

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

4	UNITED STATES OF AMERICA,	)	
		)	
5	Plaintiff,	)	
		)	
6	v.	)	Criminal Action No.:
		)	2:15cr116
7	WESLEY PAUL HADSELL,	)	
		)	
8	Defendant.	)	

TRANSCRIPT OF PROCEEDINGS

(Sentencing)

Norfolk, Virginia  
November 15, 2016

BEFORE: THE HONORABLE ARENDA WRIGHT ALLEN  
United States District Judge

Appearances:

OFFICE OF THE UNITED STATES ATTORNEY  
By: ANDREW BOSSE, ESQUIRE  
Counsel for the United States

JASON A. DUNN, PLC  
By: JASON DUNN, ESQUIRE  
Counsel for Defendant

The Defendant appearing in person.

I N D E X

WITNESS ON BEHALF  
OF THE UNITED STATES:

Page

**JOSHUA HATHAWAY**

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Government Exhibit No.

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P R O C E E D I N G S

(Proceedings commenced at 10:04 a.m. as follows.)

COURTROOM DEPUTY CLERK: United States of America v. Wesley Paul Hadsell, Criminal Case No. 2:15cr116.

Mr. Bosse, is the government ready to proceed?

MR. BOSSE: Government's ready. Good morning, Your Honor.

THE COURT: Good morning, Mr. Bosse. It's good to see you.

MR. BOSSE: Good to see you.

COURTROOM DEPUTY CLERK: Mr. Dunn, is the defendant ready to proceed?

MR. DUNN: Defense is ready. Good morning, Your Honor.

THE COURT: Mr. Dunn, it's good to see you as well.

If you and your client could please come to the podium so he can be sworn, I would appreciate it.

(Defendant placed under oath.)

THE COURT: All right. Mr. Hadsell, it's good to see you this morning as well.

THE DEFENDANT: You too.

THE COURT: On November 6th, 2015, in accordance with the terms of a written plea agreement, you appeared before the

1 Court and you pled guilty to Count 1 of the superseding  
2 indictment. Count 1 charges felon in possession of ammunition,  
3 in violation of Title 18 United States Code, Section 922(g)(1),  
4 924(a)(2), and 924(e). The Court accepted your plea and the  
5 matter was continued for sentencing.

6 The Court has reviewed the presentence report prepared  
7 on February 11, 2016, along with the addendum prepared on  
8 June 13, 2016 by the federal probation officer, Mr. Upshur, who  
9 is seated in the jury box.

10 It's good to see you, Mr. Upshur, as well.

11 The government had no objections to the PSR.

12 I have filed my opinion regarding the armed career  
13 criminal 15-to-life enhancement as objected to by the defense,  
14 specifically Paragraphs 25, 47, 117, and 118. And then  
15 regarding the defense objection to a Paragraph 19, the  
16 government is conceding that, and so based on that, Mr. Upshur,  
17 we're going to say that his base offense level is a 20. And  
18 then the only issue that's before the Court would be the defense  
19 objection to Paragraph 20 regarding the possession of ammunition  
20 in connection with the heroin that was recovered.

21 All right. Mr. Dunn, did you review the PSR and the  
22 addendum with your client?

23 MR. DUNN: Yes, Your Honor.

24 THE COURT: All right. Other than the last objection  
25 that I just noted, are there any other objections to the

1 presentence report that you know about?

2 MR. DUNN: No, ma'am.

3 THE COURT: Okay. More importantly, Mr. Hadsell, did  
4 you review the PSR and the addendum with your attorney?

5 THE DEFENDANT: Yes, Judge.

6 THE COURT: Okay. And did you have adequate time to  
7 do so?

8 THE DEFENDANT: Correct, Judge.

9 THE COURT: Are there any errors in the report other  
10 than the outstanding objections that I just noted?

11 THE DEFENDANT: No, Judge.

12 THE COURT: And does the PSR fully cover your history  
13 and characteristics? Your background?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: All right. So with regards to the last  
16 objection, Mr. Bosse, do we have evidence?

17 MR. BOSSE: I do, Your Honor.

18 THE COURT: All right. If you gentlemen can have a  
19 seat, please, and we'll hear from the government's agent.

20 MR. BOSSE: Your Honor, before I call a witness, I've  
21 spoken with defense and we have agreed that I will offer into  
22 evidence the four attachments to the government's initial  
23 sentencing paper, which are the certified conviction, copies of  
24 certified conviction orders for the convictions that are  
25 referenced in those papers. And so I can hand those up now.

*J. Hathaway - Direct*

6

1 And that's Government Exhibits 1 through 4.

2 THE COURT: All right. They'll be admitted.

3 (Government's Exhibit Nos. 1-4 received in  
4 evidence.)

5 THE COURT: You can give those to Madam Lorraine  
6 please. Thank you.

7 MR. BOSSE: Your Honor, the government calls at this  
8 time to the stand Detective Hathaway from the Norfolk Police  
9 Department.

10 JOSHUA HATHAWAY, having been duly sworn, was examined  
11 and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BOSSE:

14 Q. Good morning, sir. Would you please state your full name  
15 for the record?

16 A. Joshua Hathaway.

17 Q. What's your occupation?

18 A. Currently a detective with the City of Norfolk Police  
19 Department.

20 Q. How long have you been a Norfolk police detective?

21 A. I've been a detective for approximately three years, been  
22 an employee for the Norfolk Police Department for approximately  
23 seven.

24 Q. Are you familiar, sir, with the Norfolk Police Department's  
25 investigation of Mr. Hadsell, the defendant?

1 A. I am.

2 Q. What was your role in the investigation?

3 A. I was one of the primary investigators on that case.

4 Q. And I want to be clear: The things that I'm asking you  
5 about and the answers you're giving, it's not always because you  
6 were personally doing the things that you are describing, but  
7 because as your role as a case agent, you've learned that from  
8 other investigators in the case; is that correct?

9 A. Correct.

10 Q. Briefly tell the Court what happened during that  
11 investigation on March 20th of 2015.

12 A. On March 20th of 2015, defendant Hadsell had come to the  
13 Police Operations Center to agree to be interviewed, assist in  
14 our investigation of the disappearance of his step-daughter,  
15 Anjelica Hadsell.

16 During the course of that interview, based on certain  
17 statements that are made throughout the interview, we wrote and  
18 executed a search warrant for his hotel room which is located at  
19 1850 East Little Creek Road, Room 129, which is the Americas  
20 Best Value Inn.

21 Q. What were the statements during the interview that led you  
22 to think there could be items of interest in this hotel room?

23 A. He made statements there was items in his hotel room that  
24 he was going to have to answer for.

25 Q. How did you know which room to write the search warrant

1 for? How did investigators, I should say, know which room to  
2 write the search warrant for?

3 A. During that interview and previous interviews throughout  
4 our investigation, he had indicated multiple times that was the  
5 hotel room that he was staying at.

6 Q. How long had he been living there at that Americas Best  
7 Hotel room?

8 A. Approximately a month. About two weeks prior to the  
9 disappearance of his daughter up until the date of that  
10 interview.

11 Q. Did investigators learn why he was in the hotel room and  
12 not at the family home?

13 A. Yes.

14 Q. Why was that?

15 A. That he was having marital issues with his wife based on  
16 some substance abuse problems he was having and he had moved  
17 out.

18 Q. So let me show you now Government's Exhibit 5. Take a look  
19 at that, if you could. Tell me if you recognize what it shows?

20 A. That's the door to Room 129 at the Americas Best Value Inn  
21 at Little Creek Road.

22 Q. Is that the one that was searched on March 20th?

23 A. It was.

24 Q. Is that a true and accurate photograph of the doorplate of  
25 that door?



1 A. It is.

2 MR. BOSSE: Your Honor, I offer Government's  
3 Exhibit 5.

4 THE COURT: Hearing no objection --

5 MR. DUNN: No objection.

6 THE COURT: -- it will be admitted.

7 May I see it, please?

8 (Government's Exhibit No. 5 received in  
9 evidence.)

10 MR. BOSSE: I have a courtesy set for the Court here  
11 as well.

12 THE COURT: Thank you, Mr. Bosse.

13 MR. BOSSE: Yes, Your Honor.

14 BY MR. BOSSE:

15 Q. Now, briefly describe what was found during the search of  
16 that hotel room, No. 129, at Americas Best on March 20th of  
17 2015.

18 A. There were various items recovered during that search, to  
19 include a digital scale, as well as ammunition and electronics.

20 Q. Describe where in the room the ammunition was found.

21 A. The room itself, other than the bathroom, is one open room.  
22 In a kitchenette area there's a round table. There was a single  
23 bullet sitting on the round table, as well as a partially  
24 emptied box of these same type of ammunition next to the bullet  
25 on the round table.

1 Q. Was there any other ammunition found in the hotel room?

2 A. There was another box of the same type of ammunition found  
3 in an air vent. In the air vent of the hotel room.

4 Q. Did investigators find anything else indicating Mr. Hadsell  
5 was the one using the room?

6 A. There were papers and documents that indicated he had been  
7 the one in the room.

8 Q. As the investigation continued, did officers in the police  
9 department learn about what Mr. Hadsell was doing in that room?

10 A. Yes.

11 Q. Okay. Tell the Court about that.

12 A. After speaking to Hadsell's drug dealer at the time, he had  
13 indicated that Hadsell would consume narcotics in that room,  
14 including cocaine and heroin.

15 Q. Did there come a time when that same room was searched  
16 again?

17 A. It was.

18 Q. When was that?

19 A. That was on September 13th, 2015.

20 Q. What led the police to search the room again?

21 A. Based on -- on September 9th, 2015 -- I'm sorry,  
22 September 7th, 2015, there was -- I was monitoring jail calls  
23 made by the defendant, Mr. Hadsell. During two of these jail  
24 calls he had made contact with the sister, Patricia, and he had  
25 described to her that he believed there was heroin that had been

1 hidden in his hotel room, and very specifically described the  
2 area where he believed heroin to be hidden in. And furthermore,  
3 said it would behoove her or someone to rent Room 129 and toss  
4 it.

5 Q. And what did you understand, given your training and  
6 experience, the phrase "toss it" to mean?

7 A. To perform a search.

8 Q. Did you perform the search in September of that hotel room?

9 A. I did.

10 Q. Was anyone else living in the room at the time that you  
11 searched it?

12 A. Yes, sir. There was a elderly female.

13 Q. And did she allow you to come in and search the room?

14 A. She did. She was very interested in what we were doing.

15 Q. And what did she do while you were preparing to search?

16 A. She tried to offer whatever assistance she could. There  
17 was times where I needed -- I was trying to look at high areas.  
18 She provided stools for me to stand on, moved things out of the  
19 way for me to look behind, things of that nature.

