

1 THE COURT: OKAY. GOOD AFTERNOON. WE'RE ON THE
2 RECORD IN UNITED STATES V. LONG, 3:19-CR-35. COUNSEL, COULD YOU
3 PLEASE STATE YOUR APPEARANCES FOR THE RECORD?

4 MR. BONAR: GOOD AFTERNOON, YOUR HONOR. ROB BONAR FOR
5 THE UNITED STATES STANDING IN FOR MAC SHANNON.

6 MR. DYKE: GOOD AFTERNOON, YOUR HONOR. AARON DYKE FOR
7 MR. LONG WHO'S APPEARING VIA VIDEO.

8 THE COURT: AND IT LOOKS LIKE THERE'S A REPRESENTATIVE
9 FROM PROBATION. IS THAT YOU, MISS SHERRARD?

10 PROBATION OFFICER: YES, YOUR HONOR.

11 THE COURT: VERY GOOD. ASHLEY SHERRARD FROM
12 PROBATION. MR. BONAR, DOES THIS CRIME -- OH. DOES THIS CRIME
13 HAVE A NAMED VICTIM UNDER 3771?

14 MR. BONAR: NO, YOUR HONOR. IT'S A FELON IN
15 POSSESSION, SO NO SPECIFIC VICTIM.

16 THE COURT: VERY GOOD. I WANT TO MAKE SURE THAT
17 EVERYBODY CAN HEAR ME, SO I'M JUST -- AND SEE ME, SO I'M JUST
18 GOING TO GO ACROSS THE TOP OF MY SCREEN HERE. MR. BONAR, IT'S
19 CLEAR THAT YOU CAN SEE ME AND HEAR ME, CORRECT?

20 MR. BONAR: THAT'S CORRECT.

21 THE COURT: MR. DYKE, YOU CAN SEE ME AND HEAR ME?

22 MR. DYKE: YES, YOUR HONOR.

23 THE COURT: MR. LONG, CAN YOU SEE ME AND HEAR ME?

24 THE DEFENDANT: YES, SIR.

25 THE COURT: AND CAN YOU ALSO SEE AND HEAR THE

1 PROSECUTOR AND YOUR ATTORNEY, MR. DYKE?

2 THE DEFENDANT: YES, SIR.

3 THE COURT: IF AT ANY POINT ANYONE CAN'T SEE OR HEAR
4 WHAT IS BEING SAID, PLEASE DO WHAT YOU NEED TO DO TO GET MY
5 ATTENTION AND LET ME KNOW.

6 WE'RE PROCEEDING TODAY VIA VIDEO CONFERENCE. WE'RE DOING SO
7 PURSUANT TO THE CARES ACT IN THIS COURT'S GENERAL ORDER 20-13.
8 UNDER THE CARES ACT, FELONY PLEAS UNDER RULE 11 AND FELONY
9 SENTENCINGS UNDER RULE 32 MAY BE CONDUCTED VIA VIDEO CONFERENCE
10 IF THE COURT FINDS THAT THE MATTER CANNOT BE FURTHER DELAYED
11 WITHOUT SERIOUS HARM TO THE INTEREST OF JUSTICE, AND AFTER
12 CONSULTATION WITH HIS ATTORNEY, IF THE DEFENDANT CONSENTS TO
13 PROCEEDING VIA VIDEO CONFERENCE.

14 IN THIS CASE, WITH REGARD TO PRONG ONE, FURTHER DELAY WOULD
15 RESULT IN A SERIOUS HARM TO THE INTEREST OF JUSTICE. BECAUSE OF
16 COVID-19, THE CRIMINAL JUSTICE SYSTEM IS IN AN UNPRECEDENTED
17 SITUATION WHERE THINGS HAVE SLOWED DOWN, AND A BACKLOG HAS
18 DEVELOPED, AND ALTHOUGH THE COURT HAS REOPENED, IT IS STILL
19 LIMITED PROVIDED SAFETY PRECAUTIONS BE TAKEN, WHICH HAVE AND
20 WILL CONTINUE TO SLOW THINGS DOWN.

21 ACCORDINGLY, THE DEFENDANT SHOULD NOT HAVE TO WAIT
22 INDEFINITELY FOR RESOLUTION OF HIS CASE. THE COURT SHOULD DO
23 WHAT IT CAN TO PROMOTE JUDICIAL EFFICIENCY AND WORK THROUGH THE
24 BACKLOG.

