

Docket as of November 20, 2001 10:01 pm

Web PACER (v2.3)

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**U.S. District Court**

**U.S. District for the Northern District of California (Oakland)**

**CRIMINAL DOCKET FOR CASE #: 97-CR-40123-ALL**

**USA v. Stull**

Filed: 06/26/97  
Other Dkt # 3:97-m -30310  
Other Dkt # 4:97-m -00122

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**Case Assigned to: Judge Sandra Brown Armstrong**

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WALLACE BRADLEY STULL (1)  
defendant  
[term 06/09/98]

Jules F. Bonjour  
[term 06/09/98]  
[COR LD NTC ret]  
Bonjour & Thorman  
24301 Southland Dr.  
Ste. 312  
Hayward, CA 94545  
(510)785-8400

Pending Counts:  
21:841(d): Distribution and  
possession of cocaine with  
intent to manufacture  
(5)

Disposition  
committed to custody of BOP for  
a term of 46 months; 3  
years supervised release; \$100  
special assessment; \$7,500  
fine  
(5)

Offense Level (opening): 4  
Terminated Counts:  
21:846: Conspiracy to  
manufacture and distribute  
cocaine (1)  
21:841(d): Distribution and  
possession of cocaine with  
intent to manufacture  
(2 - 4)

Disposition  
dismissed on government's  
motion  
(1)  
dismissed on government's  
motion  
(2 - 4)

Offense Level (disposition): 4  
Complaints  
21:846 Conspire to distribute  
cocaine.  
[ 3:97-m -30310 ]

Disposition

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**Case Assigned to: Judge Sandra Brown Armstrong**

JAMES MATTHEW SOMERVILLE (2)  
defendant  
[term 06/30/98]

William Gagen  
[COR LD NTC ret]  
Gagen McCoy McMahon & Armstrong

279 Front Street  
 P.O. Box 218  
 Danville, CA 94526-0218  
 (925) 837-0585

## Pending Counts:

21:841(d): Distribution and  
 possession of cocaine with  
 intent to manufacture  
 (5)

Offense Level (opening): 4

## Terminated Counts:

21:846: Conspiracy to  
 manufacture and distribute  
 cocaine (1)

21:841(d): Distribution and  
 possession of cocaine with  
 intent to manufacture  
 (2 - 4)

Offense Level (disposition): 4

## Complaints

21:841(a)(1): Distribute  
 cocaine and possess cocaine  
 with intent to distribute  
 [ 4:97-m -122 ]

## U. S. Attorneys:

C. David Hall  
 415-436-7168  
 [COR LD NTC]  
 U.S. Attorney Office  
 Drug Enforcement Task Force  
 450 Golden Gate Ave  
 San Francisco, CA 94102

Disposition

Disposition

Disposition

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## DOCKET PROCEEDINGS

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DATE	#	DOCKET ENTRY
6/12/97	1	COMPLAINT James Matthew Somerville (1) count(s) cmp Mag. Judge Wayne D. Brazil [ 4:97-m -122 ] (kc) [Entry date 06/16/97]
6/13/97	2	MINUTES: before Mag. Judge Wayne D. Brazil; first appearance of James Matthew Somerville, Attorney present; detention hearing set for 9:15 on 6/18/97 for James Matthew Somerville; remanding deft. to custody; ( Tape No.: 97-49) [ 4:97-m -122 ] (kc) [Entry date 06/16/97]
6/18/97	3	MINUTES: before Mag. Judge Wayne D. Brazil; detention hearing held; preliminary exam/arraignment/posting of property set for 9:15 on 6/30/97 for James Matthew Somerville; ( Tape No.: 97-50 & 97-51) [ 4:97-m -122 ] (kc) [Entry date 06/19/97]
6/18/97	4	\$500,000 property Bond by James Matthew Somerville by Mag. Judge Wayne D. Brazil [ 4:97-m -122 ] (kc) [Entry date 06/19/97]
6/19/97	1	COMPLAINT Wallace Bradley Stull (1) count(s) cmp Magistrate Judge Owen E. Woodruff [ 3:97-m -30310 ] (rl) [Entry date 06/30/97]
6/19/97	2	MINUTES: before Magistrate Judge Owen E. Woodruff; Issuing NO BAIL warrant for defendant Wallace Bradley Stull. ( Tape No.: ) [ 3:97-m -30310 ] (rl) [Entry date 06/30/97]

6/26/97 5 INDICTMENT by AUSA C. David Hall. Counts filed against Wallace Bradley Stull (1) count(s) 1, 2-5, James Matthew Somerville (2) count(s) 1, 2-5 (kc) [Entry date 07/01/97]

