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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
) No. CR-10-2077-RMP  
Versus ) July 11, 2017  
) Spokane, Washington  
JAMES CLOUD, )  
) Pages 1 - 26  
Defendant. )  
)

TRANSCRIPT OF PROCEEDINGS

SUPERVISED RELEASE HEARING

BEFORE THE HONORABLE ROSANNA MALOUF PETERSON

APPEARANCES:

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Proceedings recorded by mechanical stenography, transcript  
produced by computer.

1                   JULY 11, 2017 - 10:30 a.m.

2                   (Whereupon Court reconvened  
3                   in the courtroom at 10:30 a.m.)

4                   THE COURT: Good morning. Please be seated.

5                   THE DEPUTY CLERK: We have United States of America  
6                   versus James Dean Cloud.

7                   Case number CR-10-2077-RMP.

8                   Time set for revocation of supervised release hearing.

9                   Counsel, please state your appearances for the record,  
10:44AM 10                   beginning with the plaintiff.

11                   MR. HERZOG: Good morning, Your Honor, David Herzog on  
12                   behalf of the United States.

13                   And the probation officer is present as well.

14                   THE COURT: And what?

15                   MR. HERZOG: The United States Probation Officer is  
16                   with us as well.

17                   THE COURT: Oh, okay. Thank you.

18                   MR. RUBIN: Good morning, Your Honor, Daniel Rubin on  
19                   behalf of Mr. Cloud, whose here in custody.

10:46AM 20                   THE COURT: All right.

21                   Good morning, Mr. Cloud.

22                   MR. CLOUD: Good morning, Your Honor.

23                   THE COURT: Mr. Rubin, how are we proceeding on the  
24                   allegations?

25                   MR. RUBIN: Your Honor, Mr. Cloud is going to admit

1 all six violations.

2 THE COURT: Okay.

3 Mr. Cloud, would you and Mr. Rubin please come to the  
4 podium.

5 Let's go through the violations. So the first  
6 violation is on a petition that was filed February 21st, 2017.

7 The condition was to abstain from the use of  
8 controlled substances and apparently you used on February 14,  
9 2017 and admitted that --

10:47AM 10 MR. CLOUD: Yes.

11 THE COURT: -- to your probation officer. So you're  
12 admitting that violation?

13 MR. CLOUD: Yes, Your Honor.

14 THE COURT: Okay.

15 I find violation number one has been committed.

16 Regarding the second violation, that is on a petition  
17 filed March 9th, 2017, concerning the same condition, to abstain  
18 from the unlawful use of controlled substances.

19 And apparently you admitted to smoking marijuana out  
10:47AM 20 of a meth pipe on February 19th, 2017.

21 Is that correct?

22 MR. CLOUD: Yes, Your Honor.

23 THE COURT: Okay. I find number two has been  
24 committed.

25 Regarding number three, standard condition number 13,

1 to follow the instructions of your probation officer.

2 And on February 15th you were given a directive to  
3 begin weekly reporting on Mondays and you failed to report.

4 Are you, do you know the details of this one? You  
5 were ordered to report on February 16th, 2017, and again on  
6 Tuesday, February 21st.

7 You failed to report on the first day in question, but  
8 you indicated that you had been ill and had slept most of the  
9 day.

10:48AM 10 Do you admit that you didn't report as ordered?

11 MR. CLOUD: Yes, Your Honor.

12 THE COURT: Okay.

13 I find number three has been committed.

14 Regarding number four, condition number six, that you  
15 abstain from the use of illegal controlled substances and submit  
16 to testing.

17 The allegation is that on February 28th, 2017, the  
18 probation office received notice from Adept that you had failed  
19 to show up for your random UA.

10:49AM 20 Do you admit that violation?

21 MR. CLOUD: Yes, Your Honor.

22 THE COURT: All right.

23 I find violation number four has been committed.

24 Regarding violation number five, that's on a petition  
25 that was filed April 21st, 2017, standard condition number five,

1 that you live at a place approved by the probation officer, not  
2 change your residence without advance notice.

3 And the allegation is that on March 20th, 2017, the  
4 probation officer was contacted by the owner of the transitional  
5 house, saying that you had not been staying there.

