

17 THE COURT: Very well. Any legal cause why sentence
18 should not now be imposed?

19 MR. KAYE: No, Your Honor.

20 THE COURT: Pursuant to the Sentencing Reform Act of
21 1984, it is the judgment of the Court that the defendant,
22 Sherman Martin Austin, is hereby committed on the single count
23 information to the custody of the Bureau of Prisons for a term
24 of 12 months.

25 Upon release from imprisonment, the defendant shall

1 be placed on supervised release for a term of three years,
2 under the following terms and conditions -- incidentally, is
3 three years the maximum amount of supervised release?

4 MR. CASTRO-SILVA: Your Honor, I'm not sure of the
5 answer to that. Let me check. It is three years, Your Honor.

6 THE COURT: All right.

7 -- under the following terms and conditions: (1) he
8 shall comply with the rules and regulations of the U.S.
9 Probation Office and General Order 318; (2) he shall not
10 possess or access any computer or computer-related device in
11 any manner for any purpose without the prior approval of the
12 probation officer. If the defendant receives prior approval
13 from the probation officer, he shall use only those computers
14 and computer-related devices, screen, user names, passwords,
15 e-mail accounts, and Internet service providers as approved by
16 the probation officer.

17 If the defendant obtains prior approval from the
18 probation officer to access or possess a computer, all such
19 computers, computer-related devices, and peripheral equipment
20 used by the defendant shall be subject to search and seizures,
21 and the installation of search and/or monitoring software
22 and/or hardware, including unannounced seizure, for the purpose
23 of search.

24 The defendant shall not upgrade, reinstall, repair,
25 or modify the hardware or software on the computers,

1 computer-related devices, or their peripheral equipment, nor
2 shall he hide or encrypt files or data without the prior
3 approval of the probation officer.

4 He shall provide all billing records, including
5 telephone, cable, Internet, satellite, and the like, as
6 requested by the probation officer.

7 He shall not knowingly negotiate with any
8 organization or any member thereof which espouses violence or
9 physical force as a means of intimidation or achieving
10 economic, social, or political change.

11 The drug testing condition is suspended based upon
12 the determination that the defendant poses a low risk of future
13 substance abuse.

14 He shall pay a special assessment of a hundred
15 dollars, and he shall pay a fine to the United States in the
16 amount of \$2,000. The fine is payable in monthly installments
17 of a hundred dollars. The payment shall begin 30 days after
18 commencement of supervision.

19 I will allow the defendant to self-surrender. When
20 will he be prepared to do that? I usually give defendants
21 three weeks.

22 MR. KAYE: We ask for 30 days, Your Honor.

23 THE COURT: All right. I'll give him 30 days. He is
24 ordered to self-surrender to the designated facility within 30
25 days from today.

1 What date would that be, Paul?

2 THE CLERK: That would be September 3rd.

3 THE COURT: If one isn't designated by that date, he
4 is to self-surrender to the United States Marshal in this
5 building.

6 MR. KAYE: Your Honor, we ask for a recommendation
7 within the Los Angeles region so he can keep in contact with
8 his mother in particular.

9 THE COURT: I'll make a recommendation for Southern
10 California. I don't know if there is a facility in this region
11 except for Terminal Island.

12 Are there any counts to be dismissed?

13 MR. CASTRO-SILVA: No, Your Honor.

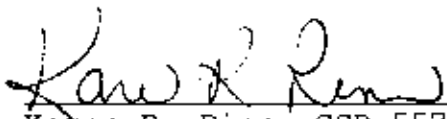
14 THE COURT: All right.

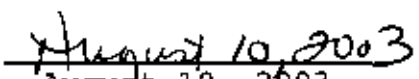
15 Bond is exonerated upon surrender.

16 MR. KAYE: Thank you.

17 (Proceedings concluded.)

18
19 I certify that the foregoing is a true and correct
20 transcript from the stenographic record of
21 proceedings in the foregoing matter.

22
23 
24 Karen R. Pinn, CSR 5574
25 Official Reporter


 August 10, 2003

This conviction and the defendant's prior state court conviction are related to his association with anarchist groups. These groups advocate violence as a means of disrupting order and achieving social, economic, and political change. Based upon the character reference letters submitted on behalf of the defendant and the evaluation of the defendant performed by Dr. Evelyn McGuinness, he is a mild-mannered person whose political and social idealism takes on a violent tone when associating with these groups. For this reason, it is recommended that the defendant be prohibited from associating with anarchist groups and those who advocate violence during his term of supervised release. [Notably, Dr. McGuinness,