

PROB 22
(Rev. 1/2001)

TRANSFER OF JURISDICTION

DOCKET NUMBER (Tran. Court)
C1-03-00033-01

U.S. COURTS

03 OCT 16 AM 9:09
CR 03

DOCKET NUMBER (Rec. Court)

0243-E-BIW

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:

Brian Scott Riley
366 First West
Ririe, ID 83443

DISTRICT
North Dakota

UNITED STATES COURTS
DISTRICT OF IDAHO

NAME OF SENTENCING JUDGE
Patrick A. Conmy

OCT 24 2003

M.REC'D

DATES OF PROBATION/SUPERVISED
RELEASE:

EDGED
FROM
09/11/03

FILED
09/10/03

OFFENSE:

Failure to pay legal child support obligation

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE District of North Dakota

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the District of Idaho upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court. *

9-23-03

Date



Patrick A. Conmy, Senior
United States District Judge

*This sentence may be deleted in the discretion of the transferring Court.

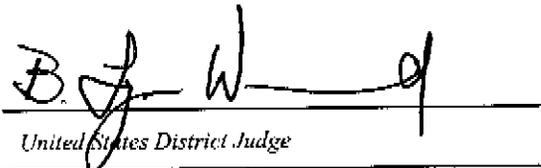
PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE District of Idaho

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer be accepted and assumed by this Court from and after the entry of this order.

10-10-03

Effective Date



United States District Judge

TERM OCT 24 2003

M. REC'D
FILED

U.S. District Court
District of North Dakota (Southwestern)
CRIMINAL DOCKET FOR CASE #: 03-CR-33-ALL

USA v. Riley
Dkt # : is :03-ms-05470

Filed: 06/05/03

Case Assigned to: Hon. Patrick A. Conmy

BRIAN SCOTT RILEY (1)
defendant
[term 09/12/03]

Steven Balaban
[term 09/12/03]
[COR LD NTC cja]
418 E ROSSER STE 102
BISMARCK, ND 58501
701-224-0977

Pending Counts:

Disposition

18:228.P FAILURE TO PAY CHILD
SUPPORT (1ST OFFENSE)
(1s)

5 yrs prob w/super; \$10 SA;
Rest. \$52,920.51
(1s)

Offense Level (opening): 1

Terminated Counts:

Disposition

18:228.F FAILURE TO PAY CHILD
SUPPORT (2ND OFFENSE)
(1)

Dismissed on Gov't mtn
(1)

Offense Level (disposition): 4

Complaints:

NONE

U. S. Attorneys:

Jennifer Klemetsrud Puhl
[COR LD NTC]
U.S. ATTORNEY'S OFFICE
655 1 AVE N STE 250
FARGO, ND 58102
701-297-7400

CERTIFIED COPY
Original Filed with Clerk of Court

ATTEST:
EDWARD J. KLECKER, CLERK
United States District Court
District of North Dakota

By Liah K. Kleveland
Deputy Clerk

INTERNAL USE ONLY: Proceedings include all events.
1:03cr33-ALL USA v. Riley

TERM

6/5/03 1 INDICTMENT by USA Counts filed against Brian Scott Riley (1) count(s) 1 ; Voting Record of GJ filed in Vault; and Report of Grand Jury entered (de) [Entry date 06/06/03]

6/5/03 2 REQUEST for Warrant upon filing of indictment as to Brian Scott Riley (cc: USM, USPO) (de) [Entry date 06/06/03]

6/6/03 3 ARREST Warrant issued for Brian Scott Riley by Hon. Daniel L. Hovland (original and 3 copies del to USM) (de) [Entry date 06/06/03]

7/2/03 4 NOTICE of Setting: ; initial appearance & arraignment set for 10:00 7/11/03 for Brian Scott Riley in Bis (cc: all counsel, dft, crt officials) (seal) [Entry date 07/02/03]

7/3/03 5 ARREST Warrant returned executed as to Brian Scott Riley on 6/28/03 (seal) [Entry date 07/03/03]

7/3/03 -- ARREST of defendant Brian Scott Riley on 6/28/03 (seal) [Entry date 07/03/03]

