORNEY TABACK as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on February 5, 2010. (whalc2, COURT STAFF) (Filed on 2/5/2010) (Entered: 02/05/2010)
02/18/2010	<u>76</u>	Transcript of Proceedings as to Luke D. Brugnara held on 01/26/2010, before Judge William H. Alsup. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 5/19/2010.(Zinn, Lydia) (Filed on 2/18/2010) (Entered: 02/18/2010)
02/23/2010	<u>77</u>	Pretrial Services Form 8 by Amaryllis Gonzalez as to Luke D. Brugnara to modify condition of release that dft shall attend mental health counseling as directed by PTS. Signed by Judge Magistrate Judge Joseph C. Spero on 2/22/10. (klh, COURT STAFF) (Filed on 2/23/2010) (Entered: 02/23/2010)
02/23/2010	<u>78</u>	Pretrial Services Form 8 by Rich Sarlatte as to Luke D. Brugnara for bail review hearing. Bond Hearing set for 3/5/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. Signed by Judge Magistrate Judge Joseph C. Spero on 2/22/10. (klh, COURT STAFF) (Filed on 2/23/2010) (Entered: 02/23/2010)

02/24/2010	<u>79</u>	MOTION to Substitute Attorney <i>Declarations in Support Thereof; and Proposed Order</i> by Luke D. Brugnara. Motion Hearing set for 3/2/2010 02:00 PM in Courtroom 9, 19th Floor, San Francisco. (Getz, Brian) (Filed on 2/24/2010) (Entered: 02/24/2010)
02/25/2010	<u>80</u>	RESPONSE to Motion by USA as to Luke D. Brugnara re <u>79</u> MOTION to Substitute Attorney <i>Declarations in Support Thereof; and Proposed Order</i> (Newman, Thomas) (Filed on 2/25/2010) (Entered: 02/25/2010)
03/01/2010	<u>81</u>	REPLY TO RESPONSE to Motion by Luke D. Brugnara ; <i>AND SUPPLEMENTAL DECLARATION OF BRIAN H GETZ IN SUPPORT THEREOF</i> (Getz, Brian) (Filed on 3/1/2010) Modified on 3/2/2010 (lsk, COURT STAFF). (Entered: 03/01/2010)
03/02/2010	<u>90</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Motion Hearing as to Luke D. Brugnara held on 3/2/2010 re <u>79</u> MOTION to Substitute Attorney <i>Declarations in Support Thereof; and Proposed Order</i> filed by Luke D. Brugnara. Sentencing set for 5/4/2010 02:00 PM before Hon. William H. Alsup. (Court Reporter Christine Triska.) (dt, COURT STAFF) (Filed on 3/2/2010) (Entered: 03/08/2010)
03/03/2010	<u>82</u>	ORDER GRANTING MOTION TO SUBSTITUTE DEFENDANT'S ATTORNEY granting <u>79</u> Motion to Substitute Attorney. as to Luke D. Brugnara (1). Signed by Judge Hon. William H. Alsup on March 3, 2010. (whalc2, COURT STAFF) (Entered: 03/03/2010)
03/04/2010	<u>83</u>	Transcript of Proceedings as to Luke D. Brugnara held on 9-01-09, before Judge William Alsup. Court Reporter/Transcriber Connie McCarthy Kuhl, Telephone number 415-431-2020. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/2/2010.(ck, COURT STAFF) (Filed on 3/4/2010) (Entered: 03/04/2010)
03/04/2010	<u>84</u>	Transcript of Proceedings as to Luke D. Brugnara held on 11-03-09, before Judge William Alsup. Court Reporter/Transcriber Connie McCarthy Kuhl, Telephone number 415-431-2020. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/2/2010.(ck, COURT STAFF) (Filed on 3/4/2010) (Entered: 03/04/2010)
03/04/2010	<u>85</u>	MOTION to Withdraw Plea of Guilty ; <i>Declarations in Support Thereof; Memorandum of Points and Authorities and Proposed Order</i> by Luke D. Brugnara. Motion Hearing set for 4/27/2011 02:00 PM in Courtroom 9, 19th Floor, San Francisco. (Getz, Brian) (Filed on 3/4/2010) (Entered: 03/04/2010)