25 THE COURT WANTS TO NOW CONFIRM WITH REGARD TO PRONG TWO THAT

1 THE DEFENDANT CONSENTS TO THIS VIDEO HEARING. SO, MR. LONG, I
2 WANT TO MAKE SURE YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO WAIT
3 TO ENTER -- YOU HAVE THE RIGHT TO WAIT AND BE SENTENCED UNTIL A
4 TIME WHEN YOU CAN DO SO IN PERSON IN A COURTROOM OF THE
5 LOUISVILLE COURTHOUSE, AS WOULD BE TYPICAL. DO YOU UNDERSTAND
6 THAT YOU HAVE THAT RIGHT?

7 THE DEFENDANT: YES, SIR.

8 THE COURT: DID YOU DISCUSS THAT RIGHT WITH YOUR
9 ATTORNEY?

10 THE DEFENDANT: YES, SIR.

11 THE COURT: DID YOU DISCUSS GIVING UP THAT RIGHT WITH
12 YOUR ATTORNEY?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: DO YOU FEEL LIKE YOU HAD ENOUGH TIME FOR
15 THAT DISCUSSION?

16 THE DEFENDANT: YES, SIR.

17 THE COURT: DO YOU HAVE ANY ADDITIONAL QUESTIONS FOR
18 YOUR ATTORNEY ON THIS MATTER?

19 THE DEFENDANT: NO.

20 THE COURT: AND DO YOU CONSENT TO GIVE UP THIS RIGHT
21 AND PROCEED VIA VIDEO CONFERENCE TODAY?

22 THE DEFENDANT: YES, SIR.

23 THE COURT: VERY GOOD. IT'S MY UNDERSTANDING WE'RE
24 HERE TODAY FOR MR. LONG'S SENTENCING HEARING. BEFORE WE PROCEED
25 WITH THIS SENTENCING HEARING, ARE THERE ANY PRELIMINARY ISSUES

1 WE NEED TO ADDRESS? MR. BONAR.

2 MR. BONAR: NOT THAT I'M AWARE OF, YOUR HONOR.

3 THE COURT: MR. DYKE.

4 MR. DYKE: NO, YOUR HONOR.

5 THE COURT: I HAVE RECEIVED AND REVIEWED THE FOLLOWING
6 DOCUMENTS IN ADVANCE OF TODAY'S HEARING: THE PRESENTENCING
7 REPORT AND THE DEFENDANT'S SENTENCING MEMO. DOES EITHER SIDE
8 HAVE ANY ADDITIONAL DOCUMENTS OR LETTERS FOR THE COURT OR
9 ANYTHING THAT I MISSED? MR. BONAR.

10 MR. BONAR: NO, SIR.

11 THE COURT: MR. DYKE.

12 MR. DYKE: NO, YOUR HONOR.

13 THE COURT: MR. DYKE, HAVE YOU AND THE DEFENDANT READ
14 AND DISCUSSED THE PRESENTENCE REPORT PREPARED BY US PROBATION?

15 MR. DYKE: WE HAVE.

16 THE COURT: HAVE YOU DISCUSSED OBJECTIONS TO THAT
17 REPORT?

18 MR. DYKE: WE HAVE.

19 THE COURT: AND HAVE YOU HAD ENOUGH TIME FOR THOSE
20 DISCUSSIONS?

21 MR. DYKE: YES, YOUR HONOR.

22 THE COURT: MR. LONG, HAVE YOU READ AND DISCUSSED THE
23 PRESENTENCE REPORT WITH YOUR ATTORNEY?

24 THE DEFENDANT: YES, SIR.

25 THE COURT: HAVE YOU HAD ENOUGH TIME TO DISCUSS IT?

1 THE DEFENDANT: YES, SIR.

2 THE COURT: DO YOU HAVE ANY REMAINING QUESTIONS YOU
3 WISH TO DISCUSS PRIVATELY WITH YOUR ATTORNEY BEFORE WE MOVE
4 FORWARD WITH YOUR SENTENCING?

