
U.S. District Court
Central District of California (Western Div.)
CRIMINAL DOCKET FOR CASE #: 01-CR-218-ALL

USA v. Nicherie

Filed: 03/14/01
Dkt# in other court: None

Case Assigned to: Judge Lourdes G. Baird

ABNER NICHERIE (1)
defendant
[term 03/14/01]

David A Katz
[COR LD NTC ret]
Katz & Associates
433 N Camden Dr, Ste 600
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310-288-1995

Pending Counts:

NONE

Terminated Counts:

NONE

Complaints:

NONE

U. S. Attorneys:

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DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
3/14/01	1	PROBATION TRANSFER OF JURISDICTION filed as to Abner Nicherie received from USDC, Western District of TX at San Antonio. Ordered by Judge Terry J. Hatter Jr.. (dmcr) [Entry date 03/19/01]
3/15/01	45	NOTICE Re: overlong memorandum; Notice that a shortened motion memorandum can be filed if the court wishes; declaraton filed by Abner Nicherie (ca) [Entry date 03/18/02]
3/16/01	2	NOTICE OF JURISDICTION/TREATY TRANSFER-IN filed as to Abner Nicherie. The Court has approved the probation transfer-in of Abner Nicherie to Judge Lourdes G. Baird for all further proceedings. (dmcr) [Entry date 03/19/01]
3/19/01	--	Fwd to the Western Dist of TX at San Antonio the orig Prb 22 form, CR 56 ltr & orig & cpy of CR 25 ltr as to Abner Nicherie (dmcr) [Entry date 03/19/01]
4/10/01	3	Certified copies of docs rcvd from W/D of TX in re probation transfer filed as to Abner Nicherie (es) [Entry date 04/18/01]
5/25/01	4	NOTICE TO SUPERVISED RELEASE VIOLATOR filed and signed by Abner Nicherie on 5/15/01. (ej) [Entry date 05/29/01]
5/29/01	5	PROBATION FORM 12 filed as to Abner Nicherie. Praying that the crt will ord Abner Nicherie, 301 Glade #K307, Woodland Hills, California, 91367, cited into crt on Monday, 6/16/01, at 1:30pm, to show cause why the supv ord, heretofore entered, should not be revoked. Approved by Judge Lourdes G. Baird. (ej) [Entry date 06/01/01]
5/29/01	6	NOTICE OF HEARING as to Abner Nicherie Supv rel revocation hearing set for 3:00pm on 7/23/01. (ej) [Entry date 06/01/01]
6/1/01	--	CITATION TO APPEAR on Petition for Revocation of Supervised Release issued as to Abner Nicherie on July 23, 2001 3:00pm. (ej) [Entry date 06/01/01]
7/20/01	7	MEMORANDUM RE PROBATION MODIFICATION filed by Abner Nicherie. (ej) [Entry date 07/23/01]

7/23/01 8 LIST OF EXHIBITS AND WITNESSES as to Abner Nicherie (ej)
[Entry date 07/27/01]

7/23/01 9 MINUTES OF SUPV REL REVOCATION HEARING held before Judge
Lourdes G. Baird as to Abner Nicherie: The dft is
questioned by the crt and advised of his constitution al
rights. Court finds Abner Nicherie in violation of
probation. Court orders probation of Abner Nicherie
modified. The crt modifies dft's supv rel and ords
dft, under the T/C previously imposed on 9/23/99. The
crt confers with cnsl re dft's request for permission to
travel to Israel from 8/10/01 to 8/30/01 to attend memorial
service for Mr Nicherie's father lodged on 7/20/01. The crt
ords the gov to file a response to dft's request. C/R: John
Turman (ej) [Entry date 08/02/01]

7/31/01 10 JUDGMENT MODIFYING SUPV REL filed by Judge Lourdes G. Baird
as to Abner Nicherie. Entered on: August 2, 2001 (cc: all
counsel) (ej) [Entry date 08/02/01]

8/2/01 11 GOV'S OPPOSITION RE DFT'S REQUEST FOR PERMISSION TO TRAVEL
filed by USA as to Abner Nicherie. (ej)
[Entry date 08/03/01]

8/3/01 12 RESPONSE filed by Abner Nicherie to request for permissison
to travel to Israel to attend memorial service for Mr
Nicherie's father and be in israel from 8/12/01-8/30/01.
[11-1]. (ej) [Entry date 08/06/01]