6/26/97 7 MINUTES: before Magistrate Judge Owen E. Woodruff; dft Wallace Bradley Stull arraigned; NOT GUILTY plea entered; Attorney Jules F. Bonjour present; , first appearance of Wallace Bradley Stull, Attorney present; , detention hearing set for 9:30 am on 7/1/97 for Wallace Bradley Stull before Magistrate Judge James Larson; Trial setting hearing set for 7/1/97 at 1:30 pm before Judge Armstrong, remanding dft to custody ( Tape No.: 97-28) (mmr) [Entry date 07/01/97] [Edit date 07/01/97]

6/27/97 8 MINUTES: before Mag. Judge Wayne D. Brazil; dft James Matthew Somerville arraigned; NOT GUILTY plea entered; Attorney present; , preliminary exam held; Posting of property dicouments held; Trial setting hearing or Status hearing will be held at 9:30 am on 7/1/97 for James Matthew Somerville ; before Judge Saundra B. Armstrong ( Tape No.: 97-55) (mmr) [Entry date 07/01/97]

7/1/97 6 RULE 40 Documents received from Eastern California, Fresno as to Wallace Bradley Stull (rl) [Entry date 07/01/97]

7/1/97 9 MINUTES: before Judge Saundra B. Armstrong; status hearing held; further status/trial setting hearing will be held at 9:30 on 7/22/97 for James Matthew Somerville; ( C/R: Carol Karen) (kc) [Entry date 07/02/97]

7/1/97 10 MINUTES: before Magistrate Judge James Larson; detention hearing held, Trial setting/pending motions hearing will be held at 9:30 am on 7/8/97 for Wallace Bradley Stull; before Judge Saundra B. Armstrong, remanding dft to custody ( Tape No.: 97-1) (mmr) [Entry date 07/07/97]

7/7/97 11 Bench Warrant returned executed as to Wallace Bradley Stull on 6/24/97 (rl) [Entry date 07/07/97]

7/7/97 12 DETENTION ORDER of Wallace Bradley Stull by Magistrate Judge James Larson (mmr) [Entry date 07/08/97]

7/22/97 13 MINUTES: before Judge Saundra B. Armstrong; status hearing held; Trial setting or change of plea hearing will be held at 9:00 on 9/4/97 for Wallace Bradley Stull, for James Matthew Somerville; (C/R: Rosita Flores) (kc) [Entry date 07/23/97]

7/23/97 14 ORDER by Judge Saundra B. Armstrong to exclude the time period from 7/22/97 through 9/4/97 under the Speedy Trial Act as to defendant Wallace Bradley Stull, defendant James Matthew Somerville (kc) [Entry date 07/28/97]

9/4/97 15 LETTER to clerk, dated 9/3/97, from Theresa J. Canepa re continuance of further status/trial setting hearing to 9/9/97 at 9:30 as to defendant Wallace Bradley Stull, defendant James Matthew Somerville (kc) [Entry date 09/08/97]

9/9/97 16 MINUTES: before Judge Saundra B. Armstrong; Trial setting or change of plea hearing continued to 9/23/97 at 9:30 for Wallace Bradley Stull, for James Matthew Somerville; (C/R: Rosita Flores) (kc) [Entry date 09/10/97]

9/23/97 17 MINUTES: before Judge Saundra B. Armstrong; Change of Plea or Trial setting hearing set for 5:00 pm on 10/7/97 for Wallace Bradley Stull ( C/R: Carol Karen) (mmr) [Entry date 09/25/97]

9/23/97 18 MINUTES: before Judge Saundra B. Armstrong ; Change of plea or Trial setting hearing set for 6:00 pm on 10/7/97 for James Matthew Somerville ; ( C/R: Carol Karen) (mmr) [Entry date 09/25/97]

10/7/97 19 MINUTES: before Judge Saundra B. Armstrong; change of plea hearing not held; deft. to file motion to suppress by 10/21/97; opposition due 11/4/97; reply due 11/10/97;

hearing on motion to suppress will be held at 9:30 on 11/18/97 for Wallace Bradley Stull; ( C/R: Carol Karen) (kc) [Entry date 10/10/97]

10/7/97 20 MINUTES: before Judge Sandra B. Armstrong; James Matthew Somerville enters guilty plea; James Matthew Somerville (2) count(s) 1; sentencing hearing will be held at 9:30 on 1/13/98 for James Matthew Somerville; deft. remanded to custody; (C/R: Carol Karen) (kc) [Entry date 10/10/97]

10/7/97 21 APPLICATION FOR PERMISSION TO ENTER PLEA OF GUILTY by James Matthew Somerville before Judge Sandra B. Armstrong (kc) [Entry date 10/10/97]