03/04/2010	<u>86</u>	Memorandum in Opposition by USA as to Luke D. Brugnara U.S.' <i>OPPOSITION TO DEFENDANT'S MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE</i> (Attachments: # <u>1</u> Exhibit Attachment A, # <u>2</u> Exhibit Attachment B, # <u>3</u> Exhibit Attachment C, # <u>4</u> Exhibit Attachmetn C (2), # <u>5</u> Exhibit Attachment D, # <u>6</u> Exhibit Attachment E, # <u>7</u> Exhibit Attachment F, # <u>8</u> Exhibit Attachment G, # <u>9</u> Exhibit Exhibits 3 thru 6, # <u>10</u> Exhibit Exhibit 7, # <u>11</u> Exhibit Exhibit 7-1, # <u>12</u> Exhibit Exhibit 7-1A, # <u>13</u> Exhibit Exhibit 7-2, # <u>14</u> Exhibit Exhibit 7-3, # <u>15</u> Exhibit Exhibit 7-4, # <u>16</u> Exhibit Exhibit 7-4(2), # <u>17</u> Exhibit Exhibit 5, # <u>18</u> Exhibit Exhibit 6, # <u>19</u> Exhibit Exhibit 7, # <u>20</u> Exhibit Exhibit 8, # <u>21</u> Exhibit Exhibit 9, # <u>22</u> Exhibit Exhibit 9(2), # <u>23</u> Exhibit Exhibit 10)(Besette, Maureen) (Filed on 3/4/2010) (Entered: 03/04/2010)
03/04/2010	<u>87</u>	Memorandum in Opposition by USA as to Luke D. Brugnara re <u>86</u> Memorandum in Opposition,,, U.S.' <i>OPPOSITION TO DEFENDANT'S MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE</i> (Besette, Maureen) (Filed on 3/4/2010) (Entered: 03/04/2010)
03/05/2010	<u>88</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Bond Hearing as to Luke D. Brugnara held on 3/5/2010. Gov't Motion for Remand - Granted. Detention Hearing set for 3/12/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:51 to 11:29.) (klh, COURT STAFF) (Filed on 3/5/2010) (Entered: 03/05/2010)
03/05/2010	<u>89</u>	Proposed Order by USA as to Luke D. Brugnara <i>GRANTING GOVERNMENT'S MOTION TO REMAND DEFENDANT</i> (Besette, Maureen) (Filed on 3/5/2010) (Entered: 03/05/2010)
03/08/2010	<u>91</u>	MOTION to Strike & for <i>Scheduling Order</i> by USA as to Luke D. Brugnara. Motion Hearing set for 3/23/2010 02:00 PM. (Newman, Thomas) (Filed on 3/8/2010) (Entered: 03/08/2010)
03/09/2010	<u>92</u>	ORDER GRANTING GOVERNMENT'S MOTION TO REMAND as to Luke D. Brugnara. Signed by Judge Magistrate Judge Joseph C. Spero on 03/09/10. (klh, COURT STAFF) (Filed on 3/9/2010) (Entered: 03/09/2010)
03/10/2010	<u>93</u>	MOTION U.S.' REQUEST FOR MENTAL COMPETENCY DETERMINATION OF DEFENDANT by USA as to Luke D. Brugnara. (Attachments: # <u>1</u> Exhibit Exhibits 1, 2, 3 and 4, # <u>2</u> Exhibit Exhibit 5, # <u>3</u> Exhibit Exhibits 6 and 7)(Besette, Maureen) (Filed on 3/10/2010) (Entered: 03/10/2010)
03/11/2010	<u>94</u>	MOTION for Reconsideration of <i>Order of Detention</i> by Luke D. Brugnara. Motion Hearing set for 3/12/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco. (Getz, Brian) (Filed on 3/11/2010) (Entered: 03/11/2010)
03/11/2010	<u>95</u>	ORDER RE SCHEDULE FOR DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA granting <u>91</u> Motion to Strike as to Luke D. Brugnara (1). Signed by Judge Hon. William H. Alsup on March 11, 2010. (whalc2, COURT STAFF) (Entered: 03/11/2010)
03/11/2010	<u>96</u>	Memorandum in Opposition by USA as to Luke D. Brugnara re <u>94</u> MOTION

