

CLOSED,MHT-ClerkB

**U.S. District Court
Alabama Middle District (Montgomery)
CRIMINAL DOCKET FOR CASE #: 2:10-cr-00176-MHT-SRW-1
Internal Use Only**

Case title: USA v. Boissonneau

Date Filed: 09/22/2010

Date Terminated: 03/08/2011

Assigned to: Honorable Judge Myron H.
Thompson
Referred to: Honorable Judge Susan
Russ Walker

Defendant (1)

Sean Michael Boissonneau
TERMINATED: 03/08/2011

represented by **Kevin L. Butler**
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Bar Status: US Attorney-and other
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Pending Counts

18:922(g)(1) UNLAWFUL
TRANSPORT OF FIREARMS, ETC.
Forfeiture Allegation
(1)

Disposition

30 Mos Imp; 3 Yrs Sup Rel; \$100 SA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Brandon K. Essig**
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TERMINATED: 11/13/2012
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Date Filed	#	Docket Text
09/22/2010	1	INDICTMENT as to Sean Michael Boissonneau (1) count(s) 1. Forfeiture Allegation (ag,) (Entered: 09/23/2010)
09/22/2010	2	(Court only) Limits of Punishment as to Sean Michael Boissonneau. (ag,) (Entered: 09/23/2010)
09/27/2010	3	Case unsealed as to Sean Michael Boissonneau pursuant to notice from USMS that a detainer has been lodged with AL DOC (ag,) (Entered: 09/27/2010)
09/28/2010	4	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Sean Michael Boissonneau. (Attachments: # 1 Text of Proposed Order)(Essig, Brandon) (Entered: 09/28/2010)
09/28/2010	5	ORDER granting 4 Motion for Writ of Habeas Corpus ad prosequendum as to Sean Michael Boissonneau (1). The Clerk of this Court is hereby DIRECTED to issue a WRIT of HABEAS CORPUS AD PROSEQUENDUM addressed to the Alabama Department of Corrections, Kilby Correctional Facility, Montgomery, Alabama, commanding them to deliver SEAN MICHAEL BOISSONNEAU, to any United States Marshal or Deputy United States Marshal, and directing said Marshal or Deputy to bring said prisoner before this court to be held at Montgomery, Alabama, on November 3, 2010, at 10:30 a.m., and to return the prisoner to said official when the court shall have finished with him. Signed by Honorable Susan Russ Walker on 9/28/2010. (ag,) (Entered: 09/28/2010)
09/28/2010	6	Writ of Habeas Corpus ad Prosequendum Issued as to Sean Michael Boissonneau for 11/3/2010: Arraignment set for 11/3/2010 10:30 AM in Courtroom 5B before Honorable Susan Russ Walker. (ag,) (Entered: 09/28/2010)
09/28/2010	3	(Court only) ***Location start (LO) as to Sean Michael Boissonneau (ag,) (Entered: 09/28/2010)
11/03/2010	7	CJA 23 Financial Affidavit by Sean Michael Boissonneau (jct,) (Entered: 11/03/2010)
11/03/2010	3	ORAL MOTION to Appoint Counsel by Sean Michael Boissonneau. (jct,) (Entered: 11/03/2010)