20 Q. Did you look for anything in particular when you went to  
21 search the room?

22 A. I was. I was looking specifically near the blinds over on  
23 the refrigerator side of the room and a wooden box on the wall  
24 Mr. Hadsell had described in his jail call.

25 Q. And that's the reason that you were looking for the wooden

1 box?

2 A. Correct.

3 THE COURT: Now, what was the date of the search  
4 again?

5 THE WITNESS: It was September 13th, 2015.

6 THE COURT: Thank you.

7 BY MR. BOSSE:

8 Q. I'm going to show you Exhibits 6, 7, 8, and 9, and I'd like  
9 you to hold them up after you take a look at them.

10 Exhibit 6, can you tell the Court what that shows?

11 A. Yeah. This is the wooden box on the wall that was  
12 described. It's actually a box containing the router for the  
13 Internet service in the hotel room. And this is the corner of  
14 the room that had been described on the jail call, the blinds,  
15 microwave and refrigerator combo.

16 Q. All right. Let's go to No. 7, please.

17 A. This is a closer view of that same wooden box and the drop  
18 ceiling that the blinds are affixed to that the box itself was  
19 also mounted beneath.

20 Q. All right. Let's go to the next exhibit.

21 A. This was the heroin that I recovered -- or that I located  
22 during the search warrant of that room. This crevice here at  
23 the top of that box ceiling, it was actually wedged farther back  
24 in there to where all I could see initially with a flashlight  
25 was the edge of a piece of plastic until I was able to fish it

1 out.

2 Q. How did you know to look in that area?

3 A. Because the jail call itself seemed to focus so much on  
4 that area.

5 Actually opened the box initially, unscrewed it, opened it,  
6 expected -- I was more expecting to find something inside the  
7 box, and then I saw the crevice at the top.

8 Q. Let's go to the next exhibit. If you would tell the Court  
9 what that shows?

10 A. This was the heroin that I photographed of the heroin that  
11 was recovered in the hotel room. The photograph was taken by  
12 our forensic investigator that collected evidence.

13 Q. And Exhibit 6 through 9, is that true for all of them?  
14 These were provided -- taken by the forensic person that you  
15 called to the scene?

16 A. Correct.

17 Q. Okay. And to your knowledge are those accurate depictions  
18 of what you've described here?

19 A. They are.

20 MR. BOSSE: Your Honor, the government offers 6  
21 through, is it 9?

22 THE COURT: Hearing no objection --

23 MR. DUNN: No objection.

24 THE COURT: -- they'll be admitted.

25 (Government's Exhibit Nos. 6 through 9

1 received in evidence.)

2 BY MR. BOSSE:

3 Q. Did you speak to the woman in the hotel room after you  
4 recovered what you thought could be heroin?

5 A. I did. I spoke to her prior, during, and after the search.

6 Q. Did you ask her whether she had any involvement in that?

7 A. She said she did not.

8 Q. Did you later on speak to anyone else about the baggie that  
9 was found?

10 A. We did. We reinterviewed Mr. Hadsell's drug dealer.

11 Q. And what did Mr. Hadsell's drug dealer say about it?

12 A. He said it was consistent with the packaging of -- it was  
13 consistent with the packaging that he, the method of packaging  
14 he normally utilized on the narcotics he had sold to  
15 Mr. Hadsell.

16 Q. And did he say when the last time he'd sold to Mr. Hadsell  
17 before Mr. Hadsell's arrest in March, 2015?

18 A. He doesn't have an exact date, just a approximation.

19 Q. But it was at that hotel room?

20 A. Correct.

21 Q. And did he say anything about whether he'd seen Mr. Hadsell  
22 actually using these narcotics?

23 A. He did. He said they would sit at the round table, and  
24 that's where he would do it, consume narcotics.

25 Q. Were those, the baggie with the suspected heroin in it, was

1 that later tested to your knowledge?

2 A. It was.

3 Q. And who performed that test?

4 A. The Virginia Department of Forensic Science.

5 Q. And what was the conclusion of that test?

6 A. It came back positive for heroin.

7 Q. Is the heroin that was recovered from that hotel room the  
8 basis for this pending state felony charge for possession of  
9 heroin?

10 A. It is.

11 MR. BOSSE: Let me review my notes briefly.

12 THE COURT: That's fine.

13 MR. BOSSE: I don't think I have anything else at this  
14 time. Please hold there for cross-examination.

15 THE WITNESS: Sure.

16 THE COURT: All right. Mr. Dunn?

17 CROSS-EXAMINATION

18 BY MR. DUNN:

19 Q. Good morning, sir.

20 A. Good morning.

21 Q. Mr. Hadsell was arrested on March 20th of 2015, correct?

22 A. Correct.

23 Q. And he's remained incarcerated since that time, correct?

24 A. He has.

25 Q. All right. Did you ever interview anybody to see how many

1 keys were for that room on March 20th?

2 A. We did retrieve an approximate list of the people that had  
3 been staying at the hotel. There were numerous people between  
4 the time he was there and --

5 Q. How many people were on that list?

6 A. Don't know exactly. It's -- like I said, it's numerous.  
7 Don't know exactly how many people.

8 Q. Are you talking 10? 20? 100? How many?

9 A. It's approximately 20.

10 Q. Okay. Did you interview each one of them?

11 A. I did not.

12 Q. You did not ask each one if the heroin was theirs?

13 A. No.

14 Q. And the lady who was in the room at the time of course  
15 denied knowledge of the heroin, right?

16 A. Correct.

17 Q. You had your badge and uniform on?

18 A. I did.

19 Q. And the jail calls you listened to, they were calls made in  
20 July of 2015, correct?

21 A. They were.

22 Q. In one of the calls, my client indicates that a gentleman,  
23 Tim Moran, put heroin in his room, correct?

24 A. Correct.

25 Q. Did you interview Mr. Moran regarding that?



1 A. Well, we interviewed him regarding whether he had placed  
2 items -- or had interfered in the investigation. So he has been  
3 interviewed, yes.

4 Q. And Mr. Moran is a convicted felon, correct?

5 A. He is.

6 Q. He also has a problem with heroin as well, correct?

7 A. I don't know.

8 Q. Have you researched his criminal record and background to  
9 investigate that?

10 A. He has had a previous heroin charge, I believe.

11 Q. Okay. So he is somebody that has a heroin problem?

12 A. I don't know if he currently does or not. I know he's had  
13 previous heroin charges.

14 Q. At least in the past that you can --

15 A. Yes.

16 Q. And Mr. Hadsell directly accuses him of visually seeing him  
17 put heroin in that location?

18 A. No, he actually said he was doing something in that area,  
19 and then when he went to the bathroom and came out, he saw him  
20 in that area.

21 Q. So he saw Mr. Moran there?

22 A. Yes.

23 Q. And during your investigation you learned that Mr. Moran  
24 often was in that hotel room or had access to it as well?

25 A. I'm not sure how many times he was or wasn't there.

1 Q. The heroin that was recovered, that ultimately was  
2 recovered on September 13th, correct?

3 A. Correct.

4 Q. And the first search you conducted, you didn't actually  
5 find it, did you?

6 A. I did not. I didn't conduct the search myself.

7 Q. On the search warrant, but there was a pretty thorough  
8 search at the time of the search warrant, correct?

9 MR. BOSSE: Objection, Your Honor, to the extent that  
10 he wasn't there in the room. I don't know how he's going to  
11 answer the --

12 MR. DUNN: I'll rephrase, Judge.

13 THE COURT: All right.

14 BY MR. DUNN:

15 Q. A search warrant was conducted of the entire room on  
16 March 20th, correct?

17 A. Correct.

18 Q. No heroin was found?

19 A. No.

20 Q. Okay.

21 MR. DUNN: That's all the questions I have.

22 THE COURT: All right. Thank you, Mr. Dunn.

23 Anything additional, Mr. Bosse?

24 MR. BOSSE: No redirect, Your Honor.

25 THE COURT: I have a question.

1 EXAMINATION

2 THE WITNESS: Yes, ma'am.

3 BY THE COURT:

4 Q. What was the last date Mr. Hadsell was staying in the hotel  
5 room?

6 A. September 20th. Or I'm sorry, March 20th, 2015.

7 Q. March 20th, right. Okay.

8 And then the subsequent search warrant was September?

9 A. September 13th, correct.

10 Q. All right. And so were there 20 different people in the  
11 room from the time that he was there on March 20th until the  
12 time the search warrant --

13 A. We -- yeah. And that's an approximation. I don't have the  
14 exact number of people that were in the room, but we did get a  
15 list of all the people from the hotel.

16 Q. So it's three months, about, when there are other people in  
17 the room apart from the one lady that you interviewed?

18 A. That is correct.

19 Q. And then what were the specific statements that Mr. Hadsell  
20 gave to assist you during the jailhouse call again, please?

21 A. Sure. Give me one second.

22 Q. Sure.

23 A. I'll get the exact statements for you.

24 Q. Which were recorded prior to you executing the search  
25 warrant?

1 A. Yes.

2 Q. Okay.

3 A. These are the summary of the statements. I have the  
4 transcripts.

5 Q. Just your gist is fine. Bullets.

6 A. He said that he knows Tim put heroin in his room, because  
7 the one time Tim was in his hotel room, Wes went to use the  
8 bathroom, and when he came back out it, Tim was in the corner of  
9 the room messing with something. He said I promise you, they  
10 missed a piece of the puzzle.

11 Then in the subsequent jail call he continues talking about  
12 Tim hiding something in his hotel room. Says in the corner of  
13 the room there was an air conditioner with a sleeve through the  
14 wall near curtains with a box on the ceiling covering something.  
15 Wes talks about the box on the wall, described it. And then he  
16 goes down further to say -- or further in the call he says it  
17 would behoove someone to go rent Room 129 and toss it. Said  
18 there is something around the refrigerator, microwave or the  
19 lining of the blinds.