5 THE DEFENDANT: NO, SIR.

6 THE COURT: ARE YOU SATISFIED WITH THE REPRESENTATION
7 OF YOUR ATTORNEY IN REGARD TO THE PRESENTENCE REPORT?

8 THE DEFENDANT: YES, SIR.

9 THE COURT: BASED ON MY REVIEW OF THE PRESENTENCE
10 REPORT, AND THE PASSAGE OF THE APPLICABLE TIME FOR OBJECTIONS,
11 THERE ARE NO OBJECTIONS TO THE PRESENTENCE REPORT IN THE RECORD.
12 ARE THERE ANY OBJECTIONS TO THE REPORT THAT HAVE NOT, FOR SOME
13 REASON, BEEN FILED IN THE RECORD? MR. BONAR.

14 MR. BONAR: NO, YOUR HONOR.

15 THE COURT: MR. DYKE.

16 MR. DYKE: NO, YOUR HONOR.

17 THE COURT: WITH NO OBJECTIONS FROM THE PARTIES, I
18 REMEMBER ADOPT THE FACTS, INFORMATION, AND GUIDELINES
19 CALCULATIONS CONTAINED IN THE PRESENTENCE REPORT AND ANY
20 ADDENDUM AS TRUE, AND I WILL RELY ON THEM FOR PLEA -- FOR
21 SENTENCING PURPOSES.

22 THE PRESENTENCE REPORT SHALL BE PLACED IN THE RECORD AND
23 FILED UNDER SEAL. IN THE EVENT OF AN APPEAL, THE PARTIES, THE
24 COUNSEL, AND THE SIXTH CIRCUIT COURT OF APPEALS WOULD HAVE
25 ACCESS TO THE PSR.

1 ALTHOUGH THE GUIDELINES ARE NO LONGER MANDATORY, THEY
2 REPRESENT THE STARTING POINT IN DETERMINING THE APPROPRIATE
3 SENTENCE, A SENTENCE THAT IS SUFFICIENT BUT NOT GREATER THAN
4 NECESSARY. I CALCULATE THE FOLLOWING ADVISORY GUIDELINE RANGE:
5 THE DEFENDANT'S -- THE DEFENDANT'S BASE OFFENSE LEVEL IS 14.
6 THERE IS A TWO-LEVEL REDUCTION FOR ACCEPTANCE OF RESPONSIBILITY
7 UNDER 3E1.1(A). THAT BRINGS THE TOTAL OFFENSE LEVEL TO 12.

8 BECAUSE THE DEFENDANT'S BASE OFFENSE LEVEL WAS A 14, HE'S
9 NOT ELIGIBLE FOR THE ADDITIONAL ONE-LEVEL REDUCTION FOR
10 ACCEPTANCE OF RESPONSIBILITY UNDER 3E1.1(B), SO THE TOTAL
11 OFFENSE LEVEL REMAINS AT 12.

12 THE DEFENDANT'S SUBTOTAL CRIMINAL HISTORY SCORE IS 20.
13 HOWEVER, BECAUSE THE DEFENDANT COMMITTED THE INCIDENT OFFENSE
14 WHILE UNDER CRIMINAL JUSTICE SENTENCE IMPOSED IN JEFFERSON
15 DISTRICT COURT, THAT WAS CASE 16-F-8823, TWO POINTS ARE ADDED
16 PURSUANT TO 4A1.(D), MAKING HIS TOTAL CRIMINAL HISTORY SCORE 22
17 AND PLACING HIM IN A CRIMINAL HISTORY CATEGORY 6.

18 THIS PRODUCES A GUIDELINES RANGE OF 30 TO 37 MONTHS'
19 IMPRISONMENT, A SUPERVISED RELEASE RANGE FOLLOWING IMPRISONMENT
20 OF ONE TO THREE YEARS, AND A FINE RANGE OF \$5,500 TO \$55,000.
21 HE'S INELIGIBLE FOR PROBATION UNDER THE GUIDELINES, AND THE
22 SPECIAL ASSESSMENT IS \$100.