6 Do you admit violation number five?

7 MR. CLOUD: Yes, Your Honor.

8 THE COURT: Okay.

9 Regarding violation number six, that concerns, that's  
10 on the petition May 24th, 2017, concerning that you not commit  
11 another federal, state or local crime.

12 And on May 22nd, 2017, the allegation is that you were  
13 arrested for having a concealed weapon and resisting law  
14 enforcement.

15 Do you admit that violation?

16 MR. CLOUD: Yes, Your Honor.

17 THE COURT: Okay.

18 I find violations one through six have been committed.

19 You're in criminal history Category VI.

10:50AM 20 The grade of the violation is a C.

21 The grade of the original offenses, a C.

22 Under the statute you could be sentenced to two years  
23 in prison and supervised release of 34 months, minus custody  
24 imposed.

25 Under the guideline the sentencing range is 8 to 14

1 months and 34 months of supervised release, minus any custody  
2 imposed.

3 I understand that you have a letter.

4 MR. CLOUD: Yes, Your Honor.

5 THE COURT: Do you want to read it to me?

6 MR. CLOUD: Yes, Your Honor.

7 THE COURT: And Mr. Rubin, will you move the  
8 microphone so it's in front of Mr. Cloud.

9 MR. CLOUD: Your Honorable Judge Peterson. I would  
10 like to apologize for standing in front of you yet again under  
11 such circumstances.

12 Please understand that I know I've been blessed with  
13 the time in which I got to see my loved ones again.

14 And I must give thanks to Mr. Heinen as well.

15 In my experience, it is rare to come across a person  
16 who can be so patient with a man with my shortcomings -- oh --  
17 in his career or in his line of work.

18 Your Honor, I would like to thank you for that, most  
19 of all. I tried to make it a -- I tried making a new start in a  
20 new city and I failed badly.

21 I made it clear to my PO that Spokane was a big  
22 trigger -- this is after being here awhile -- for me, but  
23 regardless, I failed under my own free will. I will own that  
24 loss of opportunity.

25 Your Honor, the whole time I was here I yearned to go

1 home, but when I first completed treatment, this place seemed  
2 to, um, seemed so ideal. But I don't want to stay here, stay  
3 around here.

4 So I fled home and I lived with a woman who has  
5 supported me for 14 years of prison time I sat and even  
6 supported me before that.

7 As I lived with, as I lived with her for over two  
8 months, I started feeling pretty low for not pulling my own or  
9 pulling my weight financially.

10:52AM 10 I had some childhood friends who now are co-owners of  
11 the King Mountain Tobacco Products and Wheeler Logging, but they  
12 would not hire me until I finished up with my legal issues.

13 Your Honor, I tried the best I, the best that I could  
14 and I would like to be done with being on paper.

15 I have a support group back home, but I don't believe  
16 I will succeed while I go or I got probation looking for me.

17 So please give me what time you must and let me and  
18 let me get on with my life.

19 I already have my state sentence to do, which is 23  
10:53AM 20 months.

21 I don't think I, I don't think I would have made it  
22 trying to comply for two different probations, but I tried and I  
23 know that I couldn't succeed.

24 My DOC is done after this. Will you please consider  
25 killing my paper and letting me go to a, go get a job back home

1 and live my life.

2 The closest office from where I will be living is over  
3 20 miles away, so I don't believe I could successfully manage  
4 probation.

5 Thank you once again for everything you have done. I  
6 will be forever grateful.

7 Sincerely, James Cloud.

8 THE COURT: Can I call you James?

9 MR. CLOUD: Yes.

10:54AM 10 THE COURT: Chris Heinen was sorry not to be here.  
11 He's actually at Sheridan helping some other people who are  
12 getting into transition.

13 But he and I, and Tommy Rosser, a bunch of other  
14 people, have talked a great deal about what we could do with  
15 your case.

16 I disagree with a couple of things you've said. I am  
17 aware that because of the DOSA sentence you got that the state  
18 is revoking, Chris's understanding, you will be between 356 days  
19 and 531 days detained by the state.

10:55AM 20 MR. CLOUD: I get the 20 -- I had 24 or 25 months. I  
21 completed two, so I got 23 months left, which I get a third off  
22 with good behavior, so that's 15 months.

23 THE COURT: Right. So that could be up to the 531.

24 MR. CLOUD: Yeah, if I can't behave, yeah.

25 THE COURT: So I appreciate that you, you know, felt

1 such a strong tie and you went to visit your friend and lived  
2 with the woman, but then something went wrong.