20 THE COURT: Any additional questions based on the  
21 Court's questions, Mr. Bosse?

22 MR. BOSSE: No, Your Honor.

23 THE COURT: All right. Mr. Dunn?

24 MR. DUNN: Just one.

25 RE CROSS-EXAMINATION

1 BY MR. DUNN:

2 Q. In the second call, which you have the summary in front of  
3 you --

4 A. Yes.

5 Q. -- Mr. Hadsell also says Tim Moran had access to his room,  
6 right?

7 A. Yes.

8 MR. DUNN: Thank you.

9 THE COURT: All right, sir. Thank you for your  
10 testimony.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: All right. Mr. Bosse, anything  
13 additional?

14 MR. BOSSE: Just argument, Your Honor.

15 THE COURT: Any evidence, Mr. Dunn?

16 MR. DUNN: No, Your Honor.

17 THE COURT: Just argument?

18 All right, Mr. Bosse, I'll be glad to hear you.

19 MR. BOSSE: Just to clear this out so I don't forget,  
20 it's a formality: The government did move for the third point.  
21 I had that in my notes.

22 THE COURT: Right. Okay. Thank you.

23 MR. BOSSE: Your Honor, what we're talking about here  
24 is four-level enhancement under USSG 2K2.1, subpart (b)(6)(B)  
25 for possession of ammunition in connection with another felony

1 offense. Here, the other felony offense alleged is possession  
2 of heroin. The Application Note asks whether the ammunition  
3 facilitated or had the potential of facilitating another felony  
4 offense. Possession of heroin is a state felony offense, and  
5 Mr. Hadsell has been charged in Norfolk with felony possession  
6 for the recovered heroin.

7 I want to break this argument into two parts, which is  
8 that there are two facts that came out on evidence that would  
9 support the charge. One of them is the fact that Mr. Hadsell is  
10 buying at and around the hotel room and then using in the hotel  
11 room, including at that circular table, where the bullet was  
12 found, heroin and cocaine. And that's in the March -- I think  
13 late February, early March frame. We didn't have a specific  
14 date, but he was only living there a month, and his dealer told  
15 the police that he was -- saw him there using heroin and cocaine  
16 that the dealer had sold him. And so what we have here, before  
17 we get to the September baggie of heroin, we have the confluence  
18 of the bullet on the table, the bullets hidden in the vent, the  
19 bullets otherwise in the hotel room, and the purchasing and use  
20 of heroin and cocaine at that same table.

21 The second thing we have then is the jail call where  
22 Mr. Hadsell -- and in some way I wish we could do this after we  
23 went through the history and characteristics and personal  
24 characteristics of Mr. Hadsell. The government's position is  
25 that his calling family members and saying, oh, this other guy

1 hid heroin in my room, boy, wouldn't it be nice if someone  
2 rented that room and searched it, because there's a piece of the  
3 puzzle the police missed, is just a ruse. And obviously it  
4 would have been better if that ruse had been uncovered sooner in  
5 time to the initial arrest. But there is a small baggie of  
6 heroin that's jammed back behind a wooden box, above the wooden  
7 box near a curtain, just where Mr. Hadsell described his  
8 acquaintance in that area. And then he went on, of course, to  
9 specifically name the wooden box.

10           And so the government's position is that either one of  
11 those heroin -- we have the reported use of heroin in the room,  
12 we have the heroin recovered later -- the government's position  
13 is that either one of them is sufficient to support the  
14 enhancement, and also that, taken together, they support one  
15 another; which is that this is someone who had heroin in the  
16 room, heroin is later found in the room.

17           The next question is -- well, he was buying, storing  
18 and using cocaine and heroin at the hotel room, is the  
19 government's position based on either one of those two facts.  
20 This is a person who, as the Court knows, has a long experience  
21 of robberies and burglaries that he has himself committed. It's  
22 someone who, as the Court knows, is familiar with firearms, and  
23 someone who is familiar with the drug world. And one thing that  
24 people who are familiar with all of those things, robberies,  
25 drugs and guns, one thing that they know is that if you're

1 procuring drugs and storing and using drugs, you're concerned  
2 about being robbed. And it's for that reason that it's often  
3 the case that people who purchase, use and deal drugs choose to  
4 arm themselves as a deterrent to robbery, a visible threat to  
5 any would-be robbers, including their dealers and fellow users  
6 in a home invasion robbery, in a deal that goes bad, because  
7 obviously if you're buying drugs you have cash to buy drugs  
8 with. If you're robbed, obviously, of your drugs or drug money  
9 you can't call the police. So people who are in this world, who  
10 are buying, selling, using these drugs, engage in a form of  
11 self-help that's illegal. It's illegal if they're a felon, as  
12 Mr. Hadsell was. It's also illegal if there is a habitual drug  
13 user, which is its own separate federal crime that could have  
14 been charged. That's at 922(g)(3), forbids a person who is an  
15 unlawful user of or addicted to any controlled substance from  
16 possessing guns or ammunition. So we don't need a gun to get  
17 that enhancement, although the defendant has made statements  
18 about possessing guns, the ammunition is enough. He's got a  
19 bullet on the table, the same table where he's using drugs, his  
20 drug dealer is seeing him after he's procured the drugs. And  
21 what he's doing with that ammunition is sending a message, which  
22 is that here I am, here's the place where I use drugs, and  
23 here's a single bullet sitting on the table, and here's my ammo.  
24 And whether or not he had a gun, that's a clear message, because  
25 most people don't have ammo without having a gun, without the



1 ability to use that ammunition. And so anyone who's in that  
2 hotel room -- and there were a lot of visitors to Mr. Hadsell in  
3 that hotel room -- who is interested in his drugs or his money,  
4 sees that bullet and gets that message. And it's in that way  
5 that the bullet and the ammunition facilitated the other crime  
6 he was committing, which was the possession, felony possession  
7 of heroin.

8 Unless the Court has questions, that's my argument on  
9 that enhancement.

10 THE COURT: No. Thank you, Mr. Bosse.

11 MR. BOSSE: Thank you, Your Honor.

12 THE COURT: All right. Mr. Dunn?

13 MR. DUNN: Judge, Mr. Bosse's argument is pretty  
14 eloquent, but it's full of speculation. I have a major problem  
15 with the fact that the search warrant on March 20th is executed  
16 in the room, they found a box of ammunition hidden in an AC  
17 vent, sort of similar like the one above Your Honor, yet heroin  
18 was not found in this obvious location by a box. It seems that  
19 if a thorough search warrant was done, obviously some heroin  
20 would have been recovered. And I think given the notoriety of  
21 Mr. Hadsell's case, I think they looked at it pretty thoroughly.

22 Four months go by, 20 people stay in that room. The  
23 detectives don't talk to all 20 of them. He doesn't ask each  
24 one of them -- of course no one is going to come and say, hey,  
25 I've got heroin in the room, but obviously this lady didn't

1 admit it was hers either. But she was staying at the room at  
2 the time. And I certainly don't blame her, she's obviously not  
3 going to confess and say it's mine.

4 Mr. Hadsell in his statement says I saw Tim milling  
5 around in this area of the room in the corner, and he directs  
6 the area. He doesn't specifically say the box, he says it's  
7 somewhere around the refrigerator, microwave or lining of the  
8 blinds. If he said go the box and empty it, that would be a  
9 different story. If he says you probably should check this area  
10 of the room, I saw him put something there, he's saying  
11 something that's inculpatory as to Mr. Moran. That doesn't  
12 establish Mr. Hadsell had heroin on that specific day.

13 So I think the government's theory has two problems.  
14 There's huge gap. 20 people had access to the room, he also  
15 said Mr. Hadsell had a lot of visitors in his argument, and  
16 nothing was recovered during that the execution of a search  
17 warrant on March 20th. So this heroin appears or was present  
18 four months later -- over six months later -- I think that's too  
19 attenuated, Judge, to hold that against Mr. Hadsell. I'd ask  
20 the Court to sustain my objection to that enhancement.

21 THE COURT: All right. Thank you, Mr. Dunn.

22 All right. Mr. Bosse?

23 MR. BOSSE: If I could just make just one brief --  
24 well, few brief points.

25 THE COURT: You can.

1 MR. BOSSE: First of all, that argument focused on the  
2 heroin that was found in September, and did nothing to rebut the  
3 report that Mr. Hadsell was using heroin in the room.

4 Just back to the Tim thing. Tim -- during that phone  
5 call, Mr. Hadsell said that he knows Tim put heroin in his room.  
6 And so what we -- if he knew Tim put heroin in his room and had  
7 hidden it above the wooden box and continued to live in that  
8 room knowing that there was heroin there above the wooden box,  
9 that's possession just as well, whether Mr. Moran hid it there  
10 or not, which seems far-fetched to say the least.

11 Thank you, Your Honor.

12 THE COURT: Thank you, Mr. Bosse.

13 All right. The Court's looking at the sentence  
14 enhancement pursuant to Section 2K2.1(b)(6.) The Court must  
15 find that the ammunition was used and that's such use was in  
16 connection with another felony offense. The government bears  
17 the burden of proving the facts necessary to establish this  
18 two-point enhancement, and it's by a preponderance of the  
19 evidence. That's United States v. Garnett at 243 F.3d 824, a  
20 Fourth Circuit 2001 decision. Application Note 14(A) states in  
21 general the subsection applies "If the ammunition facilitated or  
22 had the potential of facilitating another felony offense. This  
23 is added.

24 United States v. Jackson, the Fourth Circuit held that  
25 a defendant's admitted possession of cocaine was sufficiently

1 connected to his gun possession to support the 2K2.1(b)(6)  
2 enhancement. And that's 266 Fed. Appx. 300, Fourth Circuit 2008  
3 decision.

4 In addition to the statement of facts, the Court has  
5 considered the following information to which the defendant did  
6 not object. In 2015, according to Paragraph 9 of the PSR, the  
7 defendant purchased heroin and cocaine from an individual on  
8 four to five separate occasions, Hadsell purchased the drugs in  
9 gram, teenagers and eight ball quantities. The transactions  
10 occurred at a residence in Norfolk and the defendant's hotel  
11 room at the American's Best Value Inn located at 1850 East  
12 Little Creek Road in Norfolk, Virginia. The defendant was  
13 witnessed using cocaine and heroin in his hotel room at the  
14 America's Best Inn. Hadsell purchased cocaine and heroin the  
15 night before his arrest in March, 2015.

16 On March 20th, 2015, the defendant went to the Police  
17 Operations Center in Norfolk to be interviewed regarding the  
18 disappearance of his daughter, Anjelica. He told the police he  
19 had been renting a room at the inn and he stated "When you all  
20 search my hotel room, there are going to be a few things I have  
21 to explain." Hadsell told the police that there were bullets in  
22 the room.

