

CRIMINAL PROCEEDINGS - **Sentencing**

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge B. Lynn Winmill
Case No. **CRO2-114-S-BLW**
Place: Boise, ID

Date: **November 20, 2002**
Deputy Clerk: LaDonna Garcia
Reporter: *Stacy Heinz*
Time: 1:15 - 1:35

UNITED STATES OF AMERICA vs

Kenneth Pugh

Probation Officer
Counsel for United States
Defendant(s)

Sylvia Carvajal
George Breitsameter
Leo Griffard

- (X) Court reviewed case history
- (X) Court's ruling acceptance of plea agreement - Court accepts plea agreement.
- (X) Court's ruling on Government's motion to dismiss Counts 1, 2, 3, 5 through 12, and 14 through 21 - Motion GRANTED.
- (X) Maximum Penalty: Statutory Maximum - 30 years on each count
Guideline Range: 15 to 21 months imprisonment
3 to 5 years supervised release
\$3000 to \$2,000,000 fine
\$90,935.19 Restitution
Probation not authorized
\$200.00 special assessment
Total Combined offense Level 12 Criminal History Category III
- (X) No objections filed to the presentence report.
Presentence report and addendum adopted, except as modified here today.
- (X) Defendant's remarks on his own behalf.

SENTENCE: Defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 18 months on each of counts 4 and 13, to be served concurrently. Court finds that the defendant poses a high risk of future substance abuse such that mandatory testing is ordered. Court recommends that the defendant be credited with all time served, and that the defendant be placed in a facility closest to Detroit Michigan. Court finds that the defendant does not have the ability to pay a fine, therefore, fine is waived. \$90,935.19 restitution is due immediately. Court finds that the defendant does not have the ability to pay interest, therefore, interest is waived. \$200 special assessment, consisting of \$100 on each count, is due immediately. All payments to be made to Clerk of the Court, District of Idaho, 550 W. Fort St., MSC 039, Boise, ID 83724. Clerk shall disburse restitution payments to the

victim(s). Following term of imprisonment, defendant shall be placed on supervised release for a term of 5 years on each of counts 4 and 13, to be served concurrently. All standard conditions of supervision shall apply, plus the following special conditions:

- 1) comply with the rules and regulations of the probation department;
 - 2) pay restitution and special assessment that is imposed by this judgment and that remains unpaid at the commencement of supervision as a condition of supervised release. Payments to be made to Clerk of the Court District of Idaho, 550 W. Fort St., MSC 039, Boise Idaho 83724 on a monthly payment schedule as directed by the probation officer;
 - 3) provide probation officer to access to any requested financial information. Defendant shall not obtain any new indebtedness without approval of the probation officer unless the defendant is in compliance with the payment schedule;
 - 4) not possess a firearm or other dangerous weapon;
 - 5) submit to a search of his person, place of residence, or automobile at the direction of the U.S. Probation Officer and submit to seizure of any contraband found therein;
 - 6) participate in a program of testing and treatment for substance abuse, as directed by the probation officer until such time as the defendant is released from the program by the probation officer. Defendant shall abstain from the use of any controlled substances. Cost of treatment and testing shall be paid by both the Government and defendant in monthly payments as directed by the probation officer;
 - 7) abstain from consuming alcoholic beverages or entering any bar, tavern or like establishment including the bar area of a restaurant;
 - 8) participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. Cost of treatment shall be paid by both the defendant and the government in monthly payments as arranged by the probation officer.
- (X) Defendant advised of penalties for violation of terms and conditions of supervised release.
- (X) Right to appeal explained.
- (X) Defendant remanded to the custody of the United States Marshals Service.