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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION \*E-FILED - 8/22/06\*

10 UNITED STATES OF AMERICA, ) No. CR 05-00639 RMW  
11 Plaintiff, )  
12 v. ) **STIPULATION TO MODIFY**  
13 JOHN SACROSANTE, ) **CONDITION OF PROBATION**  
aka John Hayden, aka Stephen Laird Gross, ) **PURSUANT TO FED. R. CRIM. P. 36;**  
14 Defendant. ) **[ ] ORDER**  
15

16 Defendant John Sacrosante was sentenced to one year of probation on July 17, 2006,  
17 subject to several conditions of probation, including the condition that he may not hold himself  
18 out as a military officer. Apparently due to clerical error, the written description of this condition  
19 is described inaccurately in the Judgment filed July 21, 2006. Accordingly, defendant and the  
20 government, through their respective counsel, hereby stipulate that, subject to the court's  
21 approval, this special condition of probation may be modified as set forth herein.

22 Specifically, the Court ordered from the bench that Mr. Sacrosante shall not be involved  
23 in any military related work, and shall not hold himself out as an employee or representative of  
24 the military, orally, or through dress, or otherwise. However, as written, Condition 11 of the  
25 Special Conditions states that Mr. Sacrosante "shall not participate in any 'War Gaming:  
26 Strategic and Tactical Scenario Play'." See Judgment, page 3 of 6. This language had been

1 proposed by the Probation Officer, but was opposed by the defense, and was not adopted by the  
2 Court when the Court ruled from the bench.

3 Rule 36 of the Federal Rules of Criminal Procedure allows the Court, “[a]fter giving any  
4 notice it considers appropriate, [to] at any time correct a clerical error in a judgment, order, or  
5 other part of the record, or correct an error in the record arising from oversight or omission.”  
6 Fed. R. Crim. P. 36. The error in this case appears to be a result of oversight. Because the  
7 parties jointly request that the Court correct the error, no further notice is required.

8 Accordingly, the parties respectfully request that the Court modify Special Condition 11  
9 and direct the Probation Office to issue an amended list of Special Conditions, as set forth in the  
10 proposed order submitted herewith.

11 IT IS SO STIPULATED.

12 Dated: 8/10/06

\_\_\_\_\_/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

14 Dated: 8/10/06

\_\_\_\_\_/s/  
CARLOS SINGH  
Assistant United States Attorney

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00639 RMW
	)	
Plaintiff,	)	<b>[ ] ORDER MODIFYING</b>
	)	<b>CONDITION OF PROBATION</b>
v.	)	<b>PURSUANT TO FED. R. CRIM. P. 36</b>
	)	
JOHN SACROSANTE,	)	
aka John Hayden, aka Stephen Laird Gross,	)	
	)	
Defendant.	)	

GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, the Court  
HEREBY ORDERS that Condition Number 11 of Defendant John Sacrosante's Special  
Conditions of Probation be modified to read as follows:

The defendant shall not be involved in any military related work, and shall not hold  
himself out as an employee or representative of the military, either orally, or through  
dress, or otherwise.

The Court HEREBY ORDERS that the Probation Office shall modify the defendant's  
Special Conditions of Probation consistently with this order.

IT IS SO ORDERED.

Dated: 8/17/06

/s/ Ronald M. Whyte  
RONALD M. WHYTE  
United States District Judge