23 On March 20th, during the search of the hotel room,  
24 the police recovered one round of ammunition on the table in the  
25 hotel room, approximately 49 rounds in a box on the table in the

1 hotel room, and approximately 30 rounds in the vent housing  
2 above the table in the hotel room.

3           Thereafter, after listening to one of the defendant's  
4 recorded jail telephone conversations, a subsequent search of  
5 the hotel room was conducted, and police recovered a plastic  
6 baggie containing heroin that was wedged between the gap between  
7 the top of a wooden box and the wall above the wooden box.

8           Then the Court has received the testimony of Detective  
9 Hathaway as well, and the Court has reviewed the exhibits,  
10 specifically Government Exhibits 6 through 9, and the details of  
11 the jail call between the defendant and his sister, and an  
12 understanding of what the drug dealer said about Mr. Hadsell's  
13 drug usage as well as the location of the heroin which the  
14 police found as a result of listening to the jail calls that  
15 were recorded.

16           It is clear to the Court by a preponderance of the  
17 evidence that the government has met its burden, and that the  
18 ammunition in question was possessed and used in connection with  
19 another felony; that is, the possession of the heroin, as  
20 Mr. Hadsell is facing in the state court system.

21           So for all of those reasons, the Court believes that  
22 the enhancement is properly applied and overrules the objection.

23           All right. Mr. Dunn, if you and your client can come  
24 back to the podium so I can tell him the guideline range? All  
25 right. The Court will adopt the factual statements contained in

1 the PSR as its finding of fact as written by Mr. Upshur with the  
2 changes regarding the base offense level being dropped from the  
3 24 to a 20, and then we have the plus four for the ammunition  
4 and possession of heroin, giving him a 24. However, because of  
5 the ACCA ruling, Mr. Hadsell, your offense level is a 30, and  
6 that takes into account that three-level reduction for  
7 acceptance of responsibility. Two of those points you  
8 controlled; one point Mr. Bosse controlled. Your criminal  
9 history category is a IV, and so your advisory guidelines for  
10 Count 1 would be 135 to 168 months; however, that's restricted  
11 by the minimum mandatory of 180 months.

12           Hearing no objection from the probation officer or the  
13 lawyers, Mr. Hadsell, do you understand what I just said?

14           THE DEFENDANT: I do, Judge.

15           THE COURT: Okay. And then as far as the statutory  
16 max for the penalty via Congress, it's up to life. And then  
17 supervised release for Count 1 would be not more than five  
18 years.

19           And hearing no objection from the probation officer or  
20 the lawyers, Mr. Hadsell, do you understand what the Court just  
21 said?

22           THE DEFENDANT: Yes, Judge.

23           THE COURT: All right. Mr. Bosse, any additional  
24 evidence or just argument on the 3553(a)?

25           MR. BOSSE: Just argument, Your Honor.

1 THE COURT: How about you, Mr. Dunn?

2 MR. DUNN: Just argument, Your Honor.

3 THE COURT: All right. If you gentlemen can have a  
4 seat, and first we will hear from Mr. Bosse. And I have a quick  
5 question --

6 MR. BOSSE: Thank you.

7 THE COURT: -- for you, Mr. Bosse, before you start.

8 MR. BOSSE: Yes, Your Honor.

9 THE COURT: I read that when Mr. Hadsell went to the  
10 Bob's shooting range it says that he was there with his  
11 step-daughter. And so my question is, which step-daughter was  
12 it, if you know?

13 MR. BOSSE: That was A.J. Hadsell.

14 THE COURT: All right. Thank you.

15 MR. BOSSE: And my understanding, just to make sure,  
16 and I'll confirm this is correct, is that he bought the  
17 ammunition at Bob's Gun Shop, and that the actual shooting  
18 happened at a private range --

19 THE COURT: On the 31st, right.

20 MR. BOSSE: -- at a different place.

21 THE COURT: Gotcha.

22 MR. BOSSE: Your Honor, I'm going to reverse the order  
23 in which I normally talk about the 3553(a) factors, because I  
24 think it's appropriate here given the ACCA enhancement to talk  
25 about Mr. Hadsell's personal history and characteristics first,

1 setting the scene for the crime that was committed.

2 Mr. Hadsell's criminal record began when he was 12  
3 years old. And before this current offense, he has about 14  
4 juvenile adjudications or adult felony convictions, and he's  
5 facing new charges now in multiple jurisdictions.

6 He has not had just second and third chances, but  
7 fourth and fifth, and all the way down the line. Too many to  
8 mention, and at every opportunity, he has shown complete  
9 disrespect for the law, for the authority of state and federal  
10 courts, and for the safety and the rights and the property of  
11 others.

12 Starts with a petty larceny charge when he's 12, and  
13 then there's other juvenile adjudications for possession of  
14 stolen property and an indecent phone call.

15 And it's going to sound like a litany, because it is,  
16 Your Honor. And I want to make this record, because the crimes  
17 escalate as he gets older.

18 In 1996 there's a statutory burglary conviction.

19 In 1998, felonious restraint. The defendant  
20 restrained a 16 year-old young woman and transported her in a  
21 car. He violated probation by continuing to contact her and, in  
22 fact, impregnated her, after which that restriction was lifted.  
23 While on probation, he had violations for grand theft auto and a  
24 number of other conditions of probation.

25 1998, breaking and entering.



1 1999, second degree burglary.

2 The probation violations after this conviction  
3 included charges for felonious assault, domestic violence, rape  
4 and kidnapping. Those charges were dismissed without prejudice,  
5 and they came out of an incident that I'll describe later in  
6 which the defendant allegedly kidnapped, strangled, struck and  
7 then raped his estranged wife multiple times. Those were  
8 charges in Ohio, and they have been, I'm happy to report,  
9 reinstated, and he'll face those charges down the road.

10 In 1999, multiple convictions for forgery. In 2005 he  
11 moves to the federal system for bank robbery. He gave a teller  
12 a note saying that he was armed. He got away. He was found at  
13 a rest stop in Illinois. Fled by car. Was later captured,  
14 incarcerated. And while he's in prison, he's cited for  
15 threatening bodily harm, twice for setting a fire, three times  
16 for destruction of property, twice for possession of intoxicants  
17 while locked up.

18 And one theme that's running through these convictions  
19 is that he's usually under court supervision when he's  
20 continuing to commit these new crimes, racking up both probation  
21 violations and new convictions.

22 And then we come to a big gap in time, and most of  
23 that is due to the fact that Mr. Hadsell is incarcerated.

24 He's released from federal supervision -- he's  
25 released from federal incarceration, goes on supervision, and is

1 released from supervision in 2013.

2           The new crime that he committed here is less than a  
3 year after he committed his federal supervised release. And  
4 besides that, there are a plethora of other law enforcement  
5 contacts: Arrests for breaking and entering, arson,  
6 contributing to the delinquency of a minor, grand larceny,  
7 fugitive from justice, flight, obstruction of justice, another  
8 breaking and entering, and animal abuse. Those are arrests, to  
9 be clear, not convictions.

10           Even by the standards of repeat federal felons, that's  
11 an extraordinarily long, continuous and single-minded record of  
12 convictions and arrests. Mr. Hadsell is only 38 years old.

13           As far as his personal upbringing, he was raised in a  
14 two-parent family. He has been able to obtain an education.  
15 And from his employment record, which is, by its nature,  
16 sporadic because of the in-and-out of prison, it looks like when  
17 he wants to do so, he's able to get work and has worked in a  
18 variety of fields.

19           And it's impossible to say the reason he went down the  
20 path that brought him here today, but he certainly -- once he  
21 started down it, there was no looking back. And it's a path of  
22 not just a lack of concern for the law, for the formal  
23 requirements of law, but actively flouting the law and violating  
24 the rights of others, really at every opportunity.

25           The details of his first marriage and the very

1 disturbing allegations from his first wife are detailed in  
2 Paragraph 70. I'm not going to hit every part of it here. It  
3 is enough to say she reports a vicious, multi-day kidnapping,  
4 multiple rapes, punctuated by violence and threats to kill  
5 members of her family if she did not comply.

6 He has a child with a victim of his forcible restraint  
7 conviction. The easy way to put it is that relationship is  
8 strained. He's arrears in his child support.

9 He's married a second time in 2010, and that's where  
10 he comes into contact with A.J. Hadsell, who is found dead of  
11 heroin poisoning in a remote location in Southampton in 2015.  
12 He describes that marriage to A.J.'s mother as a marriage of  
13 convenience. He's eventually kicked out because of his drug  
14 use, and shortly thereafter, these charges.

15 There's a history of mental health issues, but also  
16 history of Mr. Hadsell saying what he thinks is going to be in  
17 his benefit when it comes time for sentencing. Whatever mental  
18 health issues Mr. Hadsell has can be treated while he's  
19 incarcerated.

20 Likewise, he claims a history of drug use, including  
21 marihuana and cocaine, but he also said that when he was in  
22 federal court the last time, he made up claims about drug abuse  
23 to qualify for a drug program that would take time off of his  
24 sentence, willfully providing false information to the Court.

25 I'll note that this time he didn't report that he was

1 using heroin. He claims he uses cocaine, but he's not addicted  
2 to it.

3 The short version of this long recitation, for which I  
4 thank the Court for its indulgence, is that Mr. Hadsell has  
5 shown himself to be dangerous person who is unable to conform  
6 his actions to the law or basic requirements of decency, in  
7 prison or out of prison or on supervision.

8 His record is an aggravating factor in this case. And  
9 this is where the ACCA is doing the work that it was meant to  
10 do. In this case, the ACCA is doing the work it was meant to  
11 do. Without it, because of the way that the history points are  
12 totaled, he would be, incredibly, a criminal history  
13 category III, which would substantially understate the severity  
14 of his record.

15 That's the backdrop to this conviction. And I reverse  
16 the order in which I talked about these things because it's  
17 Mr. Hadsell's history and characteristics that show why this is  
18 a serious crime. Something that all of us can do today, which  
19 is go to a store and buy ammunition, in Mr. Hadsell's case, it's  
20 an extremely serious crime. And it shows why Congress did what  
21 it did when it said felons can't possess guns or ammunition.  
22 And when it said that if you qualify as an armed career  
23 criminal, you're going to face a significant sanction that  
24 Mr. Hadsell faces today.

