

1 HILARY L. POTASHNER (Bar No. 167060)  
Federal Public Defender  
2 John L. Littrell (Bar No. 221601)  
E-Mail:john\_littrell@fd.org  
3 321 East 2<sup>nd</sup> Street  
Los Angeles, California 90012  
4 Telephone: (213) 894-2854  
Facsimile: (213) 894-0081

5 Attorney for Defendant  
6 CHALRES C. LYNCH

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CHARLES C. LYNCH,

14 Defendant.

Case No.: 07-689-GW

*EX PARTE* APPLICATION FOR  
ORDER MODIFYING CONDITIONS  
OF BOND; DECLARATION OF  
COUNSEL

15  
16 Defendant, Charles Lynch, by and through his counsel of record, Deputy  
17 Federal Public Defender John Littrell, hereby files this ex parte application for an  
18 order modifying conditions of bond.

19 This application is based upon the attached Declaration of John Littrell and the  
20 files and records of this case.

21  
22 Respectfully submitted,  
23 HILARY L. POTASHNER

24  
25 DATED: December 6, 2016

26 Bv \_\_\_\_\_  
27 John L. Littrell  
Deputy Federal Public Defender  
Attorney for Defendant CHALRES C.  
28 LYNCH

DECLARATION OF JOHN LITRELL

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, John Littrell, hereby state and declare as follows:

1. I am a Deputy Federal Public Defender in the Central District of California appointed to represent Charles C. Lynch in the above entitled action. I make this declaration in support of Mr. Lynch’s ex parte application for an order modifying the terms and conditions of bond.

2. On July 19, 2007, Mr. Lynch was released on a \$400,000 appearance bond with a cash deposit in the amount of \$106,000, posted by Mr. Lynch’s brother, Thomas A. Lynch. In addition to the cash deposit, three properties with equity amounting to \$294,000 were deeded to the Court. The three properties securing that amount were as follows: (a) real property located in Farmington, New Mexico, owned by Epifanio E. Larry Garcia, Charlie Lynch’s stepfather (\$59,000); (b) real property located in Navajo Dam, New Mexico, owned by Thomas and Patricia Lynch, Charlie Lynch’s brother and sister-in-law, respectively (\$50,000); and (c) real property located in Bloomfield, New Mexico, owned by Amanda Garcia, Mr. Lynch’s sister (\$185,000). Electronic monitoring was originally a condition of Mr. Lynch’s pretrial release, but that condition was subsequently eliminated.

3. On April 29, 2010, this Court sentenced Mr. Lynch to one year and one day of custody and ordered that he remain on bond pending appeal.

4. On May 23, 2011, the Court modified the amount of Mr. Lynch’s bond by returning the \$106,000 cash deposit to Mr. Lynch’s brother, Thomas A. Lynch, and exonerating the liens on the properties owned by Epiphanio E. Larry Garcia and Thomas and Patricia Lynch. Ms. Garcia’s property remained as deeded.

//  
//  
//  
//

1           5.     After his sentencing, Mr. Lynch resumed his career as a software  
2 developer but he struggled to make ends meet. He ultimately lost his home to  
3 foreclosure and relocated to a modest rental property in San Luis Obispo County.

4           6.     On several occasions, this Court modified the terms of Mr. Lynch's  
5 release by permitting him to travel outside of the district so that he could visit his  
6 family in New Mexico, care for his brother, and later attend his brother's funeral.

7           7.     Mr. Lynch lost his apartment in San Luis Obispo County. Currently, he  
8 is living with his family in Farmington, New Mexico. He has tried finding work in  
9 the area without much success. He is receiving food stamps as well as assistance from  
10 the Low Income Home Energy Assistance Program (LIHEAP). He earns his keep by  
11 pulling weeds and doing repairs on the property for his family.

12          8.     In 2014, the Court eliminated the travel restriction. It also reduced the  
13 reporting requirements. Mr. Lynch reports in person once per quarter and by phone  
14 once per week to a probation officer located in New Mexico.

15          9.     Mr. Lynch's sister, Amanda Garcia, wants to be released from the burden  
16 of having her property encumbered because of Mr. Lynch's pending case.

17          10.    Mr. Lynch has been on either pretrial release or bail pending appeal for  
18 over nine years. He has never violated the terms of his release.