11/03/2010	●	ORDER (ORAL) granting Oral Motion to Appoint Counsel: Appointed Federal Defender as to Sean Michael Boissonneau (1). Signed by Honorable Susan Russ Walker on 11/3/10. (jct,) (Entered: 11/03/2010)
11/03/2010	● <u>8</u>	Minute Entry for proceedings held before Judge Honorable Susan Russ Walker:Arrestment as to Sean Michael Boissonneau (1) Count 1 held on 11/3/2010. Initial Appearance as to Sean Michael Boissonneau held on 11/3/2010. Plea entered by Sean Michael Boissonneau (1) Not Guilty on counts 1. (PDF available for court use only) (Recording Time 10:56 - 11:02.) (jct,) (Entered: 11/03/2010)
11/04/2010	● <u>9</u>	Arrest Warrant Returned Executed in case as to Sean Michael Boissonneau. Defendant arrested on 11/2/2010. (ag,) (Entered: 11/04/2010)
11/04/2010	● <u>10</u>	ORDER ON ARRAIGNMENT as to Sean Michael Boissonneau: Pretrial Conference set for 11/15/2010 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker; Jury Selection & Trial set for 12/6/2010 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson; Pretrial Motions due by 11/10/2010; Government's initial disclosures due on or before 11/3/10 with Defendant's Discovery due by 11/10/2010. Signed by Honorable Susan Russ Walker on 11/4/2010. (ag,) Modified on 11/5/2010 to correct pretrial conference to before Judge Walker in lieu of Judge Thompson(ag,). (Entered: 11/04/2010)
11/05/2010	●	Set Hearings as to Sean Michael Boissonneau: Pretrial Conference set for 11/15/2010 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. (previously set before Judge Thompson in error) (ag,) (Entered: 11/05/2010)
11/08/2010	● <u>11</u>	NOTICE OF ATTORNEY APPEARANCE: Kevin L. Butler appearing for Sean Michael Boissonneau (Butler, Kevin) (Entered: 11/08/2010)
11/10/2010	● <u>12</u>	MOTION for Extension of Time to File <i>Pretrial Motions</i> by Sean Michael Boissonneau. (Butler, Kevin) (Entered: 11/10/2010)
11/15/2010	●	TEXT ORDER granting <u>12</u> Motion for Extension of Time to File as to Sean Michael Boissonneau (1). Signed by Honorable Susan Russ Walker on 11/15/10. (ws,) (Entered: 11/15/2010)
11/15/2010	● <u>13</u>	Minute Entry for proceedings held before Judge Honorable Susan Russ Walker:Pretrial Conference as to Sean Michael Boissonneau held on 11/15/2010 (PDF available for court use only) (Recording Time 3:12 - 3:13.) (jct,) (Entered: 11/15/2010)
11/18/2010	● <u>14</u>	NOTICE OF ATTORNEY APPEARANCE: Christine Ann Freeman appearing for Sean Michael Boissonneau (Freeman, Christine) (Entered: 11/18/2010)
11/19/2010	● <u>15</u>	PRETRIAL CONFERENCE ORDER as to Sean Michael Boissonneau : Jury Selection set for 12/6/2010 in Montgomery, Alabama before Honorable Myron H. Thompson. Jury Trial [ETT: 1 day] set for 12/6/2010 in Montgomery, Alabama before Honorable Myron H. Thompson. Proposed voir dire questions shall be filed on or before two weeks before jury selection. All motions in limine shall be filed on or before two weeks before jury selection. Responses to motions shall be filed on or before one week before jury selection. Proposed

		jury instructions shall be filed on or before one week before jury selection. Notice of Intent to Change Plea due by noon on 11/24/2010. Signed by Honorable Susan Russ Walker on 11/19/10. (jct,) (Entered: 11/19/2010)
11/22/2010	16	NOTICE OF INTENT TO CHANGE PLEA by Sean Michael Boissonneau (Butler, Kevin) (Entered: 11/22/2010)
11/22/2010	17	ORDER as to Sean Michael Boissonneau re 16 Notice of Intent to Change Plea: Change of Plea Hearing set for 11/29/2010 09:15 AM in Courtroom 5B before Honorable Susan Russ Walker. It is further ORDERED that the government shall provide to the court a copy of any plea agreement no less than two hours prior to the time set for the change of plea proceeding. The Clerk is directed to provide a court reporter for this proceeding. If the defendant is in custody, the United States Marshal or the person having custody of the defendant shall produce the defendant for this proceeding. Signed by Honorable Susan Russ Walker on 11/22/2010. (ag,) (Entered: 11/22/2010)
11/22/2010	18	NOTICE OF AVAILABILITY OF JURY LIST AND JURORS' PROFILES for Jury Selection and Trial commencing on 12/6/2010 before Judge Myron H. Thompson as to Sean Michael Boissonneau (Attachments: # 1 Juror Certification Questionnaire, # 2 Clothing Notice)(ag,) (Entered: 11/22/2010)
11/29/2010	19	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Sean Michael Boissonneau (jct,) (Entered: 11/29/2010)
11/29/2010	20	PLEA AGREEMENT as to Sean Michael Boissonneau (jct,) (Entered: 11/29/2010)
11/29/2010	20	ORAL ORDER accepting guilty plea and adjudicating defendant guilty as to Count 1 of the Indictment as to Sean Michael Boissonneau. Signed by Honorable Susan Russ Walker on 11/29/10. (jct,) (Entered: 11/29/2010)
11/29/2010	20	ORAL ORDER remanding defendant to the custody of the U. S. Marshal as to Sean Michael Boissonneau. Signed by Honorable Susan Russ Walker on 11/29/10. (jct,) (Entered: 11/29/2010)
11/29/2010	21	Minute Entry for proceedings held before Judge Honorable Susan Russ Walker:Change of Plea Hearing as to Sean Michael Boissonneau held on 11/29/2010. Plea entered by Sean Michael Boissonneau (1) Guilty Count 1. (PDF available for court use only) (Court Reporter Mitchell Reisner.) (jct,) (Entered: 11/29/2010)
11/29/2010	22	ORDER as to Sean Michael Boissonneau: Sentencing set for 2/24/2010 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. Any motion for downward departure shall be filed on or before the conference date with the probation officer, unless based on unknown and unforeseen circumstances arising after that date, in which case the motion must be filed promptly upon discovery of such circumstances. Four business days before the sentencing date, the government and the defendant are each to file a memorandum setting forth (a) the sentence the defendant should receive and (b) why that sentence is appropriate based on the facts and the law. Signed by Honorable Myron H. Thompson on 11/29/2010. (ag,) (Entered: 11/29/2010)