		for Reconsideration of Order of Detention (Attachments: # <u>1</u> Second Declaration of Roy Torres, # <u>2</u> Third SA Martins Decl., # <u>3</u> Attachment A, # <u>4</u> Attachment B, # <u>5</u> Attachment C, # <u>6</u> Attachment D, # <u>7</u> Attachment E, # <u>8</u> Attachment F, # <u>9</u> Attachment G, # <u>10</u> Attachment H, # <u>11</u> Attachment I, # <u>12</u> Attachment J, # <u>13</u> Attachment K, # <u>14</u> Attachment L, # <u>15</u> Attachment M, # <u>16</u> Attachment N, # <u>17</u> Attachment O, # <u>18</u> Attachment P, # <u>19</u> Attachment Q, # <u>20</u> Attachment R, # <u>21</u> Attachment)(Newman, Thomas) (Filed on 3/11/2010) (Entered: 03/11/2010)
03/12/2010	<u>97</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Detention Hearing as to Luke D. Brugnara held on 3/12/2010. Continued Detention Hearing and Motion Hearing (Docket No. 94) set for 3/26/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:36 to 10:59.) (klh, COURT STAFF) (Filed on 3/12/2010) (Entered: 03/12/2010)
03/22/2010	<u>98</u>	NOTICE TO WITHDRAW REQUEST FOR MENTAL COMPETENCY DETERMINATION by USA as to Luke D. Brugnara re <u>93</u> MOTION U.S.' REQUEST FOR MENTAL COMPETENCY DETERMINATION OF DEFENDANT (Bessette, Maureen) (Filed on 3/22/2010) (Entered: 03/22/2010)
03/26/2010	<u>99</u>	ORDER ALLOWING FILING UNDER SEAL as to Luke D. Brugnara. Signed by Judge Magistrate Judge Joseph C. Spero on 3/26/10. (klh, COURT STAFF) (Filed on 3/26/2010)**NOTE: Application was filed in CR08-0236 MMC (Entered: 03/26/2010)
03/26/2010	<u>100</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Continued Detention Hearing and Motion Hearing as to Luke D. Brugnara held on 3/26/2010 re <u>94</u> MOTION for Reconsideration of Order of Detention filed by Luke D. Brugnara. Continued Detention Hearing and Motion Hearing set for 4/9/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:33 to 11:02.) (klh, COURT STAFF) (Filed on 3/26/2010) (Entered: 03/26/2010)
03/26/2010		Terminate Deadlines and Hearings as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 3/26/2010) (Entered: 03/29/2010)
03/29/2010	<u>101</u>	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 3/29/2010) (Entered: 04/01/2010)
04/02/2010	<u>102</u>	MEMORANDUM of points and authorities in support of reconsideration of order of detention by Luke D. Brugnara (Getz, Brian) (Filed on 4/2/2010) (Entered: 04/02/2010)
04/09/2010	<u>103</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Detention Hearing and re <u>94</u> MOTION for Reconsideration of Order of Detention filed by Luke D. Brugnara held on 4/9/10. Cont'd Detention Hearing and Motion Hearing set for 4/16/2010 at 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Tape #FTR 10:43 to 11:00.) (klh, COURT STAFF) (Filed on 4/9/2010) (Entered: 04/09/2010)

