

1 **EDWARD M. ROBINSON (CA Bar 126244)**

2 Brian A. Robinson (CA Bar 333650)

3 21515 Hawthorne Blvd, Suite 730

4 Torrance, CA 90503

5 Office: (310) 316-9333

6 Facsimile: (310) 316-6442

7 eroblaw@gmail.com

8 Attorneys for Defendants

9 *Carl Bradley Johansson*

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 WESTERN DISTRIBUTION, CCL., et
17 al.

18 Defendant.

Case No. 5:18-00114-VAP

Case No. 5:21-00170-VAP

**DEFENDANT CARL BRADLEY
JOHANSSON'S MOTION TO
CONTINUE SENTENCING;
DECLARATION OF COUNSEL IN
SUPPORT**

DATE: October 24, 2022

TIME: 10:00 a.m.

Courtroom of the
Honorable Virginia A. Phillips

Declaration of Edward M. Robinson

I, Edward M. Robinson, hereby declare as follows:

1. My office was retained by Mr. Johansson on August 8, 2022, in Case Nos. 5:18-cr-00114-VAP and 5:21-cr-00170-VAP.

2. Mr. Johansson entered his guilty plea on and pled guilty to counts one, two, and four of the Second Superseding Indictment. (Doc. 264)

3. Mr. Johansson's original sentencing date, May 9, 2022, was continued on April 12, 2022, and was set for August 22, 2022. In the time between his guilty plea and his August sentencing date, Mr. Johansson did not speak with counsel other than on video during his Presentence investigation and he did not review the draft Presentence Report prepared by Probation and disclosed on April 4, 2022.

4. Mr. Johansson made multiple requests to have prior counsel withdrawn. Rulings on Ex Parte requests were ruled on the day my office, through my associate Brian Robinson, substituted as counsel.

5. In preparation for sentencing, we have, among other things, ordered and received the transcript of Mr. Johansson's consolidated plea of guilty. My associate Brian Robinson submitted the transcript order form for expedited delivery on August 23, 2022 and sent a check on the same date. The check was received on August 29, 2022. The transcript was produced on September 13, 2022. Prior to reviewing that transcript, and based upon observations of counsel, Mr. Johansson's family retained Dr. Paul Lane to conduct an independent forensic psychological evaluation of Mr. Johansson. The time of Mr. Johansson's guilty plea, this Court observed behavior of Mr. Johansson and inquired directly about Mr. Johansson's mental state. Apparently, in light of those observations and inquiry, this Court ordered a psychological evaluation of Mr. Johansson. No such evaluation was ever performed.

6. With respect to the forensic psychological evaluation, Dr. Lane immediately applied to MDC LA for clearance to enter the facility to conduct his

1 testing and evaluation. Dr. Lane contacted MDCLA on August 30 and was informed by
2 Dr. Samantha Shelton, chief MDC psychologist, that he must provide information to
3 secure entry. On September 7, multiple correspondence between counsel and MDCLA
4 were exchanged to secure permission for Dr. Lane to enter MDCLA to conduct his
5 testing and evaluation. After multiple communications and submission of the
6 application on September 8, there was a brief period where there was no
7 communication. On September 20, Dr. Lane, at counsel's request, called MDCLA
8 concerning the status of the application. That same day MDCLA informed Dr. Lane
9 that his application was approved. Dr. Lane met with Mr. Johansson at MDCLA on
10 September 24 for 2 hours. Dr. Lane is scheduled to meet with Mr. Johansson on Friday,
11 September 30 to conclude his interview and testing in order to prepare the evaluation.

12 7. Brian Robinson traveled to the office in Newport dedicated to housing
13 the discovery on multiple occasions to review the voluminous discovery in this matter.
14 August 18, 2022, he spent 5 hours reviewing discovery. On August 25 he spent 3 hours
15 reviewing discovery. On September 12, he spent 7 hours reviewing discovery. On
16 September 13 he spent 6 hours reviewing discovery and 2 hours in a meeting with a
17 potential expert in this matter. Brian Robinson has met with Mr. Johansson in MDC on
18 two separate occasions on August 22 and September 2.

19 8. Beginning on August 8, I, and my associate Brian Robinson, have met
20 with Mr. Johansson six times. At those meetings we have reviewed with Mr.
21 Johansson, for his first time with counsel, the Presentence Report, disclosed
22 recommendation letter, and the governments objections and opposition to the
23 Presentence Report. We have also continuously met with Mr. Johansson's investigators
24 and civil attorney at their office in Orange County to review the voluminous discovery
25 in this case. (Doc. 268, pg. 4, ¶¶ 19-23.) My associate Brian Robinson has been to the
26 office where the discovery is held four times and spent a total of 21 hours reviewing
27 and collecting discovery. I have been there once for approximately 7 hours collecting
28 and reviewing discovery. My associate and I have spent a significant amount of time

1 reviewing the discovery that we obtained from the office. We have also reviewed the
2 motions on file with this Court and most particularly how the motions and discovery
3 relate to the consolidated plea agreement as well as the presentence report.

4 9. Mr. Johansson's psychological condition is directly relevant to his
5 "personal history and characteristics." 18 U.S.C. § 3553(a). In order to properly address
6 the Presentence Report, the Probation departments request for an upward variance
7 pursuant to 18 U.S.C. § 3553(a), as well as the government's position and
8 recommended variance, an additional 30-days from the sentencing date on October 24
9 to either November 21 or November 28, whichever is most convenient for the court, is
10 needed to receive Dr. Lane's report, continue the review of the relevant discovery, and
11 properly advise Mr. Johansson with respect to the Presentence Report and the USPO's
12 and government's request for an upward variance.

13 10. Counsel has been diligent and expeditious in these efforts. This
14 requested continuance is not for the purpose of delay.

15 11. On September 30, 2022, I spoke with AUSA Matthew O'Brien and
16 notified him that I would be requesting this continuance. AUSA O'Brien informed me
17 that the government will object.

18 I declare under penalty of perjury that the foregoing is true and correct to the best
19 of my knowledge.

20
21 Executed on September 30, 2022, in Torrance, California.

22
23 By */s/ Edward M. Robinson*

24 Edward M. Robinson

Brian A. Robinson

25 Attorneys for Defendant
26 *Carl Bradley Johansson*
27
28