CLOSED

U.S. District Court
District of Hawaii − CM/ECF V3.1.2 (12/07) (Hawaii)
CRIMINAL DOCKET FOR CASE #: 1:02−cr−00062−ACK All Defendants

Case title: USA v. Schnepper
Magistrate judge case number: 1:02−mj−00096 Circuit Ct 3rd Circu

Date Filed: 02/27/2002
Date Terminated: 01/27/2004

Assigned to: JUDGE ALAN C KAY

Appeals court case number: 6−10338 9CCA

Defendant (1)

Thomas M. Schnepper
TERMINATED: 01/27/2004

represented by **Georgia K. McMillen**
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Designation: Public Defender or Community Defender Appointment

Pending Counts	**Disposition**
18:2422(b) − ATTEMPTED ENTICMENT OF A MINOR, 02/15/02 (1s)	Imprisonment 87 months as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently. Supervised Release 3 years as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently under the following conditions: RECOMMENDAT ION: Nellis, Nevada. Mental health program. Sex offender treatment. Substance abuse program. Educational/vocational programs. 1. That the defendant shall abide by the standard conditions of

supervision. 2. That the defendant not commit any crimes, fe deral, state, or local (mandatory condition). 3. That the defendant not possess illegal controlled substances (mandatory condition) 4. That 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 at least two drug tests thereafter, as directed by the Probation Office (mandatory condition). 5. That the defendant participate in a substance abuse program, which may include drug testing a t the discretion and direction of the Probation Office. 6. That the defendant is prohibited from possessing a firearm as defined in 18 U.S.C. 921. 7. That the defendant is prohibited from possessing any illegal or dangerous weapons. 8. That the defen dant provide the Probation Office access to any requested financial information. 9. That the defendant participate in a mental health program at the discretion and direction of the Probation Office. 10. The defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the Probation Office. 11. That the defendant shall submit his person, residence, place of employment, or vehic le to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office. Failure to submit to a search may be grounds for revocation. The defen dant shall warn any other resident that the premises may be subject to search pursuant to this condition. 12. The defendant may change his residence only with the advance approval of the Probation Office. 13. The defendant shall participate in sex of fender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office. 14. The defendant shall not have any type of co ntact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or the victim(s), except in the presence of an adult who is aware of the nature of the defendant 's offense and who has been approved by the Probation Office. 15. That the defendant shall not view, purchase, possess, or distribute any form of child pornography depicting sexually explicit conduct as defined in 18 U.S.C. 2256(8), unless appro ved for treatment purposes, or frequent any place where such material. 16. That the defendant shall not view, purchase, possess, or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. 2256(2) unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available. 17. The defendant shall cooperate in the

	collection of DNA as directed by the Probation Officer. 18. The defendant is pr ohibited from the possession and use of alcohol. No fine imposed. Special Monetary Assessment $600. Advised of rights to appeal. MITTIMUS: Forthwith.
18:1470 − ATTEMPED TRANSFER OF OBSCENE MATERIALS TO A MINOR (2s)	Imprisonment 87 months as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently. Supervised Release 3 years as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently under the following conditions: RECOMMENDAT ION: Nellis, Nevada. Mental health program. Sex offender treatment. Substance abuse program. Educational/vocational programs. 1. That the defendant shall abide by the standard conditions of supervision. 2. That the defendant not commit any crimes, fe deral, state, or local (mandatory condition). 3. That the defendant not possess illegal controlled substances (mandatory condition) 4. That 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 at least two drug tests thereafter, as directed by the Probation Office (mandatory condition). 5. That the defendant participate in a substance abuse program, which may include drug testing a t the discretion and direction of the Probation Office. 6. That the defendant is prohibited from possessing a firearm as defined in 18 U.S.C. 921. 7. That the defendant is prohibited from possessing any illegal or dangerous weapons. 8. That the defen dant provide the Probation Office access to any requested financial information. 9. That the defendant participate in a mental health program at the discretion and direction of the Probation Office. 10. The defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the Probation Office. 11. That the defendant shall submit his person, residence, place of employment, or vehic le to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office. Failure to submit to a search may be grounds for revocation. The defen dant shall warn any other resident that the premises may be subject to search pursuant to this condition. 12. The defendant may change his residence only with the advance approval of the Probation Office. 13. The defendant shall participate in sex of fender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office. 14. The defendant shall not have any type of co ntact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or the victim(s), except

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18:1470 − ATTEMPTED TRANSFER OF OBSCENE MATERIALS TO A MINOR (3s−5s)	Imprisonment 87 months as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently. Supervised Release 3 years as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently under the following conditions: RECOMMENDAT ION: Nellis, Nevada. Mental health program. Sex offender treatment. Substance abuse program. Educational/vocational programs. 1. That the defendant shall abide by the standard conditions of supervision. 2. That the defendant not commit any crimes, fe deral, state, or local (mandatory condition). 3. That the defendant not possess illegal controlled substances (mandatory condition) 4. That 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 at least two drug tests thereafter, as directed by the Probation Office (mandatory condition). 5. That the defendant participate in a substance abuse program, which may include drug testing a t the discretion and direction of the Probation Office. 6. That the defendant is prohibited from possessing a firearm as defined in 18 U.S.C. 921. 7. That the defendant is prohibited from possessing any illegal or dangerous weapons. 8. That the defen dant provide the Probation Office access to any requested financial information. 9. That the defendant participate in a mental health program at the discretion and direction of the Probation Office. 10. The defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the Probation Office. 11. That the defendant shall submit his person, residence, place of employment, or vehic le to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office.

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18:1470 − ATTEMPTED TRANSFER OF OBSCENE MATERIALS TO A MINOR (7s)	Imprisonment 87 months as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently. Supervised Release 3 years as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently under the following conditions: RECOMMENDAT ION: Nellis, Nevada. Mental health program. Sex offender treatment. Substance abuse program. Educational/vocational programs. 1. That the defendant shall abide by the standard conditions of supervision. 2. That the defendant not commit any crimes, fe deral, state, or local (mandatory condition). 3. That the defendant not possess illegal controlled substances (mandatory condition) 4. That 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 at least two drug tests thereafter, as directed by the Probation Office (mandatory condition). 5. That the defendant participate in a substance abuse program, which may include drug testing a t the discretion and direction of the Probation Office. 6. That the defendant is prohibited from possessing a firearm as defined in 18 U.S.C. 921. 7. That the defendant is prohibited from possessing any illegal or dangerous weapons. 8. That the defen dant provide the Probation Office access to any requested financial information. 9. That the defendant participate in a mental health program at the discretion and direction of the

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Highest Offense Level (Opening)

Felony

Terminated Counts	**Disposition**
18:2422(b) ATTEMPTED USAGE OF INTERNEST TO ENTICE MINOR TO ENGAGE IN SEXUAL ACTIVITY, CT 1 (1)	Dismissed, count superseded
18:1470 − ATTEMPTED TRANSFER OF OBSCENE	JUDGMENT OF ACQUITTAL by Judge Alan C. Kay − the jury found defendant Thomas M.

MATERIALS TO A MINOR (6s)	Schnepper, not guilty on count 6 of the Superseding Indictment; judgment of acquittal on count 6 of the Superseding Indictment is entered in favor of defendant cc: USPO, PTS, USMASD, counsel)
18:2252 − CHILD PORNOGRAPHY, 12/13/01 (8s)	Count 8 DISMISSED by Court

Highest Offense Level (Terminated)

Felony

Complaints	**Disposition**
None	

Plaintiff

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Date Filed	#	Docket Text
02/19/2002	1	COMPLAINT by James Tamura−Wageman, FBI against Thomas M. Schnepper signed by Mag Judge Barry M. Kurren [1:02−m −96] (sna) (Entered: 02/19/2002)
02/19/2002	2	Notice of Motion and MOTION to detain by USA as to Thomas M. Schnepper [1:02−m −96] (sealed) (Entered: 02/21/2002)
02/19/2002	3	EP: MINUTES: INITIAL APPEARANCE of Thomas M. Schnepper ; , deft present. Deft. sworn to financial affidavit. oral m/court appt. atty granted. detention hearing set for 2:00 2/22/02 for Thomas M. Schnepper ; preliminary exam set for 10:00 3/4/02 for Thomas M. Schnepper before Mag Judge Leslie E. Kobayashi , ;deft remanded to custody of marshal. Thomas M. Schnepper Attorney Lawrence Tong, William M. Domingo present (Ct Rptr: Tape 1211) by Mag Judge Kurren [1:02−m −96] (gab) (Entered: 02/21/2002)
02/19/2002	4	FINANCIAL Affidavit as to Thomas M. Schnepper [1:02−m −96] (gab) (Entered: 02/21/2002)
02/20/2002	5	ORDER of Temporary Detention Pending Hearing Pursuant to Bail Reform Act as to Thomas M. Schnepper by Mag Judge Barry M. Kurren [1:02−m −96] (gab) (Entered: 02/21/2002)
02/22/2002	6	EP: MINUTES: Detention Hearing − Defendant present in custody. Oral Motion to Continue Detention Hearing granted. Further Detention Hearing set for 1:45