23 ARE THERE ANY OBJECTIONS FOR THE RECORD REGARDING THIS
24 GUIDELINE RANGE THAT HAS BEEN CALCULATED HERE? MR. BONAR.

25 MR. BONAR: NO, YOUR HONOR.

1 THE COURT: MR. DYKE.

2 MR. DYKE: NO, YOUR HONOR.

3 THE COURT: RESTITUTION IS NOT AN ISSUE IN THIS CASE;
4 IS THAT CORRECT, MR. BONAR?

5 MR. BONAR: THAT'S CORRECT.

6 THE COURT: AND FORFEITURE IS BEING SOUGHT IN THE
7 CASE; IS THAT CORRECT?

8 MR. BONAR: IT WOULD BE OF THE WEAPON, YOUR HONOR.

9 THE COURT: AND THAT'S A TAURUS MODEL 709 SLIM
10 NINE-MILLIMETER PISTOL, SERIAL NUMBER TJS65946 AND THE
11 AMMUNITION; IS THAT CORRECT?

12 MR. BONAR: YES, YOUR HONOR.

13 THE COURT: MR. DYKE, ANY OBJECTION TO THE FORFEITURE
14 REQUESTED?

15 MR. DYKE: NO, YOUR HONOR.

16 THE COURT: HAVING REVIEWED THE PLEA AGREEMENT, THE
17 COURT UNDERSTANDS THE AGREED-UPON SENTENCING RECOMMENDATION TO
18 BE AS FOLLOWS: THE UNITED STATES WILL RECOMMEND A SENTENCE OF
19 IMPRISONMENT AT THE LOW END OF THE APPLICABLE GUIDELINE RANGE
20 BUT NOT LESS THAN ANY MANDATORY MINIMUM REQUIRED BY LAW;
21 RECOMMEND A REDUCTION OF TWO LEVELS FOR ACCEPTANCE OF
22 RESPONSIBILITY, RECOMMEND A TERM OF NOT LESS THAN THREE YEARS'
23 SUPERVISED RELEASE, AND AGREE TO A FINE AT THE LOW END OF THE
24 GUIDELINES, PROVIDED THE COURT DETERMINES THE DEFENDANT HAS THE
25 ABILITY TO PAY A FINE.

1 ADDITIONALLY, THE PARTIES AGREE THAT THE DEFENDANT WILL
2 FORFEIT TO THE US HIS INTEREST IN THE TAURUS NINE-MILLIMETER
3 PISTOL THAT I DESCRIBED A MOMENT AGO. IS MY UNDERSTANDING OF
4 THE -- AND THE AMMUNITION.

5 IS MY UNDERSTANDING OF THE AGREED-UPON SENTENCING
6 RECOMMENDATION CORRECT, MR. DYKE?

7 MR. DYKE: YES, YOUR HONOR.

8 THE COURT: AND MR. BONAR?

9 MR. BONAR: YES, IT IS, YOUR HONOR.

10 THE COURT: ARE THERE ANY MOTIONS THAT THE COURT NEEDS
11 TO ADDRESS?

12 MR. BONAR: NOT FROM THE UNITED STATES, YOUR HONOR.

13 MR. DYKE: NO, YOUR HONOR. NOT FOR MR. LONG EITHER.

14 THE COURT: I'M GOING TO ASK COUNSEL TO ADDRESS ANY
15 FACTORS SET OUT IN 3553(A) THAT THEY BELIEVE ARE APPROPRIATE AND
16 WOULD -- AND WHICH WOULD SUPPORT OR JUSTIFY THE SENTENCE SET
17 FORTH IN THE B PLEA AGREEMENT. I'LL START WITH YOU, MR. BONAR.

18 MR. BONAR: YOUR HONOR, I THINK THE GUIDELINE RANGE,
19 THE LOW END OF THE GUIDELINE RANGE AT 30 MONTHS IS CONSISTENT
20 WITH THE FACTORS SET FORTH IN 3553(A). I THINK IT REFLECTS THE
21 NATURE AND CIRCUMSTANCES OF THE OFFENSE, AND, IN PARTICULAR, I
22 THINK -- AS WELL AS MR. LONG'S CHARACTERISTICS.

