

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

plaintiff,

v.

JASON SHEPPARD,

Defendant.

Criminal No. 13-278

Criminal No. 10-119

Judge Cathy Bissoon

DECLARATION OF MICHAEL J. KHOURI

I, MICHAEL J. KHOURI, declare:

1. I am an attorney licensed to practice law in all state and federal courts located in California and Texas. I have been admitted *pro hac vice* in the Western District of Pennsylvania with respect to Criminal No. 13-278 and Criminal No. 10-119.

2. The matters in this declaration are based upon personal knowledge or I believe them to be true upon information and belief. If called as a witness in this proceeding I would take an oath to tell the truth and testify to the content of this declaration. I am the owner of Khouri Law Firm, APC, attorney of record for Defendant JASON SHEPPARD (“Defendant”) in the above-captioned matters. I make this declaration in support of Defendant’s Motion for Early Termination of Supervised Release.

3. I have spoken with Shelby Cole, Defendant’s former girlfriend. She confirmed that she exchanged text messages with Defendant’s probation officer where they discussed personal problems.

4. Attached as **Exhibit A** are text messages between Ms. Cole and Defendant's probation officer. It is my understanding that the messages sent by Ms. Cole are enclosed in the blue text box, while messages sent by the probation officer are enclosed in the grey text box.

5. Attached as **Exhibit B** is a phone call log. I believe these are the phone records of Ms. Cole indicating that she spoke with Defendant's probation officer on the phone for 80 minutes on June 6, 2020.

6. Attached as **Exhibit C** is an email I sent to the probation officer's supervisor requesting copies of all communications between the probation officer and Ms. Cole. I have not yet received a response.

7. In support of Defendant's motion, I respectfully request the Court provide Defendant with an evidentiary hearing. I intend to call Defendant's therapist as witness (should the court permit). I believe she will testify to how Defendant's rehabilitation and overall wellbeing has been burdened by the probation officer's conduct. I also intend to call Defendant and his former probation officer, Jeff Sciarrino, (should the court permit) as witnesses.

8. Should the Court decide to provide Defendant with an evidentiary hearing, Defendant requests that the hearing be scheduled on a date that gives Defendant ample time to have a subpoena issued and served.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 25, 2020 in the City of Irvine, State of California.

/s/ Michael J. Khouri
Michael J. Khouri, declarant

EXHIBIT A

9:25



Jeff PO >

Call when you can

Ok

Monday 3:33 PM

Call me when you get a minute.

Monday 6:35 PM

Can I ask a question

Sure what's up

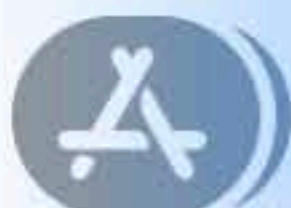
Why is she posting everyday.
Never does that

One word. Attention

People use Facebook as a
means to get attention now.
It's pathetic

That's what I thought. One
more. Why are you so
confident she will reach out.

Because she is going to get
bored and lonely and realize no



iMessage





Jeff PO >

Everyone hates her but you?

That says a lot about your tolerance for bullshit my friend

Look what I do

Yeah but you shouldn't have to do it in your personal life

She's put you in your own prison

I agree. I told you that.

If she is a true narcissist she is waiting for you to reach out to her

Which I still stand my my idea that if you go to camp you text her and ask her what shit of hers she wants

Why hasn't she blocked me

She's not ready to

Why



iMessage



9:25



Jeff PO >

Because she is going to get bored and lonely and realize no one else will put up with her shit so he will go back tot he one person she knows

Last one. How do you love someone a week ago then dump them via text at age 52

Because For every time she calls you immature, she's projecting her own immaturity is on to you

Quickly when you call somebody a name or you try to hurt them a lot of times you're just projecting how you feel about themselves. In this case she is very insecure about this whole marriage thing. She probably worried that you're going to go back to your wife, which is why she wants the divorce to happen so quickly

The end of the day most narcissist are very insecure



iMessage





Jeff PO >

Or the half that you miss just having someone?