11/30/2010	●	Reset Hearings as to Sean Michael Boissonneau: Sentencing set for 2/24/2011 10:00 AM in Courtroom 2FMJ before Honorable Myron H. Thompson. (Set for 2/24/10 in error) (ag,) (Entered: 11/30/2010)
12/03/2010	● <u>23</u>	RESPONSE TO COURT ORDER by USA as to Sean Michael Boissonneau (Essig, Brandon) (Entered: 12/03/2010)
12/13/2010	● <u>24</u>	MOTION for Preliminary Forfeiture of Property by USA as to Sean Michael Boissonneau. (Attachments: # <u>1</u> Text of Proposed Order)(Hardwick, Tommie) (Entered: 12/13/2010)
12/16/2010	● <u>25</u>	PRELIMINARY ORDER OF FORFEITURE granting <u>24</u> Motion for Preliminary FORFEITURE OF PROPERTY as to Sean Michael Boissonneau (1) and directing forfeiture of property as outlined in order. IT IS FURTHER ORDERED that the Clerk of the Court shall note entry of this Order in writing on the Judgment in a Criminal Case and forward two certified copies of this Order to the United States Attorneys Office. Signed by Honorable Myron H. Thompson on 12/16/2010. (ag,) (Entered: 12/16/2010)
02/18/2011	●	(Court only) ***Set/Clear Flags as to Sean Michael Boissonneau (ag,) (Entered: 02/18/2011)
02/22/2011	● <u>26</u>	SENTENCING MEMORANDUM by Sean Michael Boissonneau (Butler, Kevin) (Entered: 02/22/2011)
02/22/2011	● <u>27</u>	MOTION to Continue <i>Sentencing (Unopposed)</i> by USA as to Sean Michael Boissonneau. (Essig, Brandon) (Entered: 02/22/2011)
02/22/2011	● <u>28</u>	MOTION for Reduction in Criminal Offense Level for Acceptance of Responsibility by USA as to Sean Michael Boissonneau. (Essig, Brandon) (Entered: 02/22/2011)
02/22/2011	● <u>29</u>	MOTION File Sentencing Memorandum Out of Time by USA as to Sean Michael Boissonneau. (Essig, Brandon) (Entered: 02/22/2011)
02/22/2011	● <u>30</u>	SENTENCING MEMORANDUM by USA as to Sean Michael Boissonneau (Essig, Brandon) (Entered: 02/22/2011)
02/23/2011	● <u>31</u>	ORDER denying <u>27</u> Motion to Continue sentencing as to Sean Michael Boissonneau (1). Signed by Honorable Myron H. Thompson on 2/23/2011. (ag,) (Entered: 02/23/2011)
02/23/2011	● <u>32</u>	MOTION for Reconsideration <i>Government's Unopposed Motion to Continue Sentencing</i> by USA as to Sean Michael Boissonneau. (Essig, Brandon) (Entered: 02/23/2011)
02/23/2011	● <u>33</u>	NOTICE OF HEARING as to Sean Michael Boissonneau: Resetting Sentencing now set for 2/24/11 at 10:00 am to 2/24/2011 03:00 PM in Courtroom 2FMJ before Honorable Myron H. Thompson. (ag,) (Entered: 02/23/2011)
02/23/2011	● <u>34</u>	ORDER denying <u>32</u> Motion for Reconsideration as to Sean Michael Boissonneau (1). Signed by Honorable Myron H. Thompson on 2/23/2011. (ag,) (Entered: 02/23/2011)