19          11.    I contacted United States Probation Officer Michelle Ries regarding this  
20 application on December 5, 2016. She indicated that the Probation Office takes no  
21 position on the relief sought in this ex parte application, but she stated that Mr. Lynch  
22 has been reporting for quite a while, there have never been any compliance issues  
23 since she started monitoring his case, and non-appearance is not an issue today.

24          12.    In *United States v. McIntosh*, 833 F.3d 1163 (9th Cir. 2016), the Ninth  
25 Circuit held that federal legislation prohibits the Department of Justice from  
26 expending funds prosecuting individuals who engaged in conduct permitted by state  
27 medical marijuana laws. In light of *McIntosh*, it is Mr. Lynch's position that opposing  
28

1 counsel would violate the law if they were to expend any resources on this case. I  
2 therefore have not contacted opposing counsel to ascertain his position.

3  
4 I declare under penalty of perjury that the foregoing is true and correct to the  
5 best of my knowledge.

6 DATED: December 6, 2016

7 /s/ John Littrell  
8 JOHN LITTRELL  
9 Deputy Federal Public Defender

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## Applications/Ex Parte Applications/Motions/Requests

[2:07-cr-00689-GW USA v. Lynch et al](#) **CASE CLOSED on 04/30/2010**

APPEAL, CLOSED

UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA

### Notice of Electronic Filing

The following transaction was entered by Littrell, John on 12/6/2016 at 4:04 PM PST and filed on 12/6/2016

**Case Name:** USA v. Lynch et al

**Case Number:** [2:07-cr-00689-GW](#)

**Filer:** Dft No. 1 - Charles C. Lynch

**Document Number:** [448](#)

#### Docket Text:

**EX PARTE APPLICATION for Order for Modiy Conditions of Bond Filed by Defendant Charles C. Lynch. (Littrell, John)**

#### 2:07-cr-00689-GW-1 Notice has been electronically mailed to:

Alexandra W Yates [zzcac\\_fpd\\_document\\_receiving@fd.org](mailto:zzcac_fpd_document_receiving@fd.org), [alexandra\\_yates@fd.org](mailto:alexandra_yates@fd.org)

David P Kowal [USACAC.Criminal@usdoj.gov](mailto:USACAC.Criminal@usdoj.gov), [CaseView.ECF@usdoj.gov](mailto:CaseView.ECF@usdoj.gov), [david.kowal@usdoj.gov](mailto:david.kowal@usdoj.gov)

Guy C Iversen [zzCAC\\_FPD\\_Document\\_Receiving@fd.org](mailto:zzCAC_FPD_Document_Receiving@fd.org), [guy\\_iversen@fd.org](mailto:guy_iversen@fd.org), [maribel\\_bran@fd.org](mailto:maribel_bran@fd.org)

John L Littrell [zzCAC\\_FPD\\_Document\\_Receiving@fd.org](mailto:zzCAC_FPD_Document_Receiving@fd.org), [John\\_Littrell@fd.org](mailto:John_Littrell@fd.org)

Michael Tanaka [Michael\\_Tanaka@fd.org](mailto:Michael_Tanaka@fd.org)

Rasha Gerges Shields [rgergesshields@jonesday.com](mailto:rgergesshields@jonesday.com)

Reuven L Cohen [rcohen@dordwilliamscohen.com](mailto:rcohen@dordwilliamscohen.com), [csnyder@dordwilliamscohen.com](mailto:csnyder@dordwilliamscohen.com), [mwilliams@dordwilliamscohen.com](mailto:mwilliams@dordwilliamscohen.com), [sgarza@dordwilliamscohen.com](mailto:sgarza@dordwilliamscohen.com)

William S Kroger , Jr [wskroger@laattorney.com](mailto:wskroger@laattorney.com)

**2:07-cr-00689-GW-1 Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**O:\TRIAL\LYNCH, Charles 17-00384\Pleadings\To Be Filed\EXPARTE  
MODIFY.BOND.12.06.16.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=12/6/2016] [FileNumber=22647641-0  
] [049d099d0754aa1e70aae4cb9cb441c497139d54aea66b64b8ecff936584671758  
bbfa9946a1a4f2af2ea123b9984a37910315a10a623df4f5b479a39432262]]