10/7/97 22 PLEA Agreement as to James Matthew Somerville (kc) [Entry date 10/10/97]

10/7/97 23 CLERK'S NOTICE for pre-sentence investigation as to defendant James Matthew Somerville (kc) [Entry date 10/10/97]

10/9/97 24 MEMORANDUM of Law by defendant James Matthew Somerville (kc) [Entry date 10/10/97]

10/16/97 25 ORDER by Judge Sandra B. Armstrong DENYING deft's renewed request for release pending sentencing as to defendant James Matthew Somerville (kc) [Entry date 10/17/97]

10/17/97 26 APPLICATION by defendant James Matthew Somerville for presentence release (kc) [Entry date 10/20/97]

10/21/97 27 Notice of motion and MOTION before Judge Sandra B. Armstrong to suppress evidence by defendant Wallace Bradley Stull (kc) [Entry date 10/22/97]

10/21/97 28 MEMORANDUM by defendant Wallace Bradley Stull in support of motion to suppress evidence by defendant Wallace Bradley Stull [27-1] (kc) [Entry date 10/22/97]

10/22/97 29 APPLICATION before Judge Sandra B. Armstrong for reconsideration of order denying presentence release by defendant James Matthew Somerville (kc) [Entry date 10/23/97]

10/22/97 30 EXHIBITS re memorandum in support of motion to suppress [28-1] as to defendant Wallace Bradley Stull (kc) [Entry date 10/23/97]

10/24/97 31 ORDER by Judge Sandra B. Armstrong DENYING motion for reconsideration of order denying presentence release by defendant James Matthew Somerville [29-1] (kc) [Entry date 10/27/97]

10/28/97 32 APPLICATION before Judge Sandra B. Armstrong for return of bail deposit by defendant James Matthew Somerville (kc) [Entry date 10/29/97]

10/30/97 33 ORDER by Judge Sandra B. Armstrong granting motion for return of real property posted as bail by defendant James Matthew Somerville [32-1] (kc) [Entry date 11/04/97]

11/4/97 34 OPPOSITION by Plaintiff USA to motion to suppress evidence by defendant Wallace Bradley Stull [27-1] (kc) [Entry date 11/05/97]

11/10/97 35 REPLY by defendant Wallace Bradley Stull in support of motion to suppress evidence by defendant Wallace Bradley Stull [27-1] (mmr) [Entry date 11/13/97]

11/13/97 36 MOTION to continue defendant Stull's motion to suppress by USA as to Wallace Bradley Stull (kk) [Entry date 11/15/97]

11/13/97 37 DECLARATION by Lewis A. Davis on behalf of Plaintiff USA re motion to continue defendant Stull's motion to suppress by USA as to Wallace Bradley Stull [36-1] (kk) [Entry date 11/15/97]

11/13/97 -- RECEIVED stipulation/order re: #36 submitted by Plaintiff USA (kk) [Entry date 11/15/97]

11/17/97 38 STIPULATION and ORDER by Judge Sandra B. Armstrong granting motion to continue defendant Stull's motion to suppress by USA as to Wallace Bradley Stull [36-1]; setting hearing on motion to suppress evidence by defendant Wallace Bradley Stull [27-1] for 9:30 on 12/2/97 (kc) [Entry date 11/19/97]

11/21/97 39 ORDER by Judge Sandra B. Armstrong hearing on motion to suppress continued to 12/16/97 at 9:30 for Wallace Bradley Stull; govt's surreply must be filed by 11/25/97 (kc) [Entry date 11/21/97]

12/3/97 40 SEALED document (scu) [Entry date 12/08/97]

12/12/97 41 ORDER by Judge Sandra B. Armstrong sealing stipulation as to defendant Wallace Bradley Stull (kk) [Entry date 12/17/97]

12/12/97 42 SEALED document by USA (kk) [Entry date 12/18/97]

12/23/97 43 STIPULATION and ORDER by Judge Sandra B. Armstrong to exclude time between 9/9/97 to 9/23/97 as to defendant Wallace Bradley Stull, defendant James Matthew Somerville, (kk) [Entry date 12/29/97]

12/30/97 44 ORDER by Judge Sandra B. Armstrong sentencing hearing will be held at 1:30 5/19/98 for James Matthew Somerville (kk) [Entry date 01/06/98]

12/30/97 46 SEALED document by USA (kk) [Entry date 01/09/98]

1/5/98 45 DECLARATION by Wallace B. Stull on behalf of defendant Wallace Bradley Stull (kk) [Entry date 01/06/98]

1/26/98 47 SEALED document by Plaintiff USA as to defendant Wallace Bradley Stull (kc) [Entry date 01/26/98]

3/18/98 48 SEALED document as to defendant Wallace Bradley Stull (kc) [Entry date 03/20/98]