04/13/2010	<u>104</u>	Supplemental MOTION to Withdraw Plea of Guilty by Luke D. Brugnara. (Attachments: # <u>1</u> Transcript 1, # <u>2</u> Transcript 2, # <u>3</u> Transcript 3, # <u>4</u> Transcript 4, # <u>5</u> Transcript 5, # <u>6</u> Transcript 6, # <u>7</u> Transcript 7, # <u>8</u> App. for Plea of Guilty- 8, # <u>9</u> App. for Plea of Guilty- 9)(Getz, Brian) (Filed on 4/13/2010) (Entered: 04/13/2010)
04/14/2010	105	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 4/14/2010) (Entered: 04/16/2010)
04/16/2010	<u>106</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Continued Detention Hearing and Continued Motion Hearing as to Luke D. Brugnara held on 4/16/2010 re <u>94</u> MOTION for Reconsideration of Order of Detention filed by Luke D. Brugnara. Motion DENIED. Dft Remanded to USM pending sentencing. (Tape #FTR: 10:52-11:02.) (klh, COURT STAFF) (Filed on 4/16/2010) (Entered: 04/16/2010)
04/19/2010	<u>107</u>	Memorandum in Opposition by USA as to Luke D. Brugnara re <u>104</u> Supplemental MOTION to Withdraw Plea of Guilty (Attachments: # <u>1</u> Nelson Declaration, # <u>2</u> Crowther Declaration, # <u>3</u> Newman Declaration) (Newman, Thomas) (Filed on 4/19/2010) (Entered: 04/19/2010)
04/23/2010	<u>108</u>	REPLY TO RESPONSE to Motion by Luke D. Brugnara <i>REPLY TO UNITED STATES' OPPOSITION TO MOTION FOR ORDER PERMITTING WITHDRAWAL OF GUILTY PLEA</i> (Getz, Brian) (Filed on 4/23/2010) (Entered: 04/23/2010)
04/27/2010	<u>109</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Motion Hearing as to Luke D. Brugnara held on 4/27/2010 re <u>85</u> MOTION to Withdraw Plea of Guilty filed by Luke D. Brugnara. (Court Reporter Sahar McVickar.) (dt, COURT STAFF) (Filed on 4/27/2010) (Entered: 04/27/2010)
04/28/2010	<u>110</u>	SENTENCING MEMORANDUM by USA as to Luke D. Brugnara (Attachments: # <u>1</u> Nelson Declaration, # <u>2</u> Crowther Declaration, # <u>3</u> Tonna Declaration, # <u>4</u> Exhibit Schedule 1, # <u>5</u> Exhibit Schedule 2a-2g, # <u>6</u> Exhibit Schedule 3, # <u>7</u> Exhibit Schedule 4, # <u>8</u> Exhibit Schedule 10, # <u>9</u> Exhibit Schedule 11, # <u>10</u> Exhibit Schedule 12, # <u>11</u> Exhibit Schedule 13, # <u>12</u> Exhibit Schedule 14, # <u>13</u> Exhibit Schedule 15, # <u>14</u> Exhibit Schedule 16, # <u>15</u> Exhibit Schedule AMT)(Newman, Thomas) (Filed on 4/28/2010) (Entered: 04/28/2010)
04/30/2010	<u>111</u>	MEMORANDUM <i>SENTENCING MEMORANDUM</i> by Luke D. Brugnara (Getz, Brian) (Filed on 4/30/2010) (Entered: 04/30/2010)
04/30/2010	113	Sealed Document as to Luke D. Brugnara (lsk, COURT STAFF) (Filed on 4/30/2010) (Entered: 05/04/2010)
05/03/2010	<u>112</u>	ORDER DENYING DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA denying <u>85</u> Motion to Withdraw Plea of Guilty as to Luke D. Brugnara (1); denying <u>104</u> Motion to Withdraw Plea of Guilty as to Luke D. Brugnara (1). Signed by Judge Hon. William H. Alsup on May 3, 2010. (whalc2, COURT STAFF) (Entered: 05/03/2010)
05/03/2010	114	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on



		5/3/2010) (Entered: 05/06/2010)
05/03/2010	<u>115</u>	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 5/3/2010) (Entered: 05/06/2010)
05/03/2010	<u>116</u>	Sealed Document as to Luke D. Brugnara (rhw, COURT STAFF) (Filed on 5/3/2010) (Entered: 05/06/2010)
05/17/2010	<u>117</u>	MOTION for Release from Custody by Luke D. Brugnara. (rhw, COURT STAFF) (Filed on 5/17/2010) (Entered: 05/18/2010)
05/17/2010	<u>118</u>	MOTION for Evidentiary Hearing by Luke D. Brugnara. Motion Hearing set for 5/24/2010 02:00 PM in Courtroom 9, 19th Floor, San Francisco. (rhw, COURT STAFF) (Filed on 5/17/2010) (Entered: 05/18/2010)
05/17/2010	<u>119</u>	RESPONSE by Luke D. Brugnara re <u>110</u> Government's Sentencing Memorandum (rhw, COURT STAFF) (Filed on 5/17/2010) (Entered: 05/18/2010)
05/17/2010	<u>120</u>	SUPPLEMENTAL SENTENCING MEMORANDUM by Luke D. Brugnara (rhw, COURT STAFF) (Filed on 5/17/2010) (Entered: 05/18/2010)
05/19/2010	<u>121</u>	MOTION <i>STATUS OF SENTENCING</i> by Luke D. Brugnara. Motion Hearing set for 5/24/2010 10:00 AM in Courtroom 9, 19th Floor, San Francisco. (Getz, Brian) (Filed on 5/19/2010) (Entered: 05/19/2010)
05/19/2010	<u>122</u>	ORDER denying <u>117</u> Motion for Release from Custody as to Luke D. Brugnara (1). Signed by Judge Magistrate Judge Joseph C. Spero on 05/19/10. (klh, COURT STAFF) (Entered: 05/19/2010)
05/19/2010	<u>123</u>	MOTION <i>AMENDED STATUS OF SENTENCING</i> by Luke D. Brugnara. Motion Hearing set for 5/24/2010 10:00 AM in Courtroom 9, 19th Floor, San Francisco. (Getz, Brian) (Filed on 5/19/2010) (Entered: 05/19/2010)
05/20/2010	<u>124</u>	ORDER DENYING DEFENDANT'S MOTION FOR EVIDENTIARY HEARING denying <u>118</u> Motion for Hearing as to Luke D. Brugnara (1). Signed by Judge Hon. William H. Alsup on May 20, 2010. (whalc2, COURT STAFF) (Entered: 05/20/2010)
05/21/2010	<u>125</u>	RESPONSE by Luke D. Brugnara <i>RESPONSE TO THE ADDENDUM TO THE PRESENTENCE REPORT FILED BY THE FEDERAL PROBATION OFFICER</i> (Getz, Brian) (Filed on 5/21/2010) (Entered: 05/21/2010)
05/24/2010	<u>132</u>	Letter to Judge Alsup from Luke D. Brugnara (lsk, COURT STAFF) (Filed on 5/24/2010) (Entered: 05/28/2010)
05/24/2010	<u>133</u>	Letter to Judge Alsup from Luke D. Brugnara (lsk, COURT STAFF) (Filed on 5/24/2010) (Entered: 05/28/2010)
05/24/2010	<u>135</u>	Minute Entry for proceedings held before Judge Hon. William H. Alsup: Sentencing held on 5/24/2010 for Luke D. Brugnara (1), Count(s) 1s-3s, custody for 30 months on each count to run concurrently, 1 yr supervised release, with conditions, \$1,904,625.35 restitution, \$50,000 fine, \$300 special assessment; Count(s) 1, 2-3, dismissed--defendant sentenced on superseding charges; Count(s) 4s, dismissed on Government's motion. (Court Reporter