23 I ALSO THINK IT IS CONSISTENT WITH OTHER SENTENCES THAT ARE
24 IMPOSED UNDER SIMILAR CIRCUMSTANCES WITH SIMILARLY-SITUATED
25 DEFENDANTS, BOTH IN THIS DISTRICT AND ACROSS THE COUNTRY. SO I

1 DO THINK THAT THE GUIDELINE RANGE AND THE LOW END OF IT COMPORT
2 WITH THE GOALS AND THE FACTORS SET FORTH IN 3553(A).

3 THE COURT: THANKS, MR. BONAR. MR. DYKE.

4 MR. DYKE: YOUR HONOR, VERY LITTLE TO ADD. WE ALSO
5 BELIEVE THAT THE LOW END OF THE GUIDELINE RANGE IS SUFFICIENT
6 BUT NOT GREATER THAN WHAT IS NECESSARY TO ACCOMPLISH THE GOALS
7 THAT ARE DELINEATED IN 3553(A), WOULD ASK THE COURT TO IMPOSE A
8 LOW-END SENTENCE IN THIS PARTICULAR CASE.

9 THE COURT: THANKS, MR. DYKE. MR. LONG, THIS IS THE
10 PART OF TODAY'S HEARING WHERE YOU HAVE THE OPPORTUNITY TO TELL
11 THE COURT DIRECTLY ANYTHING YOU PERSONALLY WOULD LIKE ME TO
12 CONSIDER IN DETERMINING YOUR SENTENCE. IT'S NOT REQUIRED OF YOU
13 TO SPEAK, BUT IT IS YOUR RIGHT, PURSUANT TO THE CRIMINAL RULES
14 OF PROCEDURE, TO SPEAK DIRECTLY TO THE COURT, AND IF YOU CHOOSE
15 TO DO SO, I CAN ASSURE YOU THAT YOU'LL HAVE MY UNDIVIDED
16 ATTENTION. WOULD YOU LIKE TO MAKE A STATEMENT, OR, MR. DYKE,
17 WOULD THE DEFENDANT LIKE TO MAKE A STATEMENT?

18 MR. DYKE: I DON'T BELIEVE SO.

19 THE COURT: MR. LONG, IS THAT CORRECT?

20 THE DEFENDANT: YES, SIR.

21 THE COURT: VERY GOOD. I WILL NOW IMPOSE THE
22 SENTENCE. THE COURT HAS CONSIDERED THE ADVISORY SENTENCING
23 GUIDELINES IN 3553(A) AND IMPOSES THE FOLLOWING SENTENCE:

24 IT'S THE JUDGMENT OF THE COURT THAT THE DEFENDANT IS
25 COMMITTED TO THE CUSTODY OF THE BUREAU OF PRISONS FOR A TERM OF

1 30 MONTHS AS TO COUNT 1 IN THE INDICTMENT. UPON RELEASE FROM
2 IMPRISONMENT, THE DEFENDANT SHALL BE PLACED ON SUPERVISED
3 RELEASE FOR A TERM OF THREE YEARS AS TO COUNT 1.

4 THE DEFENDANT SHALL ABIDE BY THE STANDARD CONDITIONS OF
5 SUPERVISION ADOPTED BY THE COURT AS WELL AS THE SPECIAL
6 CONDITIONS THAT HAVE BEEN DETAILED IN THE PRESENTENCE
7 INVESTIGATION REPORT. THESE SPECIAL CONDITIONS INCLUDE
8 PARTICIPATION IN COGNITIVE BEHAVIORAL TREATMENT, PARTICIPATION
9 IN SUBSTANCE ABUSE PROGRAM, SUBMISSION TO DRUG TESTING,
10 PARTICIPATION IN A COMMUNITY-BASED MENTAL HEALTH TREATMENT
11 PROGRAM, AND SUBMISSION TO SEARCHES OF HIS PERSON AND PROPERTY,
12 WHICH WILL BE EXPLAINED BY THE US PROBATION OFFICER.

13 THE DEFENDANT IS REQUIRED TO PAY A SPECIAL ASSESSMENT --
14 SPECIAL PENALTY ASSESSMENT FEE OF \$100 AS TO THE SINGLE COUNT OF
15 CONVICTION. THIS FINANCIAL SANCTION SHALL BE PAID IN ACCORDANCE
16 WITH THE SCHEDULE OF PAYMENTS PAGE CONTAINED IN THE JUDGMENT.
17 RESTITUTION IS NOT AN ISSUE IN THE CASE. A FINE AND COSTS OF
18 INVESTIGATION, PROSECUTION, INCARCERATION, AND SUPERVISION ARE
19 WAIVED DUE TO THE DEFENDANT'S INABILITY TO PAY.