I miss her. Being able to call or text.

Like you lost your best friend?

Yes

You have only one option

Streamline the divorce

Trying. But there is another person involved.

And give her what she wants

She won't reach out?

Would your wife talk to her on your behalf?

No. She hates her

Like most people



iMessage





Jeff PO >

Ty

If you just hang in there and don't poke the bear, she will text. She wants you to chase her

Tuesday 10:05 AM

Are you ok today?

I'm pretty good! How are you?

The truth. Having a really bad day

Do you need to talk?

No. I woke up in tears. I am at home working. She lives right across the street. I can't talk to her. She just keeps posting about corona.

Ok I'll ask you what you ask me all the time...what are you going to do?



iMessage



9:25



Jeff PO >

Call when you can

Ok

Monday 3:33 PM

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Monday 6:35 PM

Can I ask a question

Sure what's up

Why is she posting everyday.
Never does that

One word. Attention

People use Facebook as a
means to get attention now.
It's pathetic

That's what I thought. One
more. Why are you so
confident she will reach out.

Because she is going to get
bored and lonely and realize no



iMessage



9:26



Jeff PO >

She is done. She made that clear. So nothing I can't do anything

I think she wants you to think it's fine

Done

But after all the ups and downs you are having. I don't think this is the end

Her words. She has reached her braking point. Why all the posting

How many times have I said that about Jason and I just go running back

She isn't done with you Jeff

She did just acting out and wants attention

Tuesday 11:46 AM

Now posting about her mechanic and sho local. WTF



iMessage



9:26



Jeff PO >

Now posting about her mechanic and sho local. WTF

Ok what is this bitches name. I need to see if her page is public or not

Michelle Bushes

Ok so I Facebook stocked her profile.

I don't really see anything out of the ordinary that would be directed towards you as far as derogatory or anything subtly hinted. However my question is why is there no indication on her Facebook that you and her are together. Or were

Because of my job

So that is your requests hers

Both

OK, continuing to scan profile



iMessage



9:26



Jeff PO >

I know no derogatory.

Just don't understand all the posts. Not usual. Is she seeking attention

Is her middle name nutall? It seems quite appropriate from what you have told me LOL

Everyone says that. Lol.

And here I thought I was being original

It's her maiden name.

So the problem started as a child 😂😂

I guess.

I mean from
What you told me I thought she would be bashing you on social media in a non direct way

No. It's just nonsense. Is she



iMessage





Jeff PO >

I don't even think he posts are about attention. I think they are just boredom. If she wanted attention she would be posting for me posts, taking selfie's, that's kind of the girl move that happens when you're seeking attention

Tuesday 3:27 PM

Do you think there is someone else?

No. I don't think there is anyone else.

She wouldn't have gotten upset with you if there were

She would of been calm

Is she just 🤔

Yes. And you love the crazy lol

No. Actually I don't. I want a calm retirement

Yeah but you care deeply about



iMessage



9:26



Jeff PO >

It's obvious. But she needs to
nut up

Nut up or shut up

She did. Said it's over

It's not over lol

You said she does this shit
where she goes away for weeks
at a time

Anything you need to take this
time away from her to reflect
and really sit down and think
about if this is something you
want

Yep. Posts just keep fn coming

Then stop getting on
Facebook!

Does she know I am seeing

No people do not have any way
of knowing that you are



iMessage



9:26



Jeff PO >

Jerk. No I mean is that the intent.

No I think she is just bored. Get where you're coming from though really, if she can post stuff online why can't she talk to me

Tuesday 8:07 PM



This is how close



iMessage



9:26



Jeff PO >

So she is wrong about the commitment part. I get that

Yesterday 8:00 PM

How are you.

Doing good thanks. More importantly how are you?

Terrible

Have you reached out to her?

No

No

Do you want to reach out to her?

I told I went to her friends on Tuesday. Right.

Yeah and her friend was the one that told you what she said

And showed you a screen shot or something



iMessage



9:26



Jeff PO >

Wednesday 9:58 AM

Checking in on you. My day is batshit crazy with work but I wanted to make sure you were ok?