7/3/03 -- Docket Modification (Utility) case unsealed (seal) [Entry date 07/03/03]

7/10/03 6 ORDER by Hon. Daniel L. Hovland case reassigned to Hon. Patrick A. Conmy (cc: all counsel, USM, USPO) (ks) [Entry date 07/10/03]

7/11/03 7 CLERK'S MINUTES OF IA/ARR: before Hon. Alice R. Senechal arraignment held on 7/11/03 initial appearance held on 7/11/03, initial appearance of Brian Scott Riley Attorney Steve Balaban present;, dft Brian Scott Riley arraigned; NOT GUILTY plea entered; Attorney Steve Balaban present; (cs) [Entry date 07/11/03]

7/11/03 8 CJA Form 23 - Financial Affidavit as to Brian Scott Riley (cs) [Entry date 07/11/03]

7/11/03 9 CJA Form 20 Appointment of Counsel (Hon. Alice R. Senechal) for Brian Scott Riley Attorney Steven Balaban (cs) [Entry date 07/11/03]

7/11/03 10 PRETRIAL ORDER by Hon. Alice R. Senechal (cc: all counsel) (cs) [Entry date 07/11/03]

7/11/03 11 ORDER setting conditions of release for Brian Scott Riley by Hon. Alice R. Senechal (cc: all counsel, dft, USM, USPO) (cs) [Entry date 07/11/03]

7/17/03 12 RULE 40 Documents (Clerk's Min, Order Setting Conditions of Release & Appearance Bond) received from District of Idaho as to defendant Brian Scott Riley (ks) [Entry date 07/17/03]

- 7/22/03 13 RULE 40 Documents (Docket Sheets, Appearance Bond, Order Setting Cond of Release, Clerk's Minutes of IA & Indictment) received from District of Idaho as to defendant Brian Scott Riley (leah) [Entry date 07/22/03]
- 9/2/03 14 NOTICE of Setting: plea hearing set for 9:30 9/11/03 for Brian Scott Riley in Bis before Jd Conmy (cc: all counsel, dft, crt officials) (ks) [Entry date 09/02/03]
- 9/2/03 15 NOTICE of Setting: sentencing hearing set for 11:00 9/20/03 for Brian Scott Riley in Bis before Jd Conmy (cc: all counsel, dft, crt officials) (ks) [Entry date 09/02/03]
- 9/8/03 16 NOTICE of ReSetting: plea hearing set for 8:30 9/11/03 for Brian Scott Riley in Bis before Jd Conmy (cc: all counsel, dft, crt officials) (ks) [Entry date 09/08/03]
- 9/11/03 17 SUPERSEDING Information by USA naming Brian Scott Riley (1) count(s) 1s (cc: all counsel, dft, USM, USPO) (de) [Entry date 09/11/03]
- 9/11/03 18 PLEA Agreement as to Brian Scott Riley (cc: all counsel, USPO) (de) [Entry date 09/11/03]
- 9/11/03 19 CLERK'S MINUTES OF CHANGE PLEA/SENTENCING: before Hon. Patrick A. Conmy ; plea hearing held on 9/11/03 sentencing hearing held on 9/11/03, guilty plea to information entered by Brian Scott Riley (de) [Entry date 09/11/03]
- 9/11/03 20 JUDGMENT as to Brian Scott Riley sentencing Brian Scott Riley (1) count(s) 1s. 5 yrs prob w/super; \$10 SA; Rest. \$52,920.51 by Hon. Patrick A. Conmy (cc: all counsel, 4 cert copies to USM, 3 cert copies to USPO, 1 cert copy to BOP) (de) [Entry date 09/11/03]
- 9/11/03 21 NOTICE of Cancellation: sentencing sched'd for 11/20/03 cancelled on 09/11/04 (cc: all counsel, dft, crt officials) (de) [Entry date 09/11/03]
- 9/12/03 22 MOTION for leave to dismiss Indictment by USA as to Brian Scott Riley (ks) [Entry date 09/12/03]
- 9/12/03 23 ORDER by Hon. Daniel L. Hovland granting motion for leave to dismiss Indictment [22-1] terminating party Brian Scott Riley, dismissing counts as to Brian Scott Riley (1) count(s) 1. Dismissed on Gov't mtn, case terminated (cc: all counsel, USM, USPO) (ks) [Entry date 09/12/03]
- 10/20/03 24 TRANSFER OF JURISDICTION of Probation to District of Idaho with attached cert copies of indictment, information, plea agreement, judgment and docket entries (copies to USPO, USM, KH) (leah) [Entry date 10/20/03] [Edit date 10/20/03]