25 The crimes here are simple to explain. He's a felon.

1 2013, end of the year he goes to shooting range with his  
2 step-daughter. He bought the ammunition I think within sight of  
3 this courthouse at Bob's Gun Shop just not long after getting  
4 off federal supervision within sight of the courthouse.

5 On March 20 he says things about bullets in his hotel  
6 room. They go in, they find bullets in the hotel room,  
7 including the bullet that's on the table. He's been using  
8 cocaine and heroin at that hotel room.

9 There's a recorded jail call where Mr. Hadsell talks  
10 about loading two 9mm pistols, and so he's himself talking about  
11 possessing guns in addition to the bullets. The government  
12 submits here it's not often the case that people cart around  
13 ammunition for fun. Usually there are guns involved with it.  
14 But that doesn't matter to the crime he committed and it doesn't  
15 matter to the sentencing today. Neither the crime nor the  
16 sentence require that he actually had a gun. It's enough that,  
17 knowing what he knew, knowing he was violating the law, he went  
18 out and bought and kept ammunition, and that fact is aggravating  
19 in light of the history of lawlessness that we've seen.

20 I think the two factors that are foremost in the  
21 government's mind are the specific deterrence and protection of  
22 the public. And I noted earlier, and I think it's borne out by  
23 the record, which is that Mr. Hadsell's criminal conduct is  
24 escalating. He's 38 years old, relatively young for such an  
25 extensive record, but he did not age out of committing crimes,

1 which sometimes happens. Sometimes people age out of doing  
2 these types of things. But what we see here is a record that,  
3 when he's not incarcerated, and even when he's incarcerated, the  
4 criminal conduct continues.

5 A sentence of at least, at least the mandatory minimum  
6 of 15 years is going to be sufficient but not greater than  
7 necessary to accomplish these 3553(a) factors.

8 Unless Your Honor has questions, that's all I have.

9 THE COURT: Thank you, Mr. Bosse.

10 MR. BOSSE: Thank you, Your Honor.

11 THE COURT: All right. Mr. Dunn?

12 MR. DUNN: Judge, I think it's important to focus on  
13 not so much my client's record -- that's an important factor --  
14 but why we're here. He went to a shooting range because his  
15 daughter wanted to learn how to shoot a firearm, and he walked  
16 right into Bob's Gun Shop, bought ammunition, and nobody stopped  
17 him. He shouldn't be able to do that, but that's not -- that's  
18 a policy thing. That's not why we're here today. But he was  
19 able to do that. He took his daughter shooting. He did not use  
20 the bullets or ammunition to commit a crime or anything of that  
21 nature. So that's why we're here today.

22 Due to his record, which Mr. Bosse has recited, he's  
23 going to get 15 years for having a box of ammunition. That's a  
24 Draconian sentence for the crime that he's here before the  
25 Court.

1 I point a few things out about the record. Mr. Bosse  
2 brings up this rape allegation. Michelle Hadsell, the alleged  
3 victim, was his wife at the time. After the date of offense,  
4 she accompanied Mr. Hadsell on a multi-state road trip which  
5 included the bank robbery. She was actually in the car with him  
6 when he was arrested on that charge. She was never charged with  
7 it, I'm not sure why, but seemed to be an active participant,  
8 seemed to still be with Mr. Hadsell at the time. So the  
9 government's case, at least in Ohio, seems very strange. I'd  
10 ask the Court to kind of discount that in considering a sentence  
11 for Mr. Hadsell, because the charge went away many years ago,  
12 and now it's been brought back during this proceeding, which  
13 seems kind of suspect.

14 Judge, I realize that my client has to get the 15  
15 years. I think that's plenty. There's no need for him to get  
16 any more than that based on the offense of conviction. If he  
17 was not an armed career criminal, his guidelines would have been  
18 a third of what they are now.

19 So I'd ask the Court just to impose the mandatory  
20 minimum as you're required to by law, and sentence him  
21 accordingly.

22 THE COURT: All right. Thank you, Mr. Dunn.

23 Mr. Bosse?

24 MR. BOSSE: Just to say one thing, Your Honor, about  
25 Mr. Hadsell's ex-wife during this time that these other crimes

1 are occurring. He is, according to her, threatening her life  
2 and the lives of people in her family. And so that's why she's  
3 with him while this is all happening. That's the information I  
4 have, and I'll proffer that because, you know, her name came up,  
5 and now it's on the record, and I think it's important to make  
6 that clear.

7 THE COURT: All right. Thank you.

8 Mr. Dunn, who is here on behalf of Mr. Hadsell?

9 MR. DUNN: Your Honor, his mother is right here in the  
10 courtroom with us today.

11 THE COURT: Okay. All right. Thank you.

12 All right. Mr. Dunn, if you can bring Mr. Hadsell  
13 back up to the podium, please, I'd appreciate it.

14 All right. Mr. Hadsell, I know Mr. Dunn's told you,  
15 you have the right to make a statement, and if you want to make  
16 a statement now would be the time to do so. If you don't, the  
17 Court will not hold it against you. And if you're not sure what  
18 to do, please speak to Mr. Dunn.

19 THE DEFENDANT: I would not like to make a statement  
20 at this time, Judge. Thank you.

21 THE COURT: All right. Thank you.

22 Mr. Hadsell, I know you know this, but I'm going to  
23 review it with you too so I can make sure that I've reviewed it  
24 with you as well as the Court that's going to be sentencing you.  
25 And you know about the 3553(a) statutory factors and you know



1 I've got to consider your offense before the court, your history  
2 and characteristics, whether or not this is a serious offense or  
3 not. Respect for the law is a factor.

4 Mr. Dunn, are these folks for your client?

5 Mr. Hadsell, are these people in support of you? Are  
6 they family members? Okay.

7 The seriousness of the offense, respect for the law.  
8 Punishment is a factor. Deterrence is a factor. And as you  
9 know, there's two types of deterrence: General deterrence, if  
10 there's any other convicted felons out there that have possessed  
11 ammunition and they read about what happens, especially if they  
12 have the kind of criminal history that you have with all these  
13 prior felonies, and maybe they won't possess the ammunition.  
14 Convicted felons can't possess firearms and ammunition. That's  
15 just the law and the way it is. So that's general deterrence.

16 But then another factor is specific deterrence. And  
17 it's always the Court's hope that when someone goes through the  
18 federal system, that they will -- it's not an enjoyable process,  
19 and so hopefully once you get out and if you're tempted with  
20 breaking the law, hopefully you will say I don't want to break  
21 the law because I really don't want to go back to the BOP. And  
22 so that's called specific deterrence as it pertains to you.

23 The public is a factor that I've got to consider.  
24 What your needs are as far as mental health and your educational  
25 and vocational needs.

1           You're looking at a minimum mandatory 15 years, so  
2 even if I wanted to give you lower than that today, I cannot.  
3 But it's a very serious offense, too, because you know that  
4 Congress has said that it's potentially punishable by life. I  
5 don't know if you're nervous about that or not, but the Court  
6 would hope that you are. The Court would hope that you don't  
7 want to die in prison. I don't know you well enough to know  
8 whether you do or not, but it's a serious offense because it's  
9 punishable, worse case scenario, by life. Even then, you're not  
10 getting life today. And the attorneys know that. But hopefully  
11 that's caught your attention.

12           THE DEFENDANT: Yes, Judge.

13           THE COURT: Hopefully. That would be the goal.

14           Then I've got to look at your actual conduct, the role  
15 that you played, whether or not you have obstructed justice and  
16 whether or not you've accepted responsibility for your behavior,  
17 and that I do treat everybody equally when they have similar  
18 offenses and similar criminal histories. So those are all the  
19 factors that the Court has to sift your presentence report  
20 through.

21           And so when I was preparing for your hearing, when I  
22 looked at the nature and circumstances of the offense, first  
23 thing I looked at is what you knew prior to December 23rd of  
24 2013. And what I'm doing is just talking to you about your  
25 brain, and maybe at the end of the hearing you'll decide that

1 you want to change your brain or try to get help for your brain.

2           So the first thing the Court looked at is what you  
3 knew before you went to Bob's. And so you knew that you had the  
4 April '96 McDonald's statutory burglary in Williamsburg. And so  
5 that's your mindset. And that's what this hearing to the Court  
6 is all about, Mr. Hadsell. You're only 38 years old. And I  
7 don't know what the Court of Appeals is going to do with the  
8 ACCA order, or anything else for that matter, but it's clear to  
9 the Court that, if you do want to live, which the Court would  
10 hope that you do, that you really focus in on your mindset.

11           So you knew about your April '96 statutory burglary of  
12 the McDonald's.

13           You also knew about your July '98 felonious restraint  
14 of the 16 year-old.

15           You also knew about your September '99, second degree  
16 burglary in North Carolina.

17           And then you also knew about your July 2006 federal  
18 Ohio bank robbery conviction. So you're a smart man. There's  
19 no question about it. These are all the things that you knew  
20 about, because you lived it. Bob's didn't need to know about  
21 it: You knew about it. Because you lived it. And it's your  
22 mindset.

23           You also knew that from February 17th, 2010 through  
24 February 16th, 2013 that you were on federal supervision. But  
25 then 10 months later on December 23rd, 2013, against that

1 background and against all those travels, those criminal justice  
2 system travels, be it state and federal, if we stick our head  
3 out this window and look down the street a block is Bob's. Big  
4 building, beautiful colors. And you went into Bob's to purchase  
5 the ammunition knowing about your previous travels through the  
6 felony system, be it state and federal.

7           And so in my notes I just put that that was so brazen.  
8 And the problem that the Court has is that the Court believes  
9 that you do know how to behave properly if you want to, which is  
10 evidenced by your successful completion of the federal  
11 supervision. You were dotting your I's and crossing your T's  
12 and handling your business the way that you were raised to do.

13           So yeah, it's just a little piece of ammunition. But  
14 the mindset to go into Bob's is mind-boggling, and it's of  
15 serious concern for the Court.

16           And then about a week later you take Anjelica. That's  
17 not honorable, law-abiding behavior. That is your daughter.  
18 And from what the Court can tell, you adored your daughter. And  
19 so why would you take -- why would you do that? You're not  
20 supposed to be there. An honorable previously convicted felon  
21 would have been following the law and not shooting guns with the  
22 daughter. So I thought that showed me a little bit about your  
23 mindset and your mental character, which is of grave concern to  
24 the Court. The mental character.

