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THE COURT: ALL RIGHT. WE'RE HERE TODAY IN THE CASE OF *UNITED STATES OF AMERICA VS. JAMES MAURICE MATTICE*. WHO'S PRESENT FOR THE UNITED STATES?

PROSECUTOR: LEIGH ANN DYCUS, YOUR HONOR.

THE COURT: AND FOR MR. MATTICE?

DEFENSE COUNSEL: LAURA WYROSDICK, YOUR HONOR.

THE COURT: HAVE YOU AND YOUR CLIENT REVIEWED A COPY OF THE PRESENTENCE INVESTIGATION REPORT?

DEFENSE COUNSEL: YES, SIR.

THE COURT: ARE THERE ANY OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT?

DEFENSE COUNSEL: NO, SIR.

THE COURT: THE COURT FINDS THAT THE PRESENTENCE INVESTIGATION REPORT IS ACCURATE AND THAT THE TOTAL OFFENSE LEVEL IN THIS CASE IS 13, WITH A CRIMINAL HISTORY CATEGORY OF II. HIS GUIDELINE RANGE WOULD BE 15 MONTHS TO 21 MONTHS SENTENCE.

THIS CASE IS A LITTLE UNUSUAL IN THIS COVID-19 ERA THAT WE'RE LIVING IN THAT WE'RE DOING THIS BY VIDEO STREAMING. IN THIS PARTICULAR CASE, I THINK FROM MY REVIEW OF THE MATTER THAT MR. MATTICE HAS BEEN DETAINED SINCE NOVEMBER 15TH, 2018. HE PLED GUILTY ON OCTOBER 17TH, 2019. AND IT'S THE COURT'S FEELING THAT HE IS ENTITLED TO A TIME-SERVED SENTENCE AT THIS TIME.

ANY OBJECTION TO THAT FROM THE UNITED STATES?

PROSECUTOR: NO, YOUR HONOR.

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THE COURT: FROM THE DEFENDANT?

DEFENSE COUNSEL: NO, SIR.

THE COURT: MR. MATTICE, IS THERE ANYTHING YOU'D LIKE TO TALK TO THE COURT ABOUT OR SAY?

THE DEFENDANT: YES, SIR.

THE COURT: BE SURE AND TALK UP LOUDLY FOR ME, PLEASE.

THE DEFENDANT: ALL RIGHT. I GOT A LITTLE  
[INDISCERNIBLE] --

THE REPORTER: JUDGE, I'M SORRY. THIS IS THE COURT REPORTER. I'M HAVING TROUBLE DISCERNING WHAT THE DEFENDANT IS SAYING.

THE COURT: JUST TALK A LITTLE LOUDER, IF YOU WOULD, PLEASE, SIR. START ALL OVER.

THE DEFENDANT: WE HAVE A PROBLEM. THAT HOLD IS SUPPOSEDLY -- PAPERWORK IS SUPPOSED TO BE IN WASHINGTON COUNTY, BUT THE PSI FROM PROBATION SAID DADE COUNTY. SO I'M UNCLEAR AS TO WHAT'S GOING ON. AND I WAS SUPPOSED TO HAVE AN EXTRADITION HEARING. THEY CANCELED IT IN '19 AND BASICALLY A FEDERAL CASE, AND I'M WONDERING IF I STILL COULD GET MY EXTRADITION HEARING GOING.

THE COURT: MS. WYROSDICK, CAN YOU RESPOND TO THAT?

DEFENSE COUNSEL: YES, YOUR HONOR. SEE, WHAT HAPPENED IS, IF YOU RECALL, WE WERE ALL SET TO GET MR. MATTICE A BED AT VETERANS OF AMERICA CENTER BECAUSE HE WAS SUPPOSED TO HAVE A TIME SENTENCE -- TIME-SERVED SENTENCE IN OUR CASE, BUT THEN WE

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FOUND OUT THAT HE HAS A HOLD ON HIM FROM FLORIDA.

AND I TOLD MR. MATTICE -- AND THE U.S. KNOWS THIS -- MY INVESTIGATOR AND I SPENT DAYS TRYING TO SORT THIS MATTER OUT, BECAUSE WHEN THE CASE FIRST CAME TO STATE COURT IN KENTUCKY -- THIS CASE WE ARE NOW STARTED AS A STATE COURT CASE. THEY TOLD MR. MATTICE THAT THE FLORIDA THING WAS DISMISSED. WE COULD NEVER FIND ANY PAPERWORK ON THAT. THE JAIL DIDN'T HAVE ANY, AND THEN THEY DID, BACK AND FORTH.