		2/27/02, BMK. Defendant remanded to the custody of the US Marshal. Thomas M. Schnepper Attorney Lawrence Tong, William M. Domingo present (Ct Rptr: FTR CD 2 C−7) by Judge KOBAYASHI [1:02−m −96] (gab) (Entered: 02/25/2002)
02/22/2002	7	NOTICE of hearing setting hearing on further detention hearing set for 1:45 2/27/02, BMK is moved to 10:30 2/27/02 BMK for Thomas M. Schnepper before Judge KURREN [1:02−m −96] (gab) (Entered: 02/25/2002)
02/27/2002	8	EP: MINUTES: Further detention hearing held on 2/27/02 Deft. present in custody. M/Detain granted. Tong to prepare order. Deft. remanded to custody of U.S. Marshal. Thomas M. Schnepper Attorney William M. Domingo present (Ct Rptr: C6 Tape 1214) by Judge KURREN [1:02−m −96] (gab) (Entered: 02/28/2002)
02/27/2002	9	EP: INDICTMENT by USA Counts filed against Thomas M. Schnepper (1) count(s) 1; Summons ordered (Barbara Acoba) by Mag Judge Barry M. Kurren (afc) (Entered: 03/01/2002)
02/28/2002	10	PS issued as to Thomas M. Schnepper; arraignment set for 10:00 3/4/02 for Thomas M. Schnepper before Mag Judge Leslie E. Kobayashi (afc) (Entered: 03/01/2002)
03/04/2002	11	PS issued as to Thomas M. Schnepper ; arraignment set for 10:00 3/4/02 for Thomas M. Schnepper before Mag Judge Leslie E. Kobayashi (lmg) (Entered: 03/07/2002)
03/04/2002	12	ORDER of Detention pending trial by Mag Judge Barry M. Kurren as to Thomas M. Schnepper (lmg) (Entered: 03/07/2002)
03/04/2002	13	EP: MINUTES:A &P as to the Indictment − Defendant present in custody. Charges received. Defendant waives public reading of the Indictment. Plea of Not Guilty entered. Jury Selection/Trial set for 9:00 4/30/02, HG Final Pretrial Conference set for 10:00 4/1/02, KSC Defendant's Motions due 3/18/02 Government's Response due 4/1/02 Defendant remanded to the custody of the US Marshal. INITIAL APPEARANCE of Thomas M. Schnepper ; , dft Thomas M. Schnepper arraignment waived; plea of NOT GUILTY entered; Attorney present; , ; jury trial set for 9:00 4/30/02 for Thomas M. Schnepper ; final pretrial conf set for 10:00 4/1/02 for Thomas M. Schnepper , ; Thomas M. Schnepper, USA Attorney William M. Domingo, Lawrence L. Tong present (Ct Rptr: FTR−CD 3−Courtroom 7 10:15−10:17) by Mag Judge Kobayashi (lmg) (Entered: 03/07/2002)
04/03/2002	14	EO:The Jury Selection/Trial is continued from April 30, 2002 to September 10, 2002 @ 9:00 a.m. The Final Pretrial Conference before the Honorable Helen Gillmor is set for August 30, 2002 @ 8:30 a.m. The Final Pretrial Conference is continued from April 1, 2002 to August 12, 2002 @ 10:00 a.m. before the Honorable Barry M. Kurren. Motions deadline: July 30, 2002. Response due: August 13, 2002. Lawrence L. Tong, Esq. will prepare the stipulation. cc: Judge Gillmor's chambers MINUTES ; jury trial set for 9:00 9/10/02 for Thomas M. Schnepper ; final pretrial conf set for 8:30 8/30/02 for Thomas M. Schnepper , ; final pretrial conference hearing set for 10:00 8/12/02 for Thomas M. Schnepper before Mag Judge Barry M. Kurren by Judge Gillmor (lmg) (Entered: 04/04/2002)
04/19/2002	15	STIPULATION continuing trial and excluding time; order by Judge Helen Gillmor; certificate of service − ; jury trial set for 9:00 9/10/02 for Thomas M. Schnepper; pretrial conference set for 8:30 8/30/02 for Thomas M. Schnepper before Judge Helen Gillmor ; final pretrial hearing set for 10:00 8/12/02 for Thomas M. Schnepper before Mag Judge Kurren (sealed) (Entered: 04/24/2002)
04/19/2002	16	ORDER approving stipulation continuing trial and excluding time by Judge Helen Gillmor − ; jury trial set for 9:00 9/10/02 for Thomas M. Schnepper before Judge Helen Gillmor ; final pretrial conference set for 8:30 8/30/02 for Thomas M. Schnepper before Judge Helen Gillmor , ; final pretrial conference set for 10:00 8/12/02 for Thomas M. Schnepper before Mag Judge Barry M. Kurren ; the time between 04/30/02 to 09/10/02 shall be excluded in computing time

		under the speed trial act, 18 usc, section 3161 et seq re [15−3] (cc: all counsel) (sealed) (Entered: 04/24/2002)
04/22/2002	17	Notice of Motion and MOTION for reconsider detention order by defendant Thomas M. Schnepper ; declaration of counsel; certificate of service − Motion hearing set for 10:00 04/29/02 before Kevin S.C. Chang (sealed) (Entered: 04/26/2002)
04/29/2002	18	EP: MINUTES: Motion for Reconsideration − defendant Thomas Schnepper present. Motion denied. Defendant remanded to the custody of the U. S. Marshals. [17−1] ; Thomas M. Schnepper, USA Attorney Lawrence L. Tong, William M. Domingo present (Ct Rptr: C5 Tape #888) by Judge Kevin Chang (bbb) (Entered: 05/01/2002)
05/01/2002	19	ORDER by Mag Judge Kevin S. Chang denying motion to reconsider bail − by pltf USA [17−1] (afc) (Entered: 05/06/2002)
05/21/2002	20	Notice of Motion and MOTION to withdraw as counsel by defendant ; declaration of counsel; certificate of service − Motion hearing set for 10:00 05/24/02 before Mag Judge Barry M. Kurren (lmg) (Entered: 05/22/2002)
05/24/2002	21	MINUTES:Defendant's motion to withdraw as Counsel−Defendant present in Custody; this motion is hereby granted; Mr. Domingo to prepare the order ; Thomas M. Schnepper Attorney William M. Domingo present (Ct Rptr: C6−tape no. 1242) by Judge Kurren (lmg) (Entered: 05/29/2002)
05/24/2002	23	CJA Form 20 Copy 4 (Appointment of Counsel) as to defendant Thomas M. Schnepper Attorney Richard S. Kawana (sealed) (Entered: 06/04/2002)
05/30/2002	22	ORDER by Mag Judge Barry M. Kurren granting motion to withdrawal and substitution of counsel [20−1] − on behalf of defendant (sealed) (Entered: 06/04/2002)
08/12/2002	24	STIPULATION continuing trial and excluding time; order by Judge Helen Gillmor; certificate of service − by plaintiff ; jury trial set for 9:00 11/19/02 before Judge Helen Gillmor for Thomas M. Schnepper , ; final pretrial hearing set for 10:00 10/21/02 before Mag Judge Kevin S. Chang for Thomas M. Schnepper , ; final pretrial conference set for 8:30 11/8/02 before Judge Helen Gillmor for Thomas M. Schnepper , that the time from 09/10/02, up to and including 11/19/02, shall be and is deemed excludable time within the meaning of the speedy trial act, 18 u.s.c. section 3161 (lmg) (Entered: 08/14/2002)
08/12/2002	25	ORDER continuing trial date and excluding time under the speedy trial act by Judge Helen Gillmor ; jury trial set for 9:00 11/19/02 before Judge Helen Gillmor for Thomas M. Schnepper , ;final pretrial hearing set for 10:00 10/21/02 before Mag Judge Kevin S. Chang for Thomas M. Schnepper , ; final pretrial conference set for 8:30 11/8/02 before Judge Helen Gillmor for Thomas M. Schnepper ; the court finds the time from 09/10/02 up to and including 11/19/02 to be excludable from computation required by the Speedy Trial Act under Title 18, United States Code, Sections 3161(h)(8)(A), (B)(ii) and (B)(iv) (cc: all counsel) (lmg) (Entered: 08/15/2002)
10/21/2002	26	EO: Continued: ; final pretrial conference from 10/21/02 10:00 AM to 10/29/02 10:00 AM KSC for Thomas M. Schnepper ; negotiating plea; by Judge Mag Judge Kevin S. Chang (lmg) (Entered: 10/25/2002)
10/29/2002	27	EX PARTE APPLICATION for authorization to obtain expert services, and for sealing papers; memorandum in support of ex parte application for authorization to obtain expert services, and for sealing of papers; exhibits A−1 − B−2; proposed Order granting ex parte application for authorization to obtain expert services, and for sealing papers − on behalf of defendant [SEALED] (cc: all counsel) (lmg) Modified on 10/30/2002 (Entered: 10/30/2002)
10/29/2002	28	NOTICE of hearing setting hearing on ; pretrial conference set for 11:00 11/1/02 for Thomas M. Schnepper before Judge Helen Gillmor; Lawrence L. Tong, Esq., cc: Richard S. Kawana, Esq. (lmg) (Entered: 10/30/2002)