25           Then, about a year and a half later, we're in 2015.

1 The heroin and the cocaine four to five times, gram quantities  
2 at the inn. That's your mindset too, Mr. Hadsell. You were  
3 observed using the cocaine and heroin the night before your  
4 arrest in March.

5           You went to the POC March 20th. You admitted that the  
6 room was yours. You had been there for about a month. You  
7 admitted to having bullets in your room. And then, "I'm not  
8 going to lie about it: If I ever find that MF that got  
9 something to do with this, then I'm going to use them." So  
10 you're saying that whoever was responsible for the loss of your  
11 daughter, if you ever find them, you're going to use them. And  
12 that is your mindset too. An honorable previously convicted  
13 felon, there's plenty of ex-felons that are out there being  
14 honorable, trying to do it right. But you're doing vigilante  
15 justice here. Or you're saying that you're going to do it. But  
16 the concern that the Court has, again, it's your mindset.

17           Then we know that there was the search of the room.  
18 The digital scale that the detective testified to this morning,  
19 the papers and the documents and the ammunition, one round on  
20 the table. The other rounds.

21           Your jail calls, monitored. You admit to the heroin  
22 in the room.

23           And then another recording "I loaded two 9mm pistols  
24 over and over and I cocked them and looked them and dropped --  
25 and locked them and dropped shells all over my room. I enjoyed

1 it. I wanted to kill that kid." So it's the language of what  
2 you're talking about that's very eerie, is the word that I use.  
3 It's eerie. Again, references of vigilante justice.

4 So regarding the nature and circumstances of the  
5 offense, on its face it appears just to be a case about  
6 possession of ammunition. Unfortunately, though, we're not just  
7 looking at the one bullet or the couple of boxes, we're looking  
8 at the armed career criminal. And Congress has said that it's a  
9 very serious offense based on your criminal history warranting a  
10 minimum mandatory of 15, potentially going up to life.

11 So the offense, No. 1, and then Congress' dictates  
12 regarding the 15 years, No. 2. And then, thirdly, combined with  
13 all the other history and characteristics that you have  
14 exhibited, which I will review in a moment, there's no question  
15 in the Court's mind that our society is safer if you're not here  
16 for awhile. Until you can get yourself together, if you decide  
17 to do so.

18 I do think it's important that you pled guilty. The  
19 Court's always of the opinion when we all do something wrong --  
20 and we all do, sometimes it's morally, sometime it's criminally,  
21 but the bottom line is we all do things wrong -- that you should  
22 say that you're wrong. So I applaud you for that. And I also  
23 applaud you for meeting with Mr. Upshur, and you told him you  
24 won't repeat the offense again. And you expressed remorse for  
25 the offense. The Court can only hope that you are sorry for the

1 offense, Mr. Hadsell. It's mind-boggling again for the Court to  
2 believe you committed the offense knowing your prior criminal  
3 history prior to going to Bob's, but at the end of day, only you  
4 and your maker know if you're truly remorseful and sorry. And  
5 we certainly hope that you are.

6 Another factor in assessing what to do with the 15 to  
7 life would be your criminal history. And I reviewed your PSR,  
8 Mr. Hadsell. Your first contact was at the age of 12. That was  
9 petty larceny, and you got zero points for that. And I don't  
10 know about your prior defense attorney up in your other federal  
11 case, but I think you clearly know now that three points are  
12 some convictions, two points are other convictions, and one  
13 point, other convictions, and then some convictions get zero  
14 points because they have aged out. So the only reason I am  
15 going to go through this with you, sir, is because I have to be  
16 certain with 100 percent certainty that you understand how the  
17 math applies to you. Especially once you get out, in the event  
18 that you're ever caught again with violating the law.

19 So at age 12 you have a petty larceny. You got zero  
20 points for that.

21 Age 16, possession of stolen property, you got zero  
22 points for that.

23 Age 17, indecent phone calls. You got zero points for  
24 that. You served approximately two months in jail. Both of  
25 your parents were present at your hearing, so I can only imagine

1 that they were pained at seeing that occur.

2 As an adult, you have at age 17 the statutory  
3 burglary, and you served approximately one year and seven  
4 months. That was the ACCA offenses, and that dealt with the  
5 McDonald's restaurant.

6 Age 19, a failure to appear, zero points. And that  
7 means not respecting the law.

8 Age 19, another failure to appear, zero points.  
9 Again, not respecting the law.

10 Age 19, the felonious restraint. Kimberly Fulmer, who  
11 was 17 years old at the time of the offense, you were  
12 approximately 21 or 22, and you moved her from the place of  
13 initial restraint by transporting her in a motor vehicle. The  
14 act was completed without the consent of her parents. You were  
15 given a break by the state court system, placed on five years  
16 probation, and one of the conditions was you were not to have  
17 any contact with Kimberly. However, December 9th of '98 they  
18 filed a violation report and you had remained in constant  
19 contact with Kimberly. So that would be notwithstanding the  
20 desires of the parent and notwithstanding the order of the  
21 Court. You explain that you guys were expecting a child. They  
22 modified the condition prohibiting contact with her, and then  
23 they violate you for further violations of the law.

24 At age 19 you have a breaking and entering, zero  
25 points for that, sir. And you entered a condo occupied by



1 Florence Cullipher and stole furniture and then damaged property  
2 belonging to a Donald Jones. So these are innocent victims as  
3 far as the Court knows being victimized by your decisions. And  
4 that's your mindset at the age of 19.

5 And at the age of 20, we have the second degree  
6 burglary charge. That was you and Timothy Moran in a B&E to the  
7 residence of a Portland Jones, another innocent -- this is a  
8 female victim -- and stealing a receiver tuner, Bose speakers, a  
9 microwave, a toaster oven, a knife box, TV, disk player.

10 Age 20 we have forgery, zero points.

11 You have forged and uttered two counterfeit checks  
12 using the name Timmy Moran. Forgery is a crime dealing with  
13 truthfulness and veracity. And see, the problem, Mr. Hadsell,  
14 is when you have all these felonies and then let's say you  
15 really don't do something, but it's really hard for people to  
16 believe you after a while, because all of these felonies that  
17 you keep racking up.

18 Age 20, another forgery. This deals with forging and  
19 uttering counterfeit checks drawn on a bank belonging to an R.B.  
20 Mercer. Again, a crime dealing with truthfulness and veracity.

21 Then we have the bank robbery up in federal court in  
22 Ohio. Approaching a bank teller, who is just there doing her  
23 job, presenting a demand note which stated you were armed and  
24 dangerous and wanted money. You getting \$1,600. You and your  
25 wife being located, you speeding away, eluding the police,

1 driving the vehicle into a bean field, being arrested. So there  
2 it's the bank teller because of your mindset. She's victimized.

3 You were incarcerated -- so we know how you're  
4 behaving when you're free.

5 You're incarcerated, and then you're cited for  
6 threatening bodily harm three times, setting a fire twice,  
7 assault, interfering with a security device twice, destruction  
8 of property three times, possessing intoxicants twice. So  
9 that's the behavior that you're exhibiting while you're locked  
10 up in the BOP.

11 And so the Court's hope would be maybe this time,  
12 Mr. Hadsell -- because the Court's a firm believer that we never  
13 give up on anybody -- so maybe this time is the real time when  
14 you're going to turn yourself around and treat yourself like a  
15 human being. Maybe this time will be the time when you're in  
16 the BOP and you'll be a model prisoner, and you'll do your time  
17 in a way that's honorable to all the hard work that your mother  
18 and your father instilled in you, which I'll get to in a moment.

19 So that's your criminal history category. And maybe  
20 this time, Mr. Hadsell, is all the Court has to say.

21 There were nine instances where you got zeros. So  
22 that's something that the minimum mandatory of 15 does not take  
23 into account. And so the government could have asked for 20  
24 years or 25 years. They did not. The probation officer could  
25 have put that in the PSR, hey, Judge, his criminal history is

1 understated because even though he's getting 15 to life, he  
2 still has all these other zeros. That's not in the PSR, and the  
3 Court of its own could use those zeros as a reason for going up.  
4 And I'm just trying to educate you, sir, about these reports and  
5 the system and all that, because hopefully you really get it  
6 this time.

7           So those were 12 contacts with the system that  
8 resulted in convictions. And you were locked up approximately  
9 seven to eight years.

10           And then Mr. Bosse mentioned it -- and I'm not beating  
11 you up, Mr. Hadsell. It's very painful to the Court when people  
12 treat themselves this way, especially when they have the type of  
13 background, the upbringing that you had -- but I'm going to  
14 mention it, because then you had 16 other arrests from age 17  
15 through 37. And these were arrests that were either *nolle*  
16 *prossed* or dismissed or you were found not guilty. And they  
17 were for either B&E, arson, B&E, contributing to the delinquency  
18 of a minor, reckless driving, injury to real property, grand  
19 larceny, fugitive, fugitive, aggressive fleeing police, driving  
20 on a suspended, felonious assault, rape, domestic violence,  
21 obstruction of justice, B&E, maim/kill animal, statutory  
22 burglary. You are getting no points for that, and the Court is  
23 in no way sentencing you on any of that. But what the Court is  
24 saying, my goodness, you have 12 convictions that resulted -- 12  
25 instances that resulted in convictions, and approximately 16

1 other arrests, and you're only 38 years old. Regardless of what  
2 happens with the Fourth Circuit on this instance and the ACCA  
3 deal, you have to be tired. It's tiring for those of us that  
4 are trying to seek justice for you to go through all of this.  
5 And you've been in a roller coaster ride from the age of 12.  
6 You've got to be tired. So it's the Court's hope that you are  
7 tired. It's the Court's hope that you're exhausted with the  
8 criminal justice system, be it state and/or federal, and that  
9 you truly want to change. But at the end of the day, the  
10 Court's hopes are irrelevant.

11           The record shows beyond all doubt that you have no  
12 regard for the rules of law, whether it's violence, crimes  
13 dealing with truthfulness and failures to appear, or  
14 victimization. Seven years of already being locked up hasn't  
15 gotten your attention yet. Many state court judges and state  
16 probation officers and a federal judge and a federal probation  
17 officer. You're not behaving well when you're free and you  
18 don't do well when you're incarcerated, even though there's no  
19 doubt in the Court's mind that you can behave when you want to,  
20 because you did so while you were on federal supervision. And  
21 your age doesn't appear to be slowing down this criminal  
22 mindset, Mr. Hadsell. The risk of reoffending is very, very  
23 high. I'm making a finding of fact that your criminal history  
24 is still understated, and it's the hope of the Court that you  
25 prove the Court wrong.