		Lydia Zinn.) (rhw, COURT STAFF) (Filed on 5/24/2010) (Entered: 06/03/2010)
05/25/2010	<u>126</u>	JUDGMENT in a Criminal Case as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on 5/25/10. (dt, COURT STAFF) (Filed on 5/25/2010) (Entered: 05/25/2010)
05/25/2010	<u>127</u>	Sealing Order - General Order 54 as to Luke D. Brugnara. Signed by Judge Hon. William H. Alsup on 5/25/10. (dt, COURT STAFF) (Filed on 5/25/2010) (Entered: 05/25/2010)
05/26/2010		Bond Hearing set for 5/26/2010 at 09:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (klh, COURT STAFF) (Filed on 5/26/2010) (Entered: 05/26/2010)
05/26/2010	<u>128</u>	Minute Entry for proceedings held before Magistrate Judge Joseph C. Spero: Motion Hearing as to Luke D. Brugnara held on 5/26/2010, Bond as to Luke D. Brugnara (1) \$1,000,000,000.00 (stayed for 24hrs) Bond Hearing and Status Hearing set for 6/18/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. (Court Reporter FTR 9:31-10:12) (sv, COURT STAFF) (Filed on 5/26/2010) (Entered: 05/26/2010)
05/26/2010	<u>129</u>	Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Bond Hearing as to Luke D. Brugnara held on 5/26/2010 Bond Hearing set for 6/18/2010 10:30 AM in Courtroom A, 15th Floor, San Francisco before Magistrate Judge Joseph C. Spero. Govt request to lift stay granted. Deft to be released Sunday 5/30/10, to custodian Kate Brugnara. (Tape #2:04-2:16.) (lsk, COURT STAFF) (Filed on 5/26/2010) (Entered: 05/26/2010)
05/26/2010	<u>130</u>	ORDER Setting Conditions of Release as to Luke D. Brugnara (1) \$1,000,000,00 secured by deed of trust. Signed by Judge Magistrate Judge Joseph C. Spero on 5/26/10. (lsk, COURT STAFF) (Filed on 5/26/2010) (Entered: 05/26/2010)
05/26/2010	<u>131</u>	RELEASE ORDER as to Luke D. Brugnara. Signed by Judge Magistrate Judge Joseph C. Spero on 5/26/10. (lsk, COURT STAFF) (Filed on 5/26/2010) (Entered: 05/26/2010)
05/28/2010	<u>134</u>	AMENDED JUDGMENT as to Luke D. Brugnara. Signed by Judge Hon. Richard Seeborg on 5/28/10. (dt, COURT STAFF) (Filed on 5/28/2010) (Entered: 05/28/2010)
06/04/2010	<u>136</u>	NOTICE OF APPEAL by Luke D. Brugnara re <u>134</u> Amended Judgment, <u>126</u> Judgment in a Criminal Case. Filing fee \$ 455 paid, receipt number 34611046611. Appeal Record due by 7/6/2010. (rhw, COURT STAFF) (Filed on 6/4/2010) (Entered: 06/08/2010)
06/04/2010		USCA Case Number as to Luke D. Brugnara 10-10286 for <u>136</u> Notice of Appeal - Final Judgment filed by Luke D. Brugnara. (rhw, COURT STAFF) (Filed on 6/4/2010) (Entered: 07/08/2010)
06/09/2010	<u>137</u>	Pretrial Services Form 8 by Rich Sarlatte as to Luke D. Brugnara for Court's information. Bond hearing set for 6/18/10 at 10:30 AM. Signed by Judge Magistrate Judge Joseph C. Spero on 06/09/10. (klh, COURT STAFF) (Filed