10/29/2002	29	EP: FINAL PRETRIAL CONFERENCE AS TO THOMAS MITCHELL SCHNEPPER: Defendant is not present and his presence is waived. CRIMINAL FINAL PRETRIAL CONFERENCE Jury Trial before Judge Helen Gillmor on November 19, 2002 at 9:00.a.m.. Representations by counsel on trial time: The United States: 2−3 days day(s) Defendant: Schnepper − 3−4 days day(s) Fed. R. Crim. P. 16(a) (1) (C) (E) disclosures made as to Defendants: 1. Fed. R. Evid. 404(b) : October 23, 2002 2. a. Motions in Limine filed and served by :October 30, 2002. b. Memoranda in opposition to motions in limine filed and served by: November 4, 2002. 3. Brady and Giglio Material by: October 30, 2002 4. a. Jury Instructions exchanged by October 30, 2002. b. Filings required by 4(a) &(b) by: November 6, 2002. 5. Witness Lists per stipulation by November 15, 2002. 6. Exhibits a. Parties will exchange exhibits. b. Original exhibits tabbed and in folders/binders, copy in folders/binders. 7. Stipulations: In writing and filed by November 13, 2002. 8. Voir Dire Questions: In writing by November 13, 2002. 9. Trial Briefs: by November 13, 2002. 10. Jencks Disclosures by the Friday before trial 11. Other Matters: 12. N/A re [28−2] ; jury trial set for 9:00 11/19/02 for Thomas M. Schnepper ; Thomas M. Schnepper's presence waived, USA Attorney, Lawrence L. Tong, Richard Kawana present (Ct Rptr: Tape C−5) by Mag Judge Kevin S. Chang (lmg) (Entered: 10/30/2002)
10/29/2002	31	Report of Final Pretrial Conference, Minutes and Order as to Thomas M. Schnepper by Mag Judge Kevin S. Chang (lmg) (Entered: 10/31/2002)
10/30/2002	30	ORDER granting ex parte application for authorization to obtain expert services and for sealing papers − by Mag Judge Kevin S. Chang − granting order [27−1] − on behalf of defendant [SEALED] (lmg) (Entered: 10/30/2002)
10/31/2002	32	Notice of Motion and MOTION in limine by defendant Thomas M. Schnepper to exclude the use of computer−related evidence ; memoradum in support of motion; declaration; exhibit a; certificate of service − Motion hearing set for 9:45 11/12/02 before Judge Helen Gillmor (lmg) (Entered: 11/01/2002)
10/31/2002	33	Notice of Motion and MOTION in limine by defendant Thomas M. Schnepper to exclude evidence of uncharged criminal conduct or other crimes, wrongs, or acts ; declaration; memorandum in support of motion; certificate of service − Motion hearing set at 9:45 11/12/02 before Judge Helen Gillmor (lmg) (Entered: 11/01/2002)
11/01/2002	34	Government's MEMORANDUM IN RESPONSE to defendant's motions in limine by defendant Thomas M. Schnepper; certificate of service [33−1], [32−1] (lmg) (Entered: 11/01/2002)
11/01/2002	35	Government's PROPOSED Voir Dire questions; certificate of service (lmg) (Entered: 11/01/2002)
11/01/2002	36	Government's NOTICE of intent to use rule 404(B) evidence; certificate of service (lmg) (Entered: 11/01/2002)
11/01/2002	37	EP: PRETRIAL CONFERENCE The defendant is present in custody. The parties predicted the length of trial: Government's case 2−3 days; Defendant's case 2−3 days. The Government is ordered to file its 404(b) disclosure by the end of the day pursuant to the Court's standing order regarding 404(b) notice. Mr. Kawana stated that the defense may be calling a mental health expert and a computer expert. Under Federal Rule of Criminal Procedure 12.2(b), the time for filing a notice of Defendant's intent to use expert testimony relating to the mental condition of Defendant was October 8, 2002. The government stated that today was the first day it was made aware that the Defendant may be raising the issue of Defendant's mental health. The defense is uncertain if it will call the expert witnesses and whether the witnesses will be ready in time for trial on November 19, 2002. The defense, however, does not want a continuance. A discussion was held on rescheduling the trial. Mr. Tong stated that it would not be possible to try the case in December because the government's key witness is not available during that month. Mr. Tong also expressed concern that the government may need more time to prepare and secure expert witnesses should the Defendant call expert witnesses. A discussion was held regarding Defendant's request for a mirror image of the computer hard drive. The government expressed concern that duplication of the allegedly pornographic material is illegal. The Defendant will

		file a memorandum regarding the Court's ability to order a duplication of the hard drive. The trial date remains Tuesday, November 19, 2002 at 9:00 a.m.. A final pre−trial conference will be held before the Court on Thursday, November 14, 2002 at 2:00 p.m. The hearing on Defendant's Motions in Limine (1) to Exclude Evidence of Uncharged Criminal Conduct or Other Crimes, Wrongs, or Acts and (2) to Exclude the Use of Computer−Related Evidence, previously scheduled for November 12, 2002, will be heard on November 14, 2002 @ 2:00 p.m. cc: above−listed parties final pretrial conference held on 11/1/02 , ; jury trial set for 9:00 11/19/02 for Thomas M. Schnepper , ; final pretrial conf set for 2:00 11/14/02 for Thomas M. Schnepper setting hearing on motion in limine by defendant Thomas M. Schnepper to exclude evidence of uncharged criminal conduct or other crimes, wrongs, or acts [33−1] 2:00 11/14/02, setting hearing on motion in limine by defendant Thomas M. Schnepper to exclude the use of computer−related evidence [32−1] 2:00 11/14/02, ; Thomas M. Schnepper, Attorney Richard S. Kawana for deft, AUSA Lawrence L. Tong present (Ct Rptr: Stephen Platt) by Judge Gillmor (lmg) (Entered: 11/04/2002)
11/05/2002	38	EX PARTE APPLICATION for authorization to obtain expert services, and for sealing papers; memorandum in support of ex parte application for authorization to obtain expert services, and for sealing papers; declaration; exhibit a; proposed ORDER granting ex parte application for authorization to obtain expert services, and for sealing papers − by defendant [SEALED] (lmg) Modified on 11/06/2002 (Entered: 11/06/2002)
11/06/2002	39	EO: MINUTE ORDER UNDER SEAL as to Thomas M. Schnepper by Judge Judge Helen Gillmor (eps) (Entered: 11/06/2002)
11/06/2002	40	EX PARTE MOTION to shorten time to hear motion to compel discovery and approve transmission of copies of computer drives and disks; declaration; Order by Judge Helen Gillmor − granting defendant's ex parte motion to shorten time to hear motion to compel discovery and approve transmission of copies of computer drives and disks − hearing set for 2:00 11/14/02 − on behalf of defendant (lmg) (Entered: 11/07/2002)
11/06/2002	41	Notice of Motion and MOTION to compel discovery and approve transmission of copies of computer drives and disks by defendant ; memorandum in support of motion; exhibits a − c; certificate fo service − Motion hearing set for 2:00 11/14/02 before Judge Helen Gillmor (lmg) (Entered: 11/07/2002)
11/06/2002	42	ORDER granting ex parte application for authorization to obtain expert services and for sealing papers − by defendant [refer to documents 40, 41] [SEALED] (lmg) Modified on 11/07/2002 (Entered: 11/07/2002)
11/06/2002	43	EO: The hearing on Defendant's Motion to Compel Discovery and Approve Transmission of Copies of Computer Drives and Disks is set for November 14, 2002 @ 2:00 p.m. The Government's response to this motion shall be filed by 3:00 p.m. on November 13, 2002 Fax: Lawrence L. Tong, Esq. Richard S. Kawana, Esq. cc: Judge Gillmor's chambers motion to compel discovery and approve transmission of copies of computer drives and disks by defendant [41−1] ; motion hearing set for 2:00 11/14/02 by Judge Judge Helen Gillmor (lmg) (Entered: 11/07/2002)
11/07/2002	44	Amended CERTIFICATE OF SERVICE by defendant (lmg) (Entered: 11/08/2002)
11/08/2002	45	NOTICE by defendant of intent to introduce expert testimony relating to mental condition of defendant; certificate of service (lmg) (Entered: 11/12/2002)
11/08/2002	46	EP: MINUTE UNDER SEAL (Ct Rptr: Stephen Platt) by Judge Gillmor (lmg) (Entered: 11/12/2002)
11/13/2002	47	Defendant Thomas M. Schnepper's SUPPLEMENTAL exhibits d−j in support of motion to compel discovery and approve transmission of copies of computer drives and disks [41−1]; certificate of service (bbb) (Entered: 11/14/2002)
11/13/2002	48	Government's MEMORANDUM in opposing defendant's motion to compel discovery and approve transmission of copies of computer drives and disks

		[41−1]; exhibit a; certificate of service (bbb) (Entered: 11/14/2002)
11/14/2002	49	Defendant's SUPPLEMENTAL exhibit k (declaration of Marcus Lawson) [41−1] (bbb) (Entered: 11/14/2002)
11/14/2002	50	Defendant's reply MEMORANDUM in support of defendant's motion to compel discovery and approve transmission of copies of computer drives and disks [41−1]; certificat of service (bbb) (Entered: 11/14/2002)
11/15/2002	51	[MINUTES FOR HEARING HELD ON 11/14/2002] EP: MINUTES: DEFENDANT'S MOTION TO COMPEL DISCOVERY AND APPROVE TRANSMISSION OF COPIES OF COMPUTER DRIVES AND DISKS The defendant is present in custody. Defendant's motion is GRANTED. The parties shall draft a proposed order for the Court. The proposed order shall state, in part, that Defendant shall not under any circumstances be permitted access or view any graphic image file containing actual or alleged child pornography without petition to and further order of the Court but may access and view non−image data on the mirrored drives for the purpose of assisting in the preparation of his defense in the presence of counsel and under the direct supervision and control of counsel. The proposed order should also state that all copies shall be returned to the government at the conclusion of trial and destroyed. Defendant affirmed that he wished a continuance of trial. The new trial date is March 11, 2003 at 9:00 a.m. Final pretrial conference before Magistrate Judge Kevin S. Chang is February 10, 2003 at 10:00 a.m. The final pretrial conference before this Court is February 28, 2003 at 8:30 a.m. The motions deadline is January 28, 2003 and the response deadline is February 11, 2003. The motions in limine will be heard by the Court at the final pretrial conference on February 28, 2003. The Court finds that the ends of justice served by such an action outweigh the best interest of the Defendant and the public in a speedy trial. The Court orders that the period from November 19, 2002 to and including March 11, 2003 be excluded from computation under the Speedy Trial Act as a failure to grant the continuance would unreasonably deny counsel for the Defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. cc: above−listed parties Judge Gillmor's chambers [41−1] time exluded between 11/19/02 to 03/11/03 ; Thomas M. Schnepper, USA Attorney Lawrence L. Tong, Lawrence Futa−FBI, James Tamura−Wageman − FBI, Richard S. present (Ct Rptr: Stephen Platt) by Judge Helen Gillmor (bbb) Modified on 1/23/2008 (bbb,). (bbb,). (Entered: 11/18/2002)
11/22/2002	52	ORDER authorizing temporary release of defendant, and for sealing of papers − by Judge Helen Gillmor − on behalf of defendant (SEALED) (lmg) (Entered: 11/25/2002)
11/25/2002	53	ORDER authorizing escort of defendant, and for sealing of papers by Judge Helen Gillmor − on behalf of defendant [SEALED] (lmg) (Entered: 11/29/2002)
11/27/2002	54	ORDER compelling discovery and approving copying and transmission of copies of computer drives and disks by Judge Helen Gillmor − on behalf of defendant (lmg) (Entered: 11/29/2002)
12/04/2002	55	EX PARTE APPLICATION for approval of expert fees, and for sealing papers; declaration; exhibits a−b; proposed Order by defendant Thomas M. Schnepper (SEALED) (bbb) (Entered: 12/05/2002)
12/10/2002	56	ORDER granting ex parte application for approval of expert fees, and for sealing papers by Judge Helen Gillmor − granting [55−1] − on behalf of defendant [SEALED] (lmg) (Entered: 12/10/2002)
01/21/2003	57	CJA Form 21 (Expert Services) Voucher # 030119000001 for Justin R.J. Clarke as to Thomas M. Schnepper in the amount of $728.00 by Mag Judge Leslie E. Kobayashi (lmg) (Entered: 01/22/2003)
02/06/2003	58	EO: By agreement of parties, continued: ; final pretrial conf from 02/10/03 10:00 AM to 02/18/03 10:00 AM before BMK for Thomas M. Schnepper ; Larry Tong to notify parties Judge Kevin S. Chang (lmg) (Entered: 02/11/2003)