20 ABSENT ANY PETITIONS, FORFEITURE OF THE ITEMS SET FORTH --
21 THE ITEMS SET FORTH IN BOTH THE PLEA AGREEMENT AND PRELIMINARY
22 ORDER OF FORFEITURE WILL BE ORDERED VIA ENTRY IN THE FINAL
23 DECREE AND ORDER OF FORFEITURE.

24 I WILL NOW EXPLAIN MY REASONS FOR THE SENTENCE. I
25 CONSIDERED 3553(A) AND THE ADVISORY GUIDELINES. THE GUIDELINES

1 PRODUCED A TOTAL OFFENSE LEVEL OF 12, AND A CRIMINAL HISTORY
2 CATEGORY OF 6. THE GUIDELINES RANGE OF 30 TO 37 MONTHS'
3 CUSTODY, ONE TO THREE YEARS' SUPERVISED RELEASE, A FINE OF
4 \$5,500 TO \$55,000, AND THE DEFENDANT IS INELIGIBLE FOR
5 PROBATION. A SENTENCE -- UNDER THE GUIDELINES.

6 A SENTENCE OF 30 MONTHS' CUSTODY FOLLOWED BY THREE YEARS'
7 SUPERVISED RELEASE FALLS WITHIN THE ADVISORY GUIDELINES RANGE,
8 AND IS SUFFICIENT BUT NOT GREATER THAN NECESSARY TO COMPLY WITH
9 THE PURPOSES SET FORTH IN 3553(A). IT SATISFIES THE STATUTORY
10 PROVISIONS, AND IT CONFORMS WITH THE PLEA AGREEMENT.

11 I THINK ANYTHING HIGHER THAN 30 MONTHS WOULD HAVE BEEN
12 UNJUST. I WILL SAY ONE OF THE FACTORS IN NOT GOING ANY HIGHER
13 WAS THE INFORMATION IN THE PRESENTENCING REPORT WITH REGARD TO
14 SOME OF THE TERRIBLE ENCOUNTERS THAT THE DEFENDANT, MR. LONG,
15 WAS FORCED TO SEE AND KIND OF WAS THROWN INTO AS A CHILD.

16 MR. LONG, I CAN'T IMAGINE WHAT IT WAS LIKE TO WALK IN THOSE
17 SHOES, AND IT SOUNDS LIKE THERE WAS A LOT OF PRESSURE ON YOU, ON
18 YOUNG PEOPLE, TO MAKE CHOICES THAT WERE, IN THE LONG RUN,
19 SELF-DESTRUCTIVE, AND I HOPE VERY MUCH THAT -- THAT -- I HOPE
20 VERY MUCH THAT YOU CAN TAKE A NEW DIRECTION. I WILL SAY AT THE
21 END, NOT AS PART OF THE SENTENCE JUSTIFICATION, BUT THAT I DO
22 WISH YOU THE BEST.

23 THE DEFENDANT: THANK YOU.

24 THE COURT: DO THE PARTIES HAVE ANY OBJECTIONS TO THE
25 SENTENCE JUST PRONOUNCED OR THE SPECIAL CONDITIONS IMPOSED, ALL

1 OF WHICH SHALL BE INCORPORATED IN THE JUDGMENT, THAT I HAVE
2 NOT -- THAT HAVE NOT BEEN PREVIOUSLY RAISED? MR. BONAR.

3 MR. BONAR: NO, YOUR HONOR.

4 THE COURT: MR. DYKE.

5 MR. DYKE: NO, YOUR HONOR.

6 THE COURT: MR. DYKE, ARE THERE ANY REQUESTS AS TO
7 FACILITY PROXIMITY OR PROGRAMS? UNDERSTANDING THAT I CAN ONLY
8 MAKE SUGGESTIONS TO THE BUREAU OF PRISONS.

9 MR. DYKE: WE WOULD REQUEST PROXIMITY TO LOUISVILLE,
10 KENTUCKY.

11 THE COURT: VERY GOOD. I WILL MAKE THAT REQUEST OF
12 THE BUREAU OF PRISONS. HAVING ADDRESSED ALL THE REMAINING
13 ISSUES WITH THE SENTENCE, THE SENTENCE IS HEREBY ORDERED IMPOSED
14 AS STATED, AND AN APPROPRIATE JUDGMENT SHALL BE ENTERED.