		on 6/9/2010) (Entered: 06/09/2010)
06/14/2010	<u>138</u>	MOTION for Ex Parte Application <i>TO EXTEND TIME TO SURRENDER TO FACILITY DESIGNATED BY BOP</i> by Luke D. Brugnara. (Getz, Brian) (Filed on 6/14/2010) (Entered: 06/14/2010)
06/14/2010	<u>139</u>	ORDER DENYING <u>138</u> Motion/ Ex Parte Application to Extend Time To Surrender to Facility Designated by BOP as to Luke D. Brugnara (1). Signed by Judge Magistrate Judge Joseph C. Spero on 06/14/10. (klh, COURT STAFF) (Entered: 06/14/2010)
06/15/2010	<u>140</u>	CLERKS NOTICE Vacating Status Conference and Bond Hearing on 6/18/10 at 10:30 AM before Magistrate Judge Joseph C. Spero. (klh, COURT STAFF) (Filed on 6/15/2010) (Entered: 06/15/2010)
06/17/2010	<u>142</u>	Transcript Designation and Ordering Form by Luke D. Brugnara for proceedings held on 5/24/10, 4/27/10, 5/26/10 (rhw, COURT STAFF) (Filed on 6/17/2010) (Entered: 06/18/2010)
06/18/2010	<u>141</u>	USCA Memorandum as to Luke D. Brugnara re <u>136</u> Notice of Appeal - Final Judgment (rhw, COURT STAFF) (Filed on 6/18/2010) (Entered: 06/18/2010)
06/23/2010	<u>143</u>	NOTICE OF CROSS-APPEAL by USA as to Luke D. Brugnara re <u>134</u> Amended Judgment, <u>126</u> Judgment in a Criminal Case. Filing fee waived, Government. Appeal Record due by 7/23/2010. (rhw, COURT STAFF) (Filed on 6/23/2010) (Entered: 06/25/2010)
06/23/2010		USCA Case Number as to Luke D. Brugnara 10-10313 for <u>143</u> Notice of Appeal - Final Judgment filed by USA. (rhw, COURT STAFF) (Filed on 6/23/2010) (Entered: 07/08/2010)
07/08/2010	<u>144</u>	USCA Memorandum as to Luke D. Brugnara re <u>143</u> Notice of Appeal - Final Judgment, <u>136</u> Notice of Appeal - Final Judgment (rhw, COURT STAFF) (Filed on 7/8/2010) (Entered: 07/08/2010)
08/20/2010	<u>145</u>	Transcript of Proceedings as to Luke D. Brugnara held on 05/24/2010, before Judge William H. Alsup. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 11/18/2010. (Zinn, Lydia) (Filed on 8/20/2010) (Entered: 08/20/2010)

<b>PACER Service Center</b>		
<b>Transaction Receipt</b>		
09/25/2010 16:17:00		
PACER Login:	du7617	Client Code:

# EXHIBIT C

# United States District Court Northern District of California

UNITED STATES OF AMERICA

v.

LUKE D. BRUGNARA

JUDGMENT IN A CRIMINAL CASE

USDC Case Number: CR-08-00222-001 WHA

BOP Case Number: DCAN308CR000222-001

USM Number: 12047-111

Defendant's Attorney: Brian Getz

### THE DEFENDANT:

- pleaded guilty to count(s): One, Two and Three of the Superseding Indictment.
- pleaded nolo contendere to count(s) \_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
26 U.S.C. § 7206(1)	FALSE TAX RETURN		ONE, TWO AND THREE

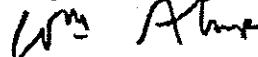
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_.
- Count(s) Four of the Superseding Indictment and all Counts in Indictment are dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

May 24, 2010

Date of Imposition of Judgment



Signature of Judicial Officer

Honorable William Alsup, U. S. District Judge

Name & Title of Judicial Officer

March 25, 2010

Date

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00222-001 WHA

Judgment - Page 2 of 7

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 30 months. This term consists of terms of 30 months on Counts One, Two, Three, all counts to be served concurrently

The Court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal. The appearance bond is hereby exonerated.