INTERNAL USE ONLY: Proceedings include all events.
1:03cr33-ALL USA v. Riley

TERM

FILED

PROB 22
(Rev. 1/2001)

TRANSFER OF JURISDICTION

U.S. COURTS

03 OCT 16 AM 9:09

DOCKET NUMBER (Tran. Court)

CI-03-00033-01
OCT 20 2003

DOCKET NUMBER (Rec. Court)

EDWARD J. KLECKER, CLERK
U.S. DISTRICT COURT-NORTH DAKOTA

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:

Brian Scott Riley
366 First West
Ririe, ID 83443

REC'D FILED AS
DISTRICT CLERK
CAYLOR S. BURKE
North Dakota IDAHO

DIVISION

NAME OF SENTENCING JUDGE

Patrick A. Conmy

DATES OF PROBATION/SUPERVISED
RELEASE:

FROM
09/11/03

TO
09/10/08

OFFENSE

Failure to pay legal child support obligation

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE District of North Dakota

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the District of Idaho upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court. *

9-23-03
Date


Patrick A. Conmy, Senior
United States District Judge

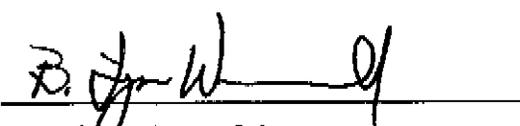
*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE District of Idaho

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer be accepted and assumed by this Court from and after the entry of this order.

10-10-03 *CERTIFIED COPY*
Effective Date Original Filed with Clerk of Court


United States District Judge

ATTEST:

EDWARD J. KLECKER, CLERK
United States District Court
District of North Dakota

By Leah K. Rulland
Deputy Clerk

24

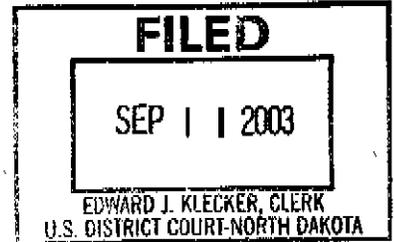
United States District Court District of North Dakota

UNITED STATES OF AMERICA
v.
BRIAN SCOTT RILEY

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: C1-03-033

Steven Balaban
Defendant's Attorney



THE DEFENDANT:

- pleaded guilty to the one count information.
- pleaded nolo contendere to counts(s) ___ which was accepted by the court.
- was found guilty on count(s) ___ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. §§ 228(a)(1) & 228(c)(1)	Failure to pay legal child support obligation	05/01	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on counts(s) ___ and is discharged as to such count(s).
- Count(s) ___ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 516-88-5859

Defendant's Date of Birth: 04/30/60

Defendant's USM No.:

Defendant's Residence Address:
346 1st W.
Ririe, ID 83443

Defendant's Mailing Address: CERTIFIED COPY
PO Box 464 Original Filed with Clerk of Court
Ririe, ID 83443

September 11, 2003
Date of Imposition of Judgment

Signature of Judicial Officer

PATRICK A. CONMY, United States District Judge
Name & Title of Judicial Officer

9-11-03
Date

ATTEST:
EDWARD J. KLECKER, CLERK
United States District Court
District of North Dakota

By Leah K. Riveland
Deputy Clerk

CASE NUMBER: C1-03-033
DEFENDANT: BRIAN SCOTT RILEY

PROBATION

The defendant is hereby placed on probation for a term of 5 YEARS.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: C1-03-033
DEFENDANT: BRIAN SCOTT RILEY

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall abstain from the use of alcohol and totally abstain from the use of illegal drugs or the possession of the controlled substances as defined in 21 U.S.C. § 802.
2. The defendant will submit to random substance abuse testing as directed by the supervising probation officer.
3. The defendant shall at the discretion of the supervising probation officer fully disclose his financial situation.
4. The defendant shall not open new lines of credit without the approval of the supervising probation officer.
5. The defendant shall obtain a substance abuse evaluation and follow through with any treatment recommendations.