02/24/2011	30	Plea Agreement Accepted as to Sean Michael Boissonneau (ag,) (Entered: 02/24/2011)
02/24/2011	31	ORAL ORDER as to Sean Michael Boissonneau withdrawing <u>28</u> MOTION for Reduction in Criminal Offense Level for Acceptance of Responsibility filed by USA per request of USA. Entered by Honorable Myron H. Thompson on 2/24/2011. (ag,) (Entered: 02/24/2011)
02/24/2011	32	ORAL MOTION for preliminary order of forfeiture to become final order and made a part of the judgment by USA as to Sean Michael Boissonneau. (ag,) (Entered: 02/24/2011)
02/24/2011	33	ORAL ORDER as to Sean Michael Boissonneau granting ORAL MOTION for preliminary order of forfeiture to become final order and made a part of the judgment filed by USA. Entered by Honorable Myron H. Thompson on 2/24/2011. (ag,) (Entered: 02/24/2011)
02/24/2011	35	Minute Entry for proceedings held before Judge Honorable Myron H. Thompson:Sentencing held on 2/24/2011 as to Sean Michael Boissonneau for 1. (PDF available for court use only) (Court Reporter Mitchell Reisner.) (ag,) (Main Document 35 replaced on 2/25/2011) (ag,). (Entered: 02/24/2011)
02/24/2011	36	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Sean Michael Boissonneau (ag,) (Entered: 02/24/2011)
02/28/2011	37	ORDER granting <u>29</u> Motion to file sentencing memorandum out of time as to Sean Michael Boissonneau (1). Signed by Honorable Myron H. Thompson on 2/28/2011. (ag,) (Entered: 02/28/2011)
03/08/2011	38	JUDGMENT as to Sean Michael Boissonneau (1), Count(s) 1, 30 Mos Imp; 3 Yrs Sup Rel; \$100 SA. Signed by Honorable Myron H. Thompson on 3/8/2011. (ag,) (Entered: 03/08/2011)
03/08/2011	39	(Court only) ***Set/Clear Flags as to Sean Michael Boissonneau (ag,) (Entered: 03/08/2011)
03/08/2011	39	MOTION for Final Forfeiture of Property by USA as to Sean Michael Boissonneau. (Attachments: # <u>1</u> Text of Proposed Order)(Hardwick, Tommie) (Entered: 03/08/2011)
03/10/2011	40	FINAL ORDER OF FORFEITURE granting <u>39</u> Motion for Final FORFEITURE OF PROPERTY as to Sean Michael Boissonneau (1) and directing forfeiture of property as outlined in order. The Clerk of the Court shall forward a certified copy of this Order to the United States Attorney's Office. Signed by Honorable Myron H. Thompson on 3/10/2011. (ag,) (Entered: 03/10/2011)
05/10/2012	41	Process Receipt and Return as to Sean Michael Boissonneau on 4/23/12 Final Order of Forfeiture served on Hi-Point, MCP,.40 caliber pistol, bearing serial number X704445. (Hardwick, Tommie) (Entered: 05/10/2012)
10/29/2012	42	Pro-Se MOTION to have federal sentence run concurrent with state sentence by Sean Michael Boissonneau. (Attachments: # <u>1</u> Attachments)(ag,) (Entered: 10/29/2012)