The defendant shall surrender to the United States Marshal for this district.

at \_\_\_  am  pm on \_\_\_.  
 as notified by the United States Marshal.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2:00 pm on \_\_\_.  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Office.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy United States Marshal



AO 245B (Rev. 12/03) Judgment in a Criminal Case Sheet 3 - Supervised Release

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00222-001 WHA

Judgment - Page 3 of 7

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 1 year. This term consists of terms of 1 (one) year on each of Counts One, Two, three, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and two periodic drug tests thereafter.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions in this judgment.

### STANDARD CONDITIONS

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) The defendant shall report to the probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependants and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court; and
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.



AO 245B (Rev. 12/03) Judgment in a Criminal Case Sheet 3 - Supervised Release

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00222-001 WHA

Judgment - Page 4 of 7

### SPECIAL CONDITIONS OF SUPERVISION

- 1) The defendant shall pay any restitution, fine and special assessment that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release.
- 2) The defendant shall provide the probation officer access to any requested financial information, including tax returns, and shall authorize the probation office to conduct credit checks and obtain copies of income tax returns.
- 3) The defendant shall comply and cooperate with the IRS in a good-faith effort to pay any outstanding tax liability, to include any assessed penalty and interest.
- 4) The defendant shall provide the U.S. Probation Office with a copy of any written and approved agreement with the IRS for the payment of any outstanding tax liability, to include penalty and interest, within 10 days from the execution of such agreement.
- 5) The defendant shall timely and accurately file all future income tax returns required by law during the term of supervision, unless an extension of time is granted by the IRS.
- 6) The defendant shall not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons and shall not be present in a vehicle where the defendant knows any firearm or ammunition is present.
- 7) The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- 8) Unless directed in writing otherwise, the defendant shall check his voicemail and/or answering machine on a daily basis to determine if any instructions were left by the probation officer. The defendant shall follow all such instructions, including but not limited to mental health counseling.

AO 245B (Rev. 12/03) - Judgment in a Criminal Case - sheet 6 - Schedule of Payments

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00222-001 WHA

Judgment - Page 5 of 7

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 300	\$ 50,000	\$ 1,904,625.35

The determination of restitution is deferred until     . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
IRS	1,904,625.35	1,904,625.35	
<u>Totals:</u>	\$ <u>    </u>	\$ <u>    </u>	

Restitution amount ordered pursuant to plea agreement \$     

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6, may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for the  fine  restitution.

the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00222-001 WHA

Judgment - Page 6 of 7

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ due immediately, balance due
  - not later than \_\_\_\_, or
  - in accordance with ( ) C, ( ) D, ( ) E or ( ) F below; or
- B  Payment to begin immediately (may be combined with ( ) C, ( ) D, or (x) F below); or
- C  Payment in equal (e.g. weekly, monthly, quarterly) installments of \$ \_ over a period of \_\_ (e.g., months or years), to commence \_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal (e.g. weekly, monthly, quarterly) installments of \$ \_ over a period of \_\_ (e.g., months or years), to commence \_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within (e.g, 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

It is further ordered that the defendant shall pay to the United States a special assessment of \$300, which shall be due immediately. While incarcerated, payment of criminal monetary penalties are due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

The defendant shall pay to the United States a total fine of \$50,000. The fine consists of \$50,000 for all of counts One through Three, which shall be due immediately. While incarcerated, payment of criminal monetary penalties are due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program. Upon the defendant's release from custody, criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102, in payments of not less than \$10,000 per month.

It is further ordered that the defendant shall pay restitution to IRS, 450 Golden Gate Avenue, in the amount of \$1,904,625.35, which shall be due immediately. While incarcerated, payment of restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program. Upon the defendant's release from custody, restitution payments shall be made to the Clerk of U.S. District Court, Attention: Financial Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102, in payments of not less than \$10,000 per month.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO 245B (Rev. 12/03) - Judgment in a Criminal Case - sheet 6 - Schedule of Payments

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00222-001 WHA

Judgment - Page 7 of 7

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and co-defendant Names	Case Numbers (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee (if appropriate)

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

# EXHIBIT D

AO 245B (Rev. 6/05 - Judgment in a Criminal Case)

**United States District Court  
Northern District of California**

**UNITED STATES OF AMERICA**

**v.**

**LUKE D. BRUGNARA**

**JUDGMENT IN A CRIMINAL CASE**

USDC Case Number: CR-08-00236-001 MMC

BOP Case Number: DCAN308CR000236-001

USM Number: 12047-111

Defendant's Attorney :Brian H. Getz, 44 Montgomery St., Ste. 3850, San Francisco, CA 94104

**THE DEFENDANT:**

- pleaded guilty to count(s): 1,2,3,4,5 & 6 of the Indictment.
- pleaded nolo contendere to count(s)      which was accepted by the court.
- was found guilty on count(s)      after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
See next page.			