3 MR. CLOUD: I, I was taking out of the mouths of two  
4 kids, I felt and -- meaning I couldn't pull my weight because I  
5 couldn't find a job.

6 I did little odd jobs running up in the mountains and  
7 getting wood. But I couldn't get a job while ducking, while  
8 having warrants.

9 I couldn't drive. I'm able to go get my license, but  
10 I can't take the test.

11 And if I bought a car, it would just get taken (sic)  
12 any time I got pulled over.

13 I was more or less a burden. I felt mainly it was the  
14 shame, it was shame, you know what I mean?

15 THE COURT: Yeah, I know what you mean.

16 But you're looking at this in a certain way. You tell  
17 me that you failed and that you failed -- I actually don't see  
18 that. Chris and I don't see that. We see where you succeeded.

19 You had gotten a long sentence in 2010 or 2011,  
20 whatever I sentenced you.

21 As you know, I didn't think it was a fair sentence.  
22 There was a little window of opportunity for me before the  
23 Supreme Court came down with a ruling and I opened that door and  
24 let you out. Very purposefully.

25 In fact, the Supreme Court has now come down with a

1 decision that I wouldn't have had that ability to do that.

2 After you got out, you spent 57 days doing exactly  
3 what you were supposed to do.

4 Then things got a little overwhelming. I didn't know  
5 about the woman in Yakima. Maybe we could have arranged  
6 something differently.

7 But then you got the revocation. Two months.

8 And then we modified and put you into treatment.

9 Then when you got out of treatment, you managed  
10:58AM 10 another 42 days of doing exactly what you were supposed to be  
11 doing.

12 And one of the things is you got a job right away,  
13 which was a good thing. But that maybe kind of changed how much  
14 treatment we could provide you and how much other stuff.

15 So all together, by my calculations, since you got  
16 out, not even a year ago, you got out September 19th of last  
17 year, you've had 99 days of totally good behavior.

18 I think that's pretty terrific, actually, when you  
19 consider the challenges that you've had and the lack of  
10:58AM 20 treatment that you've had and the fact that you've been having  
21 to make your own decisions for so long without any structure,  
22 without any help, with no tools in your tool box.

23 Now I don't doubt that you could go out and be able  
24 to, you know, work either at King Mountain or whatever, but I  
25 think you're setting up supervised release as a false barrier.

1 It isn't really going to be the barrier.

2 What's going to be the barrier is if you get out, you  
3 get frustrated and you turn to alcohol, you turn to drugs, and  
4 then you figure, what the hell, I'm already in trouble, you  
5 know, I'm just in deep.

6 Instead of taking that, okay, I'm frustrated, I'm  
7 going to try this, or I'm going to try that or I'm going to call  
8 this person.

9 Or, even if you do drink, or even if you do meth or  
10 something, saying, I'm going to pull out of this nose dive.  
11 Okay, I screwed up this time. That doesn't mean I have to throw  
12 away the rest of my life.

13 I know you just had a birthday and your birthday, what  
14 was it, 34?

15 MR. CLOUD: Yes.

16 THE COURT: That's, you know, just about half my age.  
17 And I can tell you, you have a hell of a lot of time ahead.

18 So, how do you want it to be? And I'm going to tell  
19 you right now, you get to decide that.

11:00AM 20 Not in some bizarre way, but I don't care what counsel  
21 say, I know you better than they know you.

22 I'm going to give you three months tacked onto the end  
23 of your state sentence. And I'm going to tell you why I'm going  
24 to give you that three months.

25 Because you'll be over on the west side and what we

1 can do is have you held at Sea-Tac and put into treatment.  
2 We're trying for Thunderbird, which is a Native American  
3 treatment program.

4 MR. CLOUD: I've been there once before as a child.

5 THE COURT: You were there as a child?

6 MR. CLOUD: Yes.

7 THE COURT: Was it a good place?

8 MR. CLOUD: It is.

9 THE COURT: They have a program, if we can get you in,  
10 that would be up to 90 days.

11 And drug treatment doesn't just miraculously, you  
12 know, one time and you're cured, you know. It's not like  
13 graduating from high school. It takes repeated times. It's a  
14 skill. You have to practice it in the same way you have to  
15 practice shooting. It doesn't just happen.

