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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATIONAL DISTRIBUTION SERVICES,
INC.,

aka "NDSI,"

WHOLESALE DISTRIBUTION, INC.,

dba "Quality Services,"

CARL BRADLEY JOHANSSON,

aka "Brad Johnson,"

aka "Carl Johnson,"

aka "C. Brad Johanson,"

aka "Keith Golatta,"

ENRIQUE GARCIA,

aka "Henry Garcia," and

DONALD CAMERON SPICER,

Defendants.

*And the additional following
case*

CR No. 5:18-00114(B) -VAP

CR No. 5:21-00170-VAP

GOVERNMENT'S OPPOSITION TO
DEFENDANT CARL BRADLEY JOHANSSON'S
EX PARTE APPLICATION

1 UNITED STATES OF AMERICA,
2 Plaintiff,
3 v.
4 WESTERN DISTRIBUTION, LLC,
5 aka "Advanced Distribution
6 Inc.," and
7 CARL BRADLEY JOHANSSON,
8 aka "Brad Johnson,"
9 aka "Carl Johnson,"
10 aka "C. Brad Johanson,"
11 aka "Jay Johnson,"
12 aka "Keith Golatta,"
13 Defendants.

14 Plaintiff United States of America, by and through its counsel
15 of record, the United States Attorney for the Central District of
16 California, and Assistant United States Attorneys Matthew O'Brien and
17 Joseph Johns, hereby submits this opposition to the sealed ex parte
18 application filed by defendant CARL BRADLEY JOHANSSON ("JOHANSSON")
19 on or about July 27, 2022, based on the following grounds.

20 On August 12, 2021, the government filed JOHANSSON's plea
21 agreement. (Dkt. No. 264.) After several unsuccessful change of
22 plea hearings, JOHANSSON pled guilty on September 29, 2021. The
23 Court scheduled his sentencing for May 9, 2022. (See Dkt. No. 282.)

24 On April 4, 2022, the Probation Office disclosed its Presentence
25 Report and letter for JOHANSSON, recommending an above-Guidelines
26 sentence of 90 months in prison. (Dkt. Nos. 305, 306.)

27 On April 12, 2022, JOHANSSON filed a stipulation in which the
28 parties agreed - at JOHANSSON's request - to continue his sentencing
from May 9, 2022 to August 22, 2022 because JOHANSSON "wishe[d] to
retain new counsel to prepare for his sentencing" and he therefore

1 "need[ed] time either to resolve this conflict or for new counsel to
2 prepare for the sentencing." (Dkt. No. 314, ¶¶ 3, 4.)

3 The ex parte application that JOHANSSON filed on or about July
4 27, 2022 is therefore untimely. JOHANSSON has had four months to
5 address the issues raised in the application. He has had almost an
6 entire year to prepare for his sentencing. The government is
7 concerned that JOHANSSON simply does not want to be sentenced, and is
8 seeking to postpone his sentencing date indefinitely.¹

9 The parties' sentencing memoranda are due on August 1, 2022.
10 The government intends to file its memorandum by that date and seeks
11 to proceed with JOHANSSON's sentencing on August 22, 2022.

12
13 Dated: July 28, 2022

Respectfully submitted,

14 STEPHANIE S. CHRISTENSEN
Acting United States Attorney

15 SCOTT M. GARRINGER
16 Assistant United States Attorney
Chief, Criminal Division

17
18 /s/
MATTHEW W. O'BRIEN
19 JOSEPH O. JOHNS
Assistant United States Attorneys

20 Attorneys for Plaintiff
21 UNITED STATES OF AMERICA
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28 ¹ To be clear, the government's concerns are based on JOHANSSON
himself, not his current counsel.