CASE NUMBER: C1-03-033
 DEFENDANT: BRIAN SCOTT RILEY

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments set forth on Sheet 5, Part B. The special assessment shall be due immediately and payable to the Clerk, U.S. District Court.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 10.00	\$	\$

If applicable, restitution amount ordered pursuant to plea agreement \$ _____

FINE

No Fine is imposed, the Court believing financial ability of the defendant are best suited toward reducing the arrearage amount specified herein as restitution.

The above fine includes costs of incarceration and/or supervision in the amount of \$ ____.

The defendant shall pay interest on any fine of more than \$2500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived.

The interest requirement is modified as follows:

RESTITUTION

The determination of restitution is deferred in a case brought under Chapters 109A, 100, 110A and 113A of Title 18 for offenses committed on or after 09/13/1994, until up to 60 days. An amended Judgment in a Criminal Case will be entered after such determination.

The court modifies or waives interest on restitution as follows:

The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order of percentage payment column below.

CASE NUMBER: C1-03-033
 DEFENDANT: BRIAN SCOTT RILEY

Judgment - Page 5 of 5

<u>Name of Payee & Address</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or % of Pymnt</u>
North Dakota State Disbursement Unit PO Box 7280 Bismarck, North Dakota 58507-7280	\$52,920.51	\$52,920.51	
Arrears from Adams County: \$50,351.57			
Arrears from Stark County: \$2,568.94			
		<u>TOTALS:</u> \$52,920.51	

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A in full immediately special assessment.
- B \$ _ immediately, balance due (in accordance with C, D, or E); or
- C not later than _ ; or
- D in installments to commence _ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E in _ (e.g. equal, weekly, monthly, quarterly) installments of \$ _ over a period of _ year(s) to commence _ day(s) after the date of this judgment.

Special instructions regarding the payment of criminal monetary penalties:

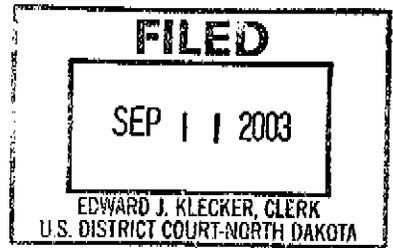
The defendant shall make arrangement with his employer for deduction of 25% of his gross salary and that amount shall be applied to the restitution obligation order herein.

The defendant shall pay the cost of prosecution.

The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary payments are to be made as directed by the court, the probation officer, or the United States Attorney.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION



UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 BRIAN SCOTT RILEY,)
)
 Defendant.)

Criminal No. C1-03-33

PLEA AGREEMENT

CERTIFIED COPY
Original Filed with Clerk of Court

ATTEST:
EDWARD J. KLECKER, CLERK
United States District Court
District of North Dakota

By Mark Riveland
Deputy Clerk

Pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the United States of America, by its attorneys, Drew H. Wrigley, United States Attorney for the District of North Dakota, and Jennifer Klemetsrud Puhl, Assistant United States Attorney, the defendant, BRIAN SCOTT RILEY, and his attorney, Steven Balaban, hereby agree to the following:

1. The defendant acknowledges that the Information in this case charges a violation of Title 18, United States Code, Sections 228(a)(1) and 228(c)(1).
2. The defendant has read the charges against him in the Information, and his attorney has fully explained the charges to him.
3. The defendant fully understands the nature and elements of the crime with which he has been charged.
4. The defendant will voluntarily plead guilty to the Information in this case.
5. The parties agree that this Plea Agreement shall be filed and become a part of the Court record, and will be governed by Federal Rule of Criminal Procedure

11(c)(1)(B). The parties specifically agree that Rule 11(c)(1)(C) does not apply. If the United States makes the non-binding recommendations that it has agreed to make, as specified in this Plea Agreement, then the defendant acknowledges that this agreement will have been fulfilled and that he will have no right to withdraw his guilty plea if the Court does not follow those recommendations.