02/12/2003	59	EP: SUPERSEDING INDICTMENT by USA; naming Thomas M. Schnepper counts filed against Thomas M. Schnepper (1) count(s) 1s, 2s, 3s−7s, 8s ordered PS (Marjiann Shawler) by Mag Judge Kevin S. Chang (lmg) Additional attachment(s) added on 4/3/2006 (bbb,). (Entered: 02/13/2003)
02/13/2003	60	PS issued as to Thomas M. Schnepper ; arraignment set for 10:00 2/18/03 for Thomas M. Schnepper before Mag Judge Barry M. Kurren (lmg) (Entered: 02/13/2003)
02/18/2003	61	EP: Final PreTrial Conference and A &P as to the Superseding Indictment−Defendant present in Custody. Arrn. Waived. Plea of Not Guilty entered. Defendant's Oral Motion to Continue Trial Date−is Granted. Jury Selection/Jury Trial−April 08, 2003 @9:00 a.m. before Judge Gillmor. Final PreTrial Conference−March 10, 2003 @l0:00 a.m. before Judge Kobayashi. Defendant's Motions are to be filed by March 03, 2003. Government's Response to be filed by March 17, 2003. Mr. Tong to prepare the Order reflecting excludable time from March 11, 2003 through April 08, 2003. Detention Order to remain in effect. final pretrial conference held on 2/18/03 , ; jury selection/jury trial set for 9:00 4/8/03 before Judge Gillmor for Thomas M. Schnepper ; final pretrial conf set for 10:00 3/10/03 before Mag Judge Kobayashi for Thomas M. Schnepper , dft Thomas M. Schnepper arraignment waived; plea of Not Guilty entered; ; Mr. Tong to prepare the order reflecting excludable time from 03/11/03 through 04/08/03 , ; Thomas M. Schnepper, Attorney Richard S. Kawana, AUSA Lawrence L. Tong present (Ct Rptr: C6 Tape No. 1332) by Mag Judge Kurren (lmg) (Entered: 02/21/2003)
02/19/2003	63	EO: Final Pretrial Conference, Defendant's Motion in Limine to Exclude Evidence of Uncharged Criminal Conduct or Other Crimes, Wrongs, or Acts and Defendant's Motion in Limine to Exclude the Use of Computer−Related Evidence set for 02/28/2003 continued to 03/28/2003 08:30 AM before Judge Gillmor. (Please Note the Trial Date was continued from March 11, 2003 to April 08, 2003 before Judge Gillmor) motion in limine by defendant Thomas M. Schnepper to exclude evidence of uncharged criminal conduct or other crimes, wrongs, or acts [33−1] ; motion hearing for 8:30 3/28/03, motion in limine by defendant Thomas M. Schnepper to exclude the use of computer−related evidence [32−1] ; motion hearing set for 8:30 3/28/03 ; jury trial set for 9:00 4/8/03 before Judge Helen Gillmor for Thomas M. Schnepper; final pretrial conference held on 2/19/03 cc: Larry Tong and Richard Kawana (lmg) (Entered: 02/24/2003)
02/20/2003	62	PS executed on 2/18/03 as to Thomas M. Schnepper (lmg) (Entered: 02/21/2003)
02/25/2003	64	ORDER continuing trial and excluding time; certificate of service − by Mag Judge Kevin S. Chang ; jury trial set for 9:00 4/8/03 before Judge Helen Gillmor for Thomas M. Schnepper , ; pretrial conference set for 10:00 3/10/03 before Mag Judge Leslie E. Kobayashi for Thomas M. Schnepper , it is further ordered that time from 03/11/03 to 04/08/03 be deemed excludable time within the meaning of the speedy trial act, 18 U.S.C. section 3161 et. seq. − on behalf of plaintiff (lmg) (Entered: 02/26/2003)
02/25/2003	65	CJA Form 21 (Expert Services) Voucher # 030221000035 for Ramona (illegible) of Global CompuSearch, LLC as to Thomas M. Schnepper in the amount of $330.00 by Judge Kevin S. Chang (lmg) (Entered: 02/26/2003)
03/10/2003	66	EO: Continued: ; final pretrial conference from 03/10/03 10:00 AM to 10:00 3/17/03 before BMK for Thomas M. Schnepper (lmg) (Entered: 03/11/2003)
03/19/2003	67	CJA Form 21 (Expert Services) Voucher # 0303190007 for Forensic and Behavorial Science Institute Inc. as to Thomas M. Schnepper in the amount of $2,100.00 by Judge Gillmor/Judge Hawkins 9th CCA (fe) (Entered: 03/20/2003)
03/27/2003	68	STIPULATION continuing trial and excluding time; order by Judge Helen Gillmor − setting hearing on motion in limine by defendant Thomas M. Schnepper to exclude evidence of uncharged criminal conduct or other crimes, wrongs, or acts [33−1] 8:30 5/16/03, setting on motion in limine by defendant Thomas M. Schnepper to exclude the use of computer−related evidence [32−1] 8:30 5/16/03 ; jury trial set for 9:00 5/28/03 before Judge Helen Gillmor for

		Thomas M. Schnepper; final pretrial conference set for 8:30 05/16/03 before Judge Helen Gillmor for Thomas M. Schnepper , ; pretrial conference set for 10:00 4/28/03 before Magistrate Judge Leslie E. Kobayashi for Thomas M. Schnepper , it is further stipulated and the court finds that the time from 04/08/03 to 05/28/03 should be deemed excludable time with the meaning of the Speedy Trial Act, 18 U.S.C. section 3161 et. seq., (lmg) (Entered: 03/27/2003)
03/31/2003	69	CJA Form 21 (Expert Services) Voucher # 0330330000009 for Global CompuSearch, LLC as to Thomas M. Schnepper in the amount of $373.94 by Mag Judge Barry M. Kurren (lmg) (Entered: 03/31/2003)
04/24/2003	70	NOTICE of hearing setting hearing on motion for reconsideration of detention order set for 10:00 5/1/03, KSC [17−1] as to defendant Thomas M. Schnepper; AUSA, Lawrence Tong, Deft's Atty, Richard Kawana (lmg) (Entered: 04/28/2003)
04/28/2003	71	EP: Final pretrial conference not held; defendant's counsel not present; ; final pretrial conf set for 10:00 5/1/03 for Thomas M. Schnepper ; Thomas M. Schnepper Attorney S. Kawana, AUSA Lawrence L. Tong present (Ct Rptr: Courtroom 6−Tape 1387 and 1388) by Judge Leslie E. Kobayashi (lmg) (Entered: 04/29/2003)
04/28/2003	72	Notice of Motion and MOTION for reconsideration of detention order by defendant Thomas M. Schnepper ; certificate of service − Motion hearing set for 10:00 05/01/03 before Mag Judge Kevin S. Chang (lmg) (Entered: 04/29/2003)
05/01/2003	74	EP: 1) Defendant Thomas Schnepper's Motion for Reconsideration of Detention, and 2) Final Pretrial Conference − defendant present, in custody. 1) Defendant Thomas Schnepper's Motion for Reconsideration of Detention is denied. Defendant has failed to present new evidence which warrants reconsideration. Defendant is remanded to the custody of the USMS. Government to prepare the order. Final Pretrial Conference − Final Pretrial Order to be issued. CRIMINAL FINAL PRETRIAL CONFERENCE Jury Trial before Judge Helen Gillmor on May 28, 2003 at 9:00.a.m.. Representations by counsel on trial time: The United States: 3−4 day(s) Defendant: Schnepper − 1− 2 day(s) Fed. R. Crim. P. 16(a) (1) (C) (E) disclosures made as to Defendants: Schnepper 1. Fed. R. Evid. 404(b) : already provided 2. a. Motions in Limine filed and served by :May 8, 2003. b. Memoranda in opposition to motions in limine filed and served by: May 13, 2003. 3. Brady and Giglio Material by: May 8, 2003 4. a. Jury Instructions exchanged by May 8, 2003. b. Filings required by 4(a) &(b) by: May 13, 2003. 5. Witness Lists per stipulation by May 21, 2003. 6. Exhibits a. Parties will exchange exhibits. b. Original exhibits tabbed and in folders/binders, copy in folders/binders. 7. Stipulations: In writing and filed by May 13, 2003. 8. Voir Dire Questions: In writing by May 13, 2003. 9. Trial Briefs: by May 21, 2003. 10. Jencks Disclosures: the government does not agree to turn over Jencks material before trial. 11. Other Matters: 12. Pretrial Conference before HG at 8:30am on May 16, 2003 at 8:30 am. :denying motion for reconsideration of detention order by defendant Thomas M. Schnepper [72−1] final pretrial conference held on 5/1/03 before Mag Judge Kevin S. Chang , ; jury trial set for 9:00 5/28/03 before Judge Helen Gillmor for Thomas M. Schnepper , ; final pretrial conf #2 set for 8:30 5/16/03 before Judge Helen Gillmor for Thomas M. Schnepper , ; Thomas M. Schnepper Attorney Richard S. Kawana, AUSA Lawrence Tong present (Ct Rptr: C5, tape #1114) by Mag Judge Kevin S. Chang (lmg) (Entered: 05/06/2003)
05/05/2003	73	ORDER denying motion for reconsideration of detention order; certificate of service − order denied by Mag Judge Kevin S. Chang − for reconsideration of detention order by defendant Thomas M. Schnepper [72−1] − on behalf of USA (lmg) (Entered: 05/06/2003)
05/05/2003	75	Report of Final Pretrial Conference, Minutes and Order as to Thomas M. Schnepper by Mag Judge Kevin S. Chang (bbb) (Entered: 05/08/2003)
05/09/2003	76	ORDER re−assigning case by Judge David A. Ezra − case reassigned to the Honorable Alan C. Kay (cc: all counsel) (lmg) (Entered: 05/13/2003)