1 Mr. Hadsell, you're seasoned enough at this juncture  
2 via the state and/or federal system that, when you get out, you  
3 know with every breath that's in you that if you are in a car or  
4 house or an apartment or hotel room or a concert or a club,  
5 whatever, if you are anywhere and there's ever a gun or  
6 ammunition or any drugs in that car or house, and let's say you  
7 and your maker know that you didn't know anything about it, but  
8 the police roll up on you, they're going to run you, and they're  
9 going to boot you right back over to the U.S. Attorney's Office  
10 in whatever district you're found. And you should know now,  
11 because you understand the math, that if you're looking at a  
12 15-to-life now and the Feds catch when you get out, you know  
13 that you're done. We don't want that to happen. But again, it  
14 doesn't matter what the Court wants, it matters what you want.

15 So that's your criminal history.

16 So then, Mr. Hadsell, the Court always looks to the  
17 family. Because some families are broken: No mom, no dad,  
18 crack, milk, rap music, gangster music, violence, drugs when  
19 they're one-year old, a month old, a day old. So then I always  
20 say, okay, the criminal history is this, let's see if there's  
21 any logical explanation for this. And so that's what we did.

22 And so in my notes I put down -- and I'm really glad  
23 your mom's here. I don't know if any of your sisters are here.  
24 But, great family. Richard was your father, a nuclear  
25 technician. He traveled because he was providing clean money

1 for you and your siblings and your mom. He passed away in July  
2 of 2010. You were on federal supervision when this occurred.  
3 No doubt in the Court's mind that he was an honorable,  
4 law-abiding man. And it's a good thing some of us had strict  
5 parents.

6 Catherine is your mom. She's here. If she knew about  
7 your criminal history that the Court just has reviewed, I know  
8 that it pained her beyond all end. Call after call after call  
9 after call after call. I don't know if you like your mom or  
10 not, if you love her or not, I'm assuming you do, maybe you give  
11 mom some solace now. You're only 38. Write her about the  
12 wonderful things that you're doing in the BOP. Let her know not  
13 to worry and cry and give her some piece of mind for the rest of  
14 her days. She's 66 now. A retired nurse. She was a homemaker.  
15 Again, no doubt that there were honorable values and morals  
16 instilled.

17 You were an honorable student until you were 13, then  
18 you started getting in trouble. Stealing from your parents,  
19 from local stores. You stopped believing in the Methodist  
20 faith. I don't know the extent of your exposure to that. I'm  
21 assuming it was your mom. Maybe you want to revisit some of  
22 these teachings, Mr. Hadsell. Your parents attempted to help  
23 you. Enrolled you in a 30-day private inpatient counseling.  
24 '93 to '95, weekly outpatient counseling, but you refused to  
25 participate. So again, the mindset.

1           You ran away from home. A mindset.

2           You stayed in Maryland for a couple of months. The  
3 mindset.

4           You were arrested and returned back to your parents,  
5 and it says that your mom was afraid of you due to unpredictable  
6 behaviors. So there was nothing that the Court could see to  
7 explain the criminal history that we just reviewed.

8           Tricia is your sister. She's 46, and a bookkeeper in  
9 Virginia. And Wendy is a homemaker and seasonal worker with H&R  
10 Block in Florida. So I think this is further corroboration and  
11 evidence that your parents did something right, as it appears  
12 that your two siblings are living honorable and lawful lives.  
13 So again, no explanation in your childhood to explain your  
14 criminal history.

15           Then the Court has to look at the marital and/or other  
16 relationships that you've had, because I'm supposed to consider  
17 your history and characteristics. So when we talk about the  
18 marriage to Michelle in June of 2004, and you divorced in  
19 November of 2005 because of your drug use and depression. She  
20 told the authorities that her relationship began to deteriorate  
21 after she told you she wanted a divorce. She realized that the  
22 marriage was done. And you had stolen checks. She explained  
23 that the conduct in 2005 began when you contacted her to meet  
24 regarding retrieving property, you guys began to argue over the  
25 divorce, and you hit her in the face with an open hand, you

1 started to push her to the back bedroom, pushed her on the bed  
2 and slapped her. When she refused to have sex, you began  
3 strangling her while lying on top of her. She reported that she  
4 was resistant and frozen with fear. She advised that you took  
5 off her underwear and had sex with her to completion. She  
6 explained she pressed charges on the night the offense occurred.  
7 A day or two later, she came home from work and you surprised  
8 her by coming out of the garage. She attempted to call the  
9 police, but you grabbed her from behind and twisted her neck,  
10 pushed her into the bedroom, grabbed some clothes from a drawer  
11 and threw the clothes into a bag, forced her into a car and  
12 drove off. And you told her different lies in an attempt to  
13 justify kidnapping her. During the time she was kidnapped, you  
14 would hit, strangle and rape her. She tried to walk away once  
15 when you were asleep, but you awoke and caught her. Threatened  
16 to kill members of her immediate and extended family or anyone  
17 else she tried to get involved. She reported it was almost 10  
18 months later before you were charged with the conduct. She had  
19 spent her time trying to heal. She's indicated she was  
20 traumatized and not strong enough to go through with the  
21 charges.

22           It's a harrowing account, without question, regarding  
23 your mindset. But this is a part of your history and  
24 characteristics.

25           Kimberly is the girl that you have the child with.



1 She advised she began dating you when she was 14 years old, got  
2 pregnant. Your relationship with her lasted about three years.  
3 She currently has no relationship with you because she doesn't  
4 trust you. She advised that initially she was hesitant to allow  
5 her son to have of any contact with you; however, she  
6 relinquished in the beginning, but then you tried to convince  
7 Timothy to move in with you and began telling him lies about  
8 her. Kimberly knows that you and Jennifer, your current wife,  
9 didn't share a good relationship. Kimberly advised that after  
10 her son would meet with you, he would say, well, he's not  
11 spending any time with me, he's really hanging out with  
12 Jennifer. So there appears to the Court some trustworthiness  
13 issues here by a woman who knows you, and also manipulation  
14 going on.

15 Then of course you married Jennifer in May of 2010 as  
16 a convenience, quote unquote, as you were on federal paper and  
17 your probation officer said that you two cannot live together.  
18 You have Abigail, who is four years old. And then you have  
19 adopted Angelica. And you have two stepchildren: [Redacted]  
20 who is 15 and [Redacted] who is 12.

21 Physically, you're fine.

22 Another serious concern for the Court is your mental  
23 health history. It's extensive and it's poor and it's  
24 troubling, because again, we see issues with the mindset as  
25 reflected in Paragraph 77 through 84. But the gist of it shows

1 the Court that it's been a problem of long duration from age 13  
2 until 2010. Whether it's depression, an attempted suicide,  
3 running away from home, hearing voices, repeatedly cutting your  
4 wrists, feelings of anger and being threatened, attempts to hang  
5 yourself.

6 In 2005, records from the Delaware County Sheriffs  
7 Office show that you attempted to hang yourself in your cell.  
8 There was an assessment, and it revealed you were depressed  
9 regarding your criminal charges and possibly being charged with  
10 an attempted escape, and the clinician indicated there may be a  
11 manipulative aspect to your suicidal ideation relating to  
12 possible consequences of this discovery of your escape plan.  
13 You were diagnosed with major depressive disorder, psychotic  
14 features.

15 During a psychological evaluation in 2010, you  
16 reported that after you were released from custody when you were  
17 about 18, you did not return to your family because "I don't  
18 like rules. I want to go wherever I want." That's your  
19 mindset.

20 Again, you said, "I don't like being told what to do.  
21 I have 70 or more prison charges for stabbing a child molester,  
22 setting fires, assault and disobeying orders and other things."  
23 Again, these are your admissions regarding your mindset. You  
24 also stated "I'm not sure that I can be helped."

25 When asked about whether or not you needed mental

1 health treatment, you stated that you have many issues to  
2 address, and you want to "get all of the violence out of my  
3 head."

4           When questioned about your transition plan you stated,  
5 "I would be surprised if I was alive life in the next five  
6 years."

7           You stated that if anything caused you to be  
8 rearrested, you would likely kill yourself or die trying to  
9 escape.

10           When pressed to contemplate goals for the future, you  
11 stated "I can't imagine five years from now. I guess I want to  
12 do plumbing, get more education, live on my own, have a  
13 relationship with my son, and be happy."

14           So that is something that you shared back in 2010.  
15 We're in 2016. I don't know if you meant it when you said it or  
16 not. The Court hopes that you did.

17           You were asked about your numerous tattoos of skulls  
18 and death and you stated "Because I'm fascinated with death."

19           You were asked about your tattoos "Game" and "Over" on  
20 your eyelids and remarked, "When I die, people will see that all  
21 of the bullshit is over." And then they diagnosed you with mood  
22 disorder, post-traumatic stress disorder, personality disorder  
23 with antisocial and borderline traits.

24           So this is records and/or your admissions,  
25 Mr. Hadsell, about your mindset. So this case just isn't about

1 ammunition. It's your history and characteristics. I make a  
2 finding of fact that you have significant and serious mental  
3 health issues, and you've had them since the age of 13, and that  
4 you're a danger to yourself and to society. And we're hoping  
5 this time when you're in the BOP you totally open up, you  
6 totally purge yourself and share with the professionals all this  
7 stuff, and then just maybe when you come out this time, you'll  
8 be okay.

9           Another part of your history and characteristics which  
10 the Court cannot ignore is your substance abuse history. And  
11 the problem that the Court has at this juncture is there's  
12 conflicting information. In reading the PSR, first glance, it  
13 looks like you have some alcohol, the marihuana, and cocaine.  
14 But then in a discharge summary, May of 2010, you acknowledge  
15 that you falsified information in your 2006 federal presentence  
16 report in order to gain entry into the drug program and possibly  
17 have a year taken off of your sentence. Again, it's the mindset  
18 that the Court's seen and the manipulation that the Court is  
19 seeing. And then you mention to Mr. Upshur again that you lied  
20 in the 2006 case, but it was because your attorney told you to  
21 lie. So I'm not sure what to believe about the substance abuse  
22 information, but we're going to recommend drug treatment.  
23 Hopefully you'll get in, and hopefully you'll learn how to use  
24 your tools not to use cocaine and heroin, as the drug dealer  
25 told the agent.