6. The defendant will plead guilty because he is in fact guilty of the charges contained in the Information. In pleading guilty to the Information, the defendant acknowledges that:

Brian Scott Riley is the father of Jannene Riley, DOB 12/07/80, and Quentin Riley, DOB 11/23/83. Brian Scott Riley has resided outside of the state of North Dakota for a period longer than one year while he has had a court-ordered support obligation regarding the two above-referenced children who reside in North Dakota. Brian Scott Riley has wilfully failed to pay that court-ordered support obligation, which is in excess of \$5,000.

7. The defendant understands the charge to which he will plead guilty carries the following maximum penalties:

Imprisonment:	Six months
Fine:	\$5,000
Special Assessment:	\$10

The defendant agrees that he will pay to the Clerk of United States District Court the \$10 special assessment on or before the day of sentencing.

8. The defendant understands that by pleading guilty he surrenders certain rights, including the following:

(a) The right to a speedy public jury trial with all of the rights pertaining thereto, as follows:

(i) If the trial is a jury trial, the jury would be composed of 12 laypersons selected at random. The defendant and his attorney would have a say in who the jurors would be by removing prospective jurors for cause, where actual bias or other disqualification is shown, or without cause by exercising so-called peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that the defendant is presumed innocent and that it could not convict him unless, after hearing all of the evidence, it was persuaded of the defendant's guilt beyond a reasonable doubt.

(ii) If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all of the evidence, whether the judge was persuaded of the defendant's guilt beyond a reasonable doubt.

(iii) At a trial, whether by a jury or a judge, the United States would be required to present its witnesses and other evidence against the

defendant. The defendant would be able to confront those government witnesses and his attorney would be able to cross examine them. In turn, the defendant could present witnesses and other evidence in his own behalf. If the witnesses for the defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court.

(iv) At a trial, the defendant would have a privilege against self-incrimination so that he could decline to testify and no inference of guilt could be drawn from his refusal to testify. If the defendant desired to do so, he could testify in his own behalf.

(b) The right to remain silent. The judge will likely ask the defendant questions about his criminal conduct to ensure that there is a factual basis for his plea.

9. The defendant understands that by pleading guilty he is giving up all of the rights set forth in the prior paragraph and that there will be no trial. The defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

10. Pursuant to Rule 11(c) of the Federal Rules of Criminal Procedure, the parties agree that the defendant will be sentenced in accordance with the United States Sentencing Commission, Guidelines Manual (Nov. 2002) (USSG). The defendant understands that the United States Attorney's Office will fully apprise the District Court and the United States Probation and Pretrial Services Office of the nature, scope, and

extent of the defendant's conduct regarding the charges against him, and related matters, including all matters in aggravation and mitigation relevant to the issue of sentencing.

11. This Plea Agreement is binding only upon the United States Attorney for the District of North Dakota. This agreement does not bind any United States Attorney outside the District of North Dakota, nor does it bind any state or local prosecutor. They remain free to prosecute the defendant for any offenses under their jurisdictions. This Plea Agreement also does not bar or compromise any civil or administrative claim pending or that may be made against the defendant. This Plea Agreement does not bind the Tax Division of the United States Department of Justice or the Internal Revenue. They remain free to collect any taxes, interest, or penalties from the defendant.

12. The defendant understands that the United States Attorney reserves the right to notify any state or federal agency by whom the defendant is licensed, or with whom he/she does business, of the defendant's conviction.

13. The parties understand that since the offense to which the defendant is pleading guilty to is a Class B misdemeanor, no guideline calculations will be done.

14. At the time of sentencing, the United States and Brian Scott Riley will recommend a sentence of probation for a period of five years.