05/12/2003	77	NOTICE of hearing setting hearing on final pretrial conference set for 2:00 05/22/03 before Judge Alan C. Kay re [75−1] as to defendant Thomas M. Schnepper cc: Larry Tong, AUSA, Richard Kawana, Esq., US Marshals office (lmg) (Entered: 05/13/2003)
05/13/2003	78	EX PARTE APPLICATION by defendant for issuance of pretrial subpoena duces tecum, for sealing of papers; and for payment of witness fees and costs; memorandum in support; declaration [SEALED] (lmg) (Entered: 05/13/2003)
05/13/2003	79	SUPPLEMENTAL DECLARATION in support of ex parte application for issuance of pretrial subpoena duce tecum, or sealing of papers, and for payment of witness fees and costs [78−1] by defendant [SEALED] (sealed) (Entered: 05/14/2003)
05/15/2003	80	ORDER granting ex parte application for issuance of pretrial subpoena duces tecum for sealing of papers and for payment of witness fees and costs [78−1]; order by Mag Judge Kevin S. Chang (SEALED) (bbb) (Entered: 05/16/2003)
05/16/2003	81	EX PARTE APPLICATION by defendant for authorization to obtain expert services, and for sealing papers ; memorandum in support of ex parte application for authorization to obtain expert services, and for sealing papers; declaration [SEALED] (lmg) (Entered: 05/19/2003)
05/16/2003	82	EX PARTE APPLICATION by defendant for issuance of subpoena, for sealing of papers, and for payment of witness fees and costs [SEALED] (lmg) (Entered: 05/19/2003)
05/19/2003	83	Government's TRIAL Memorandum; certificate of service (lmg) (Entered: 05/21/2003)
05/19/2003	84	Government's Amended PROPOSED Voir Dire questions; certificate of service (lmg) (Entered: 05/21/2003)
05/19/2003	85	Government's proposed JURY Instructions; certificate of service (lmg) (Entered: 05/21/2003)
05/19/2003	86	EP: MINUTES: status hearing held re experts on 5/19/03 ; Attorney Richard S. Kawana, AUSA Lawrence L. present (Ct Rptr: C5 tape 1129) by Mag Judge Kevin S. Chang (lmg) (Entered: 05/21/2003)
05/20/2003	87	ORDER by Mag Judge Kevin S. Chang granting ex parte application for issuance of subpoena, for sealing of papers, and for of witness fees and costs [82−1] − on behalf of defendant [SEALED] (lmg) (Entered: 05/21/2003)
05/20/2003	88	ORDER by Mag Judge Kevin S. Chang granting ex parte application for authorization to obtain expert services, and for sealing papers [81−1] − on behalf of defendant [SEALED] (lmg) (Entered: 05/21/2003)
05/21/2003	89	Defendant's requested VOIR DIRE questions (lmg) (Entered: 05/22/2003)
05/21/2003	90	Government's MEMORANDUM re inadmissibility of defendant's self−serving statements; certificate of service (lmg) (Entered: 05/22/2003)
05/22/2003	91	Defendant's requested JURY Instructions (lmg) (Entered: 05/22/2003)
05/22/2003	92	EP: 1) Pretrial Conference. 2) Motions in Limine: Defendant present in custody with counsel Richard Kawana. Defendant's Motion In Limine To Exclude Evidence Of Uncharged Criminal Conduct Or Other Crimes, Wrongs, Or Acts − DENIED. Defendant's Motion In Limine To Exclude The Use Of Computer−Related Evidence − DENIED. Evidentiary and legal issues discussed. Government to call approximately 5 − 7 witnesses and defendant 5. Length of trial − Government 2 − 3 days, defendant 2 days. Jury selection scheduled for Wednesday, May 28, 2003 at 9:00 a.m. final pretrial conf #2 held on 5/22/03 , ; jury selection set for 9:00 5/28/03 for Thomas M. Schnepper , denying motion in limine by defendant Thomas M. Schnepper exclude evidence of uncharged criminal conduct or other crimes, wrongs, or acts [33−1], denying motion in limine by defendant Thomas M. Schnepper to exclude the use of computer−related evidence [32−1] ; Thomas M. Schnepper Attorney Richard S. Kawana, AUSA Lawrence L. Tong present (Ct Rptr: ESR (L.G.)) by Judge Alan

		C. Kay (lmg) (Entered: 05/23/2003)
05/23/2003	93	GOVERNMENT'S WITNESS list; certificate of service (afc) (Entered: 05/27/2003)
05/26/2003	94	WITNESS list by defendant Thomas M. Schnepper (afc) Modified on 05/27/2003 (Entered: 05/27/2003)
05/26/2003	95	EX PARTE APPLICATION by defendant Thomas M. Schnepper for issuance of subpoenas, for sealing of papers, and for payment of witness fees and costs; declaration (SEALED) (afc) Modified on 05/27/2003 (Entered: 05/27/2003)
05/28/2003	96	EP: Jury Selection Defendant present in custody with counsel Richard Kawana. 90 jurors present for selection. 12 jurors and 4 alternates selected. Jurors sworn. Preliminary instructions given by Court. Further jury trial continued to Thursday, May 29, 2003 at 9:00 a.m. jury impaneled , ; jury trial set for 9:00 5/29/03 for Thomas M. Schnepper ; Thomas M. Schnepper Attorney Lawrence L. Tong, Richard S. Kawana present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (lmg) (Entered: 05/29/2003)
05/28/2003	97	EX PARTE APPLICATION for issuance of subpoena, for sealing of papers, and for payment of witness fees and costs; declaration − by defendant Thomas M. Schnepper [SEALED] (lmg) (Entered: 05/29/2003)
05/28/2003	98	MOTION in limine by defendant Thomas M. Schnepper to for (sic) determination that government exhibit 8 is not child pornography, or to dismiss count 8 ; declaration; exhibits a−d; certificate of service − Motion hearing set for 9:00 05/29/03 Judge Alan C. Kay (lmg) (Entered: 05/29/2003)
05/29/2003	99	ORDER by Mag Judge Kevin S. Chang − granting order [97−1] − on behalf of defendant [SEALED] (lmg) (Entered: 05/29/2003)
05/29/2003	100	EP: Jury Trial: 1st day Defendant present in custody with counsel Richard Kawana. Government presented opening statement. Defendant presented opening statement. CST: Flint Waters Exhibits Admitted: Governments − 100, 102, 101, 103, 2, 3, 4, 5, 104, 6, 7, 8, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134. Further jury trial continued to Friday, May 30, 2003 at 9:00 a.m. ; jury trial set for 9:00 5/30/03 for Thomas M. Schnepper ; Thomas M. Schnepper Attorney Richard S. Kawana, AUSA Lawrence L. Tong present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (lmg) (Entered: 05/30/2003)
05/30/2003	101	Government's MEMORANDUM OPPOSING judgment of acquittal on child pornography charge; certificate of service (lmg) (Entered: 06/02/2003)
05/30/2003	102	ORDER {granted} by Mag Judge Kevin S. Chang − on behalf of defendant [SEALED] (lmg) (Entered: 06/02/2003)
05/30/2003	103	EP: Jury Trial: 2nd day Defendant present in custody with counsel Richard Kawana. Further cross−examination of Flint Waters by Mr. Kawana; redirect by Mr. Tong; recross by Mr. Kawana. CST: Joy Aipolani Jodi Shea James Tamura−Wageman Exhibits Admitted: Governments − 135, 136, 143, 142, 140, 139, 137, 144, 145, 146, 138. Government rest. Defendants Oral Motion for Judgment of Acquittal as to all Counts − DENIED. Further trial continued to Monday, June 2, 2003 at 9:00 a.m. ; jury trial set for 9:00 6/2/03 for Thomas M. Schnepper ; Thomas M. Schnepper, Attorney Richard S. Kawana, AUSA Lawrence L. Tong present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (lmg) (Entered: 06/02/2003)
06/02/2003	104	Government's proposed supplemental JURY Instruction; certificate of service (lmg) (Entered: 06/02/2003)
06/02/2003	105	EP: Jury Trial: 3rd day Defendant present in custody with counsel Richard Kawana. CST: Robin Reed Thomas Schnepper Exhibits Admitted: Governments − 147. Defendants − E, A, B, C, S, T, J, K, R. Further trial continued to Tuesday, June 3, 2003 at 9:00 a.m. ; jury trial set for 9:00 6/3/03 for Thomas M. Schnepper , ; Thomas M. Schnepper Attorney Richard S. Kawana, Lawrence L.