11/06/2012	43	ORDER as to Sean Michael Boissonneau that probation and the government show cause, if any there be, in writing by November 13, 2012, as to why defendant Sean Michael Boissonneau's letter motion for concurrent sentences (doc. no. 42) should not be granted. Signed by Honorable Judge Myron H. Thompson on 11/6/2012. (ag,) (Entered: 11/06/2012)
11/08/2012	44	RESPONSE TO ORDER TO SHOW CAUSE by USPO as to Sean Michael Boissonneau (Wright, Scott) (Entered: 11/08/2012)
11/13/2012	45	RESPONSE TO COURT ORDER by USA as to Sean Michael Boissonneau (Essig, Brandon) (Entered: 11/13/2012)
11/13/2012	46	Pro-Se MOTION to have federal sentence run concurrently with state sentence by Sean Michael Boissonneau. (Attachments: # 1 Attachments)(ag,) (Entered: 11/13/2012)
11/13/2012	47	MOTION to Withdraw as Attorney by Tommie Brown Hardwick. by USA as to Sean Michael Boissonneau. (Attachments: # 1 Text of Proposed Order) (Hardwick, Tommie) (Entered: 11/13/2012)
11/13/2012	48	TEXT ORDER granting 47 Motion to Withdraw as Attorney. Tommie Brown Hardwick withdrawn from case as to Sean Michael Boissonneau (1). Entered by Honorable Judge Myron H. Thompson on 11/13. (ag,) (Entered: 11/13/2012)
11/19/2012	49	RESPONSE TO COURT ORDER by Sean Michael Boissonneau (Freeman, Christine) (Entered: 11/19/2012)
11/19/2012	50	MOTION for Extension of Time to File Response/Reply as to 49 Response to Court Order <i>Unopposed</i> by Sean Michael Boissonneau. (Freeman, Christine) (Entered: 11/19/2012)
11/20/2012	51	TEXT ORDER granting 50 Motion for Extension of Time to File Response/Reply as to Sean Michael Boissonneau (1). Entered by Honorable Judge Myron H. Thompson on 11/20/2012. (ag,) (Entered: 11/20/2012)
11/21/2012	52	TRANSCRIPT of Sentencing (PDF ACCESS RESTRICTED FOR 90 DAYS.) held on 2/24/2011 before Judge Myron H. Thompson as to Sean Michael Boissonneau. Court Reporter/Transcriber Mitchell Reisner, Telephone number 334-313-7185. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 12/12/2012. Redacted Transcript Deadline set for 12/24/2012. Release of Transcript Restriction set for 2/19/2013. (ag,) (Entered: 11/21/2012)
11/21/2012	53	NOTICE <i>Defendant will not seek Redaction of Transcript</i> as to Sean Michael Boissonneau re 52 Transcript,, (Freeman, Christine) (Entered: 11/21/2012)
11/21/2012	54	RESPONSE TO COURT ORDER by Sean Michael Boissonneau re 49 Response to Court Order (Freeman, Christine) (Entered: 11/21/2012)
12/17/2012	55	Statement for Sean Michael Boissonneau (ag,) (Entered: 12/28/2012)

01/03/2013	●	Set Hearings as to Sean Michael Boissonneau: Telephone Conference re <u>42</u> M/Concurrent Sentence set for 1/7/2013 10:30 AM by telephone before Honorable Judge Myron H. Thompson. (ag,) (Entered: 01/03/2013)
01/07/2013	● <u>56</u>	Minute Entry for proceedings held before Honorable Judge Myron H. Thompson:Telephone Conference re <u>42</u> M/Concurrent Sentence as to Sean Michael Boissonneau held on 1/7/2013 (PDF available for court use only) (Recording Time 10:31:28 - 10:35:51.) (ag,) (Entered: 01/07/2013)
01/07/2013	● <u>57</u>	ORDER as to Sean Michael Boissonneau (1) that defendant Sean Michael Boissonneau's motions for a concurrent sentence (Doc. Nos. <u>42</u> and <u>46</u>) are granted and (2) that this order is nunc pro tunc, meaning that this order is effective as of the date of the original judgment (Doc. No. <u>38</u>) in this case. Signed by Honorable Judge Myron H. Thompson on 1/7/2013. (ag,) (Entered: 01/07/2013)
01/07/2013	● <u>58</u>	ORDER as to Sean Michael Boissonneau directing the Clerk of Court to: (1) Open a new civil action under 28 U.S.C. § 2255 and docket the pro se motions (Doc. Nos. <u>42</u> and <u>46</u>) in the instant case in the newly opened civil action; (2) Assign the newly opened civil action to the undersigned district judge; and (3) Refer the case file to the undersigned district judge for further proceedings upon completion of the foregoing directives. The court is aware that the pro se motions (Doc. Nos. <u>42</u> and <u>46</u>) have also been granted in this criminal case. The courts intent is to enter this order as well. Signed by Honorable Judge Myron H. Thompson on 1/7/2013. (ag,) (Entered: 01/07/2013)