8/3/01 13 SUPPLEMENT TO OPPOSITION to reuest for permission to travel
to Israel to attend memorial service for Mr Nicherie's
father and to be in Israel from 8/12/01 to 8/30/01 filed by
Abner Nicherie. (ej) [Entry date 08/06/01]

8/6/01 14 MINUTES OF IN CHAMBERS HEARING held before Judge Lourdes G.
Baird as to Abner Nicherie: The crt has reviewed the
filings of all parties. Based on the hearing of 7/23/01 and
the parties filings, the dft's request for permission to
travel is denied. C/R: Not Present (ej)
[Entry date 08/08/01]

8/6/01 -- PLACED IN FILE - NOT USED: PROPOSED ORDER by Abner Nicherie
on request for permission to travel to Israel to attend
memorial service for dft's father and to be in Israel
8/12/01 - 8/30/01. (ej) [Entry date 08/08/01]

8/6/01 15 REQUEST FOR PERMISSION TO TRAVEL to Israel from 8/10/01 to
8/30/01 to attend memorial service of dft's father DENIED
by Abner Nicherie. (ej) [Entry date 08/08/01]

9/7/01 16 NOTICE OF HEARING as to Abner Nicherie Probation
revocation hearing set for 3:00pm on 10/15/01. (ej)
[Entry date 09/13/01]

9/7/01 18 NOTICE TO SUPERVISED RELEASE VIOLATOR filed and signed by
Abner Nicherie on 8/28/01. (ej) [Entry date 09/13/01]

9/10/01 17 PROBATION FORM 12 filed as to Abner Nicherie. Praying that
the crt will ord Abner Nicherie, 6301 Glade Street #K307,
Woodland Hills, California, 91367, telephone number (818)

595-3124, cited into crt on Monday, 10/15/01 at 1:30pm, to show cause why the supv ord, heretofore entered, should not be revoked. Approved by Judge Lourdes G. Baird. (ej)
[Entry date 09/13/01]

9/13/01 -- CITATION TO APPEAR on Petition for Revocation of Supervised Release issued as to Abner Nicherie on 10/15/01 1:30pm. (ej)
[Entry date 09/13/01]

10/5/01 19 EX PARTE APPLICATION filed by Abner Nicherie to continue hearing as to Abner Nicherie. Lodged order. (step)
[Entry date 10/09/01]

10/10/01 20 STIPULATION AND ORDER filed by Judge Lourdes G. Baird as to Abner Nicherie: Continuing the preliminary revocation hearing to 11/19/01 @ 3:00pm (es) [Entry date 10/15/01]

11/15/01 21 NOTICE OF UNDER SEAL IN CAMERA FILING by Abner Nicherie (ca)
[Entry date 11/16/01]

11/15/01 23 Supplemental submission by the defense in support of continuing the hearing until 12/10/01 filed by Abner Nicherie (ca) [Entry date 11/16/01]

11/16/01 24 STIPULATION AND ORDER filed by Judge Lourdes G. Baird as to Abner Nicherie : Continuing as to Abner Nicherie. Probation revocation hearing set for 3:00 p.m., on 12/10/01 for Abner Nicherie (ca) [Entry date 11/20/01]

12/5/01 25 PROBATION FORM 12 filed as to Abner Nicherie Approved by Judge Lourdes G. Baird. Order this amendment filed and, issuance of a B/W addressed to any USM or any other authorized officer w/in the USA, requiring the detn & return of Abner Nicherie before the USDC at LA, CA, to show cause why this supervision order, heretofore entered, should not be revoked. Issued B/W. (ca)
[Entry date 12/06/01]

12/5/01 -- BENCH WARRANT issued for Abner Nicherie by Judge Lourdes G. Baird Court orders Abner Nicherie detained. (ca)
[Entry date 12/06/01]

12/7/01 26 NOTICE OF UNDERSEAL IN CAMERA FILING by Abner Nicherie (ca)
[Entry date 12/10/01]

12/10/01 28 NOTICE OF FILING UNDER SEAL by USA as to Abner Nicherie Re: govt's response to dft's under seal and in camera filing (ca)
[Entry date 12/11/01]