34 years with
commitment from him
was enough.
He basically quit talking
to me the week after his
birthday and then blew
off dinner w my mom
and then expected me
to go to camp last
Saturday with an hour
notice.

I need to respect myself
even when he won't.

I'm sorry I brought it up

Not at all! I'm ok really. I
was going to tell you

Not good

Ok. So now here we are. Do
you want her back and make it
work? It's going to take you
putting your tail between your
legs and apologist



iMessage



9:26



Jeff PO >

You are in your own head and you need to get out of it. You are getting yourself all worked up on other people's accounts

I have the text she sent her friend

Do you know how many friends I told I was done with Jason?

My entire inner circle

Why hasn't she blocked me

Because she's not done with you. Plain and simple

When she blocks you then you know it's over

Until then she is just talking out of her ass

Now get some sleep. I will check in with you tomorrow

Wednesday 9:58 AM

Checking in on you. My day is



iMessage



9:26



Jeff PO >

She just called her friend. The one I just left. Has not talked to her in weeks.

It's over. She just told her

I don't believe it

She sent me texts. Or is this hoping she will tell me.

What should I do

You there

Can please call me

I'm actually getting ready for bed. Listen to me...breathe, get off Facebook, don't Over think it and just sleep it off

Can I call for 5 min

Call me tomorrow. Please get some rest ok?!

Yeah



iMessage





Jeff PO >

I got this from her the next day

Jeff I can understand her feelings! She loves you no doubt! But the toll of not being with you freely is far more than she can take! It goes above & beyond who she is! She reaches out because she misses you with hopes that this relationship can be what she wants! In reality it's not!!! She then goes in for the attack because she's so hurt! The only way for this to EVER work is you moving on from the marriage!! Right now your promises mean nothing! You have not left your marriage in 3 years. Put yourself in her place! She's sad, angry, feels used, not able to give you anything to put towards a future. Because of your situation! Trust me she's hurting! Until you leave the marriage there is no chance! That is what beats her down & sabotages anything you could have at this time!



iMessage



9:27



Jeff PO >

Why did she flip so hard

So she pretty much
altamadumdd you

Alta matum. I can't spell it for
shit

Do you think Michelle told her
to do that

Of course. Girls are catty as
fuck. She was probably in her
ear like "oh hell yeah girl you
tell him now or never"

I am staying silent.

She said slept on it. After
thinking all night these were
her thoughts.

Yeah but that was Tuesday. It's
Thursday. I'm sure she is all
over the place

Have not talked to her again.

She was outside yesterday and
looked like shit



iMessage





Jeff PO >

So that has to be gratifying lol

She is acting like a child. I'm sorry but it's the truth

Yep

Does she think if you get divorced that you will turn around and marry her the next day

I don't know

Ok let's say your divorce happens tomorrow

Would you feel the urge to run to the court house that same day with her and make it official?

Hell no

So see. You aren't as invested as you think

Because that is what she would want. And you don't want that



iMessage



9:27



Jeff PO >

For whatever reason she needs that stupid piece of paper to make her feel secure, which is provably why she causes all this shit because she is insecure

I guess.

She was in window when I came home. Never looked down.

It's like all games.

She thinks this is going to push you towards streamlining the divorce

Oh

She's trying to call your bluff

Think

I know you love her, but the shit she just pulled on you is not normal behavior. She's being selfish and not respectful of



iMessage





Jeff PO >

She's not ready to

Why.

I don't think she's ready to give up just yet

Today 7:55 AM

Hi! Sorry saw you called. Was in the kitchen getting coffee. I have a conference call at 8. Is everything ok?

Where you calling to vent about her? I can talk now

You are scaring me...what's going on?

Sorry. In a meeting.

Is everything ok?

Yeah

Ok. Just checking.

Delivered



iMessage





Jeff PO >

Everyone hates her but you?

That says a lot about your tolerance for bullshit my friend

Look what I do

Yeah but you shouldn't have to do it in your personal life

She's put you in your own prison

I agree. I told you that.