16 We would be able to, or we would try to -- and Chris  
17 has spent a lot of time looking into options -- we would hope to  
18 put you in a place where you could get the treatment for 90  
19 days.

11:02AM 20 We could then get you transferred to wherever. I  
21 mean, if it's Yakima, fine, but Yakima has its triggers too.  
22 You're telling me Spokane has its triggers, Yakima has a ton of  
23 triggers for you. Old friends, old enemies, family members, old  
24 places, old haunts.

25 You know, it would be great if that woman can move. I

1 hate to call her, "that woman," I don't know what her name is.

2 MR. CLOUD: Her name is Marcella Adams.

3 THE COURT: Marcella.

4 MR. CLOUD: Yeah, she's -- man, she's awesome. And  
5 she's still trying to refer me and it's like, man, I think it  
6 was my pride and as far as that and my, like, I mean, when I was  
7 a kid, man, I saw myself as a breadwinner -- now I didn't do it  
8 always legal, but I didn't starve either and I didn't, people  
9 around me didn't starve.

11:03AM 10 And I kicked myself out of the house at 15, when I  
11 lived on my own at the river fishing and just hustling, but I  
12 was pretty good.

13 And they threatened to throw my grandma in jail,  
14 because my grandma would come feed me up.

15 And I squared up, said, you ain't taking me to jail.  
16 I, he's like, I'm, like, I'm going to lose, but this is the  
17 first time on my own and just kind of not wanting to let it go,  
18 you know what I mean?

19 So, yeah, I squared up for me and, for real, I mean,  
11:03AM 20 they said, hurry up, and they said, we're trying to throw your  
21 grandma in jail. You know, I was just like, ahh.

22 So I went to jail, 11 days, and lost everything. It  
23 was on a truancy, they was trying to put her in jail, but I was  
24 still in her custody.

25 And it was after that that I got in trouble and I went

1 to treatment -- Thunderbird.

2 But, man, I, I don't know why I thought so highly of  
3 being independent, that's just a, kind of watching who my  
4 grandpa was, and I just felt I was taking from my little -- I  
5 see them as my brothers and sisters, but they're my little  
6 cousins -- and me and, yeah, I was like, man, I could take care  
7 of myself, I shouldn't be here.

8 My grandma used to try to come bring me home and try  
9 to give me 10 bucks or something for, go get yourself something  
10 to eat, come home, son. And I was like, oh, but I was kind of  
11 working, a little yard work and this and that and I was pretty  
12 good at logging at that time.

13 And so I give her some money and after awhile she  
14 didn't have it, she started hitting me up.

15 Well, man, I just, I don't know, it kind of hurt. I  
16 seen a lot of the people I used to hang with trying to grow up  
17 and that's, that's awesome.

18 Some of the people that don't, as you seen how, it  
19 just seemed really ended up just like me.

11:04AM 20 Um, man, I actually loved that woman that was, went  
21 through so much, had to remember so many addresses to write me,  
22 and just was always there.

23 And I kind of felt like I was, I was failing her, you  
24 know what I mean? Like she has a couple kids of her own, and  
25 I'm not helping provide.

1 Me, I can't go get a steady job. Me, I -- man, that's  
2 like, okay, but I could, but I could go fish and make lot of  
3 money, I mean a lot. I -- some places pays 10 bucks a pound and  
4 it's a 10-pound fish get you almost a hundred bucks. And, man,  
5 I was really good at that.

6 But I couldn't do that without -- I mean, tribal  
7 patrols, I mean, they're all over. So, kind of getting chased a  
8 lot, away from a lot of work for my own stupidity.

9 Because I don't want to be around here. They put me  
10 out on Sprague which is, well, the stroll, I mean, the strip.  
11 And, man, I'm seeing zombies walk by me every day and, man, I  
12 didn't like that. And, I mean, like that was some pretty heavy  
13 triggers there.

14 Um, for the most part, yeah, I didn't get high or get  
15 drunk. When I got home I was just kind of like, wow, that's,  
16 I'm shackled up, you know what I mean? So that was awesome.

17 I mean, I see I got to pay for that, for running off,  
18 you know what I mean? To me, I could try to do better. I could  
19 try to give it everything I got when I get out.