1           Educationally, it's clear to the Court, sir, that your  
2 mother and father stressed the values of an education. You got  
3 your GED. You were one year at a community college studying  
4 nursing, which is helping people. And you have your  
5 certificates of forklift and culinary arts. Technician, Type  
6 Universal from the Air Conditioning and Refrigeration  
7 Institution. So you clearly know the value of education. And  
8 then you clearly know how to work and make legal money and do  
9 the right thing if you're not incarcerated. That's either as a  
10 forklift operator for two years or a laborer for a month or a  
11 cab driver in 2004. Then you were with KDS Building and  
12 Development. Covington Mechanical. Subcontractor for Virginia  
13 Electrical Equipment. You were doing residential landscaping.  
14 You were self-employed. Then you were with Quality Plumbing and  
15 Mechanical. So it's clear to the Court that you can be a  
16 contributing member of our society and work and make clean money  
17 for yourself to feed yourself and those that you love if you  
18 desire to do so.

19           So at the end of the day, Mr. Hadsell, 3553(a)  
20 statutory factors is what the Court has seriously considered,  
21 and I'm focusing in on punishment, specific deterrence, general  
22 deterrence, and then society overall.

23           There's no doubt in the Court's mind that you had a  
24 fine family. Your morals and values were instilled in you.  
25 Education and hard work, stressed. The Court's thankful that

1 you got caught with the ammunition. For society and then for  
2 you too. Because there's a lot going on in there, even though  
3 the Court doesn't know what it is.

4 15 to life is not greater than necessary. You had  
5 just finished federal supervised release. 10 minutes later,  
6 knowing about your prior criminal history, you brazenly went  
7 into Bob's in December of 2013, then the shooting range, and  
8 then you have the hotel incidents in 2015. So the duration of  
9 your crime is long.

10 There's threatening language that you displayed  
11 against Anjelica's killer, which is understandable, but we can't  
12 do vigilante justice.

13 We have the jailhouse recordings that we've heard  
14 about this morning. We have that criminal history. I have  
15 reviewed with you those nine zeros, which is a factor that has  
16 not been assessed in the 15 years, as far as the Court's  
17 concerned. You have disturbing mental health issues. Whether  
18 it's a victim or bank tellers or ex-spouse, or even your son,  
19 you have serial credibility issues too with people that you  
20 encounter. So it's hard to understand if you're being truthful  
21 or not. You have substance abuse issues too. But you have a  
22 work history, and it's clear you can do what you're supposed to  
23 do if you want to.

24 All of this allows the Court to conclude that you need  
25 to go back to the BOP for a while. Maybe you'll be honest, get

1 drug treatment, mental health treatment, take care of all the  
2 anger and depression that you have. Maybe, just maybe this time  
3 when you get out you'll behave in an honorable and exemplary  
4 way, the way that you were raised to be.

5           These are all the factors that the Court's looking at  
6 in assessing a sentence.

7           Pursuant to the Sentencing Reform Act of 1984, it is  
8 the judgment of the Court that the defendant, Wesley Paul  
9 Hadsell, is hereby committed to the custody of the United States  
10 Bureau of Prisons to be imprisoned for a term of 240 months. He  
11 will be remanded to the custody of the United States Marshals.

12           Upon release from imprisonment, you shall be placed on  
13 supervised release for a term of five years.

14           Within 72 hours of release from custody of the Bureau  
15 of Prisons, you shall report in person to the probation office  
16 in the district to which you are released.

17           You shall refrain from any unlawful use of a  
18 controlled substance and submit to one drug test within 15 days  
19 of release on supervised release, and at least two periodic drug  
20 test thereafter, all as directed by the probation officer.

21           While on supervision, sir, you shall not commit  
22 another federal, state or local crime, and you shall not  
23 unlawfully possess a controlled substance, and you shall not  
24 possess a firearm or other destructive device.

25           You shall also comply with the following additional

1 conditions:

2           If you test positive for illegal drugs, you shall  
3 participate in a program approved by the United States Probation  
4 Office for substance abuse, which program may include  
5 residential treatment and testing to determine whether or not  
6 you have reverted to the use of drugs or alcohol, with partial  
7 costs to be paid by you, all as direct by your probation  
8 officer.

9           You shall waive all rights of confidentiality  
10 regarding drug treatment in order to allow the release of  
11 information to your probation officer, and authorize  
12 communication between the probation officer and your treatment  
13 provider.

14           You shall participate in a program approved by the  
15 United States Probation Office for mental health treatment. The  
16 cost of the program is to be paid by you as directed by the  
17 probation officer. You shall waive all rights of  
18 confidentiality regarding mental health treatment in order to  
19 allow the release of information to the United States Probation  
20 Office and authorize communication between the probation officer  
21 and your treatment provider.

22           You shall pay for the support of your children in the  
23 amount ordered by any social service agency or court of  
24 competent jurisdiction. In the absence of such order, payments  
25 are to be made on a schedule to be determined by the Court at



1 the inception of your supervision based on your financial  
2 circumstances.

3           The Court has considered your negative net worth, lack  
4 of liquid assets, your lifestyle, your earning needs, earning  
5 potential, the two dependents relying upon you for support. The  
6 Court finds you cannot pay a fine. Accordingly, you shall pay  
7 the following total penalties:

8           As to Count 1, \$100. No restitution or fine.

9           Your special assessment shall be due in full  
10 immediately. Any balance remaining unpaid on your special  
11 assessment at the inception of your supervision shall be paid by  
12 you in installments of not less than fifty dollars per month  
13 until paid in full. Said payments shall commence 60 days after  
14 your supervision begins.

15           Any special assessment payments may be subject to  
16 penalties for default and delinquency. Nothing in the Court's  
17 order shall prohibit the collection of any judgment by the  
18 United States.

19           As this judgment imposes a period of imprisonment,  
20 payment of criminal monetary penalties shall be due during your  
21 period of imprisonment. All criminal monetary penalty payments  
22 are to be made to the Clerk, U.S. District Court, except those  
23 payment made through the Bureau of Prisons Inmate Financial  
24 Responsibility Program.

25           You shall notify the U.S. Attorney for our district

1 within 30 days of any change of your name, residence or mailing  
2 address until the special assessment imposed by the judgment is  
3 paid in full.

4 MR. DUNN: Your Honor, if I could interrupt for a  
5 second? I was unable to hear whether you said 240 months or  
6 250. I think Mr. Bosse didn't hear as well.

7 THE COURT: 240. Is 240 20 years?

8 MR. BOSSE: Yes, Your Honor.

9 THE COURT: 240.

10 MR. DUNN: Okay. Thank you, Your Honor.

11 THE COURT: You're welcome.

12 All right. Mr. Hadsell, I have a consent order of  
13 forfeiture, and it looks like you've signed this. Did you  
14 review this with Mr. Dunn?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: Okay. Thank you. Then we're going to  
17 recommend a BOP as close to Virginia as possible, Mr. Dunn?

18 MR. DUNN: Yes, ma'am.

19 THE COURT: So that your mom and your sisters can  
20 visit you.

21 We're going to recommend an RDAP or any other drug and  
22 alcohol program that's there at the BOP that has educational and  
23 vocational opportunities. The best mental health program that  
24 the BOP has is what we're going to recommend. As you know,  
25 Mr. Hadsell, that's not binding on the Bureau of Prisons, but

1 it's a recommendation, and I'm going to put it in your judgment.

2           You also know, pursuant to Paragraph 5 of your plea  
3 agreement, you waived your right to appeal your sentence and  
4 conviction, but you did maintain your right to appeal my ruling  
5 that you meet the criteria for a 924(e) armed career criminal.  
6 So Mr. Dunn is familiar with all those rules to get that back in  
7 motion for you.

8           And then I think the last thing that the Court has to  
9 say, Mr. Hadsell, is you're only 38. And I don't know -- I only  
10 know what I know, but I know this: You weren't born to be in  
11 that orange jumper. You weren't born to wear shackles. And you  
12 weren't born to die in a cage. I know this. Doesn't matter  
13 what I know, it's what you know. So you've got another 40, 50  
14 years. Hopefully you'll live in an honorable way, and hopefully  
15 you'll treat yourself well in the BOP and then treat yourself  
16 well when you're out this time.

17           Mr. Dunn, anything additional?

18           MR. DUNN: No, Your Honor.

19           THE COURT: All right. Mr. Bosse?

20           MR. BOSSE: Briefly, Your Honor?

21           THE COURT: All right.

22           MR. BOSSE: Your Honor, before I move to dismiss the  
23 remaining count, this is something that you mentioned when you  
24 were going through the charged -- the arrest record that did not  
25 lead to convictions, and I want to be sure, just to protect the

1 record here, that the allegations in Paragraph 70 which were  
2 reported by Mr. Hadsell's ex-wife, those are the subject of  
3 pending charges. And I just want the record to be clear they  
4 didn't play a role.

5 THE COURT: He's not convicted of that, but you've got  
6 all these different women saying stuff --

7 MR. BOSSE: Exactly.

8 THE COURT: -- okay? So that's the problem. If I  
9 just had the one woman, but you've got the lies to the probation  
10 officer, you've got this woman saying this, you've got another  
11 woman saying this, you've got the son. So there's all this  
12 stuff.

13 And I'm not beating you up on any of that. What the  
14 Court will always do is try to get human beings to understand  
15 what's happened before, and if human beings want to change and  
16 treat themselves better, then that is what I'm trying to do. I  
17 was not using any of that for my sentence, but I am concerned  
18 about the offense that's before the Court. I'm concerned about  
19 the convictions that were there before you went to Bob's. I'm  
20 concerned that you had that daughter there with the guns knowing  
21 that you were a felon. I'm concerned about the mental health  
22 issues that are there. So there are so many things here that  
23 allow the Court to conclude that he is a potential danger to  
24 himself and to others. And so the Court's hope is that you will  
25 get help, and get out and treat yourself the way your mom and

1 you dad and the sisters want you to be treated.

2 So with all that said --

3 MR. BOSSE: Thank you for that clarification, Your  
4 Honor. I knew that was the case. And with that, I'll move to  
5 dismiss the remaining count.

6 THE COURT: That motion is granted.

7 MR. BOSSE: Thank you, Your Honor.

8 THE COURT: Everybody have a good rest of their day.

9 (Whereupon, proceedings concluded at 11:45 a.m.)

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CERTIFICATION

I certify that the foregoing is a true, complete and correct transcript of the proceedings held in the above-entitled matter.

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Paul L. McManus, RMR, FCRR

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Date