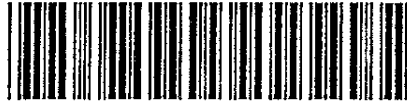


USDC SCAN INDEX SHEET



USA

BRINK

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3:95-CR-01985

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FILED 20

AUG 19 1996

A.O.245 S Sheet 1 Judgment including Sentence Under the Sentencing Reform Act

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
*L. Mitchell* DEPUTY

UNITED STATES OF AMERICA  
VS

JUDGMENT INCLUDING SENTENCE  
UNDER THE SENTENCING REFORM ACT

AARON FRANKLIN BRINK

CRIMINAL CASE NUMBER 95-1985-IEG

GERARD WASSON FEDERAL DEFENDERS INC  
Defendant's Attorney

THE DEFENDANT

Plead guilty to count(s) 1 of the indictment  
was found guilty on count(s) \_\_\_\_\_ after a  
plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Count(s)
21 USC 952,960	Importation of marijuana	

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentence Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).

Remaining counts are dismissed on the motion of the United States.

Pursuant to 18 USC 3013 an assessment is hereby levied in the amount of \$ 50.00

Fine and restitution ordered waived.

PROPERTY SHALL FORFEIT PURSUANT TO ORDER FILED 8-19-96  
WHICH IS HEREBY INCORPORATED BY REFERENCE.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

DEFENSE COUNSEL:

I hereby attest and certify on \_\_\_\_\_  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

GERARD WASSON  
FEDERAL DEFENDERS, INC  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

August 19, 1996  
DATE OF IMPOSITION OF SENTENCE

*Irma E. Gonzalez*  
IRMA E. GONZALEZ  
UNITED STATES DISTRICT JUDGE

By \_\_\_\_\_ Deputy

31 ENTERED ON AUG 21 1996

AO 245 S Sheet 2 IMPRISONMENT

DEFENDANT: AARON FRANKLIN BRINK  
CASE NUMBER: 95-1985-IEG

Judgment Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of thirty (30) months

The Court makes the following recommendations to the Bureau of Prisons:  
That the defendant be designated to the Intensive Confinement Center,  
Lewisburg, Pennsylvania.

The defendant is remanded to the custody of the United States Marshal.

- The defendant shall surrender to the United States Marshal for this district at 4:00 p.m. on 10-18-96 OR
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons  
 on or before 10-31-96 @ 4:00 p.m.

RETURN

I have executed this Judgment as follows:

\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

BY \_\_\_\_\_  
DEPUTY MARSHAL

DEFENDANT: AARON FRANKLIN BRINK  
CASE NUMBER: 95-1985-IEG

JUDGMENT PAGE 3 OF 4

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of four (4) months.

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

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

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

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 periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

X The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release.

The defendant shall comply with the standard conditions that have adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

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

DEFENDANT: AARON FRANKLIN BRINK  
CASE NUMBER: 95-1985-IEG

JUDGMENT PAGE 4 OF 4

SPECIAL CONDITIONS OF SUPERVISION

- Participate in a program of drug or alcohol abuse treatment including urinalysis testing and counseling as directed by the Probation Officer.
- Submit to search of his person, property, residence, abode or vehicle at a reasonable time and in a reasonable manner by the Probation officer.
- Report all vehicles owned or operated or in which you have an interest to the Probation Officer.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

United States v. Aaron Franklin Brink Docket 95-1985-01-IEG

Dated 8/19/96

I. FACTS

A.  Court/parties had no objection to the facts or guideline calculations as set forth in presentence report attached hereto and marked as Exhibit A.

B.  Court/parties had objections to the facts or guideline calculations set forth in the presentence report which were:

- 1.  Denied
- 2.  Granted (reflected in Exhibit B) (R/T)
- 3.  Denied in part and granted in part (Exhibit B)

II. GUIDELINE APPLICATIONS

A.  The reasons for these guideline determinations are set forth in the presentence report which the court finds reasonably address, in totality, the criminal conduct in question.

B.  Statement of Reasons for Imposing sentence:

- 1. The court finds the applicable offense level is 18  
Criminal History level is 2, Guideline range is 30-37 mos  
Minimum Mandatory is \_\_\_\_\_
- 2. Guideline range does not exceed 24 months:  
Sentence is \_\_\_\_\_
- 3. Guideline range exceeds 24 months:  
Sentence is 30 mos
  - a.  the defendant's background and attitude support a sentence at the bottom range of the guidelines.
  - b.  no particularly aggravating or mitigating circumstances, so mid-range is appropriate.
  - c.  criminal history and other criminal conduct supports sentence in top range of guidelines.
  - d.  See PSR \_\_\_\_\_
  - e.  Other \_\_\_\_\_

C.  Plea Agreement - The court has accepted plea agreement:

- 1.  It is satisfied that the agreement adequately reflects the seriousness of the actual offense behavior and that accepting the plea agreement will not undermine the statutory purposes of sentencing.
- 2.  The recommended sentence and/or binding cap is within the applicable guideline range.

III. DEPARTURES

A.  None

B.  Upward/Downward (circle)

- 1. Reasons:
  - a.  Reflected in Probation Report Departure section
  - b.  Reflected in Exhibit (written statement of reasons or transcript of the statement of reasons) § 5K1.1
  - c.  Departure downward based on plea bargain found to be reasonable.

IV. RESTITUTION

A.  Full restitution ordered

B.  Defendant unable to pay full restitution within probation period or period of supervised release.

V. FINE

A.  No fine ordered as defendant affirmatively demonstrated an inability to pay a fine.

B.  Fine of \_\_\_\_\_ imposed.

VI. SENTENCE IMPOSED

(See Judgment attached, Exhibit D)

Irma E. Gonzalez  
IRMA E. GONZALEZ, Judge