12/10/01 30 MINUTES OF PROBATION AND SUPERVISED RELEASE HEARING held before Judge Lourdes G. Baird as to Abner Nicherie: U.S. Probation Officer R. William Crovell, II is also present in Court. The Court confers w/cnsl. The Court DENIES dft's ex parte re: travel. Furthermore, the Govt advises the Court that the second Petition against the dft filed on 12/5/01 is withdrawn. Court finds Abner Nicherie in violation of probation as stated in the petition file on 9/10/01.. The Court hereby revokes dfts probation and remands dft into custody, #D6914. Rendering sentence as to dft Abner Nicherie. Dft is sentence to 6 mos of

custody. Upon release from imprisonment, dft shall be placed on a 3 year term of supervised release under the terms & conditions previously imposed, including the outstanding restitution previously imposed. C/R: John Turman (ca) [Entry date 12/17/01]

12/12/01 31 JUDGMENT REVOKING PROBATION filed by Judge Lourdes G. Baird as to Abner Nicherie. Entered on: 12/17/01 (cc: all counsel) (ca) [Entry date 12/17/01]

12/17/01 32 BENCH WARRANT returned executed as to Abner Nicherie 12/10/01 (ca) [Entry date 12/18/01]

12/18/01 33 NOTICE OF APPEAL to USCA filed by Abner Nicherie from minutes [30-5], filed on: 12/10/01 and entered on: 12/17/01. Fee status: Paid. (cc: David A. Katz, Katz & Associates; Willingham, AUSA). (wdc) [Entry date 12/18/01]

12/18/01 34 TRANSCRIPT DESIGNATION filed by Abner Nicherie for transcript of 12/10/01, CR: John Turman referencing appeal {33-1}. (wdc) [Entry date 12/18/01]

12/19/01 35 ORDER FOR TIME SCHEDULE filed as to Abner Nicherie for [33-1]. Transcript designation due: 01/08/02; C/R transcripts due: 02/07/02; Appellant's briefs & excerpts due: 03/19/02; Appellee's reply brief due: 04/18/02; Appellant's reply brief due by: 05/02/02. (cc: all counsel) (cbr) [Entry date 12/19/01]

12/21/01 36 NOTIFICATION by United States Court of Appeals as to Abner Nicherie , designating USCA Appeal No. 01-50718 assigned to appeal [33-1] . (fvap) [Entry date 12/21/01]

2/19/02 37 RECEIPT for Transcripts of proceedings held on: 12/10/01 C/R: John G. Turman (dlu) [Entry date 02/22/02]

2/19/02 -- TRANSCRIPT filed for proceedings held on 12/10/01 as to Abner Nicherie. (dlu) [Entry date 02/22/02]

3/6/02 38 CERTIFICATE of Record Transmitted to USCA 01-50718 re [33-1] (cc: all counsel) (dlu) [Entry date 03/06/02]

3/11/02 39 EX PARTE APPLICATION filed by Abner Nicherie to order shortening time for decision of motion for bail on appeal & to decide motion without a hearing. Lodged Proposed Order (ca) [Entry date 03/13/02]

3/12/02 40 REPLY by Abner Nicherie to opposition to ex parte application to shorten time for decision of motion for bail on appeal & to decide motion w/o a hearing [39-1]. (ca) [Entry date 03/13/02]

3/12/02 41 OPPOSITION filed by USA as to Abner Nicherie to ex parte application motion to order shortening time for decision of motion for bail on appeal & to decide motion without a hearing. [39-1] (ca) [Entry date 03/13/02]

3/14/02 42 NOTICE OF AN IN CAMERA UNDER SEAL FILING by Abner Nicherie (ca) [Entry date 03/15/02]

3/14/02 44 ORDER filed by Judge Lourdes G. Baird as to Abner Nicherie : DENYING ex parte application motion to order shortening time for decision of motion for bail on appeal & to decide motion without a hearing. [39-1] (cc: all counsel) (ca) [Entry date 03/18/02]

3/18/02 46 MINUTES OF IN CHAMBERS HEARING held before Judge Lourdes G. Baird as to Abner Nicherie : The Court is in receipt of dft's In Camera Under Seal Filing, filed on 3/14/02. IT IS HEREBY ORDERED that this document shall be stricken from the record and shall not be considered by the Court. The document does not comply with the Local Rules of this Court. Accordingly, the aforementioned document should not have been filed. IT IS FURTHER ORDERED that this document shall not be returned to the filing party; however, the Clerk shall note on the case docket that the document is stricken from the record pursuant to Local Rules 11-6 and 11-8. C/R: n/a (ca) [Entry date 03/19/02]