SO THE LAST THING WE FOUND OUT IS THERE STILL EXISTS A WASHINGTON COUNTY, FLORIDA, FAILURE TO REPORT DETAINER, AND I TOLD MR. MATTICE THAT THERE'S NOTHING I COULD DO ABOUT IT. IT'S A STATE CASE AND I CAN'T REPRESENT HIM, BUT HE COULD CERTAINLY FIGHT EXTRADITION. I THINK THAT'S WHAT HE'S REFERRING TO.

THE COURT: THAT WOULD BE A -- BE A STATE ISSUE, WOULDN'T IT?

DEFENSE COUNSEL: YES, SIR. THAT'S WHY WE COULDN'T REPRESENT HIM.

THE COURT: HOW WOULD THAT WORK JUST FROM -- SAY WE SENTENCE MR. MATTICE TO TIME SERVED TODAY. WHAT'S THE MECHANICS OF THE TRANSFER TO -- AN EXTRADITION TO FLORIDA?

DEFENSE COUNSEL: WELL, IT BECOMES MORE COMPLICATED, SIR, BECAUSE I DON'T KNOW NOW THAT FLORIDA IS ACCEPTING PRISONERS. I DON'T KNOW IF THERE'S ANY PRISONER TRANSPORT OR ANY OF THAT. I DO NOT KNOW THE MECHANICS OF IT IN STATE COURT HERE. I'VE NEVER PRACTICED IN STATE COURT IN KENTUCKY, ONLY IN

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FLORIDA.

BUT I THINK ONE OF THE THINGS MR. MATTICE WAS BRINGING UP IS  
IN HIS PSR, IT SAYS HE'S GOT A WARRANT OUT OF DADE COUNTY, NOT  
THIS WASHINGTON COUNTY ONE.

THE COURT: YEAH. THE PSR SHOWS WASHINGTON COUNTY.

MS. SHERRARD, DO YOU KNOW HOW THAT WORKS?

DEFENSE COUNSEL: ARE YOU TALKING TO ME, SIR?

THE COURT: MS. SHERRARD, DO YOU KNOW HOW THAT WOULD  
WORK?

DEFENSE COUNSEL: ASHLEY.

THE COURT: ASHLEY.

PROBATION OFFICER: NO. LIKE WITH LAURA, I'M NOT SURE  
UNDER THE COVID-19 HOW FLORIDA IS OPERATING.

THERE WAS A LITTLE BIT OF CONFUSION ABOUT THE DETAINER, AND  
I'M NOT SURE -- I CAN'T REMEMBER NOW. IT SEEMS LIKE IT'S BEEN  
IN PLACE FOR A WHILE, BUT THAT WAS SOMETHING -- WHEN WE WERE  
TRYING TO FIGURE OUT A PLACE FOR MR. MATTICE TO STAY, THAT'S  
WHEN WE RAN INTO THE DETAINER ISSUE, BECAUSE WE WERE WORKING  
WITH THE VOA AND GETTING A BED AND THAT TYPE OF THING WHEN WE  
FOUND OUT THAT WE DO HAVE A DETAINER PROBLEM. SO I'M NOT REALLY  
SURE EXACTLY HOW THAT WILL WORK.

PROSECUTOR: AND WHEN I SPOKE TO THE MARSHALS, YOUR  
HONOR, ABOUT IT WHILE WE WERE TRYING TO SORT OUT THE DETAINER  
ISSUE, THEY WERE INFORMED BY THE TASK FORCE DOWN IN FLORIDA THAT  
THEY WOULD COME AND GET HIM, THAT THEY WERE FULLY PREPARED TO

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EXTRADITE, BUT, OF COURSE, MR. MATTICE WOULD HAVE TO HAVE AN EXTRADITION HEARING IN KENTUCKY STATE COURT. BUT WE CAN'T BE INVOLVED IN THAT.

THE COURT: SO THEY WOULD APPOINT COUNSEL FOR HIM THERE?

PROSECUTOR: YOUR HONOR, TO BE PERFECTLY HONEST, I'M NOT SURE HOW THE EXTRADITION PROCEEDINGS WOULD WORK.

THE COURT: WELL, MR. MATTICE, I DON'T KNOW IF THAT HELPS YOU OUT ANY. I THINK THAT'S THE BEST INFORMATION WE CAN PROVIDE TO YOU.

THE DEFENDANT: YES, SIR.

THE COURT: OKAY. IT SOUNDS LIKE YOU'RE GOING TO HAVE A HEARING PROBABLY IN STATE COURT. I ASSUME THAT YOU'LL GET COUNSEL FOR THAT THERE. I'M JUST NOT FAMILIAR WITH HOW THE STATE COURT WORKS IN THAT REGARD.

THE DEFENDANT: WELL, I WAS JUST WONDERING, BECAUSE WE'RE LIKE 5 MONTHS AND 8 DAYS INTO THE 180 DAYS OF THE EXTRADITION HEARING IN STATE COURT. WHEN THEY COME UP, THEY DIDN'T TELL ME ANYTHING. THEY JUST TOLD ME THE NIGHT BEFORE I WENT TO COURT THAT THEY WERE DISMISSING CHARGES, AND THAT'S ALL THEY TOLD ME.