11:06AM 20 I mean, I'm very happy for the time I got to spend  
21 with that woman.

22 I don't know if I could try to go back to approach  
23 that until I got my life together. And, um, it's hard to see  
24 what it could be and not have it for so many years, um, yeah,  
25 um, I could give it everything I got. But, yeah, my heart is, I

1 want to go home.

2 THE COURT: I get that, but I think that you are  
3 assuming that having a job and providing and providing for  
4 Marcella and her kids is the most important thing. That's what  
5 you value. That is what you have set up.

6 But I don't know Marcella -- obviously I don't know  
7 Marcella -- but I can tell you, being around somebody who is  
8 drunk, or high on drugs, is not pleasant.

9 So if in fact -- even if you were bringing in stuff --  
10 and what on earth were you doing with a ceiling fan, you know?  
11:07AM

11 MR. CLOUD: You actually got to, I, um, I wasn't, I  
12 was not actually the one with the ceiling fan.

13 They, the description, we were, it was close, but I  
14 was walking down Fort Road, it's a main strip, main road, but it  
15 wasn't me carrying a fan.

16 I was walking, I was in the vicinity, so they pulled  
17 me over and I was drunk. And I matched the description, except  
18 we had different colored hats. I had a camouflaged hat and his  
19 was a blue one. And what was it? Um, kind of common clothes,  
20 blue jeans and a black shirt. But we had different color  
21 stocking caps and mine is clearly camo, but, yeah.  
11:08AM

22 THE COURT: Still.

23 MR. CLOUD: I, that was, that was actually not me with  
24 the ceiling fan. I was just in the general area. So I got --

25 THE COURT: Okay.

1 MR. CLOUD: But that was not me.

2 THE COURT: Well I'm glad to hear that, because --

3 MR. CLOUD: I, I, yeah, I, I got left on the side of  
4 the road by my partner when I was using the restroom.

5 THE COURT: So think about it a little bit. I mean,  
6 what do you think Marcella or have you asked Marcella what she  
7 would prefer?

8 Would she prefer having somebody who is working his  
9 tail off to provide for her, but comes home, is drunk or is, you  
10 know, using drugs -- periodically, periodically, if not all the  
11 time, periodically -- and then is going to get picked up and  
12 thrown in tribal jail or Federal Court or whatever, because you  
13 have a lot of history with the tribe there and a lot of history  
14 in Yakima and, quite frankly, a lot of history with Federal  
15 Court.

16 Or would she like somebody who has his act together,  
17 who had to pull it together, who is done with alcohol, who is  
18 done with drugs and even if it's an investment of three months,  
19 can actually get a decent job, hold it, and not be in fear of  
20 getting a driver's license because, you know, there's not going  
21 to be warrants out.

22 Is that going to be easy? No. But I think you are  
23 assuming what Marcella wants and I don't think that's fair to  
24 Marcella.

25 If it is what Marcella wants, if she wants, yeah, I

1 want all that money for a short amount of time, then I don't  
2 care whether James goes away for 15 years, which is what you  
3 keep edging on in Federal Court, you know? It's what I pulled  
4 you back from before.

5 MR. CLOUD: Yeah.

6 THE COURT: But one more, you know, go around, and  
7 it's statutory, you're off for 15 years.

8 So, here's what I want to do:

9 I told you I'm going to put you three months after  
10 your state sentence and I'm going to put supervised release on  
11 it.

12 But here's the deal. If, as your finishing your state  
13 sentence -- you're still going to have to do the three months  
14 federal -- you don't want our help, you don't want treatment,  
15 you don't want Chris to jump through those hoops to get you  
16 health care so that you can get into Thunderbird and get sober  
17 and learn some tools and learn some skills, and figure out how  
18 to stay sober, then you petition me and I'll cut the supervised  
19 release and I'll give you the three months and you'll be done.

20 But I won't be able to help you, Chris won't be able  
21 to help you. But if you want our help, then at the end of your  
22 state time, you just let us help you.

23 And what would happen is we would coordinate with  
24 Sea-Tac, we would get a case manager involved, we would try to  
25 get everything in place, so that we could give you long-term

1 treatment.

2 You know, I don't know what to say about Marcella, but  
3 I've been married 46 years, I sure as hell wouldn't put up with  
4 a jerk who was periodically drunk or on drugs. There's no way I  
5 would do that.

