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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATIONAL DISTRIBUTION, INC., et
al.

Defendant.

Case No. 5:18-00114-VAP
Case No. 5:21-00170-VAP

**DEFENDANT CARL BRADLEY
JOHANSSON'S REPLY TO
GOVERNMENT'S OPPOSITION TO
MOTION TO CONTINUE
SENTENCING**

DATE: October 24, 2022
TIME: 10:00 a.m.
Courtroom of the
Honorable Virginia A. Phillips

Counsel for Mr. Johansson tenders this reply to the government's opposition to counsel's request for a very brief continuance.

As set forth in the declaration of counsel attached to Mr. Johansson's motion to continue (Doc. 82), counsel has been expeditious and diligent in reviewing the massive amount of discovery in preparation for Mr. Johansson's sentencing. Concurrent with this review of discovery, counsel, through the Johansson family, immediately retained Dr. Paul Lane for his forensic evaluation of Mr. Johansson. Through no fault of the

1 MDC, the government, or Mr. Johansson, permission to enter the facility took time. Dr.
2 Lane has finished his visits where he interviewed and tested Mr. Johansson and, at the
3 request of counsel, is diligently concluding his work and should have a report as early
4 as next week.

5 The nature and circumstances of this offense, especially the government's
6 position paper and objections to the PSR, contain a number of facts and positions that
7 are outside the parameters of Mr. Johansson's stipulated factual basis. Mr. Johansson's
8 personal history and characteristics, particularly his mental state, are intertwined, to a
9 degree, with counsel's response to the government's claims above and beyond those
10 raised by Mr. Johansson's factual basis and guilty plea.

11 The government's claim that this request for a short continuance should be
12 denied because the "purported justifications" was "foreseeable months ago" assumes a
13 lack of diligence on counsel's part. The fact that counsel immediately ordered the
14 transcript and promptly made efforts to retain Dr. Lane and arrange for the
15 psychological evaluation belies the government's implication that this delay is the
16 product of any lack of diligence. The fact that these issues were not addressed by prior
17 counsel should not prejudice current counsel or Mr. Johansson.

18 As Mr. Johansson's position paper is currently due on October 14, 2022, a very
19 brief continuance is requested to give counsel time to receive the completed
20 psychological evaluation report and adequately prepare Mr. Johansson's position paper.

21 For these reasons, in order to properly prepare for Mr. Johansson's
22 individualized sentence per 18 U.S.C. § 3553(a), counsel requests that this Court grant
23 this very short continuance.

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1 Dated: October 3, 2022,

2 Respectfully submitted,

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4 By */s/ Edward M. Robinson*

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Edward M. Robinson

6 Brian A. Robinson

7 Attorneys for Defendant
8 *Carl Bradley Johansson*