15 MR. LONG, YOU HAVE THE RIGHT TO APPEAL YOUR CONVICTION OR
16 GUILTY PLEA PURSUANT TO 32(J)(1)(A) AND A RIGHT TO APPEAL YOUR
17 SENTENCE UNDER 32(J)(1)(B). HOWEVER, IN YOUR PLEA AGREEMENT,
18 YOU WAIVED CERTAIN RIGHTS TO APPEAL AND ATTACK BOTH YOUR GUILTY
19 PLEA AND YOUR SENTENCE. MR. LONG, DO YOU REMEMBER THAT APPEAL
20 WAIVER?

21 THE DEFENDANT: YES, SIR.

22 THE COURT: PURSUANT TO THAT WAIVER, YOU'RE ONLY
23 PERMITTED TO APPEAL FOR PURPOSES OF PROSECUTORIAL MISCONDUCT OR
24 INEFFECTIVE ASSISTANCE OF COUNSEL. AS SUCH, ANY NOTICE OF
25 APPEAL MUST BE FILED WITHIN 14 DAYS OF JUDGMENT. IF YOU'RE

1 UNABLE TO PAY THE COSTS OF AN APPEAL, YOU MAY APPLY FOR LEAVE TO
2 APPEAL AS A PAUPER. MR. LONG, DO YOU UNDERSTAND YOUR APPEAL
3 RIGHTS?

4 THE DEFENDANT: YES, SIR.

5 THE COURT: MR. DYKE, IS THERE ANY ADDITIONAL
6 INFORMATION REGARDING MR. LONG'S APPEAL RIGHTS THAT YOU FEEL I
7 NEED TO ADDRESS WITH HIM AT THIS TIME?

8 MR. DYKE: NO, YOUR HONOR.

9 THE COURT: IS THERE A PAPER THERE WITH MR. LONG THAT
10 HE WOULD SIGN THAT ACKNOWLEDGES HIS APPEAL RIGHTS?

11 DEPUTY CLERK: YES, YOUR HONOR, I JUST SENT AN E-MAIL
12 TO MR. DYKE AND THE FACILITY TO SEE IF THEY COULD -- IF THE
13 FACILITY COULD PRINT THAT OFF AND GIVE THAT TO MR. LONG TO SIGN.

14 THE COURT: OKAY. AND THAT DOESN'T HAVE TO BE DONE
15 RIGHT AT THIS MOMENT. IT'S MY UNDERSTANDING THAT MR. LONG IS
16 CURRENTLY IN CUSTODY. AS SUCH, HE IS REMANDED TO THE CUSTODY OF
17 THE US MARSHAL FOR DELIVERY TO THE BUREAU OF PRISONS. ARE THERE
18 ANY FURTHER ISSUES YOU BELIEVE THE COURT NEEDS TO ADDRESS, MR.
19 SHANNON?

20 MR. BONAR: NO, YOUR HONOR.

21 THE COURT: MR. DYKE.

22 MR. DYKE: NO, YOUR HONOR.

23 THE COURT: MR. LONG, I MENTIONED A LITTLE BIT OF THIS
24 EARLIER, BUT THE PSR INCLUDED DESCRIPTIONS OF GANG MEMBERS
25 FORCING YOUNG KIDS TO FIGHT EACH OTHER WHEN YOU WERE A YOUNG

1 KID, AND IT WAS ONE OF SEVERAL HEARTBREAKING PARTS OF READING
2 THAT PSR. I VERY MUCH HOPE, VERY MUCH HOPE THAT THIS CAN BE THE
3 BEGINNING OF YOU GOING IN A NEW DIRECTION, THAT IT HAD TO HAVE
4 BEEN VERY HARD FOR YOU TO GO IN WHEN YOU FACED THAT KIND OF
5 PRESSURE.

6 I WOULD DO ANYTHING I COULD FOR THAT -- THAT TYPE OF
7 EXPERIENCE NOT TO HAVE HAPPENED TO YOU AS A CHILD, AND I REALLY
8 DO HOPE THAT YOU DON'T GIVE UP ON YOURSELF, AND KNOW THAT I WISH
9 YOU THE BEST, AND -- AND THAT I WISH YOU GOOD LUCK.