		Tong present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (lmg) (Entered: 06/03/2003)
06/03/2003	106	EP: Jury Trial: 4th day Defendant present in custody with counsel Richard Kawana. Further cross−examination of Thomas Schnepper by Mr. Tong; recross by Mr. Kawana. CST: Diane Moore Schnepper Melissa Bertsch Defendant rest. Government called no rebuttal witnesses. Defendants Renewed Motion for Judgment of Acquittal DENIED as to Counts 1 through 7. Count 8 DISMISSED by Court. Exhibits Admitted: Governments − 148. Defendants − L, M (pages 4 &5 only) N, O, P, Q. 2:30 p.m. − 3:20 p.m. = Settling of jury instructions. Further trial continued to Wednesday, June 4, 2003 at 9:00 a.m. ;further jury trial set for 9:00 6/4/03 for Thomas M. Schnepper ; Thomas M. Schnepper Attorney Richard S. Kawana, AUSA Lawrence L. Tong present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (lmg) (Entered: 06/04/2003)
06/04/2003	107	EP: MINUTES: Jury Trial: 5th day Defendant present in custody with counsel Richard Kawana. Government presented opening argument. Defendant presented closing argument. Government presented closing argument. Jury Marshal sworn. Alternate jurors excused. Jury retired to deliberate (2:15 p.m.) 2:50 p.m. − Hearing held without the presence of the jury regarding "Note From The Jury" #1. Court's response attached. Further jury deliberation continued to Thursday, June 5, 2003 at 9:00 a.m. ; Thomas M. Schnepper Attorney Lawrence L. Tong, Richard S. Kawana present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (gab) (Entered: 06/05/2003)
06/04/2003	108	JURY NOTES #1 (gab) (Entered: 06/05/2003)
06/04/2003	109	JURY Instructions (gab) (Entered: 06/05/2003)
06/05/2003	110	EP: Jury trial: 6th day; jury returned at 9;00 a.m. to resume further deliberation; ;further jury deliberation continued to Friday, 9:00 6/6/03 for Thomas M. Schnepper ; Attorney Richard S. Kawana, AUSA Lawrence L. Tong present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (lmg) (Entered: 06/06/2003)
06/06/2003	111	NOTE FROM JURY re in the determination of obscenity (lmg) (Entered: 06/09/2003)
06/06/2003	112	VERDICT as to Thomas M. Schnepper − counts 1 thru 5 guilty; count 6 not guilty; count 7 guilty (lmg) (Entered: 06/09/2003)
06/06/2003	113	EP: Jury Trial: 7th day Jury returned at 9:00 a.m. to resume further deliberation. Defendant present in custody with counsel Richard Kawana. 10:10 a.m. − Hearing held without the presence of the jury regarding "Note From The Jury" #1. Courts response attached. Jury returned with verdict (11:15 a.m.) Defendant found GUILTY on Counts 1, 2, 3, 4, 5, 7. Defendant found NOT GUILTY on Count 6. Jury polled. Verdict unanimous. Defendant referred for presentence investigation and report and sentencing scheduled for Monday, September 29, 2003 at 1:30 p.m. before the Honorable Alan C. Kay. Bail: Ordered that defendant continue to be detained. jury trial held on 6/6/03 , ; sentencing hearing set for 1:30 9/29/03 for Thomas M. Schnepper , ; Thomas M. Schnepper Attorney Richard S. Kawana, AUSA Craig Nakamura for Lawrence Tong present (Ct Rptr: Cynthia Fazio) by Judge Alan C. Kay (lmg) (Entered: 06/09/2003)
06/16/2003	114	ORDER by Judge Alan C. Kay re [112−1] Thomas M. Schnepper (1) count(s) 6s. JUDGMENT OF ACQUITTAL by Judge Alan C. Kay − the jury found defendant Thomas M. Schnepper, not guilty on count 6 of the Superseding Indictment; judgment of acquittal on count 6 of the Superseding Indictment is entered in favor of defendant , dismissing count (6s) as to Thomas M. Schnepper (cc: USPO, PTS, USMASD, counsel) (lmg) (Entered: 06/17/2003)
06/19/2003	115	CJA Form 21 (Expert Services) Voucher # 030619000073 for Global CompuSearch, LLC as to Thomas M. Schnepper in the amount of $2,994.53 by Judge Hawkens (lmg) (Entered: 06/20/2003)
08/14/2003	116	EX PARTE Application by defendant Thomas M. Schnepper for Authorization for Payment for Expert Services, and for Sealing Papers memorandum in support

		of ex parte application; exhibit A; declaration; before Judge Alan C. Kay (SEALED) (gab) (Entered: 08/18/2003)
08/20/2003	117	ORDER granting ex parte application for Authorization for Payment for Expert Services, and for Sealing Papers by Judge Kevin S. Chang − granting [116−1], [116−2] − on behalf of defendant [SEALED] (sealed) (Entered: 08/22/2003)
08/25/2003	118	CJA Form 21 (Expert Services) Voucher # 030820000120 for Global Compusearch, LLC as to Thomas M. Schnepper in the amount of $1,301.53 by Judge Robert E. Jones (lmg) (Entered: 08/26/2003)
08/26/2003	119	SENTENCING Statement of the United States; certificate of service − as to defendant Thomas M. Schnepper (lmg) (Entered: 08/26/2003)
08/27/2003	120	Defendant Schnepper's SENTENCING Statement; certificate of service [SEALED] (lmg) (Entered: 08/28/2003)
09/15/2003	121	Defendant Schnepper's MOTION for downward departure ; memorandum in support of motion; certificate of service − Motion hearing set for 1:30 09/29/03 before Judge Alan C. Kay [SEALED] (lmg) (Entered: 09/16/2003)
09/18/2003	122	MOTION to impose sentence without reference to the sentencing guidelines because the guidelines have been rendered unconstitutional by the protect act ; memorandum of law; exhibits A−D; certificate of compliance; certificate of service − Motion hearing set for 09/29/03 1:30 before Judge Alan C. Kay (lmg) (Entered: 09/18/2003)
09/22/2003	123	NOTICE of hearing setting hearing on ; sentencing to counts 1,2,3,4,5,7 of the superseding indictment, previously set for 09/29/03 at 1:30 p.m. is now set for 10/27/03 at 1:30 p.m. for Thomas M. Schnepper before Judge Alan C. Kay; cc: Larry Tong, Esq., AUSA, Richard Kawana, Esq., U.S. Marshals office, U.S. Probation office, U.S. Pretrial Services (lmg) (Entered: 09/22/2003)
10/16/2003	124	Notice of Motion and MOTION to consolidate hearing on defendants' motions to impose sentence without reference to the sentencing guidelines as to Jon Kevin Morris CR 01−94HG, CR 02−62ACK Thomas M. Schnepper, CR 01−132SOM Kil Soo Lee declaration of Craig Nakamura; ORDER; certificate of service − Motion hearing set for 12/4/03 @ 10:30 Aha Nonoi before Judge Helen Gillmor, Judge Alan C Kay, Judge Susan Oki Mollway (eps) Modified on 10/22/2003 (Entered: 10/16/2003)
10/16/2003	125	NOTICE of hearing setting hearing on ;sentencing hearing as to counts 1,2,3,4,5,7 of the indictment set for 2:00 12/18/03 before Judge Alan C. Kay for Thomas M. Schnepper ; cc: Larry Tong, Esq., AUSA; Richard Kawana, Esq., U.S. Marshals Office, U.S. Probation Office, U.S. Pretrial Services (lmg) (Entered: 10/20/2003)
10/28/2003	126	CJA Form 21 (Expert Services) Voucher # 031028000063 for Global Compusearch, LLC as to Thomas M. Schnepper in the amount of $7,728.08 by Judge Hawkens (lmg) (Entered: 10/29/2003)
10/30/2003	127	MOTION for leave to fil an opposition to defendants' motion which exceeds the applicable work limit by USA as to Thomas M. Schnepper ; declaration of Craig H. Nakamura; ORDER − granted by Judge Helen Gillmor, Judge Alan C. Kay, Judge Susan Oki Mollway; certificate of service [CR 01−094ACK, CR 01−132SOM] hearing set for (lmg) (Entered: 10/31/2003)
10/30/2003	128	Government's APPENDIX in support of opposition to defendant's motion to impose sentence without reference to the sentencing guidelines; certificate of service − by plaintiff USA [122−1] (lmg) (Entered: 10/31/2003)
10/30/2003	129	MEMORANDUM of law in opposition to defendant's motion to impose sentence without reference to the sentencing guidelines; certificate of service − by plaintiff [122−1] (lmg) (Entered: 10/31/2003)
11/12/2003	130	NOTICE of hearing setting hearing onsetting hearing on The hearing on Joint Motions "To Impose Sentence Without Reference to the Sentencing Guidelines" is continued to December 18, 2003 @ 10:00 a.m. before the Honorable Helen

		Gillmor, Susan Oki Mollway and Alan C. Kay in Courtroom Aha Nonoi. cc: Richard S. Kawana, Esq.[122−1] before Judge Alan C. Kay (bbb) (Entered: 11/12/2003)
11/12/2003	131	Defendant Jon Kevin Morris' REPLY memorandum re: motion to impose sentence without reference to the sentencing guidelines because the guidelines have been rendered unconstitutional by the protect act [130−1]; certificate of complaince; certificate of service by defendant Thomas M. Schnepper (bbb) (Entered: 11/12/2003)
11/14/2003	132	JOINDER by defendant Thomas M. Schnepper's in defendant Jon Kevin Morris's reply memorandum re motion to impose sentence without reference to the sentencing guidelines because the guidelines have been rendered unconstitutional by the protect act, filed November 12, 2003 [122−1]; certificate of service (lmg) (Entered: 11/19/2003)
11/14/2003	133	NOTICE of hearing setting hearing on ; sentencing as to counts 1, 2, 3, 4, 5, 7 of the superseding indictment set for 1:30 1/20/04 before Judge Alan C. Kay for defendant Thomas M. Schnepper ; cc Larry Tong, Esq., AUSA, Richard Kawana, Esq., U.S. Probation Office, U.S. Marshals Office, U.S. Pretrial Services (lmg) (Entered: 11/19/2003)
12/18/2003	134	EP: MOTION TO IMPOSE SENTENCE WITHOUT REFERENCE TO THE SENTENCING GUIDELINES BECAUSE THE GUIDELINES HAVE BEEN RENDERED UNCONSTITUTIONAL BY THE "PROTECT" ACT − DEFENDANT (02) DANIELLE ISHIMURA'S MOTION TO DECLARE THE SENTENCING GUIDELINES UNCONSTITUTIONAL AND TO IMPOSE SENTENCE WITHOUT REGARD TO THE SENTENCING GUIDELINES − Defendant Morris is present on bond. Defendants Lee and Schnepper are present in custody. Defendant Ishimura is not present and her presence is waived by counsel. Richard S. Kawana, Esq., counsel for Defendant Schnepper, is not present and is substituted by Pamela O'Leary Tower, Esq. with the approval of the defendant. Arguments made. The motions are taken under submission. :taking under advisement on the motion to impose sentence without reference to the sentencing guidelines because the guidelines have been rendered unconstitutional by the protect act [122−1] ; Thomas M. Schnepper Attorney substituted by Pamela O'Leary Tower for Richard S. Kawana, Esq., Michael Rotkey, Craig H. Nakamura, Robert Moosey, Charles Beckwith, Investigator present (Ct Rptr: Stephen Platt) by Judges Helen Gillmor, Susan Oki Mollway, and Alan C. Kay (lmg) (Entered: 12/23/2003)
01/07/2004	135	Government's OPPOSITION to defendant's motion for downward departure; certificate of service [121−1] (lmg) (Entered: 01/08/2004)
01/07/2004	136	NOTICE of change of business address; certificate of service − by Richard S. Kawana, attorney for Thomas M. Schnepper (lmg) (Entered: 01/08/2004)
01/13/2004	137	ORDER denying defendant's motion to impose sentence without reference to the sentencing guidelines − by Judge Alan C. Kay − denying motion to impose sentence without reference to the sentencing guidelines [122−1] (cc: all counsel) (lmg) (Entered: 01/13/2004)
01/14/2004	138	Government's MEMORANDUM in support of guideline calculations; certificate of service [SEALED] [137−1] (lmg) (Entered: 01/15/2004)
01/20/2004	139	SUPPLEMENTAL exhibits; certificate of service by defendant Thomas M. Schnepper [132−1] (bbb) (Entered: 01/21/2004)
01/20/2004	140	EP: MINUTES: Sentencing to Counts 1, 2, 3, 4, 5, 7 of the Superseding Indictment: Defendant present in custody with counsel Richard Kawana. All objections argued and ruled upon. Regarding Paragraph #69, parties to file memo by 2:00 p.m. on Thursday, January 22, 2004. Further hearing on sentencing continued to Tuesday, January 27, 2004 at 2:00 p.m. ; sentencing hearing set for 2:00 1/27/04 for Thomas M. Schnepper ; Thomas M. Schnepper, USA Attorney Lawrence L. Tong, Richard S. Kawana, Ellie Asasaki−USPO present (Ct Rptr: Laila Geronimo−ESR) by Judge Alan C. Kay (bbb) (Entered: 01/21/2004)