3/25/02 47 NOTICE OF AN IN CAMERA UNDER SEAL FILING by Abner Nicherie Re: submission of in camera under seal exhibits supplement to under seal motion for bail on appeal (ca) [Entry date 03/26/02]

3/29/02 49 REQUEST AND ORDER filed by Judge Lourdes G. Baird as to Abner Nicherie to Submit 27-Page Motion and Memorandum For Bail on Appeal (es) [Entry date 04/02/02]

4/1/02 51 Government's MEMORANDUM filed by USA as to Abner Nicherie in Opposition to Motion for Bail Pending Appeal (es) [Entry date 04/03/02]

4/12/02 52 NOTICE OF AN IN CAMERA UNDER SEAL FILING by Abner Nicherie Re: opposition to bail on appeal; declaration; exhibit (ca) [Entry date 04/15/02]

4/15/02 54 STATEMENT filed by Abner Nicherie regarding Waiver of appearance for bail on appeal hearing. (tso) [Entry date 04/16/02]

4/15/02 56 MINUTES OF MOTION FOR BAIL ON APPEAL HEARING held before Judge Lourdes G. Baird as to Abner Nicherie : Waiver of appearance for dft is on file. Dft hereby waives the closed court hrg on dfts motion filed under seal. The Court confers with counsel and counsel argue. The Court rules on the motion as follows: Motion for bail on appeal DENIED. C/R: John Turman (ca) [Entry date 04/18/02]

4/15/02 57 WAIVER OF DEFENDANT'S PRESENCE filed by Abner Nicherie. (ca) [Entry date 04/19/02]

4/16/02 55 TRANSCRIPT DESIGNATION filed by Abner Nicherie as to Abner Nicherie for transcript of 4/15/02, CR: John Turman, referencing appeal [33-1]. (USCA No.: 01-50718) (pjap) [Entry date 04/16/02]

4/17/02 58 Supplement to proposed findings re: dft's motion for bail pending appeal; exhibit filed by USA as to Abner Nicherie (ca) [Entry date 04/19/02]

4/18/02 59 Opposition to govt's supplement to proposed findings filed by Abner Nicherie (ca) [Entry date 04/19/02]

4/19/02 60 FINDINGS OF FACT and Conclusions of Law Re: Defendant's Motion for Bail Pending Appeal filed by Judge Lourdes G. Baird as to Abner Nicherie (cc: all counsel) (ca) [Entry date 04/23/02]

6/18/02 61 TRANSMITTAL LETTER filed as to Abner Nicherie sent to District of Nevada at Las Vegas (their case # Cr-S-02-311-PMP with certified copy of docket sheet and Judgment revoking Probation and copies of docket sheet, indictment, superseding information, probation form 22 and judgment from Western District of Texas, where case was originally transferred from. (ej) [Entry date 06/18/02]

7/1/02 62 RECEIPT AND ACKNOWLEDGEMENT OF PROBATION TRANSFER filed as to Abner Nicherie from USDC of Nevada. Transfer Case No.: CR S-02-311-PMP. (ca) [Entry date 07/02/02]

8/22/02 -- CC LODGED order from USCA as to Abner Nicherie referencing appeal [36-1]. Directing that Applnt's mot for voluntary dismiss of this app GR. This app dismiss. (01-50718). (USCA NO.: 01-50718) (pjap) [Entry date 09/04/02]

8/26/02 63 MINUTES OF FILING AND SPREADING MANDATE held before Judge Lourdes G. Baird as to Abner Nicherie: The Court orders that the mandate of the USCA Dismissing Appeal the appeal [33-1] is hereby filed and spread upon the minutes of the Court. Entered on: 8/28/02 C/R: N/A (roz) [Entry date 08/28/02]

8/27/02 64 CERTIFIED COPY OF JUDGMENT from USCA as to Abner Nicherie dismissing the appeal [33-1] (cc: all counsel). Entered on: 8/28/02 (roz) [Entry date 08/28/02]

9/3/02 65 RECEIPT for Transcripts of proceedings held on: 4/15/02 C/R: John G. Turman. (ghap) [Entry date 09/10/02]

9/3/02 -- TRANSCRIPT filed for proceedings held on 4/15/02 as to Abner Nicherie. (ghap) [Entry date 09/10/02]

Case Flags:
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END OF DOCKET: 2:01cr218-0

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