10 THE DEFENDANT: THANK YOU, YOUR HONOR.

11 THE COURT: THANK YOU, MR. LONG. WITH THAT --

12 THE DEFENDANT: THANK YOU.

13 THE COURT: ABSOLUTELY. GOOD LUCK TO YOU, MR. LONG.
14 WE'RE ADJOURNED.

15 THE DEFENDANT: APPRECIATE IT. YOUR HONOR, CAN I ASK
16 A QUESTION?

17 THE COURT: YEAH.

18 THE DEFENDANT: MAY I ASK A -- FROM THE TIME I'VE BEEN
19 INCARCERATED -- FROM THE TIME I'VE BEEN INCARCERATED FROM APRIL
20 THE 28TH OF LAST YEAR, DOES IT COUNT UP TO RIGHT NOW TODAY?

21 THE COURT: MR. LONG, THAT IS A QUESTION BEST DIRECTED
22 TO YOUR ATTORNEY, MR. DYKE, AND I WOULD -- I TRY TO BE VERY
23 CAUTIOUS ABOUT GIVING LEGAL ADVICE OR ANSWERING LEGAL QUESTIONS
24 LIKE THAT. MR. DYKE, WOULD YOU LIKE TO ANSWER MR. LONG'S
25 QUESTION NOW OR WOULD YOU LIKE TO TALK WITH HIM AFTER --

1 MR. DYKE: I'LL STAY ON. I'LL STAY ON WITH HIM AFTER
2 THE HEARING AND EXPLAIN THAT.

3 THE COURT: SO, MR. LONG, I'M GOING TO GO OFF THE
4 VIDEO, AS IS MR. BONAR AND THE PROBATION OFFICER, MISS SHERRARD.
5 MISS JACKSON WILL HAVE TO STAY ON JUST SO THAT THE VIDEO STAYS
6 ON SO, PLEASE KNOW THAT YOUR DISCUSSION WITH MR. DYKE WILL NOT
7 BE PRIVATE, BUT I'LL BE OFF OF IT, AND YOU AND MR. DYKE CAN
8 DISCUSS ANYTHING THAT YOU WANT. AGAIN, KNOWING THAT IT'S -- IT
9 CAN'T BE -- THIS PARTICULAR CONVERSATION VIA THIS PARTICULAR
10 ZOOM CALL CANNOT BE A PRIVATE CALL.

11 PROBATION OFFICER: YOUR HONOR.

12 THE COURT: OKAY.

13 PROBATION OFFICER: YOUR HONOR, I'M SORRY. WOULD YOU
14 PREFER THAT --

15 THE COURT: YES, MISS SHERRARD.

16 PROBATION OFFICER: WOULD YOU PREFER THAT I STAY ON?
17 THIS IS SOMETHING THAT, IF IT WERE TO CHANGE, WE WOULD NEED TO
18 CHANGE THAT THROUGH THE PRESENTENCE AND THE STATEMENT OF REASONS
19 PROCESS.

20 THE COURT: I CERTAINLY DON'T MIND YOU STAYING ON IF
21 MR. DYKE AND MR. LONG ARE OKAY WITH THAT, AND IT'S PROBABLY --
22 MR. DYKE, DOES THAT MAKE SENSE TO YOU? DID WE LOSE YOU, MR.
23 DYKE?

24 DEPUTY CLERK: YOUR HONOR, IT LOOKS LIKE HIS ZOOM IS
25 FROZEN.

1 THE COURT: OKAY. THERE IS -- MR. DYKE, ARE YOU BACK?

2 MR. DYKE: YES. SORRY. I THINK MY INTERNET --

3 THE COURT: THAT'S OKAY. MISS SHERRARD WAS SAYING
4 THAT SHE MIGHT BE ABLE TO BE -- PROVIDE SOME INFORMATION AS
5 YOU --

6 MR. DYKE: YEAH.

7 THE COURT: -- AND MR. LONG DISCUSS THE QUESTION MR.
8 LONG HAD. SO IF IT'S OKAY WITH YOU, SHE'LL STAY ON THE CALL, AT
9 LEAST FOR THE BEGINNING OF IT.

10 MR. DYKE: OKAY. THANK YOU.

11 THE COURT: OKAY. THANK YOU ALL.

12 MR. BONAR: THANK YOU.

13 THE COURT: THANK YOU. WE'RE ADJOURNED.

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