THE COURT: WELL, APPARENTLY, THEY AREN'T DISMISSED ON THE LATEST INFORMATION WE HAVE.

THE DEFENDANT: WELL -- YES, SIR.

THE COURT: YOU KNOW, THAT'S JUST FROM WHAT I'VE HEARD

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HERE. I DON'T HAVE ANY OTHER INFORMATION, THOUGH, OTHER THAN  
WHAT I'VE HEARD HERE.

THE DEFENDANT: BUT I AM GOING TO GET AN EXTRADITION  
HEARING? THAT'S THE ONLY QUESTION I GOT.

DEFENSE COUNSEL: YOUR HONOR, I SPOKE TO --

JAIL PERSONNEL: YOUR EXTRADITION TO ANOTHER STATE, HE  
HAS NOTHING TO DO WITH IT.

THE DEFENDANT: NAH. I'M JUST ASKING IF I GET ONE.  
THAT'S ALL I --

JAIL PERSONNEL: LET ME CHECK ON YOUR PAPERWORK WHEN  
WE GET OFF HERE. I'LL BE ABLE TO TELL YOU ABOUT YOUR OTHER  
STATE COURT. WHETHER OR NOT WE'VE GOT TO WAIVE OR WHAT HAVE  
YOU, I'LL CHECK.

DEFENSE COUNSEL: WELL, I WAS SPEAKING TO MS. CHASTITY  
BEYL, BECAUSE SHE USED TO REPRESENT INDIGENT PEOPLE IN STATE  
COURT IN EXTRADITIONS. SO IT'S MY UNDERSTANDING HE WILL GET AN  
OPPORTUNITY TO WAIVE EXTRADITION OR HAVE A HEARING IN STATE  
COURT. AND SINCE MS. BEYL WAS APPOINTED AS PUBLIC DEFENDER -- I  
WAS JUST THINKING OUT LOUD -- THEY MOST LIKELY WILL GIVE HIM  
ONE.

SO AT THAT POINT, THEN, MR. MATTICE, YOU SAY, "LOOK, I WANT  
TO FIGHT THIS EXTRADITION," AND EXPLAIN WHAT HAPPENED.

THE DEFENDANT: I APPRECIATE IT.

THE COURT: ALL RIGHT. WE'LL GO FORWARD AT THIS TIME.  
ANYTHING FURTHER YOU WISH TO SAY, MR. MATTICE?

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THE DEFENDANT: NO, SIR. YOU-ALL HAVE BEEN GOOD TO ME. I APPRECIATE EVERYTHING YOU-ALL DID.

THE COURT: ALL RIGHT. THANK YOU, SIR. WE WISH YOU THE BEST.

ANYTHING FURTHER ON BEHALF OF EITHER COUNSEL? UNITED STATES?

PROSECUTOR: NO, YOUR HONOR.

THE COURT: DEFENDANT?

DEFENSE COUNSEL: NO, SIR. JUST AN ISSUE, WHEN YOU FINISH THE SENTENCING, ABOUT MR. MATTICE'S MATTRESS.

THE COURT: ALL RIGHT. WE'VE ASKED ABOUT THAT ALREADY AND ASKED THEM TO LOOK INTO THAT, I WILL TELL YOU.

DEFENSE COUNSEL: THANK YOU.

THE COURT: I DON'T KNOW WHAT'S HAPPENED, BUT WE ASKED THEM TO CHECK WITH THEM AND SEE IF THEY COULD GET HIM ANOTHER MATTRESS. BUT THAT'S ABOUT ALL I CAN DO IN THAT REGARD.

DEFENSE COUNSEL: THANK YOU, SIR.

THE COURT: I THINK A SECOND MATTRESS IS WHAT HE WANTED.

THE DEFENDANT: YES, SIR.

THE COURT: THE COURT WILL NOW STATE THE SENTENCE. ARE YOU ALL RIGHT WITH PROCEEDING FURTHER, MR. MATTICE?

THE DEFENDANT: YES, SIR.

THE COURT: AND YOU'RE SATISFIED WITH THIS VIDEOCONFERENCE YOU'VE HAD?

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THE DEFENDANT: YES, SIR.

THE COURT: ALL RIGHT. THE COURT HAS CONSIDERED THE ADVISORY SENTENCING GUIDELINES AND 18, UNITED STATES CODE, 3553(A) AND IMPOSES THE FOLLOWING SENTENCE:

IT IS THE JUDGMENT OF THE COURT THAT DEFENDANT IS COMMITTED TO THE CUSTODY OF THE BUREAU OF PRISONS FOR A TERM OF TIME SERVED AS TO COUNT 1 IN THE INDICTMENT.