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iMessage





Jeff PO >

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Yes

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Would your wife talk to her on your behalf?

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Like most people



iMessage





Jeff PO >

It hurts to get dumped over a text

But doesn't that just show you her maturity level? I mean she called you immature and blah blah blah but she didn't have the balls to do it in an adult respectful manner

You guys aren't 18 and in high school

Then has her friend do that

Christ even a phone call would have been more humane

Ok let me ask you this. Do you feel lost without her right now?

Yes

Half of me is gone

Lost in what way? Like a part of you is missing?

Ok that answered my question



iMessage




EXHIBIT B

➤ (724) 847-0224	BEAVER FALLS,4:53:54 PM EDT	1 min
➤ (678) 428-8339	ATLANTA,4:15:52 PM EDT	38 min
➤ (412) 961-1005	PITTSBURGH ZONE 3,4:15:13 PM EDT	1 min
➤ (412) 916-0956	PITTSBURGH,2:06:16 PM EDT	97 min
➤ (412) 961-1005	PITTSBURGH ZONE 3,11:15:36 AM EDT	1 min
➤ (724) 847-0224	BEAVER FALLS,11:14:37 AM EDT	1 min
➤ (678) 428-8339	ATLANTA,10:51:37 AM EDT	19 min
➤		

skip to main content

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8/23/2020	Billing Xfinity Mobile	
	xfinity mobile	
➤ (678) 428-8339	SPRINGDALE,10:14:02 AM EDT	29 min
➤ (412) 961-1005	PITTSBURGH ZONE 3,9:42:51 AM EDT	15 min
➤ (678) 428-8339	ATLANTA,9:40:04 AM EDT	1 min
➤ (724) 847-0224	BEAVER FALLS,9:30:45 AM EDT	10 min
JUN 6, 2020		
➤ (412) 709-2537	PITTSBURGH ZONE 1,9:32:43 PM EDT	80 min
➤ (412) 281-2810	PITTSBURGH,5:51:34 PM EDT	1 min
➤ (412) 251-0031	PITTSBURGH,5:27:27 PM EDT	1 min
➤ (570) 815-8908	PITTSBURGH,11:08:06 AM EDT	1 min
JUN 5, 2020		
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➤ (724) 554-6875	WASHINGTON,4:18:48 PM EDT	20 min
➤ (412) 961-1005	PITTSBURGH,2:33:43 PM EDT	17 min
➤ (412) 867-5991	PITTSBURGH,2:28:21 PM EDT	4 min
➤ (412) 610-2587	PITTSBURGH,1:44:46 PM EDT	8 min
➤ (412) 359-6635		

skip to main content

<https://www.xfinity.com/mobile/my-account/billing/usage/calls/key.eyJYLUN1c3RHdWlkiNzI1MTM1MjMwODA1MDEyMDE0Q29Y2FzdC5VU1JJT...> 27/35


8/23/2020	Billing Xfinity Mobile	
	xfinity mobile	
	NEW CASTLE,1:26:57 PM EDT	3 min
➤ (814) 449-0694	ERIE,1:18:20 PM EDT	6 min
➤ (412) 515-5439	PITTSBURGH,11:55:14 AM EDT	7 min
➤ (412) 313-3913	PITTSBURGH,11:23:30 AM EDT	11 min
➤ (412) 610-2587		

EXHIBIT C

From: Michael Khouri <mkhouri@khourilaw.com>
Date: Tuesday, September 8, 2020 at 11:36 AM
To: Brian Gray <Brian_Gray@pawp.uscourts.gov>, Sara Romig
<sara_romig@pawp.uscourts.gov>
Subject: Jason Sheppard

Brian- reference is made to my last email. In preparation for motions regarding Jason's supervised release, please provide me with copies of all communications (text messages, emails etc) between Mr. Sciarrino and Shelby Cole. We believe such communications are on Mr. Sciarrino's phone issued by probation. Thank you for your anticipated cooperation. Mike Khouri

Michael J. Khouri

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