15. The defendant acknowledges the provisions of Title 18, United States Code, Sections 3663A and 228(d), that require the Court to issue an order of restitution in an amount equal to the total unpaid support obligation as it exists at the time of sentencing,

and agrees to accept responsibility for paying such amount under such terms as may be ordered by the Court. The defendant agrees to pay not less than 25% of his gross wages, less statutory deductions, toward satisfaction of his child support obligations. The defendant further agrees that he will execute a wage assignment upon the request of the United States toward satisfaction of his child support obligations. The defendant further agrees that he will stay current on monthly child support payments pursuant to any state court orders.

16. The defendant agrees that he will not voluntarily terminate employment without the permission of his probation officer.

17. The defendant acknowledges and understands that if he violates any term of this Plea Agreement, engages in any further criminal activity, or fails to appear for sentencing, this Plea Agreement shall become null and void, at the discretion of the United States, and the defendant will face the following consequences: (1) all testimony and other information he has provided at any time to attorneys, employees, or law enforcement officers of the government, to the Court, or to the federal grand jury, may and will be used against him in any prosecution or proceeding; (2) the United States will be entitled to reinstate previously dismissed charges and/or pursue additional charges against the defendant and to use any information obtained directly or indirectly from the defendant in those additional prosecutions; and (3) the United States will be released from any obligations, agreements, or restrictions imposed upon it under this Plea Agreement.

18. The defendant acknowledges that he has read each of the provisions of this entire Plea Agreement, with the assistance of counsel, and understands its provisions. The defendant and his attorney have discussed the case and the defendant's Constitutional and other rights, including, but not limited to, defendant's plea-statement rights under Rule 410 of the Federal Rules of Evidence and Rule 11(f) of the Federal Rules of Criminal Procedure.

19. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this agreement, to induce defendant to plead guilty.

20. The defendant is aware of the right to appeal provided under Title 18, United States Code, Section 3742(a). The defendant hereby waives this and any right to appeal the Court's entry of judgment against him and waives any right to appeal the imposition of sentence upon him under Title 18, United States Code, Section 3742(a). The defendant further waives all rights to contest his conviction or sentence in any post-conviction proceeding, including one pursuant to Title 28, United States Code, Section 2255. The defendant specifically acknowledges that the Eighth Circuit Court of Appeals has upheld the enforceability of a provision of this type in United States v. His Law, 85 F.3d 379 (8th Cir. 1996). Therefore, the defendant understands that any appeal or other post-conviction relief that he might seek should be summarily dismissed by the Court in which it is filed.

21. The defendant understands that the agreement as to the recommendation concerning the sentence made by the parties are not binding on the Court or the Probation and Pretrial Services Office. The defendant further understands that refusal by the Court to accept any or all such agreements or recommendations does not give the defendant a right to withdraw his guilty plea.

22. The undersigned Assistant United States Attorney and attorney for the defendant agree to abide by the provisions of Rule 32.1CR of the Local Rules for the United States District Court for the District of North Dakota. Pursuant to Rule 32.1CR(B)(3), the undersigned attorneys acknowledge their obligation to attempt, using good-faith efforts, to resolve any disputes regarding the Presentence Investigation Report (PSIR) through a presentence conference and other informal procedures.

AGREED:

DREW H. WRIGLEY
United States Attorney

Dated: 9-11-03

By:


JENNIFER KLEMETS RUD PUHL
Assistant United States Attorney

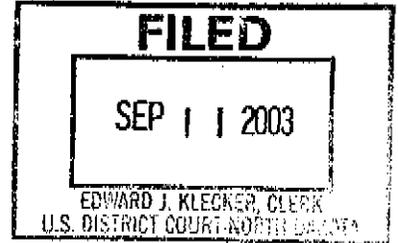
Dated: 9-11-03


BRIAN SCOTT RILEY
Defendant

Dated: 9/11/03


STEVEN BALABAN
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION



UNITED STATES OF AMERICA) INFORMATION
)
) Case No. C1-03-33
-vs-)
) Violation: 18 U.S.C. §§ 228(a)(1)
) and 228(c)(1)
BRIAN SCOTT RILEY)

