

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

Mark David Branon

**AMENDED RE-SENTENCING IMPOSED ON
7/31/06 PURSUANT TO 9TH CIRCUIT COURT OF
APPEALS REMAND
JUDGMENT IN A CRIMINAL CASE**
(For Offenses Committed on or After November 1, 1987)
re: forfeiture

No. CR 02-00750-001-PHX-SRB

Roger S. Hanson (Retained)
Attorney for Defendant

USM#: 78653-098

THERE WAS A verdict of guilty on 5/14/03 as to Counts 1, 2, 3, 4, 5, 8, 10 and 11 of the Second Superseding Indictment.

THERE WAS A verdict of not guilty on 5/14/03 as to Counts 6, 7 and 9 of the Second Superseding Indictment; the defendant is acquitted and discharged as to these counts.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 21, USC §841(a)(1)&(b)(1)(A)(vii), 846 and 851(a)(1), Conspiracy to Possess with the Intent to Distribute Marijuana, a Class A Felony offense, as charged in Count 1 of the Second Superseding Indictment; Title 21, USC §856(a)(2) and (b), Establishment for Storing a Controlled Substance, a Class C Felony offense, as charged in Count 2 of the Second Superseding Indictment; Title 21, USC §856(a)(2) and (b), Establishment for Storing a Controlled Substance, a Class C Felony offense, as charged in Count 3 of the Second Superseding Indictment; Title 21, USC §952, 960(a)(1), 960(b)(1)(G) and 963, Conspiracy to Import Marijuana, a Class A Felony offense, as charged in Count 4 of the Second Superseding Indictment; Title 21, USC §848(a), Continuing Criminal Enterprise, a Class A Felony offense, as charged in Count 5 of the Second Superseding Indictment; Title 18, USC §924(c)(1)(B)(ii), Possession or Use of a Firearm in a Crime of Violence with a Silencer, a Class A Felony offense, as charged in Count 8 of the Second Superseding Indictment; Title 18, USC §922(g)(1) and 924(a)(2), Felon in Possession of a Firearm, a Class C Felony offense, as charged in Count 10 of the Second Superseding Indictment; Title 18, USC §922(k) and 924(a)(1)(B), Possession of a Firearm with an Obliterated Serial Number, a Class D Felony offense, as charged in Count 11 of the Second Superseding Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **SEVEN HUNDRED TWENTY (720) MONTHS**, which consists of **THREE HUNDRED SIXTY (360) MONTHS on Count 1; TWO HUNDRED FORTY (240) MONTHS on Count 2; TWO HUNDRED FORTY (240) MONTHS on Count 3; THREE HUNDRED SIXTY (360) MONTHS on Count 4; THREE HUNDRED SIXTY (360) MONTHS on Count 5; ONE HUNDRED TWENTY (120) MONTHS on Count 10; and SIXTY (60) MONTHS on Count 11, said counts to run concurrently**, with credit for time served. Defendant is committed to the Bureau of Prisons for a term of **THREE HUNDRED SIXTY (360) MONTHS on Count 8, to run consecutive to all other counts**, with credit for time served. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **TEN (10) YEARS** which consists of **TEN (10)**

The defendant shall not possess a firearm, ammunition or other dangerous weapon as defined in 18 U.S.C. §921.

It is the order of the Court that, pursuant to General Order 05-36, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) You shall report to the Probation Office as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You 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.
- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You 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.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- 20) If you have ever been convicted of any qualifying federal or military offense (including any federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. You shall submit your person, property (including but not limited to computer, electronic devices, and storage media), residence, office, or vehicle to a search conducted by a probation officer, at a reasonable time and in a reasonable manner.
2. You shall provide the probation officer access to any requested financial information.
3. You shall not contact Billie A. Rosen, Richard Rosen or Sheldon Sherman, and the probation officer will verify compliance.
4. You shall be denied federal benefits pursuant to 21 USC § 862(a)(1) or (b)(1).
5. You are prohibited from owning, maintaining or using a firearm.


THE DEFENDANT IS ADVISED OF DEFENDANT'S RIGHT TO APPEAL WITHIN 10 DAYS OF ENTRY OF JUDGMENT.

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Amended Re-Sentencing: **Thursday, September 21, 2006**



 Susan R. Bolton
 United States District Judge

DATE: September 21, 2006

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

By: _____
Deputy Marshal