01/22/2004	141	Government's MEMORANDUM concerning defendant's criminal history score; exhibit A; certificate of service [140−2] [SEALED] (lmg) (Entered: 01/26/2004)
01/22/2004	142	Defendant's SUPPLEMENTAL sentencing statement; certificate for service [139−1], [140−1] [SEALED] (lmg) (Entered: 01/26/2004)
01/27/2004	143	EP: MINUTES: Sentencing to Counts 1, 2, 3, 4, 5, 7 of the Superseding Indictment: Defendant present in custody with counsel Richard Kawana. Defendant Schnepper's Motion for Downward Departure − DENIED. CST: Ellie Asasaki [121−1] sentencing Thomas M. Schnepper (1) count(s) 1s, 2s , 3s , 7s . Imprisonment 87 months as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently. Supervised Release 3 years as to each of Counts 1, 2, 3, 4, 5, and 7, with all terms to run concurrently under the following conditions: RECOMMENDATION: Nellis, Nevada. Mental health program. Sex offender treatment. Substance abuse program. Educational/vocational programs. 1. That the defendant shall abide by the standard conditions of supervision. 2. That the defendant not commit any crimes, federal, state, or local (mandatory condition). 3. That the defendant not possess illegal controlled substances (mandatory condition) 4. That 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 at least two drug tests thereafter, as directed by the Probation Office (mandatory condition). 5. That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office. 6. That the defendant is prohibited from possessing a firearm as defined in 18 U.S.C. 921. 7. That the defendant is prohibited from possessing any illegal or dangerous weapons. 8. That the defendant provide the Probation Office access to any requested financial information. 9. That the defendant participate in a mental health program at the discretion and direction of the Probation Office. 10. The defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the Probation Office. 11. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition. 12. The defendant may change his residence only with the advance approval of the Probation Office. 13. The defendant shall participate in sex offender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office. 14. The defendant shall not have any type of contact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or the victim(s), except in the presence of an adult who is aware of the nature of the defendant's offense and who has been approved by the Probation Office. 15. That the defendant shall not view, purchase, possess, or distribute any form of child pornography depicting sexually explicit conduct as defined in 18 U.S.C. 2256(8), unless approved for treatment purposes, or frequent any place where such material. 16. That the defendant shall not view, purchase, possess, or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. 2256(2) unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available. 17. The defendant shall cooperate in the collection of DNA as directed by the Probation Officer. 18. The defendant is prohibited from the possession and use of alcohol. No fine imposed. Special Monetary Assessment $600. Advised of rights to appeal. MITTIMUS: Forthwith. , dismissing counts as to Thomas M. Schnepper (1) count(s) 8s. Count 8 DISMISSED by Court , dismissing counts as to Thomas M. Schnepper (1) count(s) 1. Dismissed, count superseded , case terminated ; Thomas M. Schnepper Attorney Lawrence L. Tong, Richard S. Kawana present (Ct Rptr: Cynthia Fazio) by Judge Alan C Kay (eps) (Entered: 01/29/2004)

02/03/2004	144	JUDGMENT and Commitment as to Thomas M. Schnepper re [143−1] by Judge Alan C. Kay (cc: counsel, agencies) (lmg) (Entered: 02/05/2004)
02/10/2004	145	PRESENTENCE Report on Thomas M. Schnepper (original sealed and held in probation office). (bbb) (Entered: 02/10/2004)
02/10/2004	146	SENTENCING RECOMMENDATION as to Thomas M. Schnepper (original sealed and held in probation office) (bbb) (Entered: 02/10/2004)
02/12/2004	147	NOTICE OF APPEAL by defendant Thomas M. Schnepper regarding [144−1] fees CJA (bbb) (Entered: 02/13/2004)
02/18/2004	148	ORDER FOR TIME SCHEDULE RT to be ordered by 03/10/04 ;RT to be filed by 04/09/04 ;Aplnt's brief to be filed by 05/19/04 ;Aple's brief to be filed by 06/18/04 ;Aplnt's opt reply brief to be filed by 07/02/04 (cc: Clerk, 9CCA, all counsel, Court Reporters) Notice of Appeal sent to Clerk, 9CCA and to all counsel (bbb) (Entered: 02/18/2004)
02/18/2004	149	ORDER amending order denying defendant's motion to impose sentence without reference to the sentencing guidelines by Judge Alan C. Kay − the court is to determine whether Congress made constitutionally acceptable choice; if Congress did, the matter is closed re [137−1], [122−1] (cc: all parties of record) (lmg) (Entered: 02/19/2004)
02/26/2004	150	APPEAL Transcript Designation and Order form ESR−2/19/02,2/27/02,3/4/02,4/29/02,5/24/02,10/29/02, 2/18/03,5/1/03,5/19/03,5/22/03,1/20/04; Stephen Platt−11/01/02,11/08/02,11/15/02,12/18/03; Cynthia Tando−5/29/03,5/30/03,6/2/03,6/3/03,6/4/03,6/6/03,1/27/04 regarding [147−1] (lmg) (Entered: 02/27/2004)
03/01/2004	151	APPEAL number 04−10100 received from 9CCA regarding [147−1] (lmg) (Entered: 03/03/2004)
04/08/2004		TRANSCRIPT of Proceedings − 1/27/04 − ORIG − (Cynthia Fazio) − pp 73 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/08/2004		TRANSCRIPT of Proceedings − 6/6/03 − ORIG − (Cynthia Fazio) − pp 7−10 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/08/2004		TRANSCRIPT of Proceedings − 6/4/03 − ORIG − (Cynthia Fazio) − pp 6−122 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/08/2004		TRANSCRIPT of Proceedings − 6/3/03 − ORIG − (Cynthia Fazio) − pp 5−137 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/08/2004		TRANSCRIPT of Proceedings − 6/2/03 − ORIG − (Cynthia Fazio) − pp 4−197 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/08/2004		TRANSCRIPT of Proceedings − 5/30/04 − ORIG − (Cynthia Fazio) − pp 3−197 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/08/2004		TRANSCRIPT of Proceedings − 5/29/03 − ORIG − (Cynthia Fazio) − pp 2−218 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/08/2004		TRANSCRIPT of Proceedings − 5/28/03 − ORIG − (Cynthia Fazio) − pp 1−150 ;as to Thomas M. Schnepper (gs) (Entered: 04/08/2004)
04/13/2004		TRANSCRIPT of Proceedings − 12/18/2003 − ORIG − (Stephen Platt) − pp 46 ;as to Thomas M. Schnepper (CR 01−94HG, CR 01−132SOM, CR 02−62ACK, CR 02−273HG) (eps) (Entered: 04/13/2004)
04/13/2004		TRANSCRIPT of Proceedings − 11/1/02 − ORIG − (Stephen B. Platt) − pp 32 ;as to Thomas M. Schnepper (gab) (Entered: 04/14/2004)
04/13/2004		TRANSCRIPT of Proceedings − 11/08/2002 − ORIG − (Stephen Platt) − pp 26 ;as to Thomas M. Schnepper (SEALED) (bbb) (Entered: 04/14/2004)
04/13/2004		TRANSCRIPT of Proceedings − 11/14/2002 − ORIG − (Stephen Platt) − pp 36 ;as to Thomas M. Schnepper (bbb) (Entered: 04/14/2004)