6 MR. CLOUD: She, she actually doesn't allow it in her  
7 house.

8 THE COURT: Then ask her. Talk to her. Find out  
9 whether she would invest another three months or so of your  
10 being in treatment, so that you could be really the guy you  
11 should be.

12 You know, one of, one of the other things, you really  
13 get ticked off -- I told you this before -- you get ticked off  
14 about certain things and they're not bad things you get ticked  
15 off about, you get ticked off about observing bullies and you  
16 kind of, you know, I even think of you as kind of a super hero,  
17 who wants to zip in and, you know, make it good.

18 Well, you got to have the tools to make it good and  
19 you have to get rid of some of the, you know, hassles, some of  
20 the addictions to make it good.

21 So she doesn't allow it in her house. How long have  
22 you -- are you going to be able to battle that addiction by  
23 yourself, when things get frustrating?

24 Other people have, over the years, learned -- and I  
25 have two kids -- I have a son who is just about your age. When

1 he has done stupid things -- and believe me he's done plenty of  
2 stupid things -- he has to face up to them, has to figure out a  
3 way to work around them.

4 I have a lot of power. I didn't, I wasn't just given  
5 that power. I earned it. It wasn't all that easy. You know,  
6 you and I are very dissimilar in some ways, not so dissimilar.  
7 But you have to get your act together.

8 And you're running out of chances and I am offering to  
9 share some of the immense power that I have with you.

11:13AM 10 Either to allow you to get treatment -- and that's not  
11 going to be easy in the new America. You know, where we're  
12 cancelling all sorts of health benefits and where we're doing it  
13 with all sorts of problems -- but I have that opportunity to  
14 provide that for you.

15 But if you don't want it, I'm not going to make Chris  
16 Heinen jump through those hoops. I'm not going to ruin your  
17 life. It's your life. It really, you know, in the final  
18 analysis, I can't make you sober, I can't make you improve  
19 yourself.

11:14AM 20 I do think you can do it. Chris thinks you can do it.  
21 But you have to believe you can do it.

22 So if you think you've been a failure for not pulling  
23 in money, really, who you have to not disappoint, no matter how  
24 great Marcella is, you have to not disappoint yourself. You  
25 have to decide what it is you want.

1           And so the reason why I am leaving this as a decision  
2 for you at the end of state time is you're going to be sitting  
3 behind bars and think about that.

4           Do you ever want to spend another year or another 18  
5 months or whatever it is, behind bars.

6           Or do you want to have the freedom to be able to go  
7 hunt when you want, to visit with Marcella when you want. It's  
8 like an investment in yourself and an investment in the  
9 relationship with Marcella.

11:15AM 10           But I can't do it. I can make it possible. You have  
11 to do it.

12           So that's my sentence. I don't care what the  
13 attorneys say.

14           If you feel a need to say something, Mr. Rubin, go  
15 ahead.

16           MR. RUBIN: Your Honor, may I have one moment to  
17 discuss with Mr. Cloud, just one second, please?

18           THE COURT: All right.

19           (Discussion with defendant and attorney off the  
11:15AM 20 record.)

21           MR. RUBIN: Your Honor, I have, I have, I just wanted  
22 to make sure Mr. Cloud was clear on what you had suggested and  
23 we are in full agreement with your recommendation or your  
24 sentence, Your Honor.

25           THE COURT: Mr. Herzog, any comments?

1 MR. HERZOG: Just a matter of clarification, on the  
2 imposition of supervised release at the end of the three months,  
3 I think the Court has to impose a term of some kind.

4 THE COURT: Yeah. I'm getting there.

5 MR. HERZOG: Oh, pardon me.

6 THE COURT: So you are sentenced to three months of  
7 incarceration to be consecutive to your state sentence.

8 So we're going to have you under federal control for  
9 three months.

11:16AM 10 And we will do whatever. You either tell us -- and  
11 preferably at the beginning of that three months -- say, no, I  
12 just want to get out, I don't care, I'm going to slog through  
13 this by myself, I don't need help, I don't need training, I  
14 don't need substance abuse, I don't need Chris batting for me, I  
15 don't need Judge Peterson batting for me, I just want to get out  
16 of here.

