

MINUTES

CASE NUMBER: CR NO. 19-00008SOM
CASE NAME: USA vs. (01) FRANK JAMES LYON, aka Jim Lyon
ATTYS FOR PLA: Katherine A. Raul
ATTYS FOR DEFT: (01) Addison D Bonner
(01) Erika L. T. Amatore
(01) Lyle S. Hosoda
INTERPRETER:

JUDGE:	Susan Oki Mollway	REPORTER:	Debi Read
DATE:	05/13/2019	TIME:	Sentencing [2:15-2:20]; Motion [2:20-2:30]; Sentencing [2:30-3:10]

COURT ACTION: EP: Sentencing to Count 1 of the Felony Information.

Defendant (01) James Frank Lyon present, not in custody. Darsie J.T. Ing-Dodson, U.S. Probation Officer, present.

Parties have had the opportunity to review and have reviewed the Presentence Report and had the opportunity to make any objections. There are no Objections to the factual findings of the Presentence Report and the recommended application of the sentencing guidelines.

Court places the PSR in the record under seal.

Court accepts plea agreement as revised

Court accepts the factual findings of the PSR. Court findings made as to the applicable sentencing guidelines.

USA's Motion [19] heard. Motion is Granted and terminated. [2:20-2:30].

Recommendations by Counsel as to proposed sentence heard.

Allocution by Defendant.

Court notes the aggravating and mitigating factors related to Defendant's Sentencing. Court has received and reviewed the many letters of support submitted on behalf of the Defendant. Court's proposed sentence stated. No legal objections to the proposed sentence. Court imposes sentence.

SENTENCE:

Imprisonment: 30 Months.
Supervised Release: 3 Years.
Probation: Not recommended.
Fine: None.
Restitution: Not Applicable.
Special Assessment: \$100.00.

Conditions of Supervised Release:

You must abide by the mandatory and standard conditions of supervision, including the following conditions:

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day. (mandatory condition)

You must cooperate in the collection of DNA as directed by the probation officer. (mandatory condition)

You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you are released, unless the probation officer instructs you to report to a different probation office or within a different time frame. (standard condition)

Defendant waives the reading of the other mandatory and special conditions of supervision.

You must abide by the following special conditions:

1. You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (such as provider, location, modality, duration, and intensity).
2. As part of the substance abuse treatment regimen and monitoring, you must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

3. You are prohibited from using marijuana, synthetic marijuana, any products containing tetrahydrocannabinol, or any other products derived from a marijuana plant, including for medicinal or business purposes, without the prior approval of the Court.
4. You must not possess or use alcohol during the term of supervision. You must warn any other resident and/or guest that you are prohibited from possessing any alcohol in your residence and on your property. You must submit to alcohol testing at the direction of the probation office.
5. You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.
6. You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (such as provider, location, modality, duration, and intensity). You must take all mental health medications, including psychotropic medications, that are prescribed by your treating physician.
7. You must provide the probation officer with a signed release authorizing credit checks and an accurate financial statement, with supporting documentation, as to all of your sources and amounts of income, all of your expenses, and any business you own, in whole or in part.
8. You must provide the probation officer with access to any and all business records, financial records, client lists, and other records, pertaining to the operation of any business you own, in whole or in part, as directed by the probation officer.
9. If you are self-employed, you must employ a bookkeeper and/or accountant to manage your business records as to income and expenses, and profits and losses, on a regular basis, at the discretion and direction of the probation officer.
10. You must submit your person, property, house, residence, vehicle, papers, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Judicial Recommendations:

Defendant to be placed at: 1) Lompoc FCC; or 2) an FCI located on the West Coast to be close to family members; Defendant to be enrolled in Mental Health and Generic Drug Treatment programs.

Defendant advised of his right to appeal within 14 days of entry of judgment.

Defendant to Self Surrender: to the FCI designated by BOP on or before **July 1, 2019 by 10:00 AM.**

Defendant's current conditions of release to continue until his self surrender.

Submitted by: Warren N. Nakamura, Courtroom Manager