04/23/2004	152	CJA Form 20 (Attorney Payment Voucher# 040423000019) by Attorney Richard S. Kawana as to Thomas M. Schnepper in the amount of $3,616.80 by Judge Alan C. Kay (lmg) (Entered: 04/23/2004)
04/26/2004		TRANSCRIPT of Proceedings − 02/18/03 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 6 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 02/19/02 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 4 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 02/27/02 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 4 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 03/04/02 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 3 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 04/29/02 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 6 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 05/01/03 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 16 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 05/19/03 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 6 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 05/22/03 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 26 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 05/24/02 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 5 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004		TRANSCRIPT of Proceedings − 01/20/04 − ORIG − (transcriber: Pat Petrilla Reporting) − pp 51 ;as to Thomas M. Schnepper (lmg) (Entered: 04/26/2004)
04/26/2004	153	CJA FORM 24 (Authorization and Voucher for Transcript Payment) for Stephen Platt Voucher # 040426000050 in the amount of $403.92 (11/1/02,11/08/02,11/15/02,12/18/03) for Thomas M. Schnepper by Judge Alan C. Kay (lmg) (Entered: 04/27/2004)
04/29/2004	154	CJA FORM 24 (Authorization and Voucher for Transcript Payment) for Petrilla Reporting &Transcrip Voucher # 040429000022 in the amount of $453.10 () for Thomas M. Schnepper by Judge Kay (gs) (Entered: 04/30/2004)
06/21/2004	155	APPEAL Certificate of Record Transmitted to 9CCA regarding [147−1] 9CCA No. 04−10100 (lmg) (Entered: 06/23/2004)
07/09/2004		TRANSCRIPT of Proceedings − 12/18/2003 − ORIG − (Stephen B Platt) − pp 46 ;as to Thomas M. Schnepper [CR 01−94HG, CR 01−132SOM, CR 02−62ACK, CR 02−273HG] (eps) (Entered: 07/09/2004)
11/21/2005	156	Original Record transmitted to Clerk, 9CCA − No. 04−10100 3 files; 20 transcripts, 1 sealed envelope with sealed documents and 1 sealed transcript; certified docket sheet (cc: all parties of record) (lmg) (Entered: 11/21/2005)
01/30/2006	157	JUDGMENT of USCA (certified copy) AFFIRMED IN PART; REMANDED IN PART as to Thomas M. Schnepper re 147 ; Attest on 01/27/06. (cc agencies, Judge Alan C. Kay, CRM−LS, atty)(lmg,) (Entered: 02/01/2006)
02/02/2006	158	ORDER as to Thomas M. Schnepper . Signed by Judge ALAN C KAY on 02/02/06. (lmg,) (Entered: 02/02/2006)
02/02/2006		COURT'S CERTIFICATE of Service − a copy of 158 Order of Entry has been served by First Class Mail to the addresses of record on 2/2/06 to: Richard S. Kawana, Michael A. Rotker. Registered Participants of CM/ECF received the document electronically at the e−mail address listed on the Notice of Electronic Filing (NEF). (lmg,) Modified on 2/6/2006 (gab,). (Entered: 02/02/2006)
02/02/2006	159	ORDER as to Thomas M. Schnepper re 157 USCA Judgment . Signed by Judge ALAN C KAY on 2/2/2006. (gab,) (Entered: 02/03/2006)

02/02/2006		CORRECTIVE ENTRY. The entry docket number 159 is a duplicated entry of Order 158 re 157 ; disregard 159 (lmg,) (Entered: 03/01/2006)
02/03/2006		COURT'S CERTIFICATE of Service − a copy of 159 Order has been served by First Class Mail to the addresses of record as to Richard Kawana on 2/3/2006. Registered Participants of CM/ECF received the document electronically at the e−mail address listed on the Notice of Electronic Filing (NEF). (gab,) (Entered: 02/03/2006)
02/10/2006	160	MEMORANDUM by USA as to Thomas M. Schnepper *Government's Memorandum Concerning Ameline Remand and COS* (Attachments: # 1 Exhibit A)(Tong, Lawrence) (Entered: 02/10/2006)
03/01/2006	161	Certificate of Service by USA as to Thomas M. Schnepper *Amended Certificate of Service* (Tong, Lawrence) (Entered: 03/01/2006)
03/10/2006	163	SENTENCING MEMORANDUM on Ameline Remand; Exhibits A−E; Certificate of Service by Defendant Thomas M. Schnepper [SEALED] (lmg,) (Entered: 03/14/2006)
03/13/2006	162	SENTENCING MEMORANDUM *Amended Certificate of Service* by Thomas M. Schnepper (Kawana, Richard) (Entered: 03/13/2006)
05/03/2006	164	ORDER DECLINING TO RESENTENCE DEFENDANT ANDADOPTING THE JUDGMENT OF FEBRUARY 3, 2004 as to Thomas M. Schnepper re 159 by Judge Alan C Kay − (eps) − The Court has reviewed the record of the present case, the evidence presented at trial, and has obtained the written arguments of counsel regarding Defendant's sentence, including a letter from Defendant. The Court is capable of evaluating Defendant's sentence given that it presided over Defendant's trial. Had the guidelines been advisory at the time of sentence and the Court had also considered the sentencing factors under 18 USC3553(a) as instructed by Booker, the Court would have made the same factual findings, and Defendant's sentence would not have been materially different. Accordingly, the Court declines to resentence Defendant and adopts the judgment of February 3, 2004. (Entered: 05/03/2006)
05/03/2006		COURT'S CERTIFICATE of Service − a copy of 164 Order has been served by First Class Mail to the DOJ Attorney of record on 5/3/06 and Registered Participants of CM/ECF received the document electronically at the e−mail address listed on the Notice of Electronic Filing (NEF). (eps) (Entered: 05/03/2006)
05/12/2006	165	NOTICE OF APPEAL re 164 "Order Declining ReSentence" Filing fee $ CJA. (eps) (Entered: 05/12/2006)
05/17/2006	166	Appeal Record Returned as to Thomas M. Schnepper: 147 Notice of Appeal − Final Judgment − 04−101000 (no cover letter) (eps) (Entered: 05/17/2006)
05/30/2006	167	MOTION for Reconsideration for court order re 164 by Thomas M. Schnepper. (Attachments: # 1 Mailing Documentation)(eps) − by Thomas M Schnepper (petitioner: 88704−022 FCI Lompoc, 3600 Guard Rd, Lompoc CA 93436) cc: ACK (Entered: 05/30/2006)
05/30/2006	168	ORDER for Time Schedule as to Thomas M. Schnepper (eps) (Entered: 05/31/2006)
05/31/2006	169	Transmission of Notice of Appeal and Docket Sheet as to Thomas M. Schnepper to US Court of Appeals re 165 Notice of Appeal − Final Judgment (eps) Additional attachment(s) added on 5/31/2006 (eps,). (Entered: 05/31/2006)
06/02/2006	170	ORDER DENYING MOTION FOR RECONSIDERATION FOR LACK OF JURISDICTION 167 Motion for Reconsideration as to Thomas M. Schnepper (1) . Signed by Judge ALAN C KAY on 6/2/06. (eps) − This Court finds that it does not have jurisdiction to entertain the Motion for Reconsideration because Defendant (through his attorney) previously filed a Notice of Appeal of the Order Declining Resentence. See Notice of Appeal (May 12, 2006) (Entered: 06/02/2006)
06/02/2006	171	Letter from Thomas Schnepper (eps) − cc: ACK Additional attachment(s) added on 6/2/2006 (eps,). (Entered: 06/02/2006)

06/23/2006	172	USCA Case Number as to Thomas M. Schnepper: 6−10338 for 165 Notice of Appeal (eps) (Entered: 06/23/2006)
10/02/2006	174	Correspondence re: 9CCA Order − Richard S Kawana relieved as counsel; new counsel will be appointed by BMK (eps) (Entered: 10/04/2006)
10/03/2006	173	CJA 20 as to Thomas M. Schnepper: Appointment of Attorney Georgia K. McMillen − Added attorney Georgia K. McMillen. Attorney Richard S. Kawana terminated in case as to Thomas M. Schnepper. . Signed by Judge BARRY M. KURREN on 10/2/06; nunc pro tunc 9/29/06. (eps) (Entered: 10/03/2006)
11/02/2006	175	TRANSCRIPT of Proceedings, motion to impose sentence, as to Thomas M. Schnepper, held on 12−18−2003, before Senior Judge Alan C. Kay. Court Reporter: Steve Platt. (sp@hid.uscourts.gov) 45 pages Additional attachment(s) added on 11/21/2006 (eps,). (Entered: 11/02/2006)
11/20/2006	176	CJA 24 as to Thomas M. Schnepper: Authorization to Pay Professional Image $ 22.75 for Transcripts, Voucher # 061117000047. (Original Voucher Kept in Financial) . Signed by Judge ALAN C KAY on 11/16/2006. (vkc) (Entered: 11/20/2006)
11/20/2006	177	CJA 24 as to Thomas M. Schnepper: Authorization to Pay Stephen Platt $ 37.35 for Transcript − hrg date of 12/18/03, Voucher # 061117000046. (Original Voucher Kept in Financial). Signed by Judge ALAN C KAY on 11/16/2006. (vkc) (Entered: 11/20/2006)
11/20/2006	178	CJA 24 as to Thomas M. Schnepper: Authorization to Pay Cynthia Fazio $ 1495.92 for Transcripts, Voucher # 061117000045. (Original Voucher Kept in Financial. Signed by Judge ALAN C KAY on 11/16/2006. (vkc) (Entered: 11/20/2006)
12/05/2006	179	TRANSCRIPT Designation and Ordering Form by Thomas M. Schnepper for proceedings held on 3/4/02, 5/24/02, 2/18/03, 5/22/03 (ESR/FTR); 5/28/03 (Cynthia Fazio) re 165 Notice of Appeal by Thomas M. Schnepper. (eps) Additional attachment(s) added on 12/6/2006 − −incorrect docketing event ***refer to 180 (eps). (Entered: 12/06/2006)
12/05/2006	180	Certificate of Record re 165 Notice of Appeal − USCA Number: 06−10338. by Thomas M. Schnepper. (eps) (Entered: 12/06/2006)
12/06/2006		CORRECTIVE ENTRY. The entry docket number 179 Transcript Designation and Ordering Form was filed incorrectly in this case − the incorrect event was selected. The filing is corrected by the entry docket number 180 Certificate of Record. (eps) (Entered: 12/06/2006)
06/19/2007	181	Certified and Transmitted record to the 9thCCA re 165 (lmg,) (Entered: 06/19/2007)
07/23/2007	182	Certified and Transmitted Record on Appeal as to Thomas M. Schnepper to US Court of Appeals re 165 Notice of Appeal − CA 06−10338 −− *return receipt acknowledged by 9CCA, received by 9CCA 6/4/07* (eps) (Entered: 07/23/2007)
10/25/2007	183	JUDGMENT of USCA (certified copy) as to Thomas M. Schnepper re 165 Notice of Appeal. **AFFIRMED; Filed &Entered: 9/28/07; Attest Date: 10/22/07** (Attachments: # 1 Court's Certificate of Service# 2 Letter of Transmittal)(eps) (Entered: 10/25/2007)
10/25/2007		COURT'S CERTIFICATE of Service − 183 USCA Judgment has been served by First Class Mail to DOJ counsel for Plaintiff−Appellee at the address of record on 10/25/07. Registered Participants of CM/ECF received the document electronically at the e−mail address listed on the Notice of Electronic Filing (NEF). (eps) (Entered: 10/25/2007)
01/07/2008	184	Appeal Record Returned as to Thomas M. Schnepper − 06−10338 (eps) (Entered: 01/11/2008)