17 Or you take our services and you don't ask us to  
18 terminate supervised release.

19 You will be, I am imposing 31 months of supervised  
11:17AM 20 release, with the standard conditions and then the following  
21 special conditions.

22 The special conditions are there partly because I need  
23 to put them there so I can pay for the stuff.

24 If I don't have the special conditions, then why am I  
25 spending taxpayer dollars to just help out James Cloud?

1           So, you must complete a mental health evaluation. Did  
2 you enjoy your time -- did you ever get to talk to Mr. Shepherd?

3           MR. CLOUD: Yeah. I, um, I, um, the first time I was  
4 in the halfway house, um, I had, I want to say, three, three  
5 meetings with him outside when I was on the Oxford House and  
6 then, yeah, actually, he is a pretty awesome man.

7           THE COURT: Was it helpful?

8           MR. CLOUD: They were, actually. He pointed out some  
9 things about my character and my characteristics that I didn't  
10 really pinpoint for me, I didn't recognize until it was kind of  
11 actually put forward. Yeah, he's a, he's a pretty incredible  
12 dude.

13           THE COURT: You know, it really helps to have somebody  
14 else viewing you and taking, you know, giving you feedback.  
15 That's what helps, that's one of the tools that helps to keep  
16 from making stupid decisions and putting yourself in stupid  
17 places.

18           And I have to say, one other thing you're doing right,  
19 I haven't known of any violence that you've gotten into. The  
20 super hero thing, yeah, but as far as just going and shooting up  
21 people or beating them up, you don't do that.

22           You do a lot of self destruction. You do a lot of  
23 things that are going to just make it harder on you.

24           In addition, you must participate in a cognitive  
25 behavioral treatment program. That's stuff that Chris helps

1 train, helps teach, just how to think about things. I think  
2 he's kind of talked to you about some of that before.

3 MR. CLOUD: Yeah.

4 THE COURT: Some alternate thinking.

5 You must reside in a residential reentry center for up  
6 to 180 days, but that's dependent on your supervising officer.

7 So that can be, you know, if he says you're done or if  
8 he finds you another clean and sober house, or whatever, or if  
9 Marcella, you know, that could be.

11:19AM 10 It's just the whole Yakima area. Maybe a visit, but  
11 living there could be a problem, a little bit, you have to think  
12 that through for the next year.

13 MR. CLOUD: Yeah.

14 THE COURT: You must submit your residence, person,  
15 vehicle, to a search.

16 You must undergo a substance abuse evaluation and if  
17 indicated complete treatment.

18 You must participate in inpatient substance abuse.

19 You must abstain from the use of illegal controlled  
11:20AM 20 substances.

21 You must not enter into or remain in any establishment  
22 where alcohol is the primary item of sale.

23 That's where you're going to screw up. You're going  
24 to have the drink and then the next thing seems like not such a  
25 bad idea.

1           You shall have -- I don't know who the victim is  
2 supposed to be, so I don't think there is a victim. So we'll  
3 cancel that.

4           You have 14 days from the entry of this judgment to  
5 enter this sentence.

6           Now if I'm dead when you get out or, you know, that,  
7 when you're ready to end your state thing or if I have resigned  
8 from the bench or something, I made a record and Mr. Rubin  
9 should be able to file a petition, but you have to do the rest.

11:21AM

10           MR. CLOUD: Yes, Your Honor.

11           THE COURT: Good luck.

12           MR. CLOUD: Thank you very much. Have a nice day.

13           (Whereupon Court was recessed at 11:20 a.m.)

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1 STATE OF WASHINGTON )  
 2 : Reporter's Certificate  
 3 COUNTY OF SPOKANE )  
 4  
 5

6 I, Mark A. Snover, a Registered  
 7 Professional Reporter and Official United States District Court  
 8 Reporter;

9 DO HEREBY CERTIFY:

10 That the foregoing transcript  
 11 contains a true and accurate transcription of my shorthand notes  
 12 of all requested matters held in the foregoing captioned case.

13 Further, that the transcript was  
 14 prepared by me or under my direction.

15 DATED this 10th day of April,  
 16 2018.

17  
 18  
 19  
 20 /s/ Mark A. Snover

21 MARK A. SNOVER, RPR, CSR

22 OFFICIAL U. S. COURT REPORTER  
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