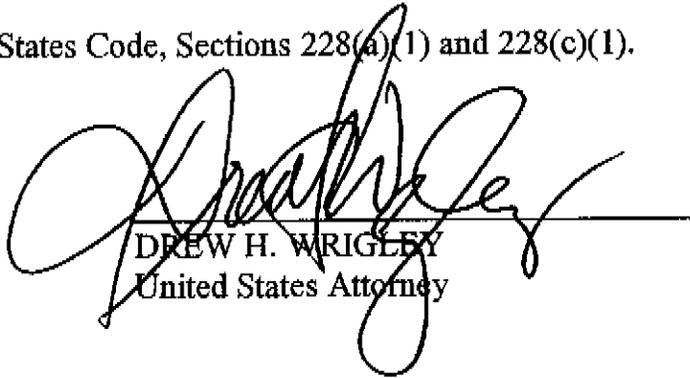
The United States Attorney Charges:

From on or about January 1997, through May 2001, in the District of North
Dakota,

BRIAN SCOTT RILEY,

while residing outside of the State of North Dakota, did willfully fail to pay a court
ordered support obligation, which obligation has remained unpaid for a period longer
than one (1) year, and is in an amount greater than \$5,000, with respect to two children
residing in North Dakota;

In violation of Title 18, United States Code, Sections 228(a)(1) and 228(c)(1).



DREW H. WRIGLEY
United States Attorney

JKP:ell

CERTIFIED COPY
Original Filed with Clerk of Court

ATTEST:
EDWARD J. KLECKER, CLERK
United States District Court
District of North Dakota

By Clark Keweland
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

FILED
JUN 5 2003
1:35 PM
EDWARD J. KLECKER, CLERK
U.S. DISTRICT COURT-NORTH DAKOTA

UNITED STATES OF AMERICA

) INDICTMENT

)

) Case No. **C 1 - 0 3 - 0 3 3**

)

-vs-

) Violation: 18 U.S.C. §§ 228(a)(3) and

) 228(c)(2)

)

BRIAN SCOTT RILEY

Failure to Pay Child Support Obligations

The Grand Jury Charges:

From on or about January 1997 through May 2001, in the District of North Dakota,

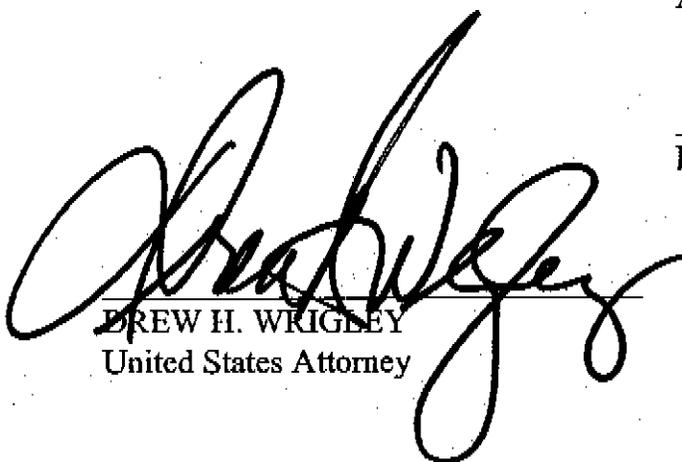
BRIAN SCOTT RILEY,

while residing outside of the State of North Dakota, did willfully fail to pay a court-ordered support obligation, which obligation has remained unpaid for a period longer than two years and is in an amount greater than \$10,000, with respect to children residing in North Dakota;

In violation of Title 18, United States Code, Sections 228(a)(3) and 228(c)(2).

A TRUE BILL:

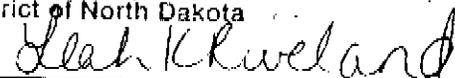

BARBARA G. BOOTH, Foreperson


DREW H. WRIGLEY
United States Attorney

JKP:ell

CERTIFIED COPY
Original Filed with Clerk of Court

ATTEST:
EDWARD J. KLECKER, CLERK
United States District Court
District of North Dakota

By 
Deputy Clerk