

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	1:02-cr-5301 OWW
Plaintiff,	)	ORDER TO AMEND JUDGMENT
v.	)	
BROOKE ROWLAND, et al.,	)	
Defendants.	)	
	)	

The petition for habeas corpus brought by Brooke Rowland regularly came on for hearing Monday, March 16, 2009.

18 Defendant Rowland is correct that the judgment in this case  
19 entered May 8, 2006, erroneously fails to reflect that the  
20 parties' and court's intent was that the judgment should specify  
21 that Defendant Rowland's federal sentence was ordered to and must  
22 run concurrently with his state term of incarceration in Superior  
23 Court of California, Case Number CD 165314.

24 The United States recommended in this case at the time of  
25 Defendant Rowland's sentencing, that his time in Federal custody  
26 precede the serving of his State Court sentence. Defendant  
27 Rowland agreed not to contest the imposition of the 20 year  
28 maximum term in this case, on the condition that the government

1 recommended that he serve his Federal sentence first.

2 IT IS ORDERED that the judgment of conviction in this case  
3 previously entered May 8, 2006, is amended as follows:

4 The Defendant is hereby committed to the custody  
5 of the United States Bureau of Prisons to be imprisoned  
6 for a total term of 240 months, said term to run  
7 concurrently with his California state court term of 15  
8 years to life in Superior Court of California, County  
9 of San Diego, Case No. CD 165314.

10 Based on the recommendation of the United States  
11 in this case, the Court makes the following  
12 recommendation to the United States Bureau of Prisons:

13 The Court recommends that the Defendant be  
14 incarcerated in a Pennsylvania facility, or at Butner  
15 FCI in North Carolina, only insofar as this accords  
16 with security classifications and space availability.

17 The Court recommends that the Defendant's term of  
18 incarceration be served prior to service of his state  
19 term of incarceration in Case No. CD 165314.

20  
21 IT IS SO ORDERED.

22 Dated: April 6, 2009

23 /s/ Oliver W. Wanger  
24 UNITED STATES DISTRICT JUDGE

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