UPON RELEASE FROM IMPRISONMENT, THE DEFENDANT SHALL BE PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS AS TO COUNT 1. THE DEFENDANT SHALL ABIDE BY THE STANDARD CONDITIONS OF SUPERVISION ADOPTED BY THE COURT AS WELL AS THE SPECIAL CONDITIONS, OF WHICH A COPY HAS BEEN PROVIDED TO DEFENDANT AND COUNSEL. THESE SPECIAL CONDITIONS INCLUDE RESIDING FOR UP TO SIXTH MONTHS AT A VOLUNTEERS OF AMERICA, WHICH WILL BE EXPLAINED BY THE UNITED STATES PROBATION OFFICER.

THIS WILL BE IN REGARD TO YOUR SUPERVISED RELEASE WE'RE TALKING ABOUT.

THE DEFENDANT: YES, SIR.

THE COURT: IS THAT RIGHT, ASHLEY?

PROBATION OFFICER: YES, YOUR HONOR. AND THAT'S TO ASSIST THE DEFENDANT SINCE HE DOESN'T HAVE ANOTHER PLACE TO STAY.

THE COURT: YES.

THE DEFENDANT IS REQUIRED TO PAY A SPECIAL PENALTY ASSESSMENT FEE OF \$100 AS TO THE SINGLE COUNT OF CONVICTION.

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THE FINANCIAL SANCTIONS SHALL BE PAID IN ACCORDANCE WITH THE SCHEDULE OF PAYMENTS PAGE, WHICH WILL BE CONTAINED IN THE JUDGMENT.

RESTITUTION IS NOT AN ISSUE IN THIS CASE. A FINE AND THE COST OF INVESTIGATION, PROSECUTION, INCARCERATION, AND SUPERVISION ARE WAIVED DUE TO DEFENDANT'S INABILITY TO PAY.

HAVING CONSIDERED 18, UNITED STATES CODE, 3553(A) AND THE ADVISORY SENTENCING GUIDELINES, WHICH PRODUCE A TOTAL OFFENSE LEVEL OF 13 AND A CRIMINAL HISTORY CATEGORY OF II, THE ADVISORY GUIDELINE RANGES 15 TO 21 MONTHS' CUSTODY, A FINE OF \$5,500 TO \$55,000, AND 1 TO 3 YEARS OF SUPERVISED RELEASE.

A SENTENCE OF TIME SERVED FOLLOWED BY THREE YEARS' SUPERVISED RELEASE FALLS WITHIN THE ADVISORY GUIDELINE RANGES AND IS SUFFICIENT, BUT NOT GREATER THAN NECESSARY, TO COMPLY WITH THE PURPOSES SET FORTH IN SECTION 3553(A) (2) AND SATISFIES THE STATUTORY PROVISIONS AND CONFORMS WITH THE PLEA AGREEMENT.

ARE THERE ANY OBJECTIONS TO THE SENTENCE PRONOUNCED OR SPECIAL CONDITIONS IMPOSED, ALL OF WHICH SHALL BE INCORPORATED IN THE JUDGMENT, ON BEHALF OF THE UNITED STATES?

PROSECUTOR: NO, YOUR HONOR.

THE COURT: ON BEHALF OF THE DEFENDANT?

DEFENSE COUNSEL: NO, YOUR HONOR.

THE COURT: AS I UNDERSTAND, THERE IS A DETAINER IN FLORIDA -- WE'VE TALKED ABOUT THAT ALREADY -- FOR SOME SIMILAR CHARGES THERE.

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I DO NOT KNOW IF HE HAS -- WHERE HE HAS CLOSE FAMILY, BUT I WILL RECOMMEND THAT HE BE HOUSED IN A FACILITY -- WELL, HE'S TIME SERVED HERE, SO WE DON'T HAVE TO WORRY ABOUT THAT.

UNDER THE TERMS OF HE HAS PLEA AGREEMENT, HE DID WAIVE HIS RIGHT TO APPEAL, EXCEPT HE RETAINED ANY RIGHT TO APPEAL FOR ANY GOOD FAITH BELIEF OF PROSECUTORIAL MISCONDUCT OR INEFFECTIVE ASSISTANCE OF COUNSEL.

ANYTHING FURTHER ON BEHALF OF THE UNITED STATES?

PROSECUTOR: NO, YOUR HONOR.

THE COURT: ANYTHING FURTHER ON BEHALF OF THE DEFENDANT?

DEFENSE COUNSEL: NO, SIR. THANK YOU.

THE COURT: BEST OF LUCK TO YOU, SIR. THANK YOU, SIR.

THE DEFENDANT: YOU-ALL HAVE A BLESSED DAY. THANK YOU, SIR.

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