5/18/98 49 STIPULATION and ORDER by Judge Sandra B. Armstrong sentencing hearing continued to 6/16/98 at 9:30 for James Matthew Somerville (kc) [Entry date 05/19/98]

6/9/98 50 MINUTES: before Judge Sandra B. Armstrong; Wallace Bradley Stull enters guilty plea to count 5; sentencing Wallace Bradley Stull (1) count(s) 5, committed to custody of BOP for a term of 46 months; 3 years supervised release; \$100 special assessment; \$7,500 fine; dismissing counts Wallace Bradley Stull (1) count(s) 1, 2-4, dismissed on government's motion; (C/R: Candace Yount) (kc) [Entry date 06/11/98]

6/9/98 51 APPLICATION FOR PERMISSION TO ENTER PLEA OF GUILTY by Wallace Bradley Stull before Judge Sandra B. Armstrong (kc) [Entry date 06/11/98]

6/9/98 52 PLEA Agreement as to Wallace Bradley Stull (kc) [Entry date 06/11/98]

6/10/98 53 JUDGMENT and Commitment issued as to Wallace Bradley Stull by Judge Sandra B. Armstrong (cc: all counsel) ( Date Entered: 6/11/98) (kc) [Entry date 06/11/98]

6/12/98 54 Joint STATUS memorandum by Plaintiff USA as to defendant James Matthew Somerville (kc) [Entry date 06/15/98]

6/15/98 55 ORDER by Judge Sandra B. Armstrong sentencing hearing continued to 6/30/98 at 2:00 for James Matthew Somerville (kc) [Entry date 06/16/98]

6/30/98 56 APPLICATION FOR PERMISSION TO ENTER PLEA OF GUILTY by James Matthew Somerville before Judge Sandra B. Armstrong (kc) [Entry date 07/02/98]

6/30/98 57 Superseding PLEA Agreement as to James Matthew Somerville (kc) [Entry date 07/02/98]

6/30/98 58 SEALED document as to defendant James Matthew Somerville (kc) [Entry date 07/02/98]

6/30/98 59 SEALED document as to defendant James Matthew Somerville (kc) [Entry date 07/02/98]

6/30/98 -- Docket Modification (Administrative) terminating case (kc) [Entry date 08/12/98]

8/11/98 60 SEALED document as to defendant James Matthew Somerville (kc) [Entry date 08/12/98]

9/28/98 61 JUDGMENT and Commitment returned executed as to Wallace Bradley Stull on 9/15/98 FPC Borron (mmr) [Entry date 09/29/98]

12/10/98 62 SEALED document as to defendant James Matthew Somerville (kc) [Entry date 01/14/99]

3/15/99 63 Payment Record Card: Payment of special assessment in the amount of \$100 on behalf of defendant Wallace Bradley Stull (kc) [Entry date 05/05/99]

2/11/00 64 LETTER to Judge Armstrong, dated 2/3/00, from Federal Bureau of Prisons regarding death of defendant as to defendant James Matthew Somerville (kc) [Entry date 02/11/00]

2/11/00 65 SEALED document as to defendant James Matthew Somerville (kc) [Entry date 02/17/00]

9/7/01 66 Payment Record Card: Payment of fine in the amount of \$7,500 on behalf of defendant Wallace Bradley Stull (kc) [Entry date 09/10/01]

11/7/01 67 LETTER dated 10/15/01 from Federal Aviation Administration requesting judgment be unsealed to obtain certified copy as to defendant James Matthew Somerville (kc) [Entry date 11/09/01]

11/7/01 68 ORDER by Judge Sandra B. Armstrong regarding letter from FAA to unseal judgment, giving parties notice to file any opposition to request by 11/16/01 as to defendant James Matthew Somerville (kc) [Entry date 11/09/01]

11/7/01 71 MAIL [68-2] addressed to defendant James Matthew Somerville returned from Post Office (kc) [Entry date 11/20/01]

11/15/01 69 LETTER to Judge Armstrong, dated 11/15/01, from William Gagen regarding no objection to the unsealing of records requested by FAA in letter of 10/15/01 as to defendant James Matthew Somerville (kc) [Entry date 11/19/01]

11/15/01 70 Copy of LETTER to U.S. Department of Transportation, Federal Aviation Administration, dated 11/15/01, from William Gagen regarding request to unseal judgment and death of defendant as to defendant James Matthew Somerville (kc) [Entry date 11/19/01]

11/19/01 72 ORDER by Judge Sandra B. Armstrong unsealing the judgment as to defendant James Matthew Somerville (kc) [Entry date 11/20/01]

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Case Flags:  
TERMED

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END OF DOCKET: 4:97cr40123-0