

CRIMINAL PROCEEDINGS/Sentencing

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge Edward J. Lodge
Case No. Cr. 04-064-S

Date: October 25, 2004
Deputy Clerk: Carol Vaughn
Reporter: Lisa Yant

UNITED STATES OF AMERICA vs. Dick E. Butcher

Counsel for United States: George Breitsameter
Defendant: John De Franco
Probation Officer: Doug Grove

On August 9, 2004, the defendant entered a plea of guilty to Count Thirty-Two of an Indictment charging Mail Fraud. The plea was pursuant to a written plea agreement. Defendant had previously waived any rights he may have under Blakely

Both the United States and the defendant had filed written objections. The Court has had the opportunity to consider those objections, along with the comments expressed in court today; and, except as modified here today, felt the response to those objections as contained in the addendum to the presentence report adequately addressed the concerns and objections of the defendant and adopted the presentence report and the addendum thereto.

Defendant's Motion for Downward Departure: Granted.

Defendant committed to the custody of the Bureau of Prisons for a term of **5 months**.

Upon release from custody, defendant to be placed on Supervised Release for a term of **3 years**, the first **5 months** of which to be home detention.

Standard conditions of Supervised Release plus: Defendant to comply with all rules and regulations of the Probation Department. Defendant shall not commit another federal, state, or local crime, defendant shall not possess a firearm or other dangerous weapon.

The court waived the mandatory drug testing required by 18 USC 3583 pursuant to 18 USC 3563 as the defendant's presentence report indicated a low risk of future substance abuse by the defendant.

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The defendant shall submit to a search of his home, vehicle, and/or person upon demand of the probation officer, without necessity of a warrant.

No fine, inability to pay. The defendant shall perform 60 hours of community service at the direction of the probation officer in lieu of a fine.

The defendant shall pay restitution in the amount of \$17,149.00. No interest, inability to pay. Payments to be made according to a monthly installment schedule as determined by the probation officer.

The defendant to provide the probation office with access to any and all requested financial information.

The defendant shall not incur any new credit charges nor open additional lines of credit without the approval of the probation officer.

The defendant shall within the first six months of supervision publish a public notice of apology to his victims as directed and approved by the probation officer.

Counts 2, 26, 39, 48, 50 and 60 dismissed on motion of the United States.

Special Assessment of \$100.00 imposed. Due immediately.

Right to Appeal explained.

Defendant to self surrender to the designated institution or to the U.S. Marshal for this district before 2:00pm on December 1, 2004.

Time: 9:30 - 10:15am
Boise