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)     .
- Count(s)      (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

May 26, 2010  
 \_\_\_\_\_  
 Date of Imposition of Judgment

*Maxine M. Chesney*  
 \_\_\_\_\_  
 Signature of Judicial Officer

Honorable Maxine M. Chesney, U. S. District Judge  
 \_\_\_\_\_  
 Name & Title of Judicial Officer

May 28, 2010  
 \_\_\_\_\_  
 Date



AO 245B (Rev. 12/03) - Judgment in a Criminal Case

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-0236-01 MMC

Judgment - Page 2 of 8

## ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
16 U.S.C. §§ 1538(a)(1)(G) and 1540 (b)(1)	Endangered Species Act	3/14/2007	1
16 U.S.C. §§ 1538(a)(1)(G) and 1540 (b)(1)	Endangered Species Act	3/22/2007	2
16 U.S.C. §§ 1538(a)(1)(G) and 1540 (b)(1)	Endangered Species Act	3/23/2007	3
16 U.S.C. §§ 1538(a)(1)(G) and 1540 (b)(1)	Endangered Species Act	4/10/2007	4
18 U.S.C. § 1001	False Statement	3/24/2007	5
18 U.S.C. § 1001	False Statement	3/24/2007	6

AO 245B (Rev. 12/03) (CAND Rev. 3/07) Judgment in a Criminal Case Sheet 2 - Imprisonment

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00236-001 MMC

Judgment - Page 3 of 8

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of Fifteen (15) months.

This sentence to run concurrent with sentence imposed in CR-08-0222 WHA.

The Court makes the following recommendations to the Bureau of Prisons:  
That, if eligible, the defendant be placed in Lompoc Camp.

The Court orders the defendant released pending designation. The defendant shall be subject to the same terms and conditions ordered by Magistrate Judge Joseph C. Spero on May 26, 2010.

The defendant shall surrender to the United States Marshal for this district.

at \_\_\_  am  pm on \_\_\_.  
 as notified by the United States Marshal.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2:00 pm on \_\_\_.  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Office.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy United States Marshal

AO 245B (Rev. 12/03) Judgment in a Criminal Case Sheet 3 - Supervised Release

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00236-001 MMC

Judgment - Page 4 of 8

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of One (1) year. To run concurrent with the term of supervised release imposed in CR-08-0222 WHA.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and two periodic drug tests thereafter.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions in this judgment.

**STANDARD CONDITIONS**

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) The defendant shall report to the probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependants and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court; and
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 12/03) Judgment in a Criminal Case Sheet 3 - Supervised Release

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00236-001 MMC

Judgment - Page 5 of 8

**SPECIAL CONDITIONS OF SUPERVISION**

- 1) The defendant shall not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons.
- 2) The defendant shall cooperate in the collection of DNA as directed by the probation officer.

AO 245B (Rev. 12/03) - Judgment in a Criminal Case - sheet 6 - Schedule of Payments

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00236-001 MMC

Judgment - Page 6 of 8

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 300.00	\$	\$

The determination of restitution is deferred until    . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<u>Totals:</u>	\$ <u>   </u>	\$ <u>   </u>	

Restitution amount ordered pursuant to plea agreement \$    

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6, may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for the  fine  restitution.

the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 12/03) - Judgment in a Criminal Case - sheet 6 - Schedule of Payments

DEFENDANT: LUKE D. BRUGNARA  
 CASE NUMBER: CR-08-00236-001 MMC

Judgment - Page 7 of 8

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$300.00 due immediately, balance due  
  - not later than \_\_\_\_\_, or
  - in accordance with (x) C, (x) D, ( ) E or ( ) F below; and
- B  Payment to begin immediately (may be combined with ( ) C, ( ) D, or ( ) F below); or
- C  Payment in equal quarterly installments of \$ 25.00 over a period of 15 months, to commence 30 days after the date of this judgment; and
- D  Payment in equal monthly installments of \$ 50.00 over a period of One year, to commence 30 days after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within (e.g, 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and co-defendant Names	Case Numbers (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee (if appropriate)

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.



AO 245B (Rev. 12/03) - Judgment in a Criminal Case - sheet 6 - Schedule of Payments

DEFENDANT: LUKE D. BRUGNARA  
CASE NUMBER: CR-08-00236-001 MMC

Judgment - Page 8 of 8

The defendant shall forfeit the defendant's interest in the following property to the United States: