

Bronson James LLC
917 S.W. Oak St., Ste 219
Portland, OR 97205
503-943-6876

Joni Eisenbrandt
U.S. Probation Officer
Mark O. Hatfield U.S. courthouse
1000 SW Third Ave., Suite 340
Portland, OR 97204

RE: Draft PSR - Cyrus Sullivan - Objections

Ms. Eisenbrandt:

This letter serves as Mr. Sullivan's written objections to the draft PSR prepared by your office in this case. I have delineated the objections by reference to their paragraph number below.

| <u>PARA #</u> | <u>OBJECTION</u> |
|---------------|--|
| 9 | Mr. Sullivan never indicated that he was categorically unwilling to obtain non-computer employment. Rather, he indicated that was the only employment he was qualified for, and that it made little sense to have him apply for jobs for which he had no experience. Mr. Sullivan never "refused to make accommodations," rather NWRRC declined to accommodate Mr. Sullivan by denying him access to job search tools online, and refusing to allow him to pursue any computer related employment. |
| 10 | Mr. Sullivan denies the accuracy of the statements attributed to him in this paragraph. |
| 11 | It is factually inaccurate that Mr. Sullivan was prohibited from accessing email used in his prior offense. His prior offense involved a single email account that was not the subject of the NWRRC prohibitions. Rather, NWRRC was prohibiting Mr. Sullivan access to other email accounts he had maintained for years for personal correspondence that were never the subject of any legal action. |

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|---------------|---|
| 12 | Mr. Sullivan denies the accuracy of the statements attributed to him in this paragraph. |
| 13 | Mr. Sullivan denies the accuracy of the statements attributed to him in this paragraph. Further, the description of the altercation is not consistent with the video. |
| 16 | Mr. Sullivan denies ever creating a "hit list." You write "hit list" in quotations. Was that actually written on the document, or is that an attribution by someone? |

OBJECTIONS TO RECOMMENDATIONS

In addition, I am objecting to your office's proposed recommendations. Specifically I call your attention to paragraphs 7 and 9.

Paragraph 7 states:

"The defendant shall provide the U.S. Probation Officer with truthful and complete information regarding all computer hardware, software, electronic services, and data storage media to which the defendant has access."

Paragraph 9 states:

"The defendant is prohibited from accessing any on-line computer service at any location (including employment or education) without the prior written approval of the U.S. Probation Officer."

These restrictions are similar to the restrictions imposed in Mr. Sullivan's first case, and suffer from the same constitutional infirmities. Paragraph seven is unconstitutionally vague and overbroad and fails to accurately apprise a person of the restriction. Due Process requires that government imposed prohibitions be specific enough that they give a reasonable opportunity to know what is prohibited. *Grayned v. City of Rockford*, 408 U.S. 104, 108-09, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972).

Vagueness applies to conditions of release. See, e.g., *United States v. Schave*, 186 F.3d 839 (7th Cir.1999) (citing *Birzon v. King*, 469 F.2d 1241, 1243 (2d Cir.1972)); *LoFranco v. United States Parole Comm'n*, 986 F.Supp. 796, 810-11 (S.D.N.Y.1997). A

RE: SULLIVAN, Cyrus Andrew

tied to both defendant's prior conviction and his current offense, and is appropriate for supervision. I respectfully request the Court resolve his argument.

Paragraphs 9 - 13 and 16: Defense counsel objects to the factual accuracy of each paragraph. I have not changed the presentence report as my information was taken from Northwest Residential Re-entry Center management reports, local police reports and statements given to police by the victim and each witness and third party involved in the offense. The 'hit list' referred to in paragraph 16 of the report has been provide to defense counsel by the government.

Defense counsel's letter is attached. The government has filed a sentencing memorandum with the court dated October 16, 2014, outlining their concerns regarding the above noted conditions.

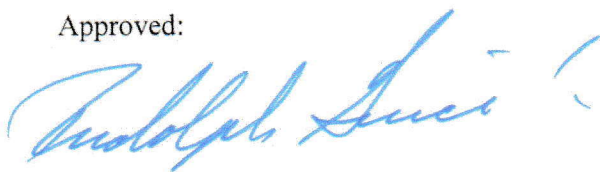
Respectfully Submitted,

Willie Blasher, Jr.
Acting Chief U.S. Probation Officer



By: Joni Eisenbrandt
U.S. Probation Officer

Approved:



Rudolph Guice, Jr.
Supervising U.S. Probation Officer

JE/me/45572

Not For Further Disclosure Without Prior Authorization From the Court